

ILLINOIS POLLUTION CONTROL BOARD
July 22, 2004

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

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

On July 12, 2001, the People of the State of Illinois (People) filed a two-count complaint against Chevron Environmental. 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 (site). 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 filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)) and attachments A through D. Attachment A is a copy of the RCRA part B post closure permit for the site issued by the Agency to the Chevron Environmental on September 28, 2001. Attachments B and C are workplan approval letters issued by the Agency under the post-closure permit. Attachment D provides for stipulated penalties. 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).

The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The Herald News* on June 17, 2004. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Chevron Environmental's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2002)). The People and Chevron Environmental have satisfied Section 103.302. Under the stipulation, the Chevron Environmental neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$50,000. As mentioned above, attachment D to the stipulation provides for additional

stipulated penalties in the event Chevron Environmental fails to complete any activity or meet any deadline required by the stipulation. Under the stipulation, Chevron Environmental also agrees to fund the costs of an Agency inspector to oversee implementation of the RCRA permit and compliance activities. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Chevron Environmental Services Company (Chevron Environmental) must pay a civil penalty of \$50,000 no later than August 23, 2004, which is the 30th day after the date of this order. Chevron Environmental must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and Chevron Environmental's social security number or federal employer identification number must be included on the certified check or money order.
3. Chevron Environmental must send the certified check or money order to:

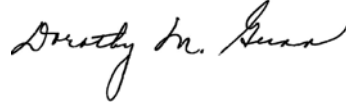
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).
5. Chevron Environmental must pay any stipulated penalties, provided in attachment D to the stipulation, in the same manner as the civil penalty as set forth in paragraphs two through four of this order.
6. Chevron Environmental must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The

Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 22, 2004, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board