

ILLINOIS POLLUTION CONTROL BOARD

October 29, 1992

IN THE MATTER OF:)
)
PETITION OF CABOT CORPORATION) AS 91-10
FOR AN ADJUSTED STANDARD FROM) (Adjusted Standard)
THE REQUIREMENTS OF 35 ILL.)
ADMIN. CODE SECTION 725.293)

ORDER OF THE BOARD (by J. Anderson):

On October 13, 1992, Cabot Corporation (Cabot) filed a motion for an extension of time to file its reply to the Illinois Environmental Protection Agency's (Agency) Response to Petitioner's Demonstration. Cabot requests an extension until December 15, 1992 from its present filing deadline of October 16, 1992.

This matter concerns Cabot's December 27, 1991 petition for an adjusted standard and its June 25, 1992 alternative design and operating practices demonstration. Cabot seeks an adjusted standard from certain secondary containment requirements for tanks containing hazardous waste. See 35 Ill. Adm. Code 725.293.

Cabot requests the extension of time so as to have additional discussions with the Agency in an effort to resolve outstanding issues. An additional meeting has been scheduled with the Agency for October 29, 1992. Cabot simply asserts, without more, that the extension until December 15 "will not prevent Cabot from meeting existing deadlines by which to install secondary containment if that becomes necessary." (Cabot motion, October 13, 1992 at 2.)

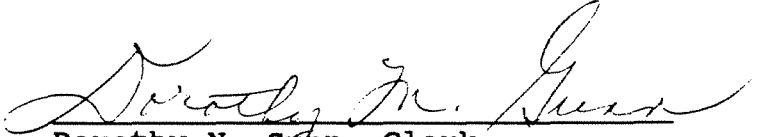
As the Board has pointed out to Cabot in considerable detail in two previous orders, adjusted standard relief from these particular RCRA standards involves procedurally unique requirements. See Orders of March 26 and July 9, 1992. These requirements include the need to "time" the Board decision early enough for Cabot to comply with a federally-derived deadline for compliance with the secondary containment requirements should the Board not grant the relief. That RCRA deadline is January, 1994.

The Board grants the time extension until December 15, 1992. However, we caution Cabot that it bears the burden of assuring that its time estimates are sufficient to meet the deadline. We emphasize that those time estimates must include ample time for the Board to independently review, deliberate and act upon Cabot's adjusted standard request.

IT IS SO ORDERED.

0137-0109

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 29th day of October, 1992 by a vote of 7-0.


Dorothy N. Gunn, Clerk
Illinois Pollution Control Board