

ILLINOIS POLLUTION CONTROL BOARD  
February 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 February 16, 1993, The Grigoleit Company (Grigoleit) filed a joint status report in response to the Board's January 21, 1993 order and a motion to continue. In its January 21, 1993 order, the Board directed the parties to file status reports with the Board by February 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 March 16, 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 it submitted a written draft settlement proposal to the State on December 6, 1992. On January 6, 1993, the State provided its written response to the proposal. On January 6, 1993, Grigoleit and the State met to discuss the State's response. On February 2, 1993, Grigoleit submitted a written answer to the State's written response. The State has informed Grigoleit that it will provide its written reply on or before February 19, 1993. Grigoleit and the State have tentatively agreed to meet on February 25, 1993, to conduct negotiations. Finally, Grigoleit asserts that the Agency has no objection and has authorized Grigoleit to file the status report as a joint response and motion.

We again point out that the Board, in its October 29, 1992 and January 21, 1993 orders, 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. The Board stated that it intended to make a final determination in this matter by the decision deadline (i.e., at

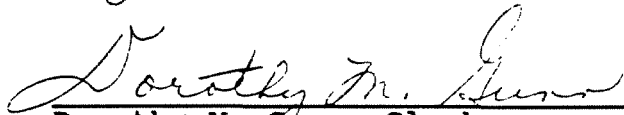
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that time, December 11, 1992) if there was no second hearing and if no waiver was forthcoming. Although the decision deadline is now June 30, 1993, the Board again cautions the parties that the timing of settlement negotiations or the desire for another hearing must take into account the Board's intent to make a timely determination in this matter.

In light of the above 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 March 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 25<sup>th</sup> day of February, 1993, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board