

ILLINOIS POLLUTION CONTROL BOARD  
April 6, 2006

VERNON and ELAINE ZOHFELD, )  
)  
Complainants, )  
)  
v. ) PCB 05-193  
) (Citizens Enforcement - Air)  
BOB DRAKE, WABASH VALLEY )  
SERVICE COMPANY, MICHAEL J. )  
PFISTER, NOAH D. HORTON, and STEVE )  
KINDER, )  
)  
Respondents. )

ORDER OF THE BOARD (by A.S. Moore):

On February 23, 2006, respondents Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton, and Steve Kinder filed a motion for clarification (Mot.). The motion seeks clarification of a Board order dated February 2, 2006 and denying respondents' motion for a stay of this proceeding pending completion of a related criminal action. Specifically, the motion seeks clarification with regard to application of statutes of limitation to Board actions. *See* Mot. at 5. Petitioners Vernon and Elaine Zohfeld have filed no response to the motion. *See* 35 Ill. Adm. Code 101.500(d) (14-day response deadline).

The motion notes that, in the order denying respondents' motion for a stay, the Board cited the case of IEPA v. Piolet Bros. Trading, Inc., PCB 80-185 (Dec. 17, 1981) with regard to statutes of limitations in actions brought before the Board. Mot. at 1. The motion goes on to argue that the Board has distinguished statutes of limitations governing actions brought by the State and those governing actions such as this one brought by private parties. Mot. at 2-3, citing Union Oil Co. of California d/b/a/ Unocal v. Barge-Way Oil Co., Inc., PCB 98-169, slip op. at 5, n.1 (Jan. 7, 1999). Ultimately, the motion questions whether the Board intended to reverse its holding in Union Oil Co. Mot. at 4.

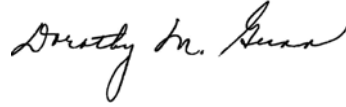
The Board grants the respondents' motion for clarification and states that, if it had intended to reverse any of its previous opinions or orders in its February 2, 2006 order, it would have done so explicitly.

**CONCLUSION**

The Board grants the respondents' motion for clarification and states the clarification above.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 6, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board