

ILLINOIS POLLUTION CONTROL BOARD
June 23, 1994

CHEMICAL WASTE)
MANAGEMENT, INC.,)
)
Petitioner,)
)
v.) PCB 94-162
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

CHEMICAL WASTE)
MANAGEMENT, INC.,)
)
Petitioner,)
)
v.) PCB 94-169
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

CHEMICAL WASTE)
MANAGEMENT, INC.,)
)
Petitioner,)
)
v.) PCB 94-170
) (Permit Appeal)
) (Consolidated)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by G. T. Girard):

On May 27, 1994, Chemical Waste Management, Inc. (CWM) filed a petition for permit review regarding its Trade Waste Incineration facility, located in Sauget, St. Clair County. The Petition sought review of three (3) modified air permits in one appeal. The Illinois Pollution Control Board issued a more information order on June 2, 1994 (PCB 94-162) requesting three (3) separate petitions, one petition for each air permit. CWM amended its Petition on June 6, 1994. Each petition now appeals the conditions of only one air permit: PCB 94-162, PCB 94-169 and PCB 94-170. On June 10, 1994 the Board received a motion to consolidate the three cases. That motion is granted. This

matter is accepted for hearing.

On June 15, 1994 the Board received a motion for extension of time to file the Agency record and a motion for waiver of requirements in each of the three cases. The Agency states that the record is extensive and asks to be allowed to file one copy of the record by September 15, 1994. The Board will grant the Agency an extension of time and will allow the Agency to submit a limited number of copies; however, the Board will not grant until September 15 for the filing of the record. The current decision due date on this case is November 3, 1994; therefore, the Board will require that the record be filed no later than August 15, 1994. The Board also directs the Agency to file 3 copies of the record in this proceeding.

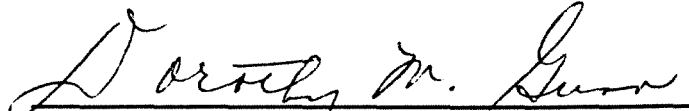
The hearing must be scheduled and completed in a timely manner, consistent with Board practices and the applicable statutory decision deadline, or the decision deadline as extended by a waiver (petitioner may file a waiver of the statutory decision deadline pursuant to 35 Ill. Adm. Code 101.105). The Chief Hearing Officer shall assign a hearing officer to conduct hearings. The Clerk of the Board shall promptly issue appropriate directions to the assigned hearing officer consistent with this order.

The assigned hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of hearing so that public notice of hearing may be published. After hearing, the hearing officer shall submit an exhibit list, a statement regarding credibility of witnesses and all actual exhibits to the Board within five days of the hearing. Any briefing schedule shall provide for final filings as expeditiously as possible and, in time-limited cases, no later than 30 days prior to the decision due date, which is the final regularly scheduled Board meeting date on or before the statutory or deferred decision deadline. Absent any future waivers of the decision deadline, the statutory decision deadline is now October 4, 1994 (120 days from June 6, 1994); the Board meeting immediately preceding the due date is scheduled for September 15, 1994.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible.

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 23rd day of June, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board