

ILLINOIS POLLUTION CONTROL BOARD
November 16, 1995

CWM CHEMICAL SERVICES, INC.,)
)
 Petitioner,)
)
 v.) PCB 89-177
) (Permit Appeal-Land)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY, and THE)
 PEOPLE OF THE STATE OF)
 ILLINOIS,)
)
 Respondents.)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a November 2, 1995 Motion to Dismiss filed by petitioner, CWM Chemical Services, Inc. (CWM). CWM requests that the stay in this matter be lifted and that the Board dismiss its petition for hearing. On November 3, 1995, the Board received CWM's status report in this matter.

In September 1989, the Illinois Environmental Protection Agency (Agency) denied CWM's application for a Part B permit under the Resource Conservation and Recovery Act (RCRA) for its incinerator facility located in Chicago. CWM petitioned for a hearing and hearings began in November 1991.

On November 15, 1991, CWM submitted a revised application for a Part B permit which incorporated substantial changes in accordance with the Second Amended Interim Consent Decree filed in the Circuit Court of Cook County in People v. CWM Chemical Services, Inc., 91 CH 4768. In April 1992 the Board granted a stay in this matter based upon an agreed stipulation entered by CWM, the Agency and the Attorney General in which CWM agreed to remove waste acceptance, storage or incineration until its RCRA Part B permit was approved.

In its June 30, 1994 status report, CWM reported its intention to sell its Chicago facility to Clean Harbors of Chicago, Inc. (CHCI). CHCI requested modifications to its RCRA permit in order to operate CWM's Chicago facility. The Agency issued a draft Part B permit modification on March 17, 1995. On June 30, 1995, the Agency issued a final RCRA Part B permit modification to CHCI. The sale of CWM's Chicago facility is scheduled to be closed on or before November 7, 1995.

As a result of CHCI's permit modification and acquisition of CWM's incinerator facility, CWM's permit appeal is moot. CWM therefore requests a dismissal of this matter.

The Board hereby accepts CWM's status report and grants CWM's motion to dismiss its appeal.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246. "Motions for Reconsideration".)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the _____ day of _____, 1995, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board