

ILLINOIS POLLUTION CONTROL BOARD  
January 9, 2025

CHEVRON ENVIRONMENTAL	)	
MANAGEMENT COMPANY,	)	
	)	
Petitioner,	)	
	)	PCB 25-18
v.	)	(Permit Appeal - NPDES)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by M. Gibson):

On November 25, 2024, Chevron Environmental Management Company (Chevron) timely filed a petition (Pet.) asking the Board to review a September 24, 2024 permit determination of the Illinois Environmental Protection Agency (IEPA or Agency). *See* 415 ILCS 5/40(a)(1) (2022); 35 Ill. Adm. Code 101.300(b), 105.206. The determination concerns Chevron’s former refinery located at 301 W. 2nd Street, Lockport, Will County. Additionally, on November 25, 2024, Chevron filed a motion to stay the effectiveness of the contested permit. On December 5, 2024, the Board accepted the petition for review but reserved ruling on the motion to stay. For the following reasons, the Board grants Chevron’s request for stay pending final Board determination.

In its motion for stay, Chevron states that “once appealed to the Board, a permit application is entitled to an automatic stay of the subject permit in its entirety.” Pet. at 8, *citing Borg-Warner v. Mauzy*, 100 Ill. App. 3d 862 (3rd Dist. 1981). Chevron further states that this “automatic stay under the Illinois Administrative Procedure Act (‘IAPA’) also applies to appeals of NPDES permits.” Pet. at 8, *citing* 5 ILCS 100/10-65(b) (2022). Section 10-65(b) of the APA provides that, “[w]hen a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court.” 5 ILCS 100/10-65(b) (2022).

Chevron requests that the Board “apply the automatic stay provision of the IAPA to the 2024 Permit in its entirety.” Pet. at 8. Chevron states that, “[d]uring the stay and pendency of this appeal, Chevron will operate in accordance with the 2018 permit.” *Id.* Chevron asks that the Board stay this permit until “the later of (a) the Board’s final resolution of this Petition; or (b) the Illinois EPA’s issuance of a revised permit.” *Id.* at 7-8.

The Board's procedural rules provide that, “[w]ithin 14 days after service of a motion, a party may file a response to the motion. If no response is filed, the party will be deemed to have waived objection to the granting of the motion, but the waiver of objection does not bind the

Board . . . in its disposition of the motion.” 35 Ill. Adm. Code 101.500(d). IEPA has not responded to Chevron’s motion for stay. Based upon the record before it today and in the absence of any Agency opposition, the Board finds that the automatic stay provision of the APA applies. Accordingly, Chevron’s 2024 NPDES permit, which is the subject of this appeal, is stayed. During the stay, Chevron’s 2018 NPDES permit remains in effect. *See* 5 ILCS 100/10-65 (2022). In reaching this conclusion, the Board “makes no finding on the merits of the permit appeal . . . .” Kincaid Generation, L.L.C. v. IEPA, PCB 15-203, slip op. at 2 (July 23, 2015), *citing* Motor Oils Refining v. IEPA, PCB 89-116, slip op. at 2 (Aug. 31, 1989). The Board grants the motion for stay of the entire contested permit. The stay will last until the Board takes final action in this appeal or orders otherwise.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 9, 2025, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk  
Illinois Pollution Control Board