

ILLINOIS POLLUTION CONTROL BOARD
December 17, 1992

OLIN CORPORATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-175
	)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by R.C. Flemal):

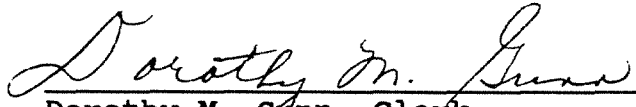
On November 9, 1992, Olin Corporation (Olin) filed a petition for hearing to review the denial by the Illinois Environmental Protection Agency of its RCRA closure plan permit. On December 3, 1992, Olin filed a waiver of decision deadline, until September 1, 1993, and a waiver of the filing of the Illinois Environmental Protection Agency's (Agency) record, until the earlier of either three months before the hearing in this action or the date Olin requests that the record be filed. However, Olin has no authority to waive the deadline for the filing of the Agency record. That deadline (14 days after the notice of a petition for review) is contained in a Board procedural rule, and can only be extended by the Board itself. (35 Ill. Adm. Code 105.102.) If an extension of the deadline to file the record is needed, the Agency must make such a request. Of course, Olin can waive any objection to an Agency request for extension of the 14-day deadline.

The Board further notes that when requesting changes in any deadline dates, a waiver to a calendar date certain is required and contingent waivers are not acceptable. (See 35 Ill. Adm. Code 101.105 pertaining to waivers of final Board action). In summary, the Board finds that the waiver of the decision deadline is acceptable, but that the waiver of the filing of the Agency record is not acceptable. The Board further orders that the parties file a status report indicating progress made toward resolution and the expected date of resolution of this matter to be received by the Board on or before April 1, 1993.

IT IS SO ORDERED.

0138-0157

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 17th day of December, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0138-0158