

ILLINOIS POLLUTION CONTROL BOARD
June 22, 1987

IN THE MATTER OF:)
)
PERMIT REQUIREMENT FOR OWNERS) R84-17
AND OPERATORS OF CLASS I AND) Docket D
CLASS II LANDFILLS AND FOR)
GENERATORS AND HAULERS OF)
SPECIAL WASTE)

PROPOSED RULES SET FOR HEARING:

ORDER OF THE BOARD (by J. Anderson):

Summary of Today's Action

Consistent with the directives in the Board's Orders of February 19 and March 5, 1987, on June 12 and June 22, 1987, the Board's Scientific/Technical Section (STS) filed its second set of "Recommendations For A Non-Hazardous Waste Disposal Program in Illinois And A Background Report To Accompany Proposed Regulations For Solid Waste Disposal Facilities" (Recommendation).* These proposed regulations, new Parts 813 and 814, would establish a) permitting requirements for the design/development and operation of all facilities new and existing, and including experimental authorizations and b) design and operating requirements for existing facilities, facilities for the disposal of non-hazardous waste. For the reasons expressed in its May 28, 1987 Order and below, the Board accepts the Recommendations of the STS, and orders that these proposed regulations be expeditiously scheduled for hearing.

Finally, no later than June 24, 1987, the STS is directed to prepare and file a revised version of the proposed rules and background document. The revised version of the background document is to contain an executive summary; leave is further given to correct typographical errors and to make non-substantive editorial changes. These revised documents, as well as this Order shall be provided to the persons on the R84-17 notice list.

* At the outset, the Board wishes to commend the STS for the quality of its participation in this proceeding. A special acknowledgment is due to Richard A. DiMambro, both as coordinator of the various consultants and other experts whose testimony has been sponsored by the Board's STS during the course of this proceeding, and as principal author of the STS Recommendations. The Board also acknowledges the contributions made to the STS Recommendations by STS environmental scientist Dr. Harish Rao and Karyn Mistrik, STS librarian.

Procedural History

The Board will not repeat, but rather update, the procedural history outlined in its May 28, 1987 Order. However, the Board suggests that a re-review of the prior order in all respects would be beneficial.

On June 12, 1987, the STS filed its second set of Recommendations, including proposed new Parts 813 and 814, and a supporting background report. A more refined version was filed on June 22. These documents were submitted to allow the Board Members to begin their review of them. Filing of this "work in progress" was necessitated by the terms of the Board's Order of February 19, 1987; said Order required filing of documents for public inspection contemporaneously with distribution of copies to the Board Members, consistent with ex parte restrictions articulated in the Board's "Protocols of Operation For the Scientific/Technical Section", RES 86-1, January 26, 1986 and the Board's Procedural Rules, 35 Ill. Adm. Code 101.121.

The STS Recommendations

As noted in its May 28, 1987 Order, it is the aim of the Board, in the R84-17 docket, to adopt a comprehensive set of regulations which establish standards for the hauling, treatment, storage, disposal and recycling of all non-hazardous and special waste. The facilities to be covered would include both existing and new facilities, regardless of whether the facilities are exempt from permit requirements pursuant to Section 21(d) of the Act.

Generally, the May 28, 1987 proposal of Parts 810, 811 and 812 establishes standards for the design/development and operation of new waste disposal facilities. New Part 813 of this proposal establishes a comprehensive permitting system and provides authorization for experimental programs. New Part 814 enunciates design and operating standards for existing facilities, depending on the number of operating years remaining.

Board Review and Comment

The Board accepts the Recommendations of the STS, and will set hearings expeditiously concerning proposed Parts 813 and 814. Meanwhile, this proposal should provide background assistance in addressing the May 28, 1987 design/operating standards at the June 29 and June 30 hearings. Some modification of the proposed regulations will likely seem appropriate after consideration of additional testimony and comments received at and after hearing. However, this second proposal appears to a) establish a permit system that is superior to the present system, b) allow experimental projects while assuring environmental

safety, and c) reasonably set out what existing facilities must do to continue operating.

Finally, the Board wishes to again emphasize that it does not believe that the ongoing Federal activities pursuant to Subtitle D of RCRA should slow the momentum of this rulemaking. In addition to its comments in its May 28, 1987 Order, the Board wishes to note that it is not alone among states sharing this view (e.g. see World Wastes, May, 1987, pp 22-27; "Indiana Environment", January, 1987)

It is for all of the foregoing reasons that this proposal is accepted for hearing.

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 22nd day of June, 1987, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board