

ILLINOIS POLLUTION CONTROL BOARD
July 22, 1993

IN THE MATTER OF:)
)
PETITION OF CONVERSION SYSTEMS,) AS 93-4
INC., FOR ADJUSTED STANDARD FROM) (Adjusted Standard)
35 ILL. ADM. CODE PART 811 (LINER))

ORDER OF THE BOARD (by J. Anderson):

On July 2, 1993, Conversion Systems, Inc. (CSI) petitioned the Board for an adjusted standard from 35 Ill. Adm. Code 811 (liner).¹ The Board has before it a number of motions and responses regarding procedural matters filed by CSI and the Environmental Protection Agency (Agency). At this time we will rule only on: a) that aspect of CSI's July 2, 1993 motion regarding procedural matters related to its request for incorporation by reference; b) the Agency's July 16, 1993 motion for extension of time to file a reply to the motion regarding procedural matters; and c) the Agency's motion for an extension of time to file its recommendation. We note that the rest of the filings involve interrelated issues and that the most recent two filings, from the Agency and CSI, were received by the Board on July 20. The Board anticipates taking action on the rest of the filings at its August 5th Board meeting.

Accompanying CSI's July 2nd adjusted standard filing was a motion to accept incorporation by reference of the record in AS 92-9 (closed on March 25, 1993) without the need for filing copies of that some-500 page record in this proceeding and the companion AS 93-5 proceeding. Although CSI will be happy to provide as many copies as the Board may request, CSI expects that the Board would still have copies of the recently closed AS 92-9 record and notes that, if four copies of that record were filed in each new proceeding, the total pages would be in excess of 4000.

The Board grants CSI's motion to incorporate the entire AS 92-9 record. In so granting, we note that, apart from the size of the incorporated document, a) the AS 93-4 and AS 93-5 proceedings are direct outgrowths of AS 92-9; CSI had requested dismissal of AS 92-9 expressly to give itself time to pursue its intent to submit a revised refiling. (See Petition of Conversion Systems, Inc. for Adjusted Standard from 35 Ill. Adm. Code

¹ On the same day, July 2, 1993, CSI also filed a companion petition, docketed as AS 93-5, for adjusted standard from 35 Ill. Ad, Code 811 (monofill). The filings in both dockets addressing procedural matters, though similar, will be addressed by separate order.



810.103, 811.306 and 811.307, (March 25, 1993 dismissal Order), AS 92-9), and b) the March 25, 1993 dismissal of AS 92-9 has not been appealed. After internal review of the Clerk's and Board Member's records, the Board orders CSI to file two copies of the now-dismissed AS 92-9 record into the record of this AS 93-4 proceeding, one copy of which is to be sent directly to Chairman Manning's Springfield office. The Clerk is also instructed to place a notation in the AS 93-4 file that an identical copy may be found in the AS 93-5 file.

The Board grants the Agency's motion for a seven-day extension of the seven-day response time contained in 35 Ill. Adm. Code 101.241.²

Also, on July 20, 1993, the Agency filed a motion for an extension of the 30-day response time to file its recommendation contained in 35 Ill. Adm. Code 101.241, 101.242. The Agency requests that the Board grant a 30-day extension from the date of the Board's opinions on CSI's July 2nd motion regarding procedural matters and the Agency's July 20th response to CSI's motion and its July 20th motion to dismiss. We also note that CSI on July 20, 1993 filed a response to the Agency's motions to dismiss and for extension of time to file its recommendation. Regarding CSI's response to the Agency's motion for extension of time, CSI does not object to an extension for 30 days or less, as the Board deems appropriate. CSI adds that it has had many meetings with the Agency, and that the Agency has had the large majority of the supporting technical materials for review for over a year, and the remaining materials for from two to six months. CSI states, however, that it understands the Agency's reluctance to proceed prior to the Board's acting on the Agency's motion to dismiss.

The Board grants the Agency's motion for extension of time to file its recommendation, not to exceed 30 days, from the date of the Board's action on the remaining CSI and Agency filings regarding the appropriateness of CSI's request for adjusted standard relief.

IT IS SO ORDERED.

² The Board notes that an Agency motion to file its reply instanter would have been more appropriate, in that the Agency's July 16th filing was ten days beyond its receipt of CSI's motion.



I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of July, 1993, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

