

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
<i>ex rel.</i> LISA MADIGAN, Attorney,	)	
General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 11-79
	)	(Enforcement-Water)
INVERSE INVESTMENTS, L.L.C.,	)	
an Illinois limited liability company,	)	
	)	
Respondent.	)	

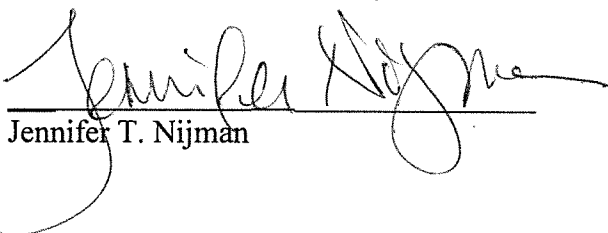
**NOTICE OF FILING**

To: Kathryn A. Pamerter	Bradley P. Halloran
Assistant Attorney General	Hearing Officer
Office of the Illinois Attorney	Illinois Pollution Control Board
General, Environmental Bureau	James R. Thompson Center, Suite 11-500
69 W. Washington St., 18 <sup>th</sup> Floor	100 W. Randolph Street
Chicago, IL 60602	Chicago, IL 60601
<i>KPamerter@atg.state.il.us</i>	<i>Brad.Halloran@Illinois.gov</i>

PLEASE TAKE NOTICE that on the 8th day of March, 2016, the Respondent, INVERSE INVESTMENTS, L.L.C., filed the Motion for Stay, a true and correct copy of which is attached hereto and is hereby served upon you.

INVERSE INVESTMENTS, L.L.C.

By:



Jennifer T. Nijman

Jennifer T. Nijman  
 Kristen L. Gale  
 Nijman Franzetti, LLP  
 10 S. La Salle St., Ste 3600  
 Chicago, IL 60603

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
<i>ex rel.</i> LISA MADIGAN, Attorney,	)	
General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 11-79
	)	
INVERSE INVESTMENTS, L.L.C.,	)	
an Illinois limited liability company,	)	
	)	
Respondent.	)	

**MOTION FOR STAY**

Pursuant to 35 Ill. Adm. Code 101.514, Respondent, INVERSE INVESTMENTS, L.L.C. (“Respondent” or “Inverse”), by its undersigned counsel, respectfully requests that the Illinois Pollution Control Board (“Board”) grant a stay in this matter. In support of its motion, Inverse states as follows:

1. On May 4, 2011, Complainant filed a complaint alleging a violation of Section 12(a) of the Illinois Environmental Protection Act (the “Act”), 415 ILCS 5/12(a) for the alleged migration of contamination from Inverse’s property located at 3004 West Route 120 (Elm Street) in McHenry County, Illinois (the “Site”). The Site is enrolled in the Illinois Site Remediation Program (“SRP”) and in 2008 Respondent conducted an Illinois EPA approved remedy at the Site. Monitoring is ongoing.

2. On March 9, 2012, Inverse answered the complaint and asserted various defenses. Inverse described that it had inherited the Site, that there are other more likely sources of impact to groundwater in the area, and pointed out the existence of MTBE in area groundwater which could not have originated from the Site.

3. On August 9, 2012, the parties jointly requested a stay of discovery, as they were engaged in negotiations to settle this matter.

4. On or about August 26, 2013, the United States Environmental Protection Agency (the "U.S. EPA"), in response to a request from Illinois EPA, issued a General Notice of Potential Liability ("General Notice") to Respondent regarding the same property that is the subject of the complaint.

5. On September 25, 2013, in light of the U.S. EPA's General Notice, Respondent filed a Motion to Stay Proceedings in this case.

6. On October 17, 2013, the Board entered an Order granting a stay in this case until February 18, 2014. The Board determined a stay was appropriate to avoid potential conflicts in terms of potential orders from two different agencies. The Board stated that, "[i]f the parties wish to continue that stay, they must file a status report and request an additional stay at that time." *People v. Inverse Investments, L.L.C.*, PCB No. 11-79 at p. 3 (Oct. 17, 2013).

