

ILLINOIS POLLUTION CONTROL BOARD  
August 5, 1993

IN THE MATTER OF: )  
 )  
PETITION OF STEPAN COMPANY ) AS 88-2  
FOR AN ADJUSTED STANDARD ) (Adjusted Standard)  
FROM 35 ILL. ADM. CODE )  
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. Pursuant to the Board's order of May 20, 1993, Stepan filed a status report in this matter on July 26, 1993. This report, which was due to be filed June 14, 1993, was not accompanied by a motion for leave to file instanter, and does not explain the six-week filing delay.

This matter is inter-related with federal regulations in the Federal Implementation Plan (FIP). USEPA extended the stay of these rules in relation to Stepan on March 3, 1992. 57 Fed. Reg. 7549. Stepan reports that on July 1, 1993, USEPA filed a status report in the United States Court of Appeals for the Seventh Circuit pertaining to Stepan's appeal of the federal regulations. The USEPA status report states:

Regarding EPA's reconsideration of regulations concerning Stepan, EPA's regional office has completed its review of a draft Notice of Proposed Rulemaking ("NPR") containing site-specific control requirements for Stepan's Millsdale facility. The office of Management and Budget has completed its reievw of the NPR and released it to EPA for the Administrator's signature which is anticipated this month.

The report states that counsel for USEPA has advised Stepan that it continues to expect the Administrator to sign the NPR very soon. Once the NPR is published in the Federal Register, there will be at least a 30 day public comment period on the Proposed Rule. Stepan also attaches an Order issued by the Seventh Circuit United States Court of Appeals requiring USEPA to file another status report on or before August 6, 1993.

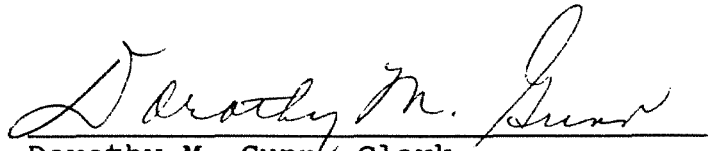
Stepan continues to request that the Board allow this docket to remain open. Stepan is concerned that it could be caught between conflicting state and federal regulations should this proceeding go forward or be dismissed before the federal rulemaking is finalized and the federal appeal is resolved. Stepan proposes to provide the Board with another status report

within 30 days of this order.

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 September 7, 1993, at which time Stepan is directed to file a timely status report with the Board.

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 5<sup>th</sup> day of August, 1993, by a vote of 6<sup>-0</sup>.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board