

ILLINOIS POLLUTION CONTROL BOARD
October 20, 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 M. McFawn):

This matter comes before the Board on Stepan's August 5, 1988, petition for an adjusted standard. The Board's order of September 1, 1994, directed Stepan to file a status report on or before October 17, 1994. Stepan filed a status report in this matter on October 12, 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 reported in a previous status report that on December 1, 1993, USEPA filed a status report in the United States Court of Appeals for the Seventh Circuit (Court) pertaining to Stepan's appeal of the federal regulations. The pertinent part of USEPA status report stated:

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 Court 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 filed comments with the USEPA on February 15, 1994. On March 24, 1994, USEPA filed a status report with the Court indicating that it is reviewing those comments. On June 1, 1994, USEPA filed another status report with the Court and based on that status report the Court


ordered USEPA to file another status report by August 1, 1994. On August 1, 1994, USEPA filed another status report with the Court and based on that status report the Court ordered USEPA to file another status report by October 1, 1994. On October 3, 1994, USEPA filed a status report with the Court. The Court, based on that status report, directed USEPA to file another status report by November 14, 1994.

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 November 22, 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 December 1, 1994. Stepan is directed to file a timely status on or before November 22, 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 26th day of October, 1994, by a vote of 5-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board