

ILLINOIS POLLUTION CONTROL BOARD  
January 21, 1988

RIVERSIDE LABORATORIES, INC.,        )  
  )  
                  Petitioner,         )  
  )  
                  v.                    )     PCB 87-62  
  )  
ILLINOIS ENVIRONMENTAL                )  
PROTECTION AGENCY,                    )  
  )  
                  Respondent.         )

ORDER OF THE BOARD (by J. Anderson):

On January 21, 1988, an Agreed Emergency Motion to Continue Hearing was filed by Riverside Laboratories, Inc. (Riverside).

On January 7, 1988, the Board, in response to a motion for continuance by Riverside, ordered that hearing be held on February 10, 1988, as scheduled. By its present motion, Riverside has again requested continuance, until April 11, 1988, giving as new grounds development in a pending federal district court case in which Riverside is a party, entitled United States v. Riverside Laboratories, Inc., 86 C 9083 (N. D. Ill.). Riverside asserts:

This case contains issues identical to those facing the Board in this matter, including Riverside's alleged status as a papercoater under 35 Ill. Adm. Code Section 215.204(c).

In recent weeks, Riverside has been involved in settlement negotiations with the United States Environmental Protection Agency ("U.S.EPA") to seek a resolution of the U.S. v. Riverside case. A settlement agreement reached between the parties in that case could eliminate or substantially modify the issues facing the Board in this proceeding. Because of the progress of these negotiations and the impact they could have on this proceeding, the parties have agreed to a continuance of the hearing in this matter.

Riverside states that the Illinois Environmental Protection Agency (Agency) supports continuance, but only for 60 days beyond the present February 10 hearing date, presumably until

April 11, 1988 (April 10 falls on a Sunday). Riverside states that during this period:

Riverside will contact the Agency on a regular basis during the next seven days to inform the Agency of the progress of the negotiations. If the Agency is not satisfied with the progress of the negotiations, Riverside and the Agency will request the Hearing Officer to issue new discovery cutoff dates and a hearing date not to exceed sixty days from the original date of February 10, 1988.

The Board grants the motion for continuance, and also directs that the Hearing Officer be kept apprised of the course of events, so as to assure that a hearing, if necessary, may be timely noticed and held.

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> day of January, 1988, by a vote of 7-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board