

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.)	

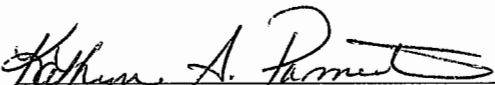
NOTICE OF FILING

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 5th day of February, 2014, 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., 18th Floor
Chicago, IL 60602
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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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. To date, the U.S. EPA has conducted sampling at the Site and at commercial and residential properties in the area. The U.S. EPA, though, has not yet determined how it intends to proceed.

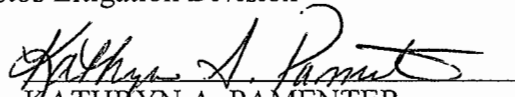
8. Given the U.S. EPA’s status and to avoid the continued practical difficulties that might arise from conflicting remedial orders by the Illinois Environmental Protection Agency and the U.S. EPA, Complainant and Respondent respectfully request that the Board extend the stay for an additional six months, subject to the parties’ right to request an additional extension should the facts and circumstances warrant such a request. 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 Board enter an Order extending the stay in this case for six months and granting such other relief as the Board 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

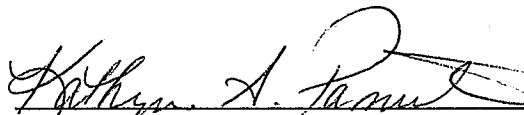
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CERTIFICATE OF SERVICE

I, Kathryn A. Pamenter, an Assistant Attorney General, do certify that I caused to be served this 5th day of February, 2014, 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
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10 S. LaSalle Street
Suite 3600
Chicago, IL 60603

Bradley P. Halloran
Hearing Officer
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Kathryn A. Pamenter