

ILLINOIS POLLUTION CONTROL BOARD
June 23, 1994

LAKE COUNTY FOREST PRESERVE DISTRICT,)	
)	
Complainant,)	
)	
v.)	PCB 92-80
)	(Enforcement)
NEIL OSTRO, JANET OSTRO, and BIG FOOT ENTERPRISES,)	
)	
Respondents.)	

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a joint motion for clarification and extension of time, filed by complainant Lake County Forest Preserve District (District) and respondents Neil Ostro, Janet Ostro, and Big Foot Enterprises (collectively, respondents) on June 20, 1994. The parties seek clarification of the Board's June 2, 1994 opinion and order, which accepted the parties' settlement agreement.

The parties note that the Board's June 2 opinion and order stated that "[t]he Board interprets the provision in the settlement agreement requiring that remediation of the property be done pursuant to applicable law to include approval of the remediation by the Illinois Environmental Protection Agency (Agency), including the securing of all necessary permits from the Agency." (June 2, 1994 opinion at page 2.) The parties now state that tests of both the water and the stockpiled soil have not revealed any contamination. (See motion, Exh. C and D.) The parties recognize that it is the language of the order that has binding effect on the parties, but ask that the Board clarify the quoted language from the June 2 opinion to read:

The Board interprets the provision in the Settlement Agreement that remediation of the property be done pursuant to applicable law to include approval of the remediation by the Illinois Environmental Protection Agency (Agency) and the securing of all necessary permits from the Agency, only to the extent necessary such approval and permits are required under applicable law.

The parties submit that this clarification would allow the parties to proceed to complete the remediation and finally resolve this matter. Finally, the parties ask that the Board grant respondents 14 days after the Board's ruling on this motion

to comply with paragraph 2 of the June 2 order¹.

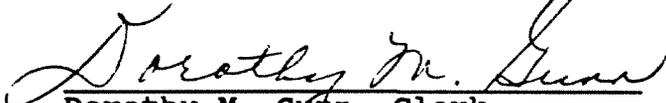
The joint motion for clarification is granted. The first paragraph of page two of the June 2 opinion is revised to read:

The joint motion is granted. The Board has reviewed the settlement agreement, and finds it acceptable. The Board interprets the provision in the settlement agreement requiring that remediation of the property be done pursuant to applicable law to include approval of the remediation by the Illinois Environmental Protection Agency (Agency) and the securing of all necessary permits from the Agency, only to the extent such approval and permits are required under applicable law.

Additionally, respondents have 14 days from the date of this order to comply with paragraph 2 of our June 2 order, weather and site conditions permitting.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of June, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

¹ Paragraph 2 of the June 2 order requires respondents to perform all necessary remediation within 14 days of that June 2 order, or as soon thereafter as weather and site conditions permit.