

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1994

OLIN CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 91-207
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On November 4, 1991, Olin Corporation ("Olin") and the United States Department of Interior, Fish and Wildlife Service ("DOI") filed a petition for hearing to review certain terms and conditions contained in modifications made by the Illinois Environmental Protection Agency ("Agency") of a RCRA Part B Permit for the storage of hazardous waste in containers in six magazines located in the southern portion of "Ordill Area 13" of the Crab Orchard National Wildlife Refuge, owned by DOI. The hazardous waste storage facility is currently operating under interim status authority pursuant to 35 Ill. Adm. Code Section 703.150 and 40 C.F.R. Section 270.5(e).

On December 29, 1993, Olin, DOI and the Agency jointly submitted a status report pursuant to Board order of September 23, 1993. The status report states the parties continue to negotiate the terms and conditions of the Part B Permit related to facility access, which is the underlying basis of the instant appeal. The status report indicates that on September 1, 1993, a settlement proposal was submitted to the Agency. (As an aside, a joint status report filed on September 20, 1993, indicates that the settlement proposal was filed on September 7, 1993. See, Olin v. IEPA, (September 23, 1993) PCB 91-207.) The parties report the Agency has completed its review, they have been discussing the proposal, and a conference call regarding this matter was scheduled for January 4, 1994.

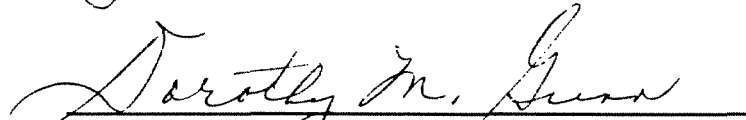
As was stated in the September 20th status report, the parties anticipate the issues which are the subject of this appeal, will be successfully resolved without hearing, and they have, accordingly, not commenced discovery in this matter. Finally, the parties state that when an agreement is reached on the terms and conditions which are the subject of the appeal, the Agency will issue a new draft Part B Permit or a modified Part B Permit for the facility, which should lead to dismissal of the instant appeal.

The Board accepts the status report filed by Olin, DOI and the Agency. As the parties may be aware, on August 13, 1993, Olin and

DOI filed a six-month waiver of the statutory decision deadline in this case from December 1993 to June 1, 1994. Though the parties have stated that a hearing may not be required and that discovery has not yet been commenced, should a hearing become necessary, the Board, and the assigned hearing officer, require 120 days in which to schedule the hearing, give public notice, establish a briefing schedule, receive and review the transcript and fully deliberate on the matter. Given such time restraints and the parties' stated intent, the Board must receive a further waiver of the statutory decision deadline prior to the January 20, 1994 Board Meeting, or we will be required to direct the assigned hearing officer to set a hearing schedule. If such a waiver is timely filed, we will re-establish a status report schedule at the January 20th Board Meeting.

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 6th day of January, 1994, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board