

ILLINOIS POLLUTION CONTROL BOARD
October 22, 1981

IN THE MATTER OF:)
)
WASTE DISPOSAL SITE OWNER/OPERATOR) R81-18
CERTIFICATION, CHAPTER 7: SOLID WASTE,)
PART IV)

ORDER OF THE BOARD (by J. Anderson):

On September 28, 1981, the Agency moved for consolidation of this proceeding with the R80-20 Chapter 7 "clean-up" proceeding. A similar motion had been presented at the September 25 hearing in this matter by John Sexton Sand & Gravel Corp. (service of which was later perfected). On October 2, 1981 Northern Petrochemical Company urged that these motions be granted, as did Granite City Steel, Interlake, Northwestern Steel and Wire, Republic Steel and United States Steel on October 6, 1981.

The motions are denied. R81-18 was initiated in response to obvious legislative concern, as contained in Section 22(b) of the Act, that, where permits are required, certification rules concerning waste operators' prior conduct be promulgated. The motions do not persuade the Board that delay of this proceeding will serve a useful purpose, particularly as the R80-20 proceeding promises to be a considerably more protracted proceeding than does R81-18.

The Board's current R81-18 proposal (shortly to be revised based on comment already received) is designed to be implemented in conjunction with existing Chapter 7; facilities currently required to have Chapter 7 permits would be required to be owned and operated by persons who have obtained the ultimately implemented R81-18 certification.

The original R80-20 proposal (a revised version of which is due to be filed November 1) does suggest major changes in Chapter 7 facility definitions and permitting requirements. Any R80-20 changes in Chapter 7 permit requirements could, therefore, make more or fewer persons subject to the R81-18 certification, just as it could make more or fewer persons subject to permit requirements. However, as the R81-18 certification does not address either a) technical education, training, etc., or b) how the permit process itself operates, the Board believes that R81-18 affects R80-20 in only one particular: R81-18 certification rule numbers must be reserved in any numbering scheme proposed in R80-20.

If during the course of R81-18 or R80-20 the Board's belief proves to be erroneous, consolidation can be ordered at that appropriate later time.

IT IS SO ORDERED.

Board Member Goodman concurred.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 22nd day of October, 1981 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board