

ILLINOIS POLLUTION CONTROL BOARD
February 22, 1990

IN THE MATTER OF:)
)
RACT DEFICIENCIES -) R89-16
AMENDMENTS TO 35 ILL. ADM.) (Rulemaking)
CODE PARTS 211 AND 215)

ORDER OF THE BOARD (by J.D. Dumelle):

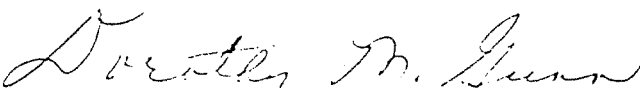
This matter comes before the Board upon a January 10, 1990 motion to strike and motion for application of Section 28 rulemaking filed by Stepan Company. On January 23, 1990, the Illinois Environmental Protection Agency (Agency) requested an extension of time to February 9, 1990 to respond to the motion. On January 25, 1990, the Board granted the Agency's request. As part of its post-hearing comments filed on February 13, 1990, the Agency responded to Stepan's motion and filed a motion to dismiss Stepan's motion.

In its post hearing comments, Stepan indicated that the Agency would, in its comments, provide written confirmation of its "interpretation of the statutory provision [Section 10] and of the inapplicability of the Generic Rule to Stepan by virtue thereof." Stepan further stated that in light of that understanding the issue as to the status of the Agency proposal as a required rule under federal law as raised in its motion is moot. The Board notes that in its comments, the Agency has indicated its position that under Section 10 of the Act, Stepan is not affected by the Generic rule or the amendments proposed to it in this proceeding.

The Agency having articulated its position as Stepan indicated it would, the Board construes Stepan's statement that "the issue... is moot" as a request to withdraw its motion to strike and motion for application of Section 28 rulemaking. The Board hereby grants the withdrawal of the motion.

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 32nd day of February, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board