

ILLINOIS POLLUTION CONTROL BOARD
October 6, 1988

IN THE MATTER OF:)
)
CENSUS OF SOLID WASTE) R88-8
MANAGEMENT FACILITIES EXEMPT)
FROM THE PERMIT REQUIREMENT)
AS PROVIDED IN SECTION 21(d))
OF THE ACT, 35 ILL. ADM. CODE)
808)

ORDER OF THE BOARD (by J. Anderson):

On May 5, 1988, the Board proposed for first notice a one-time "census" regulation, including a questionnaire for permit-exempt on-site, non-hazardous waste, storage and treatment operations (handling special waste only) and waste-disposal operations (handling all wastes except residential).

The Opinion accompanying the Order raised a number of questions and requested comment. Ten public comments were received containing a number of meritorious recommendations for perfecting the proposal and distributing the census form. The comments did not lead to the conclusion that providing the information would be technically infeasible or economically unreasonable. On August 4, 1988, the Department of Energy and Natural Resources ("DENR") stated that an economic impact study is not necessary.

The Governor has recently signed two identically worded statutes containing provisions requiring certain "permit-exempt on-site" facilities to fill out specified information on forms to be prepared by the Illinois Environmental Protection Agency ("Agency"). See P.A. 85-1325 (HB3683), effective 8/31/88 and P.A. 85-1400 (SB1615), effective 9/12/88. A question is raised as to whether this docket can be dismissed at this time because the information required by the legislation will satisfy the needs of the Board or whether both efforts are needed and can be coordinated in some manner. Answering that question now is premature. While there are overlaps between the Board's proposal and the legislation, there are significant distinctions as well, particularly regarding the lesser scope of facilities covered in the statute. This is one area where the Board has a special concern. As it stated in its earlier opinion:

Even though unpermitted, on-site operations are required to be in compliance with the Act and Board regulations. The Board has already proposed comprehensive and detailed regulations affecting the location, design and

operations of all landfill disposal, including waste piles. The Board intends to next focus on detailed regulations for the storage and treatment of waste. However, without basic data as to their whereabouts (including hydro-geological) and what they do, the environmental protection standards being developed in any regulatory program risk being based on false assumptions, to the detriment of the environment and the regulated community alike. The Board has already noted the concerns about the lack of data about on-site operations. (See the R88-7 Opinion, and the R88-8 Order opening this instant docket, both adopted on February 25, 1988).

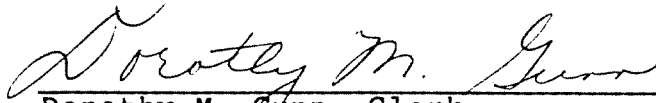
R88-8, Opinion and Order, p. 3, May 5, 1988.

The Board also needs more information, particularly from the Agency, regarding how best to enhance the census response. The Board has concluded that these and other questions need to be addressed before the Board can make further determinations on its proposal. The Board also wishes to proceed as quickly as possible with this rulemaking so as to initiate and receive the information from the census, if it concludes the census is needed.

Therefore, the Board directs the Hearing Officer to proceed to hearing on this matter.

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 16th day of October, 1988, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board