

ILLINOIS POLLUTION CONTROL BOARD  
January 21, 1993

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

ORDER OF THE BOARD (by J. Anderson):

On January 15, 1993, The Grigoleit Company (Grigoleit) filed a Joint Status Report in response to the Board's November 19, 1992 order in this matter and a motion to continue. On November 17, 1992, Grigoleit provided a waiver of the decision deadline through April 30, 1993.

In its November 19, 1992 order, the Board directed the parties to file status reports with the Board by January 15, 1993.

In its response, Grigoleit states that the Illinois Environmental Protection Agency (Agency) authorized Grigoleit to file its response as a joint status report. Grigoleit requests the Board to continue this matter and require the parties to file a status report on or before February 15, 1993. In support of its request, Grigoleit states that it and the Agency continue to engage 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, In the Matter of Trade Secret Claim by The Grigoleit Company.

Grigoleit adds that its written draft settlement was submitted to the Agency on December 6, 1992, and that the Agency provided its written response to Grigoleit's proposal on January 6, 1993. Grigoleit states that it is preparing a reply to the Agency and that the parties are continuing their settlement negotiations to resolve all four cases currently pending before the Board. We note that, in Grigoleit's earlier status report of November 16, 1992, it stated that it believed that the appeal of PCB 89-184 before the Fourth District Appellate Court (No. 4-92-0029), would also be resolved; the Board requests clarification from Grigoleit as to whether this is still the situation.

We wish to point that the Board, in an October 29, 1992 order, reminded the parties that they were obligated, via a

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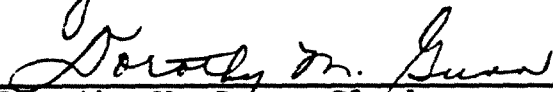
September 21, 1992 Board order, to contact the hearing officer if they wish to hold another hearing in this matter. The Board stated that it intended to make a final determination in this matter by the decision deadline (at that time December 11, 1992) if there was no second hearing and if no waiver was forthcoming. Although the decision deadline is now April 30, 1993, the Board again cautions the parties that the timing of settlement negotiations or desire for another hearing must take into account the Board's intent to make a timely determination in this matter.

In light of the above, the Board grants Grigoleit's motion to continue. The parties are directed to file status reports in this matter. In that the Board office will be closed on February 15, such status reports are to be received by the Board no later than February 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

21<sup>st</sup>  
6-0 day of January, 1993, by a vote of

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

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