

ILLINOIS POLLUTION CONTROL BOARD
February 25, 1993

CABOT CORPORATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-179
	)	(Variance)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by G. T. Girard):

On February 18, 1993, the parties filed a "Joint Stipulation" in this variance proceeding. The stipulation indicates that the parties had agreed on certain conditions for the variance and as a result no hearing was necessary. (Stip. at 2.) The stipulation requests that the Board grant the variance with the agreed upon conditions. (Stip. at 2.) The stipulation also indicated that it is "submitted in lieu of a separate recommendation by IEPA pursuant to" 35 Ill. Adm. Code 104.180. (Stip. at 3.)

The Board first notes that Section 37 of the Environmental Protection Act specifically requires the Agency to file a recommendation with the Board. (415 ILCS 5/37.) The Board will therefore interpret the stipulation as the Agency "recommendation" in this proceeding. However, the stipulation does not contain sufficient information for the Board to act on this variance proceeding. Specifically, an Agency recommendation is to address six substantive issues pursuant to 35 Ill. Adm. Code 104.180 and the stipulation does not address all those areas. Therefore, the Board directs the parties to file more information on:

A description of the Agency's efforts to investigate fact and to ascertain view of person who might be affected (Section 104.180(1));

A statement regarding the Agency's position on the facts as alleged in the petition (Section 104.180(2));

Applicability of federal law (Section 104.180(4));

Costs of compliance (Section 104.180(5)).

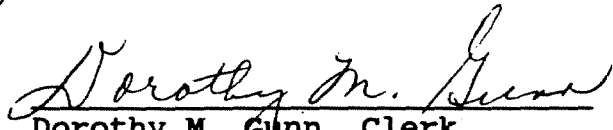
Such information shall be received by the Board no later than

0139-0595

March 4, 1993. Additional time will be granted only if a waiver of decision deadline is also filed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 23rd day of February, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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