

ILLINOIS POLLUTION CONTROL BOARD  
September 18, 1997

IN THE MATTER OF: )  
)  
PETITION OF WASTE PROFESSIONALS, ) AS 97-10  
INC., D/B/A PEKIN LANDFILL FOR AN ) (Adjusted Standard - Water)  
ADJUSTED STANDARD FROM 35 ILL. )  
ADM. CODE PART 814, SUBPART D. )

ORDER OF THE BOARD (by R.C. Flemal):

On June 6, 1997, Waste Professionals, Inc., d/b/a Pekin Landfill (Waste Professionals) filed a petition for adjusted standard from 35 Ill. Adm. Code 814. Waste Professionals and the Illinois Environmental Protection Agency (Agency) subsequently met to discuss items of concern and on September 8, 1997, Waste Professionals filed an amended petition for adjusted standard.

The Board observes that in both the initial petition and the amended petition Waste Professionals "proposes a new section be added to Part 814" as the means of effectuating the adjusted standard. Waste Professionals provides recommended language for this new section.

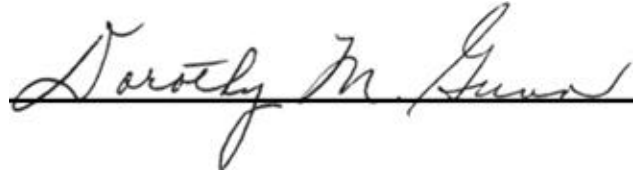
The Board notes that new sections can not be added to the Board's regulations in an adjusted standard proceeding, but rather only through the rulemaking process as provided at Title VII of the Environmental Protection Act. For the purposes of allowing this matter to proceed, the Board will accordingly construe Waste Professionals' recommended regulatory language as language requested for the adjusted standard order.

The Board further notes that the Agency has not yet filed its response to Waste Professionals' amended petition. The Board will proceed with decision in this matter as soon after filing of the response as Board resources allow.

IT IS SO ORDERED.

Board Member Kathleen M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 18<sup>th</sup> day of September 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