

ILLINOIS POLLUTION CONTROL BOARD  
June 17, 1993

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

ORDER OF THE BOARD (by J. Anderson):

On June 4, 1993, The Grigoleit Company (Grigoleit) filed a status report, a motion to continue, and an open waiver of the statutory decision deadline in this case. On that same date, the Illinois Environmental Protection Agency (Agency) filed a status report. Both filings come in response to the Board's May 5, 1993 order directing the parties to file status reports with the Board by June 4, 1993.

In its motion, Grigoleit requests the Board to stay this proceeding, including the pending motion for sanctions, until such time as a mandate for the Fourth District Appellate Court in 4-92-0029 (i.e., the appeal of PCB 89-184) issues. In support of its request, Grigoleit states that it and the Agency have been engaged in settlement negotiations which would, if successful, culminate in the settlement of this case as well as the following three cases: PCB 90-135, The Grigoleit Company v. Illinois Environmental Protection Agency; PCB 91-157, People of the State of Illinois v. The Grigoleit Company; and PCB 92-110, The Grigoleit Company v. Illinois Environmental Protection Agency.

Grigoleit adds that, on May 19, 1993, the Agency notified Grigoleit that it was postponing settlement negotiations with respect to this matter pending a decision to seek appeal of the Fourth District Appellate Court decision in 4-92-0029. The telephone notification was followed by a letter of the same date in which the Agency postponed settlement negotiations in the above-mentioned cases. Grigoleit notes that the Agency's decision to postpone settlement discussions was made without prior consultation with Grigoleit and, in Grigoleit's opinion, had the effect of unilaterally terminating settlement discussions in all matters before the Board. Grigoleit notified the State in writing of its conclusion.

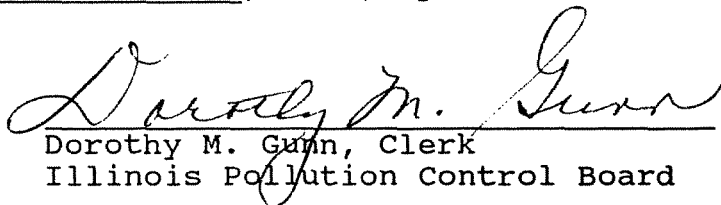
The Agency, in its report, requests the Board to continue this matter. In support of such request, the Agency states that the parties have been engaged in settlement negotiations. The Agency asserts that it is evaluating the relationship of the

ongoing negotiations in this case and the pending petition for leave to appeal the appellate court's decision, which is currently before the Illinois Supreme Court.<sup>1</sup> During the evaluation, the Agency states that it has temporarily postponed the settlement negotiations pertaining to this case although other related negotiations are continuing.

In light of the above, the Board hereby grants the parties' motion to continue. The parties are directed to file status reports in this matter. Such status reports are to be received by the Board no later than August 3, 1993. The Board notes, however, that this is the parties' sixth motion to continue this matter. We caution the parties that we will not continue this matter indefinitely and that we expect the parties to expeditiously pursue a resolution of this case.

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 17<sup>th</sup> day of June, 1993, by a vote of 7-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board

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<sup>1</sup>On May 20, 1993, the Attorney General's office filed an affidavit of intent to seek review of the appellate court's decision. On June 10, 1993, the Attorney General's office filed a petition for leave to appeal with the Illinois Supreme Court.