

ILLINOIS POLLUTION CONTROL BOARD

November 19, 1992

CARRELL AND MARY BATES, )  
 )  
Complainants, )  
 )  
v. ) PCB 91-154  
 ) (Enforcement)  
EDWARD E. BRAKE, ELLA F. BRAKE, )  
EUGENE GALE HEISER, in his )  
individual capacity and d/b/a )  
Heiser Oil & Gas Co., )  
HEISER OIL & GAS CO., an )  
Illinois Corporation; and )  
AMOCO OIL COMPANY, a Maryland )  
Corporation. )  
 )  
Respondents. )

ORDER OF THE BOARD (by B. Forcade):

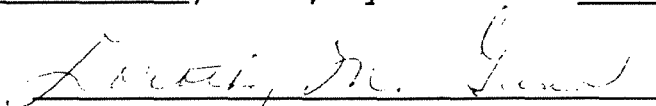
This matter comes before the Board on a motion for voluntary dismissal or a stay of action filed on October 29, 1992, by Carrell and Mary Bates (Bates). The Bates originally filed this citizen enforcement action on August 30, 1991. In the complaint, the Bates allege that their property has been contaminated by petroleum products released on the adjacent property of the respondents. The present motion requests the Board to dismiss this matter without prejudice or in the alternative to stay action in this matter while the parties pursue a settlement.

The parties have entered into a settlement agreement whereby a resolution is sought by presenting the matter to the Illinois Environmental Protection Agency for resolution through the underground storage tank reimbursement fund. Due to the uncertainty of the effect of the settlement agreement, the motion seeks a dismissal without prejudice. If the desired result (i.e. cleanup of the property) is not obtained through the settlement agreement, the complainants reserve the right to present this matter to the Board in a new proceeding.

This matter is hereby dismissed without prejudice.

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 19<sup>th</sup> day of November, 1992, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

0137-0159