

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1994

IN THE MATTER OF:)
)
THE PETITION OF CABOT CORP. FOR) AS 91-10
AN ADJUSTED STANDARD FROM THE) (Adjusted Standard)
REQUIREMENTS OF 35 Ill. Adm.)
Code 725.293)

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

By our order of October 7, 1993 the Board required Cabot Corp. to submit a status report no later than January 1, 1994. Cabot was to provide the Board with specific information in that report: the further action it intends in this proceeding in light of its draft Part B permit, the general nature of any unresolved issues in light of the Agency's actions, and the dates by which Cabot intends to pursue those further actions. Cabot submitted a status report on January 4, 1994.

In the status report, Cabot stated that it has repeatedly attempted to contact the Agency by telephone, and that "no less than 10 phone messages for the IEPA's attorney . . . have gone unanswered". Cabot stated that its counsel wrote to the Agency on December 16, 1993, suggesting a resolution of this matter, and requesting a response by December 23. Cabot states that it received no response from the Agency. Cabot asserts that "[w]ithout input from the Agency . . . resolution of this matter is not possible", and it uses the motion to request that the Agency contact it in this matter. Cabot reiterates that it "will commit to installing secondary containment for tank systems when the secondary containment requirements become applicable. Cabot stated that it has installed secondary containment devices on the North Galigher sump and the West Galigher sump. Cabot requested that the Board continue the stay in this matter.

In our order of March 11, 1993, the Board estimated the latest possible hypothetical dates for filing a petition and obtaining relief if each unit in the Cabot facility is viewed as a separate "tank system":

Unit (Viewed Separately)	Compliance	Applicable Deadline	
		Petition Filing	Completed Demonstration
North Galigher Sump	1-1-94	1-1-92	6-28-92
West Galigher Sump	1-1-95	1-1-93	6-29-93
AB Unit Trench	1-1-98	1-1-96	6-28-93
Tank Farm Sump	7-1-99	7-1-97	12-27-97
D Unit Trench	8-1-99	8-1-97	1-27-98
TK-0048 & TK-0051	5-1-02	5-1-00	10-27-00

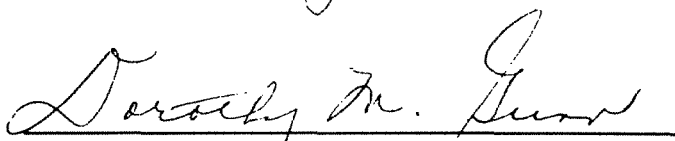
However, if several of these "units" are together considered a single system, the earliest of the applicable set of dates would apply. We reiterate, the single tank system-multiple tank system issue raised early in this proceeding appears to be still live. (See Board orders of March 26, 1992 and March 11, 1993.) We stress again that timeliness may be essential.

The Board hereby orders Cabot and the Agency to submit status reports on or before January 31, 1994 that provide the following information with a measure of specificity that will aid the Board in assessing whether the parties are making reasonable progress towards resolution of outstanding issues such that further delay is justified. The status reports shall include a discussion of the nature of any unresolved issues in light of the Agency's actions. In addition, Cabot shall provide information on further action it intends in this proceeding in light of its draft Part B permit, including specific dates for those actions and the anticipated date of completion of this proceeding. The Board requires this information whether or not Cabot has further contact with the Agency.

As noted in previous Board orders, and as stated by Cabot in its September 24, 1993 status report as its intent, Cabot shall timely comply with the RCRA secondary containment standards of 35 Ill. Adm. Code 725.293, except as otherwise provided by Board order or regulation.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted by the Board on the 6th day of January 1994, by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board