7. On February 5, 2014, the Parties filed a Joint Status Report and a Request for Extension of Stay because the U.S. EPA had not completed its investigation. The Board granted the extension of the stay on February 20, 2014 through August 18, 2014.

8. Due to the ongoing U.S. EPA site activities, the Parties jointly filed requests for extensions of the stay on August 12, 2014, January 30, 2015 and August 11, 2015, each of which were granted by the Hearing Officer.

9. The stay granted on August 11, 2015 expired on February 11, 2016. Although there is still the same potential for conflicting orders from the two agencies now involved, Complainant did not agree to continue the stay.

10. To date, the U.S. EPA has conducted sampling at the Site and at commercial and

residential properties in the area. Additionally, the U.S.EPA connected five residences to the City of McHenry water main and abandoned the residences' water wells. The U.S. EPA has not taken further action as to Inverse and in that regard nothing has changed since the previous stay expired.

11. Prior to the cessation of the stay, the Parties participated in a conference to discuss the status of the Site and this lawsuit. At that conference, the Parties preliminarily indicated that they are amenable to beginning settlement negotiations. Inverse also notified the Complainant that it would request a stay from the Board so it could avoid any continuing conflict between the agencies and resume its investigation at the Site.

12. Under Section 101.514(a) of the Board's Regulations, "[m]otions to stay a proceeding must be directed to the Board and must be accompanied by sufficient information detailing why a stay is needed" and must include "a status report detailing the progress of the proceeding." 35 Ill. Adm. Code 101.514(a). The decision to grant or deny a motion for stay is "vested in the sound discretion of the Board." *Commonwealth Edison Company, v. Illinois EPA*, PCB04-215 (Nov. 15, 2007), *slip op.* at 3. *People v. State Oil Co.*, PCB 97-103 (May 15, 2003), *aff'd sub nom State Oil Co. v. PCB*, 822 N.E.2d 876 (2nd Dist. 2004).

13. Inverse is requesting this stay so that it can avoid any continuing conflict between the agencies as it proceeds with any remaining work under the SRP.


14. A stay in this matter is necessary so that Inverse may collect the requisite data that will assist the parties on how to efficiently and effectively complete the SRP process.

15. Further, granting a stay here would not result in any harm to the Parties or the public, as Inverse will be allowed to focus its limited resources on closing the Site without the time and expense involved in addressing the pending case.

16. Accordingly, Respondent respectfully request that the Board extend the stay for four months so that it can conduct sampling at the Site through the SRP program pursuant to Part 742 of the Board's Regulations.

WHEREFORE, Respondent, Inverse Investments, L.L.C., respectfully request that the Board enter an Order granting a stay for four months.

INVERSE INVESTMENTS, L.L.C.

By:   
JENNIFER T. NIJMAN  
NIJMAN FRANZETTI LLP  
10 S. LaSalle Street, Suite 3600  
Chicago, Illinois 60603  
(312) 251-5255

**CERTIFICATE OF SERVICE**

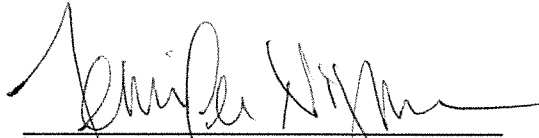
The undersigned certifies that on this 8<sup>th</sup> day of March, 2016, she served electronically the attached NOTICE OF FILING and MOTION FOR STAY upon the following person:

John Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601

and by U.S. Mail, first class postage prepaid, to the following persons:

Kathryn A. Pamerter  
Assistant Attorney General  
Office of the Illinois Attorney General  
Environmental Bureau  
69 W. Washington St., 18th Floor  
Chicago, IL 60602

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601



Jennifer T. Nijman