

ILLINOIS POLLUTION CONTROL BOARD  
May 7, 1998

GORDON KRAUTSACK, an individual,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 95-143
	)	(Enforcement - Land)
BHOGILAL PATEL, an individual,	)	
SUBHASH PATEL, an individual, and	)	
ELECTRONIC INTERCONNECT, INC.,	)	
an Illinois Corporation, and ELECTRONIC	)	
INTERCONNECT CORPORATION, an	)	
Illinois Corporation.	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by R.C. Flemal):

This matter is before the Board on Respondent Electronic Interconnect Corporation's (EIC) April 17, 1998, motion for extension of time to comply with the Board's August 21, 1997, remediation order. This matter is also before the Board on complainant's motion for default of the Board's January 22, 1998 order.

For the reasons stated below, the Board grants the EIC motion, in part, and denies complainant's default motion.

BACKGROUND

This action is a citizens' enforcement action filed May 11, 1995. Complainant owns the property which respondents used from 1986 through 1994 for storing and manufacturing electronic circuit boards. On May 20, 1997, complainant filed a motion for partial summary judgment, alleging EIC violated Sections 21(a), (e), and (f), respectively, of the Environmental Protection Act (Act) (415 ILCS 5/1 et seq. 1996)). On August 21, 1997, in an interim opinion and order, the Board granted complainant's partial summary judgment motion, finding there was no genuine issue of material fact that EIC openly dumped, improperly disposed of wastes, and disposed of hazardous wastes without the required permits. The Board ordered EIC to cease and desist from violating the Act and to complete remediation of the site by December 31, 1997. On January 5, 1998, EIC filed a motion for extension of time up to and including April 23, 1998, to comply with the Board's August 21, 1997 order. On January 22, 1998, the Board granted EIC's motion. On April 17, 1998, EIC filed a second motion for extension of time (EIC motion) requesting an additional 120 days in which to comply with the Board's remediation order. On April 21, 1998, complainant filed a motion for default of the

Board's January 22, 1998 order (Default motion). On April 23, 1998, EIC filed a response to complainant's motion for default (Response to default motion). On April 24, 1998, complainant filed a response to EIC's motion for extension of time (Response to EIC motion).

### EIC MOTION

EIC asserts that it has experienced inadvertent delays in beginning to remediate the property. EIC motion at 2. Noting that environmental counsel was retained on April 1, 1998, EIC lists the progress counsel has made toward beginning remediation.<sup>1</sup> Specifically, counsel has contacted complainant's counsel, and an agreement has been reached to access and investigate the property. Also, EIC has hired an environmental remediation consultant. EIC motion at 2. In response, complainant asserts that EIC's hiring of environmental counsel is irrelevant, because EIC knew about the remediation order before January 5, 1998, and failed to take any action. Response to EIC motion at 3. Complainant also argues that EIC has "demonstrated a pattern of willful disregard" of both the Illinois Environmental Protection Act (Act) and the Board's clean-up orders. Response to EIC motion at 4. Complainant further notes that when he consented to EIC's previous motion for extension of time, complainant requested that the extension be final. Response to EIC motion at 3. Complainant suggests the Board deny EIC's motion for extension of time, find EIC in violation of the clean-up deadline, and allow EIC to address the question of sanctions when that issue is before the Board. Response to EIC motion at 4.

Although EIC has not remediated the site as of April 23, 1998, per the Board's January 22, 1998, order, the Board will grant EIC an additional 45 days in which to remediate the site. EIC must remediate the site by June 22, 1998. However, the Board does not look favorably on EIC's failure to meet previous deadlines and will be reluctant to grant EIC further extensions of time absent extenuating circumstances.

### Default Motion

On April 21, 1998, complainant filed a motion for default of the Board's January 22, 1998 order. Complainant had not received EIC's motion for extension of time when he filed the default motion. In light of the Board's ruling on the EIC's motion for extension of time, complainant's default motion is moot.

### CONCLUSION

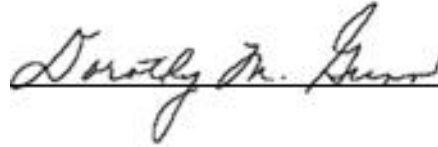
EIC's motion for extension of time is granted in part. EIC is granted until June 22, 1998, to remediate the site. Complainant's motion for default is moot.

IT IS SO ORDERED.

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<sup>1</sup> From June 1, 1995 to the present, Christopher T. Nowotarski has represented respondents. The environmental counsel recently retained by EIC, Wildman, Harrold, Allen & Dixon, submits the instant motion for extension of time.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 7th day of May 1998 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board