

ILLINOIS POLLUTION CONTROL BOARD
October 20, 1988

VINCENT A. KOERS, alone, and)
in Conjunction with DANVILLE)
CITIZENS FOR CONTROL OF HAZARDOUS)
WASTE INJECTION,)
)
Petitioners,)
)
v.) PCB 88-163
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY, and ALLIED-SIGNAL, INC.,)
)
Co-Respondents.)

ORDER OF THE BOARD (by J.D. Dumelle):

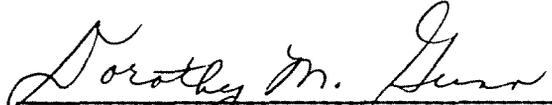
This matter comes before the Board upon receipt of an October 13, 1988 Motion For Hearing And Appeal Of Underground Injection Control Permit, No. UIC-003-WI-AC. In sum, the motion requests leave, by Vincent A. Koers and the Danville Citizens For Control Of Hazardous Waste Injection, to contest the issuance of permit and permit conditions imposed by the Illinois Environmental Protection Agency (IEPA) upon Allied-Signal, Inc.'s permit for underground injection well. The Petitioners, seeking modification of the issued permit, ask this Board to impose permit conditions not required by the IEPA.

Generally, third party standing to attack issued permits and permit conditions is well settled: Third party challenges to permits are not allowed. Landfill, Inc., v. IPCB, 74 Ill. 2d 541, 25 Ill. Dec. 602, 387 N.E.2d 258, 264. Currie, Enforcement Under Illinois Pollution Law, 70 NW U.L. Rev. 389, 475 N. 427 (1975). Notwithstanding the above, Ill. Rev. Stat. 1988 ch. 111 1/2, par. 1040(b) specifically grants standing to third parties (such as Petitioners in this case) to contest issuance of RCRA permits for hazardous waste disposal sites. There is some question whether the Act does, in fact, confer standing on third parties to challenge UIC permits and permit conditions imposed by the IEPA.

For these reasons the Board does hereby order the parties to brief the issue whether third parties have standing to challenge UIC permits and permit conditions, and to inform the Board whether this action is frivolous or duplicative of another proceeding as referenced in Section 1040(b). The Board further orders the parties to file their briefs no later than November 15, 1988.

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 20th day of October, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board