

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
December 16, 1993

IN THE MATTER OF: )  
 )  
PETITION OF KEYSTONE STEEL AND ) AS 93-7  
WIRE COMPANY FOR ADJUSTED ) (RCRA Delisting  
STANDARD FROM 35 ILL. ADM. ) Adjusted Standard)  
CODE 721.132 )

ORDER OF THE BOARD (by E. Dunham II):

On December 2, 1993, the Board adopted an order in this matter granting petitioner Keystone Steel and Wire Company (Keystone) until December 6, 1993, to file a reply to the Environmental Protection Agency's (Agency) response to Keystone's petition for an adjusted standard. The Board also observed that the RCRA adjusted standard procedural rules (at 35 Ill. Adm. Code 106.415) require this matter proceed to hearing, and accordingly authorized the matter for hearing.

On December 6, 1993, Keystone filed its "Reply to the Illinois Environmental Protection Agency Response to Petition for RCRA Adjusted Standard" (reply). The reply was accompanied by the "Second Amendment to Keystone's RCRA Delisting Adjusted Standard Petition".

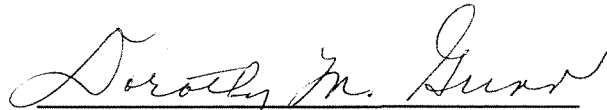
In the reply, Keystone states that it is in "general agreement with the revisions to the proposed adjusted standard as set forth in Illinois EPA's response and incorporates these changes in the attached Second Amendment to Keystone's RCRA Delisting Adjusted Standard Petition...with minor additional changes." It further withdraws its request for a hearing in this matter and requests the Board to waive the hearing under the authority of Section 28.1 of the Act (415 ILCS 5/28.1), citing In the matter of: The Petition of Cabot Corp. for an Adjusted Standard, AS 91-10, fn. 1, March 26, 1992. In support of its request, Keystone suggests that "there is little need for a hearing...since both the Illinois EPA and Keystone support the delisting petition and Illinois EPA counsel informally has advised Keystone's counsel, that it would support withdrawal of the hearing request". Finally, Keystone notes that it is attempting to expeditiously comply with a Consent Order timetable for site remediation which includes delisting of the K062-listed wastes.

The Board will construe Keystone's request as a motion for waiver of hearing. Consistent with its prior action in Cabot, and since no request for hearing has been received from the Agency or any other person, the Board will grant Keystone's request for waiver of hearing and will rescind its December 2, 1993 order to the extent that it authorized this matter for hearing.

Pursuant to 35 Ill. Adm. Code 106.715, the Agency has 30 days from the filing of an amended petition in which to amend its response; in this case, the Agency thus has until January 6, 1994, to react to Keystone's second amendment of the petition. The Board reserves authority to order a hearing in this matter if the Agency or any other person responds to the petition as amended, or requests a hearing.

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 16<sup>th</sup> day of December, 1993, by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board