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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD MONTGOMERY COUNTY, ILLINOIS

MAY 2 7 2004

STATE OF ILLINOIS Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
v.) PCB NO. 97-11 (Enforcement - Land, Water)
WHITE & BREWER TRUCKING,	,
Respondent.) }

NOTICE OF FILING

To: Christine Zeman

Hodge, Dwyer & Zeman 3150 Roland Avenue P.O. Box 5776

Springfield, IL 62705-5776

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a MOTION FOR LEAVE TO FILE COMPLAINANT'S STATUS REPORT INSTANTER and COMPLAINANT'S STATUS REPORT, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief Environmental Enforcement/Asbestos Litigation_Division

James L. Morgan

Assistant Attorney General Environmental Bureau

500 South Second Street Springfield, Illinois 62706 217/782-9031 Dated: May 24, 2004

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD MAY 2 7 2004 MONTGOMERY COUNTY, ILLINOIS STATE OF ILLINOIS Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,))
v.) PCB 97-11
WHITE & BREWER TRUCKING,) (Enforcement - Land, Water)
Respondent.)

MOTION FOR LEAVE TO FILE COMPLAINANT'S STATUS REPORT INSTANTER

Now comes the Complainant, People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, and requests leave to file this status report, instanter.

- 1. The status report was due April 20, 2004.
- 2. The status of the case prior to that date remained the same as reported during the previous status conference. Contacts were made with counsel for other interested parties after April 20, 2004, and the proposed status report relates the results of those dicussions.

Wherefore, the Complainant prays that it be granted leave to file the status report instanter for review by the Pollution Control Board.

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

By:

James L. Morgan

Assistant Attorney General

500 S. Second Street

Springfield, Illinois 62706

217-524-7506



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD MAY 2 7 2004 MONTGOMERY COUNTY, ILLINOIS STATE OF ILLINOIS

	Pollution Control Board
PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
v.) PCB 97-11
) (Enforcement - Land, Water)
WHITE & BREWER TRUCKING,)
)
Respondent.)

COMPLAINANT'S STATUS REPORT

Now comes the Complainant, People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, and submits this status report.

- 1. The parties are continuing to develop a comprehensive settlement proposal with other interested persons to address conditions at the subject. This effort includes drafting a settlement agreement.
- 2. This effort has reached the point that the Attorney General will initiate the preliminary matters necessary for presentation of the anticipated settlement to the Federal District Court as a resolution of a claim under the Comprehensive Environmental Response Compensation and Liability Act. These preliminary steps include providing notice to the Director of the United States Environmental Protection Agency and United States Attorney General, drafting a complaint, meeting with the interested persons, and negotiating settlement terms. These matters proceed contemporaneously but will likely take at least 90 days.
- 3. The Complainant will be prepared to report on progress at the next scheduled telephone status conference.

The Complainant submits this report for review by the Pollution Control Board.

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

James L. Morgan

Assistant Attorney General

500 S. Second Street

Springfield, Illinois 62706

217-524-7506

CERTIFICATE OF SERVICE

It is hereby that the original and 9 true copies of the foregoing Motion for Leave to File Complainant's Status Report Instanter and Complainant's Status Report were sent by first class mail on May 24, 2004 to:

Dorothy Gunn
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Il 60601

and a true copy of the foregoing was sent by first class mail on May 24, 2004 to:

Carol Sudman Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East P.O. Box 19274 Springfield, IL 62794-9276

and

Christine Zeman Hodge Dwyer & Zeman 3150 Roland Avenue P.O. Box 5776 Springfield, IL 62705-5776

James L. Morgan