

ILLINOIS POLLUTION CONTROL BOARD  
July 30, 1992

HEICO, INCORPORATED, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 90-196  
 ) (Permit Appeal)  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by G.T. Girard):

On June 23, 1992, the Board entered an order rejecting a status report filed June 15 in response to the Board's order of April 23, 1992. The Board ordered the filing of an adequate amended status report on or before July 7, 1992, finding that in the June report "[t]he parties have failed to indicate what actions have been taken, or progress made, toward resolution of this action, and have failed to provide an estimated date for the completion of this proceeding".

On July 8, 1992, the parties filed a letter regarding "status of negotiations". The parties have not filed a signed original signature page as required by 35 Ill. Adm. Code 101.103(g), having instead filed a duplicate of a telefaxed signature page. There is no indication that the hearing officer received a copy of this letter, since there was no proof of service or "cc" indication on the letter. By separate filing, Heico provided a waiver of the Board's decision deadline to February 27, 1992; this document was served on the hearing officer.

The substance of the parties report is that this is an appeal of the Agency's denial of a RCRA clean closure certification concerning an area of soil adjacent to a concrete pad upon which several barrels containing hazardous wastes had allegedly been stored for more than 90 days. Cadmium is the parameter of concern. The cleanup objective contained in Heico's Agency-approved closure plan was 0.01 mg/l. Based on sampling data from the site, petitioner requested, and the Agency refused, to reconsider the cleanup objective level.

Heico reports that since the Agency's April 14, 1992 refusal of reconsideration

Petitioner and IEPA have had numerous discussions regarding the amount of additional soil removal and sampling that would be needed

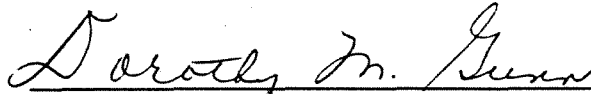
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to satisfy IEPA that clean closure has been achieved. Such a discussion was held on July 6, 1992. It is anticipated that additional discussions will be needed. If the parties reach an agreement, Petitioner will request that a hearing be set. The parties anticipate that they will need at least 120 more days to try to resolve the issues and to determine if a hearing will be necessary. Thus, Petitioner is submitting a letter waiving the Board's decision date by 120 days.

As the parties have demonstrated that adequate progress has been made toward resolution of this action, the Board will not order this matter to hearing at this time. The parties are directed to file an updated status report on or before November 1, 1992. The status report shall be captioned in the style set forth in 35 Ill. Adm. Code 101. Appendix A, and shall conform with all filing requirements of 35 Ill. Adm. Code 101. Failure to timely file a status report acceptable in form and substance may subject the parties to sanctions pursuant to 35 Ill. Adm. Code 101. Subpart J.

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 30<sup>th</sup> day of July, 1992, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board