

ILLINOIS POLLUTION CONTROL BOARD
March 25, 1993

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

ORDER OF THE BOARD (by J. Anderson):

On March 16, 1993, The Grigoleit Company (Grigoleit) filed a joint status report in response to the Board's February 25, 1993 order and a motion to continue. In its February 25, 1993 order, the Board directed the parties to file status reports with the Board by March 16, 1993. On February 18, 1993, Grigoleit provided a waiver of the decision deadline through June 30, 1992.

In its motion, Grigoleit requests the Board to continue this matter and require the parties to file a status report on or before May 3, 1993. In support of its request, Grigoleit states that it and the Agency have been engaged 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, in addition to the settlement discussions set forth in the parties' February 16, 1993 status report, the State has provided Grigoleit with written responses to the settlement proposal on February 19 and 25, 1993, and on March 16, 1993. On February 25, 1993, Grigoleit replied to the Agency's February 19, 1993 response. Because of difficulties in coordinating schedules, the parties have been unable to meet in person to further their discussions. The parties are now trying to schedule such a meeting for the first week of April.

In its October 29, 1992, and January 21, 1993 orders, the Board stated that it intended to make a final determination in this matter by the decision deadline (i.e., at that time, December 11, 1992). The Board also reminded the parties that they were obligated, via a September 21, 1992 Board order, to contact the hearing officer if they wished to hold another hearing in this matter. Although the decision deadline is now June 30, 1993, the Board notes that, if the parties determine on May 3, 1993, that they are unable to settle this matter but wish

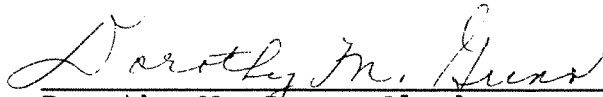
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to have another hearing, the Board will be left with virtually no time after hearing in which to render a decision in this case by the June 30, 1993 decision deadline.

Accordingly, the Board denies Grigoleit's motion to continue. The Board will reconsider our ruling provided that Grigoleit provides a waiver of the June 30, 1993 decision deadline. Any waiver shall be received by the Board no later than April 8, 1993. If, however, Grigoleit chooses not to provide a waiver, it shall inform the hearing officer by April 10, 1993, whether or not it wishes to proceed to hearing. (See September 21, 1992 Board order.)

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 25th day of March, 1993, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board