

ILLINOIS POLLUTION CONTROL BOARD
June 3, 2004

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|----------------------------------|---|-----------------------------|
| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | |
| |) | PCB 02-03 |
| CHEVRON ENVIRONMENTAL SERVICES |) | (Enforcement – Land, Water) |
| COMPANY, a Delaware Corporation, |) | |
| |) | |
| Respondent. |) | |

ORDER OF THE BOARD (by N.J. Melas):

On May 20, 2004, the Board directed the Clerk of the Board to publish notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement. The Board also granted the complainant's motions to change the caption in this matter, to file a reduced number of lengthy attachments, and to replace page 4 of the stipulation with an *errata* sheet filed May 7, 2004.

On May 27, 2004, the People of the State of Illinois (People) moved the Board for leave to supplement the stipulation and proposed settlement with Attachment D, inadvertently omitted from the stipulation filed with the Board on May 5, 2004. Attachment D is a schedule of stipulated penalties should the respondent fail to meet any deadline required by the stipulation and proposal for settlement. The People state that it is part of the stipulation and that the respondent has no objection to this filing. The Board grants the People's motion and includes Attachment D as part of the parties' stipulation and proposal for settlement.

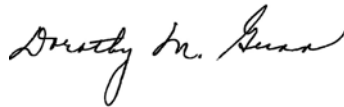
As discussed in the Board's May 20, 2004 publish stipulation order, the People filed a two-count complaint against Chevron Environmental on July 12, 2001. The complaint alleges that Chevron Environmental caused or allowed contamination of groundwater resulting in water pollution and caused or allowed the open dumping of waste at its oil refinery facility located at 301 West 2nd Street, Lockport, Will County. These activities were in alleged violation of Section 12(a) and 21(a) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 21(a) (2002)) and 35 Ill. Adm. Code 620.405.

On May 5, 2004, The People and Chevron Environmental Services Company (Chevron Environmental) filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 Ill. Adm. Code 103.300(a). Under the stipulation, the Chevron Environmental neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$50,000. Attachment D provides for additional stipulated penalties in the event Chevron Environmental fails to complete any activity or meet any deadline required by the stipulation.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, as amended, proposed settlement, and request for relief from the hearing requirement, including attachments A through D. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 3, 2004, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board