

ILLINOIS POLLUTION CONTROL BOARD
July 16, 1987

IN THE MATTER OF:)
)
LANDFILL OPERATOR CERTIFICATION) R84-3
(Training and Experience))

ORDER OF THE BOARD (by J. Anderson):

This Order dismisses what is essentially an "empty" docket, that is, one containing only the Order which opened it. The docket was initiated on January 12, 1984 for the purpose of development of a proposal for regulations specifying education and training requirements for landfill operators.

It was created with the idea that, shortly after Board receipt of an anticipated Agency proposal for the updating of 35 Ill. Adm. Code Parts 807 and 809 [formerly Chapters 7 & 9], that the Board would initiate inquiry hearings and develop the operator certification proposal. In that Order, the Board noted that the "[s]ubmittal of that proposal logically should precede action in this docket, as development of operator training and experience requirements is dependant on the landfill classification plan to be proposed in that docket".

The referenced Agency proposal was submitted in May, 1984, and docketed as R84-17. The R84-17 docket now contains proposals made by the Agency, the Illinois State Chamber of Commerce, and Waste Management of Illinois concerning which hearings have been completed. As the Board believed that none of these proposals were suitable for adoption in their entirety, the Board directed its Scientific/Technical Section (STS) to develop a comprehensive proposal. Two "installments" of this proposal have been filed by the STS and accepted by the Board for hearing. The hearing process is currently underway.

The fullsome debate which has taken place in the R84-17 docket supports the Board's original conviction that action in the operator training and experience certification arena would be unproductive until the Board has finalized landfill design and operating standards. While this process is now well underway, the rulemaking requirements of the Illinois Administrative Procedures Act as well as those of the Environmental Protection Act are such that the Board cannot anticipate completion of this rulemaking in this calendar year.

In the meantime, maintenance of this "empty" docket creates an administrative burden for the Board, as well as those interested and participating in the general area of waste disposal regulation: as long as a docket exists, it is the


subject of inquiry by the public which must be answered by the Board. At this juncture, the Board believes that the time of its staff, as well as that of the public, is better used in furthering the progress of the R84-17 docket and related dockets which can move forward at this time.

The Board's dismissal of this docket should not be construed as a retreat by the Board from its announced intention of developing a landfill operator certification program which focuses on possession of the "positive" qualities of training and experience, as well as a lack of "negative" qualities as evidenced by criminal convictions and findings of violation of waste disposal laws and regulations.* Upon finalization in R84-17 of the regulations which must serve as the underpinning for the regulations contemplated here, the Board will initiate a new docket which can expeditiously move forward.

For the above reasons, this docket is dismissed.

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 16th day of July, 1987, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

* The Board has proceeded with one facet of a lack of "negative" qualities program, applied to chief landfill operators. See R81-18, Prior Conduct Certification For Waste Disposal Site Personnel: 35 Ill. Adm. Code 745, Proposed Second Notice Opinion and Order of June 25, 1987.
(continued)