

ILLINOIS POLLUTION CONTROL BOARD
July 11, 1991

IN THE MATTER OF)
)
PETITION OR PEORIA DISPOSAL) AS 91-3
COMPANY FOR ADJUSTED STANDARD) (Adjusted Standard)
FROM 35 ILL. ADM. CODE 721)
SUBPART D.)

ORDER OF THE BOARD (by J.D. Dumelle):

On April 25, 1991 the Board issued an order requiring an additional filing. On May 15, 1991 Peoria Disposal Company ("PDC") filed a waiver pursuant to 35 Ill. Adm. Code 120.230 regarding statutory deadlines. On May 16, 1991 PDC filed a claim letter pursuant to 35 Ill. Adm. Code 120.20(a)(1).

The Board finds the additional filings constitute an adequate request for protection as a trade secret with an open waiver of the decision deadline. The Board will place the claim letter in the public files and maintain the claimed secret materials in the Clerk's confidential files until further order of the Board. At the conclusion of this proceeding, Peoria may file a motion for return of the material.

On May 13, 1991 a citizen filed a request for a public hearing in this matter pursuant to 35 Ill. Adm. Code 106.713 and 106.801. Accordingly, the Board will set this matter for hearing.

The Board notes that after the filing of the Petition, the regulations were modified at 35 Ill. Adm. Code 720.122(n) to add the following sentence: "The Petition must be clearly labeled as a RCRA delisting adjusted standard petition." (R90-17, April 11, 1991). The Board requests that when PDC files an amended copy of the petition, as required below, that it be appropriately marked as a RCRA delisting adjusted standard, and served on the Board, the Agency and USEPA.

Insofar as the petition itself, we have several concerns. First, the petition requests the delisting of two wastestreams: F006 (wastewater treatment sludges for electroplating) and K061 (emission control dust/sludge from the primary production of steel in electric air furnaces). Petitioner has made no statement or otherwise indicated that these wastestreams are in any way related to each other.

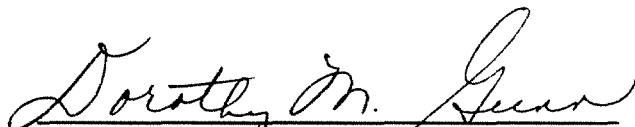
Accordingly, the Board directs PDC to either provide a statement as to why these wastestreams ought to be addressed together, or to separate the petition into two stand-alone segments, addressing each wastestream separately. Based on the information supplied by the amended petition, the Board may divide this Docket into subdockets or consolidate the matter for purposes of hearing.

Next, the Board has noted the following specific informational deficiencies in PDC's petition. Incomplete requirements include Sections 106.705(d), 720.122(i)(5), 106.705(e), 106.705(f)(2), 106.705(k), 720.122(d)(1)(A), 720.122(d)(3), 720.122(d)(8), 720.122(k)(7), 721.111(a)(3)(G) and 721.111(a)(3)(I) and (J). The petitioner should take special note of those requirements set forth in section 720.122(d)(8), which requires a discussion of methodologies used. Although there is general discussion on some of those requirements, there appears to be no description of sampling methodologies, equipment, handling, etc. which were actually employed in taking these samples. Nor is there a statement as to why the samples are "representative" samples. Although many analytical results are presented, there is no statement as to what tests (e.g., SW 846 methods) were performed. Moreover, the names and model numbers of the instruments are not provided.

Finally, delisting of hazardous wastes by the State is a new process which may be somewhat confusing in that both federal and state regulations are involved. The Board suggests that the most effective way to handle this, for each wastestream, is through a filing which essentially consists of four documents: the basic Adjusted Standard petition (Section 106.705), the general standards for toxic wastes delisting (Section 720.122(d)), the USEPA delisting petition (Section 720.122(i)) and the toxic constituents discussion (Section 721.111(a)(3)). In this way, the applicable federal requirements can be cross-referenced to the pertinent Board regulations.

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 15th day of July, 1991 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board