

ILLINOIS POLLUTION CONTROL BOARD
February 28, 1991

IN THE MATTER OF:)
PETITION OF KEYSTONE STEEL AND) AS 91-1
WIRE COMPANY FOR HAZARDOUS) (Adjusted Standard)
WASTE DELISTING)

ORDER OF THE BOARD (by J. Anderson):

On January 22, 1991, Keystone Steel and Wire Company filed a petition for adjusted standard from 35 Ill. Adm. Code 721.132. Keystone seeks to have its electric arc furnace dust (K061) waste, produced at its facility in Peoria County, delisted as a hazardous waste after treatment by a "Super Detox" destabilization process; untreated K061 waste is specifically listed as a hazardous waste under the RCRA regulations. The petition was accompanied by a letter claiming trade secret protection for Attachment L to the petition pursuant to 35 Ill. Adm. Code 120.201.

On March 1, 1990, USEPA delegated authority to Illinois to administer several additional components of the RCRA program. (55 Fed. Reg. 7320). This included Board authority to delist hazardous waste, in lieu of USEPA, pursuant to 35 Ill. Adm. Code 720.122.

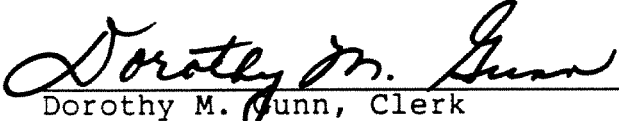
This matter is procedurally complicated by the fact that, as of the time of the filing of the petition, the Board was in the process of adopting adjusted standard procedural rules specifically tailored to the handling of delisting petitions such as this. These regulations were adopted today. In the Matter of: RCRA Delisting, R90-17, February 28, 1991. Due to the pendency of this rulemaking, on January 30, 1991, the Agency moved that this proceeding be continued until after final adoption of R90-17, and specifically that the time for the Agency's response to the petition, required pursuant to 35 Ill. Adm. Code 106.714, be extended until 30 days after the adoption of R90-17. On January 31, Keystone stated that it had no objection to the Agency's request. On February 20, 1991, Keystone moved for an extension of time in which to file proof of publication of newspaper notice of the filing of the petition, required until 14 days after the adoption of R90-17. Keystone asserts that it has delayed newspaper publication since, if the R90-17 were not to be adopted, such publication would be a useless act. The motion recites that the Agency has no objection to the motion.

The manner in which the parties have suggested this action proceed is generally acceptable. However, the Board notes that

the R90-17 RCRA Delisting rules are not effective until filed, and that the Board delays filing of identical in substance rules for a post-adoption comment period of 30 days to allow agencies involved in the RCRA authorization process a final review period. The Board accordingly believes it more appropriate to calculate the time periods suggested by the parties from approximately April 15, rather than today's date. Keystone shall file the proof of publication required by 35 Ill. Adm. Code 106.711 on or before May 1, 1991. The Agency shall file its response to the petition required by 35 Ill. Adm. Code 106.714 on or before May 15, 1991. The Clerk of the Board is directed to provide trade secret protection to Attachment L of the petition pursuant to 35 Ill. Adm. Code 120 unless and until otherwise directed by the Board.

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 28th day of February, 1991, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board