

ILLINOIS POLLUTION CONTROL BOARD
August 5, 1982

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 82-85
)
GILT EDGE FARMS, INC., et al.,)
)
Respondents.)


ORDER OF THE BOARD (by D. Anderson):

On June 23, 1982 the Illinois Environmental Protection Agency (Agency) filed a complaint alleging violations in connection with a hog operation which was the subject of a previous variance (PCB 81-85, January 7, 1982) and a pending enforcement action in Circuit Court in Stephenson County (80 CH 17). On July 7, 1982 Gilt Edge Farms, Inc. (Gilt Edge) filed a motion to stay alleging that the Circuit Court action was still pending by virtue of a counter-claim for declaratory judgment which it had filed, and, further alleging that the Agency had not complied with the new notice of intent to file a complaint requirements of Section 31(d) of the Act. On July 16 Gilt Edge amended the motion, conceding that notice had indeed been given, but contesting whether an adequate conference had been held.

On July 15, 1982 the Agency responded to the first point of the original motion, stating that the Circuit Court action had indeed been dismissed on May 21, 1982. On July 16 the Agency responded to the amended motion, stating a conference phone call had been held in satisfaction of the requirements of Section 31(d) of the Act, after Gilt Edge refused to attend a meeting in Rockford. The Board finds that Section 31(d) has been satisfied. On July 20 Gilt Edge replied stating that the Circuit Court had not dismissed the counterclaim. In light of ambiguity as to the status of the Circuit Court action, the Board will not stay the enforcement action before it. The motion to stay is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 5th day of August, 1982 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board