

ILLINOIS POLLUTION CONTROL BOARD  
February 17, 1994

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. Pursuant to the Board's order of December 16, 1993, Stepan filed a status report in this matter on February 14, 1994.

This matter is inter-related with federal regulations in the Federal Implementation Plan (FIP). The United States Environmental Protection Agency (USEPA) extended the stay of these rules in relation to Stepan on March 3, 1992. 57 Fed. Reg. 7549. Stepan reports that on December 1, 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 pertinent part of USEPA status report states:

EPA has published a notice in the Federal Register staying the rules applicable to both Stepan and Duo-Fast, pending EPA's reconsideration of those rules, but only if and as long as necessary to complete reconsideration. 57 Fed. Reg. 7549 (March 3, 1992).

Regarding EPA's reconsideration of regulations concerning Stepan, on October 1, 1993 EPA published a Notice of Proposed Rulemaking proposing site-specific control requirements for Stepan's Milldale facility. 58 Fed. Reg. 51279. On October 8, 1993, Stepan requested that the 30-day public comment period be extended 60 days. As a result of the request, EPA region 5 has prepared and forwarded to EPA headquarters a Federal Register notice which would grant Stepan a 45-day extension of time (to December 16, 1993).

The United States Court of Appeals for the Seventh Circuit upon consideration of the status report filed by USEPA ordered USEPA to file another status report on February 1, 1994. On January 27, 1994, the USEPA comment period was formally extended until February 15, 1994. Stepan states that it anticipates that USEPA will require an additional 60 days to publish a final rule.


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 on or before April 13, 1994.

Given that USEPA has stayed the effectiveness of the federal regulations as they apply to Stepan pending reconsideration, the Board will renew the stay of the proceedings in this matter until April 21, 1994. Stepan is directed to file a timely status on or before April 16, 1994.

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 17<sup>th</sup> day of February, 1994, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board