

ILLINOIS POLLUTION CONTROL BOARD
July 15, 1981

ALBURN, INC.,)
)
) Petitioner,)
)
) v.) PCB 80-189
) 80-190
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On June 30, 1981, the Agency moved for clarification of the Board's Order of June 10, 1981. Specifically, it is requested that the stay be limited to those conditions which were the subject of Alburn's April 14, 1981 Motion for Stay of Permit Conditions. Pursuant to leave granted by the Board orally at its July 9 meeting, Alburn filed its Response on July 13, 1981.

Alburn's April 14 motion sought a stay of paragraph 1 of both its construction and its operating permit, which contain expiration dates. Alburn also contested paragraph 2(a) of its operating permit which requires prior Agency approval of a Special Waste Disposal Application for each special waste Alburn wishes to accept.

The balance of the challenged operating permit conditions require Alburn to conduct incinerator test burns and discrepancy tests on special waste shipments [2(b-c)], to limit its incinerator feed rate [3(b)], to compile incinerator logs [4(a-b)], and to apply for supplemental construction permits for wastes exceeding the criteria of conditions 2(a), with operating permits contingent on completion of tests required by Condition 3 of its construction permit (6). Challenged condition 3(d) of the construction permit requires a certain stack test. Other challenged construction conditions include installation of monitors [2(a-b)], a plan for disposal of wastes other than by incineration(4), installation of an incineration interlock system (5), compliance with Requirements for Determination of Waste Similarity (6), and a limitation of future operating permits to successfully tested waste streams (7).


The Board finds that "the two conditions [which were the subject of Alburn's April 14 motion] are inextricably intertwined with all of the remaining contested permit conditions" (Response, p. 3). As the Agency has not specified that any environmental harm has resulted or will result from continuation of a stay of

all contested conditions prior to a decision by the Board, and as the parties appear to be moving this action expeditiously, the Board reaffirms its rulings of May 1 and June 10 staying all contested permit conditions.

IT IS SO ORDERED.

Mr. Dumelle and Mr. Werner concurred.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 15th day of July, 1981 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board