

ILLINOIS POLLUTION CONTROL BOARD

January 21, 1993

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 J. Anderson):

The Cabot Corp. (Cabot) filed a motion for stay or in the alternative to dismiss without prejudice on December 15, 1992. The Board has received no response.

Cabot filed its initial petition for an adjusted standard on December 27, 1991, seeking relief from the secondary containment requirements of 35 Ill. Adm. Code 725.293. Cabot filed its completed demonstration on June 25, 1992. Cabot states that it has been conducting ongoing discussions with the Agency, pursuant to prior Board orders in this matter, with the purpose of resolving as many issues as possible before it proceeds before the Board. Cabot states that some issues still require resolution, and Cabot and the Agency disagree on the appropriate groundwater standards that should apply relative to the relief requested. Cabot requests a stay so that it can complete its "Part 620 work plan" and consider its results before proceeding. Cabot hopes to address the Agency's remaining concerns with these results. Cabot states that it has numerous tank systems involved in this proceeding, and each has a distinct Section 725.293 secondary containment compliance deadline:

North Galigher Sump	January 1, 1994
West Galigher Sump	January 1, 1995
AB Unit Trench	January 1, 1998
Tank Farm Sump	July 1, 1999
D Unit Trench	August 1, 1999
TK-0048 & TK-0051	May 1, 2002

Cabot requests a stay with the requirement that the parties submit status reports within one year. The motion represents that the Agency has concurred in this approach. Cabot states that it does not interpose this motion to delay compliance and it intends to proceed with compliance with the standards for the North Galigher Sump on or before January 1, 1994.

The Board notes that 35 Ill. Adm. Code 725.293(h)(1) requires a petitioner seeking relief to submit its petition at least 24 months before compliance is due, and Section 725.293(h)(3) requires its completed demonstration within 180 days after the filing of the petition. The purpose is to allow ample time for compliance if the Board denies relief. The time for filing the petition (and, thus, the completed demonstration)

0138-0545

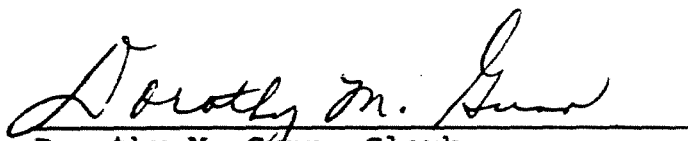
is now past, at the very least as to the West Galigher Sump and the North Galigher Sump. These are dates derived from federal regulations, and the Board cannot simply waive them. Therefore, dismissal without prejudice is not possible at least as to those two "tanks". By this order, the Board does not rule on any issues related to the petitioner's assertions other than the stay. Specifically, we take no position on Cabot's ability to file another petition for an adjusted standard for any of its AB Unit Trench, Tank Farm Sump, or D Unit Trench "tanks". The "single tank system"- "multiple tank systems" issue was formerly contested and we have no recent direct representations from the Agency that it has been resolved.

For the foregoing reasons, the Board hereby grants the requested stay of this proceeding through December 31, 1993 on TK-0048 & TK-0051 subject to the following conditions:

- A. Cabot shall submit a status report to the Board no later than June 30, 1993 that clearly delineates the status of its "Part 620 working plan", the general nature of any results then already submitted to the Agency, and the general nature of any responses received from the Agency; and
- B. Cabot will timely comply with the RCRA secondary containment standards of 35 Ill. Adm. Code 725.293, except as otherwise provided by Board order or rule.

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 21st day of January, 1993, by a vote of 6-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

0138-0546