

ILLINOIS POLLUTION CONTROL BOARD
December 18, 1986

UNION CARBIDE CORP.,)
)
 Petitioner,)
)
 v.) PCB 86-214
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Anderson):

Pursuant to 35 Ill. Adm. Code 722.134(b), Petitioner seeks a 30-day extension, from December 6, 1986 to January 5, 1987, of the ninety (90) day maximum holding period for on-site accumulation of hazardous waste by means of a provisional variance. The Illinois Environmental Protection Agency (Agency) has found that compliance with Section 722.134 would impose an arbitrary or unreasonable hardship on petitioner and recommends that petitioner be granted provisional variance.

Attached to the Agency recommendation is a letter containing statements that the Agency had granted a prior 30 day extension to the petitioner and that petitioner is requesting a second 30 day extension. (See attached letter, marked by the Board as Exh. A).

Section 722.134(b) was adopted pursuant to the "identical in substance" provisions of Section 22.4(a) of the Environmental Protection Act (Act). The Board construes the federal regulations, as reflected in Section 722.134(b), as precluding any extensions which, cumulatively, would total more than 30 days.

Therefore, the Board finds that it lacks the authority to grant this provisional variance. If the Agency can demonstrate that the USEPA construes the "identical in substance" regulation in a manner that would allow the Board to grant this provisional variance, the Board would entertain a motion for reconsideration.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

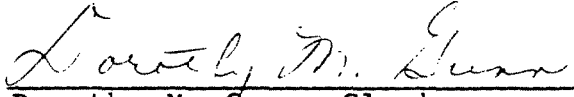
ORDER

The petition of Union Carbide Corp. for a provisional variance pursuant to 35 Ill. Adm. Code 722.134(b) is denied.

IT IS SO ORDERED.

J. T. Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 18th day of December, 1986 by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



November 26, 1986

Mr. Clifford Gould
Acting Regional Manager
Illinois Regional Manager
701 South First Street - Suite 600
Maywood, Illinois 60153

Re: Union Carbide Corporation
USEPA No. ILD069998078
Illinois Gen. ID No. 0310035001

Dear Mr. Gould:

In your letter dated November 6, 1986 you granted a thirty (30) day extension for the accumulation of our hazardous waste labelled "Waste Alkaline Liquid, N.O.S. Hazardous Waste NA1719, Corrosive Material" starting on October 28, 1986. This extension was given to allow us time to make arrangements with Chemical Waste Management for the disposal of this material.

During the first week of November a time "slot" was arranged with Chemical Waste Management for pickup of this material on November 25, 1986 and delivery to the TWI facility in Sauget, Illinois. On the day it was to be picked up, Chemical Waste Management notified us that they would not be able to take our waste until December 18, 1986. Ms. Sue Martin at TWI explained that they had scheduled this pickup based on a new incinerator which was to go on line in November. At this time the equipment has not been totally commissioned and TWI expects that it will be another two weeks before it is.

For the reasons listed above, I would like to request a second thirty (30) day extension of the ninety (90) day maximum holding period so that we can have this material properly disposed of.

Thank you again for your earlier help and would appreciate your further consideration in the resolution of this matter.

Sincerely,

K. G. Morlock
Plant Manager

KGM:amk

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ILL. E.P.A. - ILL. P.C.
STATE OF ILLINOIS

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