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STATE OF ILLINOIS
Pollution Control Board

ORIGINAL
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
BLUE RIDGE CONSTRUCTION CORPORATION,)
An Illinois corporation,)
)
Respondent.)

PCB NO. 02-115
(Enforcement – Air, Water)

**MOTION TO STAY ENFORCEMENT
OF MONETARY PENALTY PENDING APPEAL**

Respondent, Blue Ridge Construction Corporation, by its attorneys, Miller, Hall & Triggs, moves for a stay of that part of the Order of the Illinois Pollution Control Board entered on October 7, 2004 which requires Blue Ridge Construction Corporation to pay \$66,000.00 in civil penalties no later than Monday, December 6, 2004, stating:


1. This motion is brought pursuant to Section 101.906(c) of the General Rules of the Illinois Pollution Control Board and Illinois Supreme Court Rule 335(g).
2. Petitioner has filed a Petition for Review in the Illinois Appellate Court, Third District, of that part of the Illinois Pollution Control Board's October 7, 2004 Order imposing the monetary penalty. A copy of the Petition for Review is attached.
3. Consistent with prior Board precedent, Blue Ridge Construction Corporation requests that, payment of the monetary penalty be stayed until such time as a mandate has been issued by the reviewing court. *E.g., Citizens for a Better Environment v. Stepan Chemical Co.*, (PCB 74-201, 270, and 317, 1975).

4. There are no issues of delay in compliance with environmental standards raised by this Motion.

5. In view of the Petition for Review and the Board's past practice, a stay should be granted.

WHEREFORE, petitioner, Blue Ridge Construction Corporation requests that the Board enter an Order staying payment of the monetary penalty specified in the Board's October 7, 2004 Order until such time as a mandate has been issued by a reviewing court.

Blue Ridge Construction Corporation, Respondent

BY: 
William R. Kohlhase
for Miller, Hall & Triggs, Its Attorneys

William R. Kohlhase
Miller, Hall & Triggs
416 Main Street – Suite 1125
Peoria, Illinois 61602
Telephone: (309) 671-9600

IN THE APPELLATE COURT OF ILLINOIS
FOR THE THIRD DISTRICT


COPY

BLUE RIDGE CONSTRUCTION CORPORATION,)
)
Petitioner,)
)
vs.)
)
ILLINOIS POLLUTION CONTROL BOARD and)
PEOPLE OF THE STATE OF ILLINOIS,)
)
Respondents.)

Petition for Review of
Order of the Illinois
Pollution Control Board,
PCB NO. 02-115

Blue Ridge Construction Corporation hereby petitions the Court for review of that part of the order of the Pollution Control Board which required petitioner to pay a civil penalty of \$66,000.00 entered on October 7, 2004.

Blue Ridge Construction Corporation, Petitioner

BY: 
William R. Kohlhase
for Miller, Hall & Triggs, Its Attorneys

William R. Kohlhase
Miller, Hall & Triggs
416 Main Street – Suite 1125
Peoria, Illinois 61602
Telephone: (309) 671-9600

CERTIFICATE OF SERVICE

I hereby certify that I did on November 15, 2004 send by first-class mail, with postage thereon fully prepaid, by depositing in a United States Post Office box a true and correct copy of the foregoing instrument entitled **Motion to Stay Enforcement of Monetary Penalty Pending Appeal to:**

Ms. Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601-3218

Mr. Delbert D. Haschemeyer
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706



William R. Kohlase, for Miller, Hall & Triggs

ORIGINAL

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MILLER, HALL & TRIGGS

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Pollution Control Board

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JAY E. GREENING
SCOTT A. BRUNTON
DOUGLAS G. GRIFFIN *
JEFFREY E. KRUMPE
M. CURT RICHARDSON
JAMISON J. ALLEN

November 15, 2004

.. ALSO LICENSED IN FLORIDA
ALSO LICENSED IN DISTRICT
OF COLUMBIA
*** ALSO LICENSED IN WISCONSIN
Direct email:
william.kohlhase@mhtlaw.com

Ms. Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph – Suite 11-500
Chicago, Illinois 60601

Re: *People v. Blue Ridge Construction Corporation*
Illinois Pollution Control Board
Case No. PCB-02-115 (Enforcement – Air, Water)

Dear Ms. Gunn:

Enclosed are an original and one copy of a Motion to Stay Enforcement of Monetary Penalty Pending Appeal. Please file the original and return the copy file stamped to me in the enclosed return envelope.

Thank you for your assistance.

Sincerely yours,



William R. Kohlhase
For Miller, Hall & Triggs

WRK:nh
Encs.