

ILLINOIS POLLUTION CONTROL BOARD

June 3, 1993

ASHLAND CHEMICAL INC.,)
)
Petitioner,)
)
v.) PCB 91-208
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by C. A. Manning):

This matter is before the Board on a motion to file an amended status report filed on May 26, 1993 by Ashland Chemical Inc. (Ashland). The motion is hereby granted. The Board notes that Ashland states that Agency counsel has reviewed the status report and has no objections.

In its status report, Ashland states that this appeal was filed on November 4, 1991, to contest four conditions in a permit. Three of those conditions relating to the operation of a new storage facility and one relating to the remedial activities which had been included as interim measures in the permit. Ashland states that the Illinois Environmental Protection Agency (Agency) has verbally agreed with the concern regarding the interim measure language and that this portion of the appeal can be resolved by agreement.

Ashland also reports that in April of 1992, that it decided not to operate the storage facility at its site for business reasons. Ashland states that it informed the Agency of this decision on April 8, 1992, and requested that the permit be modified to delete the portions which related to construction and operation of the storage facility. Since that time the parties have had discussions about modifying the permit.

The Agency has reviewed and approved Ashland's closure plan for its interim status storage unit. Additionally, the Agency has indicated agreement with Ashland's position regarding the need to modify the permit. The Agency also has submitted language to Ashland which would modify the language on corrective action presently contained in the contested permit. Ashland believes that the proposed permit language would not be efficient in identifying the scope or nature of the on-site contamination or in developing options to remediate the contamination.

Ashland and the Agency believe that all the issues in this appeal can be resolved in ninety days. The Board notes that Ashland has submitted a waiver of decision deadline until February 3, 1994. In accordance with the Hearing Officer order, the parties are hereby ordered to file a status report on or before September 15, 1993. If any additional status reports are needed they shall be ordered by the Hearing Officer.

IT IS SO ORDERED.

0143-0011

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 3rd day of June, 1993, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board