

ILLINOIS POLLUTION CONTROL BOARD
November 19, 1992

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

ORDER OF THE BOARD (by J. Anderson):

On November 16, 1992, The Grigoleit Company (Grigoleit) filed a response to the Board's October 29, 1992 order in this matter and a motion to continue. On that same date, Roy M. Harsch filed his appearance on behalf of Grigoleit. On November 16, 1992, the Illinois Environmental Protection Agency (Agency) filed a status report in this matter. On November 17, 1992, Grigoleit provided a waiver of the decision deadline through April 30, 1993.

In its October 29, 1992 order, the Board directed the parties to file status reports with the Board by November 16, 1992. In addition, the Board reminded the parties that they were obligated, via a September 21, 1992 Board order, to contact the hearing officer if they wish to hold another hearing in this matter. Finally, the Board stated that it intended to make a final determination in this matter by the decision deadline (i.e., December 11, 1992) if there was no second hearing and if no waiver was forthcoming.

In its response, Grigoleit requests the Board to continue this matter and require the parties to file a status report on or before January 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 an initial draft settlement from the Attorney General has given rise to the identification of conflicts between Grigoleit and certain other clients represented by Grigoleit's attorneys. As a result, Grigoleit found it necessary to retain new counsel to assist in the negotiations. Grigoleit adds that it anticipates being in a position to respond in writing to the initial draft settlement as soon as its new counsel has become familiarized with all of the cases. Finally, Grigoleit states that it believes that an

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economic settlement is possible and that the four cases currently pending before the Board, as well the appeal of PCB 89-184 before the Fourth District Appellate Court (No. 4-92-0029), will be resolved.

In its status report, the Agency states that settlement negotiations continue and that it will contact the Board, pursuant to agreement with Grigoleit, if the scheduling of a second hearing becomes necessary.

In light of the above filings and Grigoleit's waiver of the decision deadline, the Board grants Grigoleit's motion to continue. The parties are directed to file status reports in this matter. Such status reports are to be received by the Board no later than January 15, 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 19th day of November, 1992, by a vote of 7-0.

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