

ILLINOIS POLLUTION CONTROL BOARD

June 7, 2001

IN THE MATTER OF: )  
)  
PROPOSED AMENDMENTS TO TIERED ) R00-19(C)  
APPROACH TO CORRECTIVE ACTION ) (Rulemaking – Land)  
OBJECTIVES (TACO): 35 ILL. ADM. )  
CODE 742 )

ORDER OF THE BOARD (by E.Z. Kezelis, M. McFawn, N.J. Melas):

On May 15, 2000, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend 35 Ill. Adm. Code 742 of the Board's land regulations, commonly referred to as the Tiered Approach to Corrective Action Objectives (TACO) rules. The Board accepted this matter for hearing on May 18, 2000. On July 27, 2000, the Board moved the Agency's proposed rulemaking to first notice. In doing so, the Board divided the proposal into two subdockets, A and B. In this order, the Board creates an additional subdocket, Subdocket C, in which we shall address the proposed addition of clean up standards for methyl tertiary-butyl ether (MTBE).

The clean up standards for MTBE were originally proposed as part of the Board's first-notice opinion and order in R00-19(B). See Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742 (July 27, 2000), R00-19(B). As of today, the Board has moved to second notice with all of the Subdocket B amendments, except for those relating to MTBE.

By creating a separate, new subdocket for MTBE in this rulemaking, the Board does not intend to unnecessarily delay adoption of MTBE clean up standards. However, the Board has determined that this action is necessary in light of another pending Agency proposal that would add groundwater quality standards for MTBE. See generally, Proposed MTBE Groundwater Quality Standards Amendments: 35 Ill. Adm. Code 620, (R01-14). Additionally, the Board is aware of recent action in the State legislature to ban the use of MTBE in Illinois. Specifically, the General Assembly has sent to the Governor for his action House Bill 171, which would prohibit the use, sale, distribution, blending, or manufacturing of MTBE as a fuel additive in Illinois. If signed by the Governor, the ban would become effective in three years.

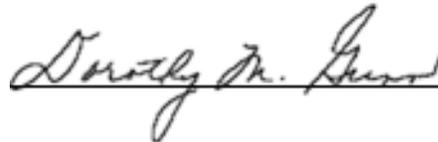
The Board is sensitive to increasing concerns, both public and private, regarding MTBE in Illinois and across the country. These concerns are not insignificant and the Board will address them both in this rulemaking and in R01-14, the groundwater quality standards rulemaking. Establishing this separate Subdocket C allows the Board to move forward with the Subdocket B amendments, which also warrant prompt action, while reserving the proposed MTBE amendments for further examination and analysis.

By opening this Subdocket C, the Board intends to provide a focused and well-reasoned examination of the MTBE issues. Because the MTBE TACO standards are closely related to the proposed groundwater standards in R01-14, the Board finds it prudent to address these two rulemaking proposals concurrently. The Board will proceed expeditiously in its efforts to adopt scientifically supportable and environmentally protective MTBE standards.

Accordingly, Subdocket C is hereby opened for the purpose of further examining the proposed MTBE clean up standards which were proposed by the Agency in the appendices to Part 742 and which appear in the Board's first-notice opinion and order, adopted on July 27, 2000. See Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742) (July 27, 2000), R00-19(B).

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 7th day of June 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board