

ILLINOIS POLLUTION CONTROL BOARD
April 7, 1988

IN THE MATTER OF:)
)
SPECIAL WASTE CATEGORIZATION) R85-27

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

This ongoing R85-27 proceeding was initiated to implement Section 22.9 of the Environmental Protection Act (Act), which requires the Board, after receiving a study from the Department of Energy and Natural Resources (DENR), to adopt regulations "that establish standards and criteria for classifying special wastes according to the degree of hazard or an alternative method."

This R85-27 proceeding also includes the record from the now dismissed R84-43 proceeding (See Board Interim Order of December 17, 1987).

The Board believes that it is necessary and appropriate to begin now to develop a draft regulatory proposal in this R85-27 Docket. It was not realistic to proceed earlier. The various subject matters in this proceeding were affected by determinations made by the Board in its R88-7 landfill regulations, now proposed for First Notice. Additionally, hearings in the R84-43/R85-27 Dockets indicated the need for further DENR study. The final segment of those additional studies is expected shortly.

The Board hereby directs its Scientific/Technical Section (STS) to prepare recommended regulations to be submitted to the Board on or before June 7. Consistent with the Board's Resolution 88-1 the STS' recommended regulations will then be dispatched to the Illinois Register for first notice publication, to be followed by hearings and subsequent Board review and determinations.

During the process of developing the recommended regulations, it is anticipated that STS staff will be consulting about substantive matters with a number of individuals external to the Board. Therefore, consistent with the Board's "Protocols of Operation For the Scientific/Technical Section", RES 86-1, January 23, 1986, and given the Board's intention of utilizing STS staff to provide substantive testimony, such "person(s) shall be considered to be exterior to the Board and communications between the Board and the STS person(s) on all matters related to the proceeding in question shall be subject to ex parte restrictions, as prescribed in 35 Ill. Adm. Code 101.121." This

does not preclude the STS from consulting with staff attorneys concerning matters of form and procedure.

Finally, the Board wishes to note that, while it believes it must expedite the process in this proceeding, it is also the Board's intent to encourage public participation. The Board believes that both of these goals will be met by utilizing the STS proposal to refine the issues and to more closely focus any debate.

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 14 day of April, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board