

ILLINOIS POLLUTION CONTROL BOARD

June 19, 1997

IN MATTER OF:)
)
AMENDMENTS TO LOCATION) R97-29
STANDARDS FOR LANDSCAPE WASTE) (Rulemaking - Land)
COMPOST FACILITIES, 35 ILL. ADM.)
CODE 830.203(c))

ORDER OF THE BOARD (by K.M. Hennessey):

On May 6, 1997, two citizens, Dr. Renuka Desai and Susan Garrett (proponents), filed a proposal to amend 35 Ill. Adm. Code 830.203(c) (proposal). Section 830.203(c) contains location standards for certain landscape waste composting areas. Generally, proponents request in their proposal that the Board amend Section 830.203(c) to prohibit composting areas from being located within one-half mile of the property line of a hospital, school, athletic field, or public park, and to require that existing composting areas located within that setback distance be relocated.

Proponents allege that the amendments are necessary because of actual and potential health threats from exposure to commercial composting operations. Proponents attached to the proposal letters from various doctors and medical organizations about the impact of composting operations on human health.

On June 5, 1997, the Board issued an order stating that it could not accept the proposal for hearing at that time because proponents failed to serve copies of their proposal upon various state agencies as required by the Illinois Environmental Protection Act (Act) and Board regulations. Section 27(a) of the Act requires a proponent to file a copy of its proposal with the Illinois Environmental Protection Agency and the Illinois Department of Natural Resources. (See 415 ILCS 5/27(a) (1996).) The Board's rules require the filing to be made not only with these two agencies, but also with the Illinois Attorney General. (See 35 Ill. Adm. Code 102.120.) The Board granted proponents 30 days to cure their failure to serve these agencies.

By filings of June 11 and 13, 1997, proponents provided the Board with proof of service of their proposal upon the required agencies. With this procedural defect cured, the Board will consider whether to accept the proposal for hearing.

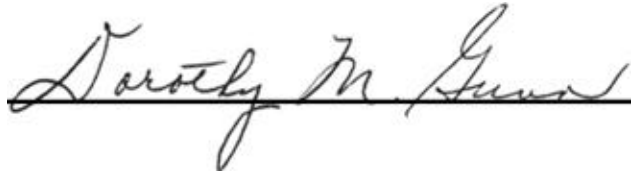
The Board acknowledges that there are some deficiencies in the form and content of the proposal. None are so material, however, as to preclude the Board from accepting this matter for hearing. The Board notes that under Section 28 of the Act, 415 ILCS 5/28 (1996), and 35 Ill. Adm. Code 102.160, it has discretion to schedule a public hearing upon any proposal

regardless of such deficiencies. The proposal does include the language changes sought by proponents and does provide reasons why they believe the rule change is necessary.

The Board accepts the proposal for hearing. We hereby direct the hearing officer assigned to this matter to schedule hearings as required pursuant to Title VII of the Act. (See 415 ILCS 5/26 *et seq.* (1996).) The hearing officer also will establish a schedule for prefiled testimony.

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 19th day of June 1997, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board