

ILLINOIS POLLUTION CONTROL BOARD

November 16, 2017

IN THE MATTER OF:)
)
PETITION FOR MODIFICATION OF) AS 18-1
ADJUSTED STANDARD ORDER FOR) (Adjusted Standard - RCRA)
ELECTRIC ARC FURNACE DUST)
STABILIZED RESIDUE (AS 2008-010))

ORDER OF THE BOARD (by B.K. Carter):

On September 21, 2017, Peoria Disposal Company (PDC) filed a petition (Pet.) requesting that the Board modify an adjusted standard previously granted under Section 28.1 of the Environmental Protection Act (Act) and Part 104 of the Board's procedural rules. *See* 415 ILCS 5/28.1 (2016); 35 Ill. Adm. Code 104.Subpart D.

In 2009, the Board granted PDC's petition for a delisting adjusted standard. RCRA Delisting Adjusted Standard Petition of Peoria Disposal Company, AS 08-10, slip op. at 90 (Jan. 8, 2009). The Board found that the residue generated from treating electric arc furnace dust with PDC's stabilization technology, on meeting delisting levels as shown through verification testing, is not Resource Conservation and Recovery Act (RCRA) hazardous waste. *Id.* The Board granted PDC's petition subject to numerous conditions. *Id.* at 91-97. Condition 4 established that the treatment residue must not exceed the delisting level concentrations for any of 15 constituents. *Id.* at 95-96. The Board added dioxins and furans as a constituent of concern to the 14 chemicals and delisting level concentrations that PDC had proposed. *Id.* at 90-91.

PDC now requests that the Board modify the adjusted standard "to remove any requirement that PDC test for dioxins/furans, and to remove the delisting level for dioxins/furans. . . ." Pet. at 9.

Section 28.1 of the Act and Section 104.408 of the Board's procedural rules require publication of notice of an adjusted standard proceeding in a newspaper of general circulation in the area affected by the petitioner's activity. 415 ICLS 5/28.1(d)(1) (2016); 35 Ill. Adm. Code 104.408(a). Petitioner must publish notice within 14 days of filing a petition for an adjusted standard with the Board. 35 Ill. Adm. Code 104.408(a). On September 23, 2017, PDC published notice of filing the petition in the Peoria *Journal Star* and timely filed a certificate of publication on September 26, 2017. 35 Ill. Adm. Code 104.410

The Board finds that the notice meets the requirements of Section 28.1 of the Act and Section 104.408 of the Board's procedural rules and accepts the petition for adjusted standard. 415 ILCS 5/28.1 (2016); 35 Ill. Adm. Code 104.408. The Board directs the Illinois Environmental Protection Agency (IEPA) to file its recommendation concerning Board action on this petition by December 18, 2017. *See* 35 Ill. Adm. Code 104.416(a). PDC may respond to IEPA's recommendation within 14 days after the date of service of the recommendation. 35 Ill. Adm. Code 104.416(d).

PDC's notice of filing states that "any person may cause a public hearing to be held . . . by filing a hearing request within twenty-one (21) days after the date of publication of this notice." *See* 415 ILCS 28.1(d)(1) (2016); 35 Ill. Adm. Code 104.408(b)(7). The Board did not receive within 21 days of publication any request to hold a hearing. PDC "waives hearing" on its petition. Pet. at 11, citing 35 Ill. Adm. Code 104.406(j). "[I]f the Board in its discretion determines that a hearing would be advisable," the Board will provide timely notice of the hearing. 415 ILCS 5/28.1(d)(2) (2016); 35 Ill. Adm. Code 104.422, 104.424.

This order makes no determination on the informational sufficiency or the merits of PDC's petition. The Board through its orders or those of its hearing officer may direct PDC to provide additional information.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 16, 2017, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large initial "D" and "B".

Don A. Brown, Clerk
Illinois Pollution Control Board