

ILLINOIS POLLUTION CONTROL BOARD  
February 27, 1992

THE GRIGOLEIT COMPANY, )  
 )  
Petitioner )  
 )  
v. ) PCB 92-23  
 ) (Permit Appeal)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by J. Anderson):

Currently before the Board are 1) Grigoleit Company's ("Grigoleit") February 11, 1992 petition to appeal the Illinois Environmental Protection Agency's ("Agency") imposition of several conditions on its January 7, 1992 operating permit, 2) a motion for stay, 3) Grigoleit's February 11, 1992 third motion for sanctions, and 4) the Illinois Environmental Protection Agency ("Agency") February 24, 1992 motion for an extension of time to respond to Grigoleit's motion for sanctions.<sup>1</sup>

In its motion for extension of time, the Agency requests that the Board grant it until March 5, 1992, to file its response to Grigoleit's motion for sanctions. In support of its motion, the Agency attorney states that she was assigned this case on February 17, 1992, and has no prior knowledge of the history of this case. In the motion for stay, Grigoleit requests that this matter be stayed pending a ruling on its motion for sanctions in PCB 89-184.

35 Ill. Adm. Code 101.241(b) prohibits the Board from granting any motion before the expiration of the 7-day response period unless undue delay or material prejudice would result. Because the Agency requests an extension until March 5, 1992, and the Board's next meeting is scheduled for March 12, 1992, the Board hereby grants the Agency's motion in order to avoid undue delay and will reserve ruling on the motion for sanctions. The Agency's response must be received by the Board no later than March 5, 1992.

The Board, however, will reserve ruling on the motion for

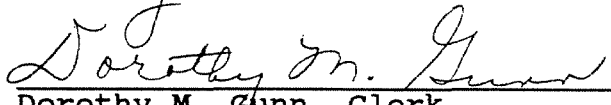
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<sup>1</sup>Although the motion for sanctions and the motion for extension of time were filed in PCB 89-184, the Board transferred the motions to the instant docket. (see Board's February 27, 1992 Order in PCB 89-184).

stay because Grigoleit's petition is deficient. In the body of the petition, Grigoleit states that it is incorporating certain portions of the record in PCB 89-184 in this cause. At the conclusion of the petition, however, Grigoleit states that it is incorporating PCB 89-184 in its entirety. The Board asks that Grigoleit specify the material that is to be incorporated. Once having done this, Grigoleit's should file four copies of the material to be incorporated as is required by 35 Ill. Adm. Code 101.106(a). If Grigoleit does not cure the above deficiencies via an amended petition to be filed within 45 days of the date of this Order, this matter will be subject to dismissal. The Board notes that the filing of an amended petition will restart the Board's time clock for decision.

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

  
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 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board