

ILLINOIS POLLUTION CONTROL BOARD
November 2, 1989

IN THE MATTER OF:)
IDENR SPECIAL WASTE) R89-13 (A)
CATEGORIZATION STUDY) (Rulemaking)

ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on the Motion to Substitute Comments Instantly filed October 18, 1989, by the Illinois Steel Group (ISG). The ISG originally filed its post-hearing comments in this regulatory docket on October 10, 1989, three days before the expiration of the minimum First Notice comment period (P.C. #10). On October 12, 1989, the ISG filed "Corrected Comments" (P.C. #14). The proffered substitute comments are evidently intended to replace both previous filings.

Normally, in view of the extremely tight time lines imposed by the statutory deadline of December 1, 1989, the Board would be inclined not to accept a rather tardy body of comments, whether offered as a "substitute" or as an original filing. It should be noted that the Hearing Officer requested comments be filed well in advance of the date that the ISG's original comments were received. Nevertheless, the motion in this instance will be granted; since the Board's order of October 18, 1989, extended the period for comment to October 27, 1989, to accommodate review and comment on the Board's proposed revisions to the original proposal, it would appear that acceptance of the substitution will not prejudice any participant or engender needless delay.

However, the Board will not attempt to recover and to return or destroy all copies of the prior ISG filings, as ISG requests. Aside from the obvious difficulty of tracking down copies of documents of public record, we do not believe it is appropriate to remove documents already submitted and read. However, hereafter the Board will weigh only ISG's latest submittal as its public comment in this proceeding. The Clerk shall record the ISG comments received on October 18, 1989, on the docket sheet as a new public comment and shall indicate that they are intended to supersede the ISG comments filed previously.

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 2nd day of November, 1989 by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board