

ILLINOIS POLLUTION CONTROL BOARD
September 26, 1972

GAF CORPORATION)
)
)
 v.) # 71-11
)
)
 ENVIRONMENTAL PROTECTION AGENCY)

ORDER

For reasons to be given in a subsequent opinion, the Board hereby approves and adopts as its order the following settlement agreement submitted by both parties.

Mr. Dumelle dissents.

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into by GAF CORPORATION, a Delaware corporation, (hereinafter referred to as "GAF") and the ENVIRONMENTAL PROTECTION AGENCY OF THE STATE OF ILLINOIS (hereinafter referred to as the "EPA").

WHEREAS, on April 19, 1971, the Illinois Pollution Control Board entered an order granting GAF a variance as defined in the Illinois Environmental Protection Act to June 19, 1971 at its Joliet, Illinois location and as a part of said order attached certain conditions thereto;

WHEREAS, GAF, in accordance with the statute in such cases made and provided, filed an appeal from the said order of April 19, 1971, with the Illinois Appellate Court, Third District, Case Number 71-65, and where said appeal is still pending;

WHEREAS, GAF is now in compliance with the provisions of the Illinois Environmental Protection Act and the regulations in force thereunder, as they pertain to the matters in controversy in the above entitled cause;

WHEREAS, the parties hereto now desire to compromise and settle all claims and matters arising out of and forming a part of the above entitled cause and the appeal arising therefrom; and

NOW, THEREFORE, in consideration of the promises and the following covenants and agreements the parties hereto do each hereby compromise and settle all disputes and matters and do further remise, release and forever discharge the

other from any and all claims, demands, actions and causes of action of whatever kind and character, known or unknown, which either party may now have or hereafter have growing out of or connected in anyway with the matters and things set forth in the above entitled cause and the appeal therefrom on the following basis:

1. GAF will dismiss with prejudice its appeal pending in the Illinois Appellate Court, Third District, Case Number 71-65.
2. GAF will pay the State of Illinois the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS.
3. A condition of this Settlement Agreement is that if the Parties hereto do not enter into or execute a Settlement Agreement in the case of "ENVIRONMENTAL PROTECTION AGENCY OF THE STATE OF ILLINOIS, COMPLAINANT, vs. GAF CORPORATION, formerly General Aniline & Film Corporation, a Delaware Corporation, RESPONDENT," Case Number 72-50, now pending before the Pollution Control Board does not approve and enter an order consistent with the terms of said Settlement Agreement in Case Number 72-50, or GAF does not dismiss its appeal and pay \$50,000.00 as set forth in paragraphs 1 and 2 herein, then this Settlement Agreement is to be null and void, otherwise to remain in full force and effect.¹

1. See the Board's order in #72-50, entered today.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Order this 26th day of September, 1972, by a vote of 4 1.

