



FEB 19 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

People of the State of Illinois,
Lisa Madigan, Attorney General
of the State of Illinois,

Complainant

v.

Onyx Environmental Services,
L.L.C., a Delaware limited
liability company, and AURA
II, Inc., a Wisconsin
Corporation

Respondents

PCB-04-98
(Enforcement -
Multimedia)

MOTION FOR STAY OF PROCEEDINGS

Comes now Respondent, Onyx Environmental Services, L.L.C. (OES), and respectfully requests its Motion for Stay of Proceedings be granted. In support of this Motion, OES states as follows:

1. On December 18, 2003, Complainant filed the Complaint in the above-referenced matter. The Complaint was served on OES on December 23, 2003.
2. During late 2003, Complainant and OES conducted settlement negotiations which ultimately led to an agreement on the civil penalty amount OES will pay.
3. This agreement was memorialized in a letter from Illinois Assistant Attorney General Zemerehet Bereket-Ab to OES dated January 14, 2004. In that letter, Mr. Zemerehet Bereket-Ab stated that he intended to circulate a draft settlement document "in the near future."
4. Based on this letter, Counsel for OES had expected to receive a draft settlement agreement before the February 20, 2004 deadline for answering the Complaint. However, no draft has yet been provided.
5. In view of the agreement in principle between the parties, it would be a waste of resources to require further pleading in this matter until and unless the parties are unable to reach a final settlement agreement.

THEREFORE, Respondent, Onyx Environmental Services, L.L.C., respectfully requests its Motion for Stay of Proceedings be granted.

ONYX ENVIRONMENTAL SERVICES, L.L.C.

By Greig R. Siedor
Greig R. Siedor



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CERTIFICATE OF SERVICE

STATE OF ILLINOIS

I hereby certify that copies of Respondent Onyx Environmental Services, Pollution Control Board for Stay of Proceedings were mailed as follows:

1. One copy, via first class mail, to:

Debra A. Slater
Weiss Berzowski Brady LLP
700 North Water Street, Suite 1500
Milwaukee, WI 53202

Mitchell Feinberg
Chuhak & Tecson, P.C.
30 South Wacker Drive, Suite 2600
Chicago, IL 60606


Zemeheret Bereket-Ab
Assistant Attorney General
Environmental Bureau
Office of the Attorney General
188 West Randolph Street, 20th Floor
Chicago, IL 60601

2. One copy, via UPS Overnight, to:

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

3. The original and nine copies, via UPS Overnight, to:

Clerk
Illinois Pollution Control Board
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