

ILLINOIS POLLUTION CONTROL BOARD
November 19, 1987

IN THE MATTER OF:)
) R86-44
PRETREATMENT REGULATIONS)

INTERIM ORDER OF THE BOARD (by J. Marlin):

On July 16, 1987 the Board entered an Opinion and Order adopting pretreatment regulations pursuant to Section 13.3 of the Environmental Protection Act. Two appeals were filed, based on the absence from the regulations of provisions for removal credits. On September 4, 1987 the Board vacated the July 16 Opinion and Order, and, on October 1, 1987, entered a revised Proposed Opinion and Order to adopt the pretreatment regulations with provisions for removal credits.

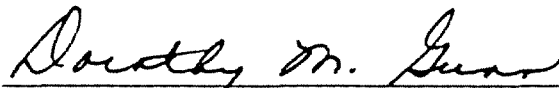
The October 1 proposal requested comment through October 30, 1987. The Board has received late comments from the Illinois Environmental Protection Agency (November 2), and from the Illinois Steel Group, LTV Steel, Inc. and Acme Steel Company (November 5) The United States Environmental Protection Agency (USEPA) has indicated that it intends to comment, but has not done so.

On November 5, 1987 USEPA amended its removal credits rules, which are found at 40 CFR 403.7. (52 Fed. Reg. 42434). The amendments are intended to modify the removal credits rules to reflect part of the decision in NRDC v. USEPA, 790 F.2d 289, 3rd Circuit, 1986, which is discussed in the October 1 Proposed Opinion. The Federal Register indicates that removal credits will not be authorized until USEPA promulgates a more comprehensive set of sludge regulations.

It appears that the comments which the Board has received were drafted prior to the November 5th publication in the Federal Register. The Board will postpone action on this matter until December 3, 1987, to give commenters, particularly the USEPA, the opportunity to review the Proposal against the revised USEPA rules and policy statements.

IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted on the 19th day of November, 1987, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board