

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 11-79  
) (Enforcement-Water)  
INVERSE INVESTMENTS L.L.C., )  
an Illinois limited liability company, )  
)  
Respondent. )

**NOTICE OF FILING**


To: Jennifer T. Nijman  
Nijman Franzetti LLP  
10 S. LaSalle Street  
Suite 3600  
Chicago, IL 60603

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, IL 60601  
*Brad.Halloran@Illinois.gov*

PLEASE TAKE NOTICE that on the 11th day of August, 2015, the Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, filed the Joint Status Report and Request for Extension of Stay, a true and correct copy of which is attached hereto and is hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* LISA MADIGAN, Attorney General  
of the State of Illinois

By:

  
\_\_\_\_\_  
Kathryn A. Pamenter

Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., 18<sup>th</sup> Floor  
Chicago, IL 60602  
(312) 814-0608

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 INVERSE INVESTMENTS, L.L.C., )  
 an Illinois limited liability company, )  
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 Respondent. )

**JOINT STATUS REPORT AND REQUEST FOR EXTENSION OF STAY**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, ex rel. LISA MADIGAN, Attorney General of the State of Illinois (“People” or “Complainant”), and INVERSE INVESTMENTS, L.L.C. (“Respondent” or “Inverse”), for their Joint Status Report and Request for Extension of Stay, hereby state as follows:

1. On May 4, 2011, Complainant filed a complaint alleging a violation of Section 12(a) of the Illinois Environmental Protection Act (the “Act”), 415 ILCS 5/12(a), for the alleged migration of contamination from Inverse’s property located at 3004 West Route 120 (Elm Street) in McHenry County, Illinois (the “Site”).

2. On March 9, 2012, Inverse answered the complaint and asserted various defenses.

3. On August 9, 2012, the parties jointly requested a stay of discovery, as they were engaged in negotiations to settle this matter.

4. On or about August 26, 2013, the United States Environmental Protection Agency (the “U.S. EPA”) issued its General Notice of Potential Liability (“General Notice”) to Respondent regarding the Site, which is the same property that is the subject of the complaint filed in the above-referenced case.

5. On September 25, 2013, in light of the U.S. EPA’s General Notice, Respondent filed a Motion to Stay Proceedings in this case.

6. On October 17, 2013, the Board entered an Order granting a stay in this case until February 18, 2014. The Board determined that a stay was appropriate to avoid potential conflicts in remediation and to allow for coordination of the site remediation. The Board stated that, “[i]f the parties wish to continue that stay, they must file a status report and request an additional stay at that time.” *People v. Inverse Investments, L.L.C.*, PCB No. 11-79 at p. 3 (Oct. 17, 2013).

7. On February 20, 2014, the Board entered an Order extending the stay in this case until August 18, 2014.

8. On August 14, 2014, the Hearing Officer entered an Order extending the stay in this case until February 16, 2015, and setting a status hearing on that date.

9. On February 10, 2015, the Hearing Officer entered an Order extending the stay in this case until August 14, 2015 and setting a status hearing on August 25, 2015 at 9:30 am.

10. To date, the U.S. EPA has conducted sampling at the Site and at commercial and residential properties in the area and completed its water main extension project in the City of McHenry near the Site. The U.S. EPA has not yet determined whether it intends to pursue an alleged cost recovery action against the Respondent.

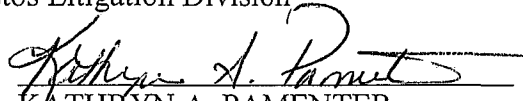
11. Given the U.S. EPA’s status and to avoid the continued practical difficulties that might arise from conflicting remedial orders, Complainant and Respondent respectfully request that the Hearing Officer (a) extend the stay for an additional six months, subject to the parties’ right to request an additional extension should the facts and circumstances warrant such a request, and (b) continue the status hearing presently scheduled on August 25, 2015. 35 Ill. Adm. Code 101.514(a); *People v. State Oil Co.*, PCB No. 97-103 (May 15, 2003), *aff’d sub nom State Oil Co. v. PCB*, 822 N.E.2d 876 (2d Dist. 2004).

WHEREFORE, Complainant, People of the State of Illinois, and Respondent, Inverse Investments, L.L.C., request that the Hearing Officer enter an Order extending the stay in this case for six months and granting such other relief as the Hearing Officer deems proper.

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* LISA MADIGAN, Attorney  
General of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement /  
Asbestos Litigation Division

By:



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INVERSE INVESTMENTS, L.L.C.

By:

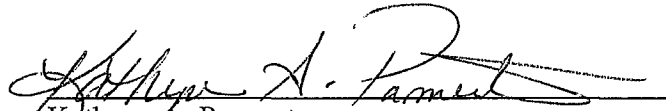
/s/ Jennifer T. Nijman  
JENNIFER T. NIJMAN  
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10 S. LaSalle Street, Suite 3600  
Chicago, Illinois 60603  
(312) 251-5255

**CERTIFICATE OF SERVICE**

I, Kathryn A. Pamenter, an Assistant Attorney General, do certify that I caused to be served this 11th day of August, 2015, the foregoing Joint Status Report and Request for Extension of Stay to (a) Jennifer T. Nijman by first class mail in a postage pre-paid envelope and depositing same with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois at or before the hour of 5:00 p.m. and (b) Bradley P. Halloran via email.

Jennifer T. Nijman  
Nijman Franzetti LLP  
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Suite 3600  
Chicago, IL 60603

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
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Kathryn A. Pamenter