

ILLINOIS POLLUTION CONTROL BOARD
October 6, 1994

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

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

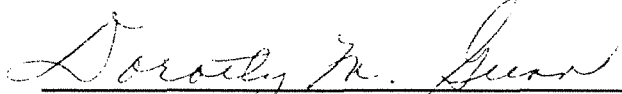
On September 28, 1994, petitioner CWM Chemical Services, Inc. (CWM) filed a status report in this proceeding. The status report is in response to the Board's July 21, 1994 order staying this permit appeal. As part of that stay, the Board ordered CWM to file a status report every 90 days.

The status report recounts the progress being made by CWM. CWM is continuing the negotiations with Clean Harbors of Chicago (CHCI) for an agreement to transfer some assets at the facility to the other company, and entered into a letter of intent with CHCI. On July 29, 1994, CHCI submitted a request for a Class 3 RCRA permit modification to the IEPA in order to incorporate certain assets of the CWM facility into CHCI's existing RCRA operating permit. CHCI mailed a Notice of Request for Permit Modification to interested persons and published newspaper notices on August 2, 1994. On August 4, 1994, CHCI filed a request for Temporary Authorization with the IEPA to construct certain improvements at the CWM facility while the Class 3 Permit Modification is pending. IEPA approved CHCI request for its proposed pre-construction soil boring program on August 16, 1994. CHCI intends to use the facility for waste storage and handling only, and does not intend to restart the incinerator. CWM request that this appeal and the April 20, 1992 stipulation remain pending until the transaction with CHCI is closed. If the transaction takes place, CWM will dismiss the appeal.

Because it appears that this case is close to resolution, the Board accepts the status report. The Board reminds CWM that it has a continuing obligation to submit status reports every 90 days.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 10th day of October, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board