

ILLINOIS POLLUTION CONTROL BOARD
April 6, 1995

IN THE MATTER OF:

PETITION OF COMMONWEALTH EDISON)	R94-30
COMPANY FOR SITE-SPECIFIC)	(Site-Specific
REGULATION FOR EXISTING)	Rulemaking - Land)
LANDFILLS AND UNITS: 35 ILL.)	
ADM. CODE 811.814)	

ORDER OF THE BOARD (by M. McFawn):

This matter is before the Board on a "Motion to Bifurcate Issues" and a "Petition to Designate the Joliet/Lincoln Quarry as a Surface Impoundment," filed by petitioner Commonwealth Edison Company (ComEd) on March 22, 1995. ComEd filed its original rulemaking petition on October 17, 1994. In that petition ComEd requested that its Lincoln Quarry site (site) be designated as a surface impoundment, or alternatively, that it be granted a site-specific regulation.

In its March 22, 1995, motion, ComEd seeks to bifurcate these issues, and requests that the Board rule on the issue of whether the site is properly designated a surface impoundment before proceeding with the site-specific rulemaking. In support of its motion, ComEd states that it questions whether landfill permitting requirements properly applies to its site. ComEd states that if the site qualifies as a surface impoundment rather than a landfill, any resources expended to address the petition for site-specific relief or its permit application will have been wasted, since the site would no longer be subject to permitting requirements. The Illinois Environmental Protection Agency (Agency) has not filed any response to petitioner's motion.

The Board hereby grants the motion and bifurcates these issues for purposes of hearing, and directs the hearing officer to schedule hearings in this matter. The first hearing shall be for the limited purpose of developing a factual and legal record on the issue of whether the site is properly designated a surface impoundment or landfill. If necessary, a second hearing shall be held for the purpose of determining the merits of petitioner's site-specific rulemaking petition and all remaining issues. The Board makes no determination today as to whether it shall decide whether the site is properly designated a surface impoundment or landfill prior to closing the record in this site-specific rulemaking.

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 6th day of April, 1995, by a vote of 7-0.

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