

ILLINOIS POLLUTION CONTROL BOARD
December 1, 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. The Board's order of October 20, 1994, directed Stepan to file a status report on or before November 22, 1994. Stepan filed a status report in this matter on November 21, 1994.

This matter is related to federal regulations in a Federal Implementation Plan (FIP). The United States Environmental Protection Agency (USEPA) extended the stay of those federal regulations 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).

On November 14, 1994 USEPA filed a status report stating that it is still reviewing Stepan's comments that were filed on February 15, 1994. The Court upon consideration of the status report filed by USEPA, ordered USEPA to file another status report on January 3, 1995.

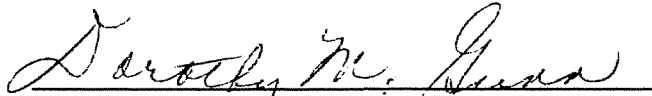
Stepan continues to request that the Board allow this docket to remain open. Stepan is concerned that it could be caught

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 is also monitoring two pending rulemaking dockets, R94-21 and R94-33, which may affect Stepan's site-specific rulemaking petition. Stepan proposes to provide the Board with another status report on or before January 25, 1995.

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 February 16, 1995. Stepan is directed to file a timely status report on or before February 3, 1995 or when USEPA finalizes the FIP, whichever comes first.

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 12th day of December, 1994, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board