

ILLINOIS POLLUTION CONTROL BOARD  
October 15, 1998

IN THE MATTER OF: )  
)  
PETITION OF BIG RIVER ZINC ) AS 99-3  
CORPORATION FOR AN ADJUSTED ) (Adjusted Standard - RCRA)  
STANDARD UNDER 35 ILL. ADM. CODE )  
720.131(c) )

ORDER OF THE BOARD (by K.M. Hennessey):

On September 24, 1998, Big River Zinc Corporation (BRZ) filed a petition for an adjusted standard under 35 Ill. Adm. Code 720.131(c). BRZ asks the Board to determine that certain zinc oxide is not a solid waste. As required by Board rules, BRZ filed a certificate of publication on October 7, 1998. See 35 Ill. Adm. Code 106.711 and 106.712.

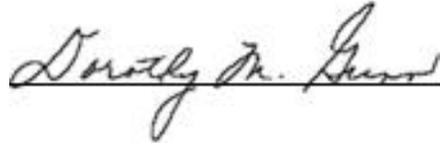
The Board accepts the petition for hearing. The Board must hold at least one public hearing before it grants an adjusted standard. See 35 Ill. Adm. Code 106.415(a). The Board will assign a hearing officer to schedule and conduct the hearing. If the parties fail to agree on a hearing date, or the hearing officer is unable to consult with the parties regarding a hearing date, the hearing officer may unilaterally schedule a hearing.

The hearing officer must inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that a 30-day public notice of the hearing may be published. After the hearing, the hearing officer must submit an exhibit list, a statement regarding the credibility of the witnesses, and all exhibits to the Board within five days of the hearing. The hearing officer also must schedule the filing of any posthearing briefs. The Board encourages the hearing officer and the parties to expedite this proceeding as much as possible.

The Board notes that the Illinois Environmental Protection Agency (Agency) must file a response to the petition within 21 days after BRZ filed the petition. See 35 Ill. Adm. Code 106.414(a). BRZ may file a reply within 14 days after the Agency files its response. See 35 Ill. Adm. Code 106.414(b).

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 15th day of October 1998 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board