

ILLINOIS POLLUTION CONTROL BOARD
October 17, 1996

IRMA L. LOPEZ, JOSE MARTINEZ, JOEL)	
R. GARAY, AND JOSE GONZALEZ,)	
)	
Complainants,)	PCB 97-17
)	(Enforcement - RCRA)
v.)	
)	
CELOTEX CORPORATION, ALLIED-)	
SIGNAL, INC., AND THE ILLINOIS)	
ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondents.)	

ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board on a motion for continuance filed by complainants on September 27, 1996. Complainants seek a continuance to respond to Allied-Signal Inc.'s (Allied Signal) September 16, 1996 motion to dismiss. Complainants state that following the pending resolution of a similar action before the United States Environmental Protection Agency (USEPA), they may voluntarily dismiss the instant action against Allied-Signal. Complainants further state that Allied-Signal has signed an administrative order, on consent, regarding remediation of the same site at issue in this matter (see 42 U.S.C.A. 9606 (1994)), and that the consent order is awaiting final approval by the USEPA. Following the USEPA's final approval, complainants assert that they will voluntarily dismiss the instant action against Allied-Signal. Therefore, complainants seek a continuance to file a response to Allied-Signal's motion to dismiss until such time as the USEPA approves or rejects the administrative consent order.

The Board hereby grants complainants' motion to continue until December 2, 1996, at which time complainants are directed to file either a response to Allied-Signal's motion or a status report. Accordingly, the Board will reserve ruling on all pending motions in this matter.

IT IS SO ORDERED.

Board Member K. M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the _____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board