

**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 7th day of October, 2013, the Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, filed a Response to Respondent's Motion to Stay Proceedings, 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. Pamerter*  
Kathryn A. Pamerter  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., 18<sup>th</sup> Floor  
Chicago, IL 60602  
(312) 814-0608

DATE: October 7, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**COMPLAINANT'S RESPONSE TO RESPONDENT'S MOTION TO STAY PROCEEDINGS**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, ex rel. LISA MADIGAN, Attorney General of the State of Illinois ("People or "Complainant"), and responds to Inverse Investments, L.L.C.'s ("Respondent") Motion to Stay Proceedings. In support of this response, the People state as follows:

1. 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 Respondent's property located at 3004 West Route 120 in McHenry County, Illinois (the "Site"), which is the same property that is the subject of the Complaint filed in the above-referenced case.

2. On September 25, 2013, Respondent filed a Motion to Stay Proceedings, seeking a nine month stay of the above-referenced case.

3. In light of the U.S. EPA's General Notice and the uncertainty of the U.S. EPA's investigation and remedial activities at the Site, Complainant does not object to a stay of the proceedings in this case.<sup>1</sup> 35 Ill. Adm. Code 101.514(a). However, Complainant requests that

<sup>1</sup> Respondent states that "these proceedings do not involve a risk of ongoing environmental harm." (Motion at p. 5, ¶ 17.) Complainant denies this statement as fact, as it contends contaminants are continuing to migrate off-Site through the soil and groundwater. The U.S. EPA, in coordination with the Illinois EPA, is planning to conduct sampling on-Site and in areas surrounding the Site in October 2013, subject to the presently-ongoing government shutdown.

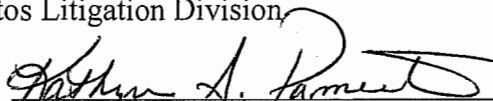
(1) the length of the stay be four months, with leave to file an additional stay motion(s), as warranted, and (2) periodic statuses be set to ensure that the stay remains justified. *See, e.g., People v. The Board of Trustees of the University of Illinois*, PCB 13-35, 13-36 (April 18, 2013).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, does not object to a stay of PCB No. 11-79 for four months, conditioned upon the request for periodic updates on the progress of U.S. EPA's activities at the Site.

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:



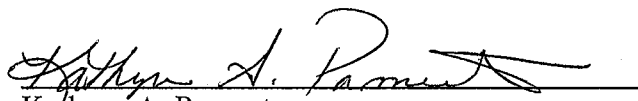
KATHRYN A. PAMENTER  
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Chicago, Illinois 60602  
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**CERTIFICATE OF SERVICE**

I, Kathryn A. Pamenter, an Assistant Attorney General, do certify that I caused to be served this 7th day of October, 2013, the foregoing Complainant's Response to Respondent's Motion to Stay Proceedings 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.

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Hearing Officer  
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Kathryn A. Pamenter