

ILLINOIS POLLUTION CONTROL BOARD
September 6, 1984

IN THE MATTER OF:)
)
PERMIT REQUIREMENTS AND OPERATING)
STANDARDS FOR OWNERS AND OPERATORS) R84-17
OF CLASS I AND CLASS II LANDFILLS,)
AND FOR GENERATORS AND HAULERS)
OF SPECIAL WASTE)

ORDER OF THE BOARD (by J. Anderson):

On August 24, 1984 the Illinois Chapter of the National Solid Wastes Management Association (NSWMA) moved the Board to direct the Hearing Officer to order the Agency to answer 67 pages of interrogatories concerning this regulatory proposal. NSWMA would wish such answers to be filed with, or before, the filing of the promised second draft, or alternatively 30 days prior to the next merit hearing. The Agency filed a response in opposition September 5, 1984.

Without regard to the Agency's procedural arguments, the Board denies the motion. Many of these interrogatories are in the nature of public comment concerning style, drafting, and omissions, which the Board encourages the Agency to consider in redrafting the proposal. Others concern policy decisions/shifts which are implicit in the proposed regulations, and requests for discussion of proposed implementation of the proposed regulations, which the Board assumes will be discussed at hearing, if not in the statement of reasons. To order that these interrogatories be answered now, when a redraft is underway, could result in useless answers to questions which may be mooted by the second draft. To order that the present interrogatories be answered insofar as they apply to the redraft could embroil the Agency, NSWMA, and the Hearing officer in a not particularly fruitful colloquy concerning degree or lack of compliance with a Board "discovery" Order.

In denying this motion, the Board is not implying that answers to some or all of the questions raised by NSWMA would be useless to either the Board or the hearing participants. Rather, the Board finds that the mechanism suggested by NSWMA to be inappropriate at this time.

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 6th day of September, 1984 by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board