

ILLINOIS POLLUTION CONTROL BOARD

September 19, 1996

IN MATTER OF:)
)
REGULATION OF PETROLEUM LEAKING) R97-10
UNDERGROUND STORAGE TANKS) (Rulemaking - Land)
(35 Ill. Adm. Code 732))
)

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

On September 16, 1996 the Illinois Environmental Protection Agency (Agency) filed this proposal to amend our existing underground storage tank (UST) rules as required by P.A. 89-457, signed and effective May 22, 1996. P.A. 89-457 requires that the Board complete its rulemaking on or before March 15, 1997. The intent of the proposal is to effectuate changes for three reasons: (1) to make the UST program consistent with specified federal requirements; (2) to clarify issues which have arisen since initial implementation of this part; and (3) to address issues unresolved in the predecessor R94-2(B) docket, such as determining risk-based remediation objectives and site classification.

The Board notes that three Agency rulemaking petitions were filed on September 16, 1996. These are R97-10: Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732); R97-11: Site Remediation Program (also known as "Brownfields") (35 Ill. Adm. Code 740); and R97-12: the Tiered Approach to Corrective Action Objectives (also known as "TACO") (35 Ill. Adm. Code 742). Each of the three Agency rulemaking petitions has a decision due date. The Leaking Underground Storage Tanks rulemaking is due to be completed by March 15, 1997, while the Brownfields and TACO rulemakings, which are thematically linked, are each due to be completed on or before June 16, 1997. The Board is still in the process of reviewing each of these petitions, and is still considering options for the most expeditious handling, coordination and completion of these time-driven rules.

At this time, we will accept this matter for hearing, and grant the motion regarding incorporations by reference filed along with the petition. We note, however, that the proposal fails to include a completed copy of the economic impact form required by the Joint Committee on Administrative Rules (See Section 102.121(c)). While we additionally note that the proposal itself requests additional time to supply economic information, we believe the economic impact form should be submitted in advance of hearing based on any information available at that time. The hearing officer is directed to establish a date for the Agency's submission of the economic impact form.

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 ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board