

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CHATHAM BP, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB 14-01
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE

John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

William D. Ingersoll
Brown, Hay & Stephens, LLP
205 S. Fifth Street, Suite 700
P.O. Box 2459
Springfield, IL 62705-2459

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

PLEASE TAKE NOTICE that I have today caused to be filed the parties' JOINT MOTION FOR ENTRY OF JUDGMENT with the Illinois Pollution Control Board, a copy of which is served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Dated: April 4, 2014

Respondent,

Scott B. Sievers
Attorney Registration No. 6275924
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

BY:



Scott B. Sievers
Special Assistant Attorney General

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CHATHAM BP, LLC,)	
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Petitioner,)	
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v.)	PCB 14-01
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
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JOINT MOTION FOR ENTRY OF JUDGMENT

NOW COME the Petitioner, CHATHAM BP, LLC, by and through its attorney, William D. Ingersoll, and the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through its attorney, Special Assistant Attorney General Scott B. Sievers, and jointly move this honorable Board for entry of judgment on the issue of drum disposal costs in favor of the Petitioner and against the Respondent. In support, the Respondent states the following:

1. On January 9, 2014, this honorable Board entered an Opinion and Order denying the Respondent’s summary judgment motion on the issue of a proposed Stage 2 site investigation plan; granting the Petitioner’s summary judgment motion on said issue; and reversing the Respondent’s rejection of the Petitioner’s proposed Stage 2 site investigation plan. (Order of Jan. 9, 2014 at 27.) The Opinion and Order also provided that, at the conclusion of the instant case, the Board would remand to the Respondent for its review the Petitioner’s proposed Stage 2 site investigation budget. *Id.*

2. This Board, however, found that an issue of material fact existed as to the Petitioner's drum disposal costs, and therefore denied the parties' summary judgment motions and directed them to proceed to hearing on that issue. (Order of Jan. 9, 2014 at 27.)

3. The drum disposal cost issue concerns \$1,145.92 in disputed costs. (*See* Pet. for Review ¶ 15; Pet. for Rev. Ex. A Attach. B.)

4. Having reviewed this case in light of this Board's decision on the cross motions for summary judgment, counsel for the Respondent has determined and stipulates that if this matter were to proceed to hearing, sufficient facts exist for the Board to find against the Respondent and in favor of the Petitioner by a preponderance of the evidence on the issue of the \$1,145.92 in drum disposal costs.

5. The parties wish to avoid expending further time and effort and, in the case of the Petitioner, incurring additional fees and costs in connection with this matter.

6. The parties wish for this honorable Board to avoid expending further time and effort and incurring additional costs in connection with this matter.

7. Consequently, to avoid expending time and effort and incurring costs that are unwarranted, the parties jointly move this honorable board to enter judgment against the Respondent and in favor of the Petitioner as to the \$1,145.92 in drum disposal costs at issue in this action.

WHEREFORE, the Petitioner, CHATHAM BP, LLC, and the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, jointly move this honorable Board to enter judgment against the Respondent and in favor of the Petitioner as to the \$1,145.92 in drum disposal costs at issue in this action.

Respectfully submitted,

CHATHAM BP, LLC

Petitioner,

BY:



William D. Ingersoll
Attorney Registration No. 6186363
Brown, Hay & Stephens, LLP
205 S. Fifth Street, Suite 700
P.O. Box 2459
Springfield, Illinois 62705-2459
(217) 544-8491

Dated: April 3, 2014

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent,

BY:



Scott B. Sievers
Special Assistant Attorney General
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1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: April 4, 2014

Chatham BP, LLC v. Illinois Environmental Protection Agency
Pollution Control Board No. 14-01

CERTIFICATE OF SERVICE

Scott B. Sievers, Special Assistant Attorney General, herein certifies that he has served a copy of the foregoing **JOINT MOTION FOR ENTRY OF JUDGMENT** upon:

John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

William D. Ingersoll
Brown, Hay & Stephens, LLP
205 S. Fifth Street, Suite 700
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Springfield, IL 62705-2459

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

by mailing true copies thereof to the addresses referred to above in envelopes duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois, on April 4, 2014.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Dated: April 4, 2014

Scott B. Sievers
Attorney Registration No. 6275924
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Respondent,

BY:



Scott B. Sievers
Special Assistant Attorney General