

ILLINOIS POLLUTION CONTROL BOARD  
June 17, 1993

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 91-157  
 ) (Enforcement)  
 )  
 THE GRIGOLEIT COMPANY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. Anderson):

On June 4, 1993, The Grigoleit Company (Grigoleit) filed a status report and a motion for a prehearing conference. On that same date, the People of the State of Illinois (People) filed a status report and a motion to continue. Both filings come in response to the Board's May 20, 1993 order directing the parties to file status reports with the Board by June 4, 1993.

In its status report, Grigoleit states that it and the People 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 92-23, The Grigoleit Company v. Illinois Environmental Protection Agency; and PCB 92-110, In the Matter of Trade Secret Claim by The Grigoleit Company.

Grigoleit adds that, on May 19, 1993, the Illinois Environmental Protection Agency (Agency) notified Grigoleit that it was postponing settlement negotiations with respect to PCB 92-23, pending a decision to seek appeal of the Fourth District Appellate Court decision in 4-92-0029 (i.e., the appeal of PCB 89-184). 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.

On June 3, 1993, the Attorney General's office notified Grigoleit that it had not been instructed to terminate settlement discussions in this matter and that it would like to pursue resolving outstanding issues. On June 4, 1993, Grigoleit received a partial response to some information regarding this matter it had previously provided to the People. The People also informed Grigoleit that additional responses from the Agency will not be forthcoming until at least June 24, 1993, as the Agency

0143-0169

has not yet completed its technical review of all of the information submitted by Grigoleit.

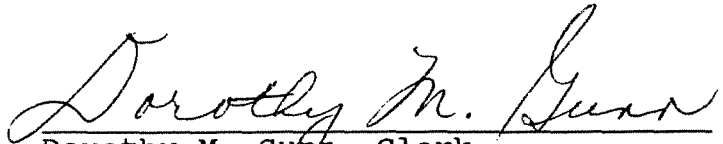
Grigoleit adds that it has not had the opportunity to determine what, if any responses are appropriate to the latest letters as they were only received immediately prior to the date that its status report was due.

The People, in their report, request the Board to continue this matter, until July 16, 1993, to allow for further settlement negotiations. In support of such request, the People state that the parties met on April 29, 1993. The People are finalizing their review of the materials provided by Grigoleit at that meeting. The People add that correspondence between the Agency and Grigoleit regarding the Fourth District Appellate Court's decision in 4-92-0029 (i.e., the appeal of PCB 89-184) left Grigoleit with the impression that settlement discussions in all of the pending cases were being stayed pending internal review of the appellate court decision. The People have attempted to correct that impression by phone and letter. The People add that they believe that continued settlement discussions provide the best means for resolution of the pending cases.

The Board notes that this is the sixth motion to continue this matter for the purpose of settlement negotiations. In the interests of administrative economy, however, the Board accepts the status reports and grants the People's request to continue. The Board cautions the parties, however, that it will not continue this matter indefinitely and that it expects the parties to expeditiously pursue a resolution of this case. The parties are directed to file status reports in this matter. Such status reports are to be received by the Board no later than July 16, 1993.

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