

ILLINOIS POLLUTION CONTROL BOARD
January 21, 1993

IN THE MATTER OF:)
)
PETITION OF PEORIA DISPOSAL CO.) AS 91-3
FOR AN ADJUSTED STANDARD FROM) (RCRA Delisting)
35 Ill. Adm. Code 721.Subpart D) (Adjusted Standard)

ORDER OF THE BOARD (by J. Anderson):

This matter is before the Board on the joint motion for expedited decision filed by Peoria Disposal Co. and the Agency on January 14, 1992.

The motion requests that the Board expedite its decision in this matter. Peoria Disposal Co. states that the Third District recently reversed the Board's decision in an enforcement case, Envirite Corp. v. EPA (Dec. 19, 1991), PCB 91-152. The Board had granted summary judgment in favor of Peoria Disposal Co., determining that not every one of its customers needed Section 39(h) wastestream authorization because Peoria Disposal Co. actually generated the waste ultimately disposed of. The Third District's decision would require each of the hazardous waste generators sending its waste to Peoria Disposal Co. for treatment to obtain an independent Section 39(h) authorization from the Agency. Peoria Disposal Co. states that the impact of this decision is as follows:

The appellate court's interpretation of §39(h) suddenly renders PDC's prior operations in noncompliance with the law, and potentially requires PDC to cease its F006 treatment operations, return the F006 hazardous waste transported to PDC for treatment to its industrial clients, and to transport its own F006 treatment residue to other facilities.

Motion for Expedited Decision at ¶ 10.

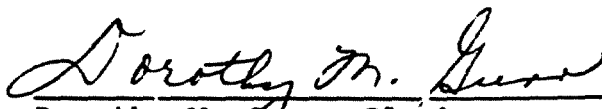
Finally, PDC states that "if the Board accepts the Agency's recommendation and grants PDC an adjusted standard for its F006 treatment residue, the treated waste will no longer be subject to §39(h) of the Act." Thus, "PDC's . . . treatment of F006 waste will continue unabated, the market options for waste treatment in Illinois will not be shrunk, and the Agency's scarce resources will not be expended in the unnecessary review and processing of dozens of §39(h) authorization requests." Motion for Expedited Decision at ¶ 11.

The Board hereby grants Peoria Disposal Co.'s motion for the reasons set forth. The Board will dispose of this matter as expeditiously as is practicable consistent with time and resource constraints.

0138-0543

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 21st day of January, 1993, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board