

ILLINOIS POLLUTION CONTROL BOARD
August 19, 1999

ENVIRONMENTAL SITE DEVELOPERS, INC., an)
Illinois corporation,)
)
Complainant,)
)
v.) PCB 96-180
) (Enforcement - Water, Citizens)
WHITE & BREWER TRUCKING, INC., an Illinois)
corporation,)
)
Respondent.)

WHITE & BREWER TRUCKING, INC., an Illinois)
corporation,)
)
Counterclaimant,)
)
v.) PCB 96-180
) (Enforcement - Water, Citizens)
ENVIRONMENTAL SITE DEVELOPERS, INC., an) (Counterclaim)
Illinois corporation,)
)
Counterrespondent.)

ORDER OF THE BOARD (by M. McFawn):

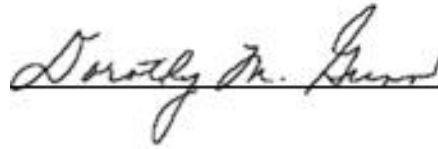
This case is before the Board on an "Agreed Motion to Extend Stay of Proceedings" filed by respondent/countercomplainant White & Brewer Trucking, Inc. (WBT) on August 6, 1999. Proceedings in this case were initially stayed on August 20, 1998, by a Board order, to give the parties an opportunity to negotiate a settlement. At the time the stay was imposed, WBT had two motions pending: a motion for partial summary judgment and a motion for a scheduling order. Due to the stay, complainant/ counterrespondent Environmental Site Developers, Inc. (ESDI) has not filed a response to either motion. After nearly a year and five extensions of the stay, the parties have not reached an agreement to settle this case. By the current agreed motion, the parties ask the Board to extend the stay a sixth time, through November 17, 1999.

In their original motion for a stay filed on August 11, 1998, the parties argued that "[a]n expedited agreement on [remaining issues in the litigation] would best serve the interest of protecting human health and the environment, as well as the efficient use of legal and Board resources." These interests justified imposing a short stay initially, but none is served by repeated extensions of the stay. Rather, the interest of resolution of this case will be best served by setting a firm limit to the duration of the stay. So, while the Board will grant the parties' motion and extend the stay until November 17, 1999, upon expiration of this extension the Board expects to see either a settlement or ESDI's responses to the pending motions. The parties have invoked the Board's jurisdiction, and the Board has a statutory duty to hold a hearing and resolve this case. See 415 ILCS 5/31(d), 33(a) (1998).

The parties' "Agreed Motion to Extend Stay of Proceedings" is granted. The stay of proceedings in this case is extended to and including November 17, 1999. Absent settlement of this case or withdrawal by WBT of its pending motions, ESDI's responses to WBT's motions for partial summary judgment and for a scheduling order are due on November 18, 1999.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 19th day of August 1999 by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board