

ILLINOIS POLLUTION CONTROL BOARD
November 8, 1990

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. Anderson):

This matter is before the Board on the 35th District Environmental Task Force's ("Task Force") Appeal to the Pollution Control Board filed October 25, 1990. The filing requests the Board to overturn the Hearing Officer's Order in this case which denied their motion to intervene. On October 9, 1990, the Illinois Attorney General's Office filed their motion to intervene with the Board. That motion, however, was granted by the Hearing Officer on November 11, 1990.

The Task Force seeks to intervene in the permit appeal filed by CWM Chemical Services ("CWM") from a denial by the Illinois Environmental Protection Agency of a RCRA hazardous waste incinerator permit. The Task Force filed its motion with the Hearing Officer on July 9, 1990. CWM filed a response to the motion on July 20, 1990. On November 7, 1990, the Task Force moved the Board to allow it a reply to CWM's response. Replies are not allowed under Board rules unless prejudice would result. The Board has reviewed the Task Force's arguments and authorities and does not find such prejudice will result in this case. Therefore, the motion for leave to file a reply is denied.

In their appeal, the Task Force argues strenuously that several grounds exist for it to intervene in the permit denial. The Board, despite the Task Force's multifarious arguments, finds no authority to grant them intervention. In our decision in Waste Management, Inc. v. IEPA, PCB 84-45, 84-61 and 84-68 (consolidated) we held that no explicit legislative authority existed for allowance of citizen intervention in permit appeal cases. Our judgment was confirmed by the Third District Appellate Court's decision in County of LaSalle v. IPCB, 497 N.E.2d 164 (3d Dist. 1986). The court did not find fault with the Board's conclusion that it lacked authority to grant intervention to the County of LaSalle in that permit appeal and upheld the Board's decision to deny intervention.

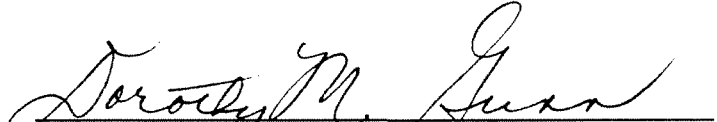
The Task Force raises numerous other arguments as why it

should be allowed intervention. Because we reaffirm today our lack of authority to grant the request we decline to discuss these arguments further. Therefore, the Task Force's appeal is denied. The Task Force may continue participation in this case as amicus curiae as allowed by the Hearing Officer.

IT IS SO ORDERED.

Board Member B. Forcade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 8th day of Honorable, 1990 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board