ILLINOIS POLLUTION CONTROL BOARD May 20, 2004

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

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

Today's order directs 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 grants 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.

As a preliminary matter, the People of the State of Illinois (People) state that on October 9, 2001, Texaco Inc., the parent of Texaco Refining & Marketing Inc., combined with Chevron Corporation to become Chevron Texaco Corporation. The People state that the caption on this matter should now identify Texaco Refining & Marketing Inc. as its successor, Chevron Environmental Services Company (Chevron Environmental). The People indicate that the respondent has no objection to this motion. The Board grants the People's motion and changes the caption in this matter. Today's order reflects the updated caption.

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 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). The People also moved the Board to allow it to file an original and four copies, rather than an original and nine copies, of a lengthy attachment. See 35 Ill. Adm. Code 101.302(h). The People state that attachments A, B, and C are included as part of the stipulation. Attachment A is a copy of a Resources Conservation and Recovery Act part B post closure permit issued to the respondent in excess of

100 pages. Attachments B and C are Agency approval letters of site assessment and remediation workplans for the site. Under the stipulation, the Chevron Environmental neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$50,000. The Board grants the People's motion to file a reduced number of copies of attachments A, B, and C to the stipulation.

Finally, on May 7, 2004, the People filed an errata sheet, replacing page 4 of the parties' stipulation and proposal for settlement. The Board accepts the errata sheet and incorporates it as page 4 of the stipulation.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. 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 May 20, 2004, by a vote of 5-0.

Druthy M. Humington Control Board, certify that the Board adopted the above order on May 20, 2004, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board