

ILLINOIS POLLUTION CONTROL BOARD
September 23, 1993

IN THE MATTER OF:)
)
PETITION OF STEPAN COMPANY)
FOR AN ADJUSTED STANDARD) AS 88-2
FROM 35 ILL. ADM. CODE) (Adjusted Standard)
215 SUBPART I)

ORDER OF THE BOARD (by C. A. Manning):

This matter comes before the Board on Stepan's August 5, 1988, petition for an adjusted standard for its facility in Millsdale, Illinois. Pursuant to the Board's order of August 5, 1993, Stepan filed a status report in this matter on September 16, 1993. This report, which was due to be filed September 7, 1993 was not accompanied by a motion for leave to file instanter, and does not explain the nine (9) day filing delay.

This matter is inter-related with federal regulations in the Federal Implementation Plan (FIP). USEPA extended the stay of these rules in relation to Stepan on March 3, 1992. 57 Fed. Reg. 7549. Stepan reports that on August 5, 1993, USEPA filed a status report in the United States Court of Appeals for the Seventh Circuit pertaining to Stepan's appeal of the federal regulations. The USEPA status report states:

Regarding EPA's reconsideration of regulations concerning Stepan, EPA's regional office has completed its review of a draft Notice of Proposed Rulemaking (NPR) containing site-specific control requirements for Stepan's Millsdale facility. As stated in EPA's last Status Report, the Office of Management and Budget (OMB) has completed its review of the NPR and released it to EPA for the Administrator's signature. During the past month, EPA has been making revisions to the NPR in order to address concerns raised by OMB and to comply with certain Office of Federal Register procedures. The Administrator's signature is anticipated by the beginning of September.

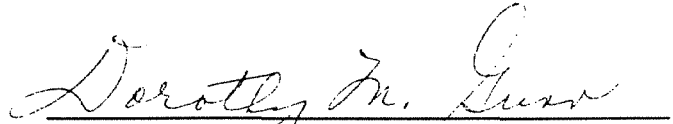
The status report states that counsel for USEPA has advised Stepan that it continues to expect the Administrator to sign the NPR very soon. Once the NPR is published in the Federal Register, there will be at least a 30 day public comment period on the Proposed Rule. Stepan also attaches an Order issued by the Seventh Circuit United States Court of Appeals requiring USEPA to file another status report on or before September 30, 1993.

Stepan continues to request that the Board allow this docket to remain open. Stepan is concerned that it could be caught between conflicting state and federal regulations should this proceeding go forward or be dismissed before the federal rulemaking is finalized and the federal appeal is resolved. Stepan proposes to provide the Board with another status report within 30 days of this order.

Given that USEPA has stayed the effectiveness of the federal regulations as they apply to Stepan pending reconsideration of those regulations, the Board will renew the stay of the proceedings in this matter until October 21, 1993, at which time Stepan is directed to file a timely status report with 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 25th day of September, 1993, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board