

ILLINOIS POLLUTION CONTROL BOARD
January 22, 1976

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R 76-2
CHAPTER 7: SOLID WASTE)

ORDER OF THE BOARD (by Mr. Zeitlin):

Pursuant to Title 7 of the Environmental Protection Act and Part II of the Board's Procedural Rules, the Board hereby proposes the following Amendment to Chapter 7: Solid Waste, of the Pollution Control Board Rules and Regulations.

ADD to Chapter 7: Solid Waste, a new Rule 401, as follows:

401. The following site is approved for the development and operation of solid waste management sites, such approval being effective only upon the issuance of all appropriate permits therefor by the Environmental Protection Agency in conformity with the foregoing sections of this chapter and the Environmental Protection Act:

(a) a tract of approximately 40 acres in Cook County, Illinois, located near 143rd Street and Wolf Road in Orland Park, whose legal description is approximately as follows:

Southeast Quarter of the Northwest
Quarter of Section 7, Township 36
North, Range 12 East of the Third
Principal Meridian in Cook County,
Illinois.

The Proposal shall be set for public hearing pursuant to public notice requirements.

STATEMENT OF NEED

The Board has proposed the foregoing Regulatory Amendment as a direct consequence of the Illinois Supreme Court's decision in Carlson v. Village of Worth, Docket No. 47334 (September 29, 1975). That decision invalidated the Agency's previous practice of requiring, as a condition of all solid waste permits under Chapter 7, that the permittee comply with all applicable local zoning or other site-related ordinances. The Court's decision placed the burden of considering the suitability of an individual site, under the criteria in the Act, on the Agency as the permit-issuing authority. The Agency, however, has repeatedly stated that it is unable to perform such consideration under our current Solid Waste Regulations.


Pending the promulgation of generally applicable Regulations to guide the Agency in its permit-issuing capacity, we see no reason to hold in abeyance the consideration of the suitability of this site. In this manner the "unified statewide" system of Regulation envisioned in Carlson, supra, can be effectuated immediately.

It is hoped that all of those who have expressed an interest in this site, in PCB 75-443 and PCB 76-8, will participate fully in this Regulatory matter.

IT IS SO ORDERED.

Mr. James Young abstained.
Dr. Donald Satchell abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the foregoing Order and Statement of Need were adopted on the 22ND day of January, 1976, by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board