

ILLINOIS POLLUTION CONTROL BOARD  
January 6, 1994

IN THE MATTER OF: )  
 )  
TOXIC AIR CONTAMINANT LIST, ) R90-1(D)  
 ) (Rulemaking)  
STYRENE (35 ILL. ADM. CODE )  
 )  
232 APPENDIX A) )

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

On September 10, 1993, the for this docket was published in the Illinois Register. (17 Ill. Reg. 14540 (September 10, 1993).) The proposed amendment to 35 Ill. Adm Code 232. Appendix A was filed by the Board pursuant to Sections 9.5 and 27 of the Illinois Environmental Protection Act (Act). (415 ILCS 5/9.5 and 5/27 (1992).)

On September 23, 1993, the Styrene Information and Research Center (SIRC) and on September 24, 1993, the Chemical Industry Council of Illinois (CICI) filed requests for a hearing in this matter pursuant to Section 5-40 of the Illinois Administrative Procedure Act. (5 ILCS 100/5-40 (1992).) The Board granted the requests in its order dated October 21, 1993.

On November 12, 1993, SIRC filed a motion to stay proceedings based on SIRC's understanding that the Illinois Environmental Protection Agency (Agency) intends to propose to the Board a rulemaking which would eventually list styrene as a Toxic Air Contaminant (TAC). SIRC believes that the Agency is planning to propose a rulemaking which would consider all substances currently listed as Hazardous Air Pollutants (HAP) under Section 112 of the Clean Air Act Amendments of 1990 (which includes styrene) to be a TAC pursuant to Illinois law. In its motion to stay, SIRC states that it would have no objection to the listing of styrene as a TAC on this basis. SIRC requests the Board to stay the proceedings in this matter until the Board rules on the Agency's proposal.

On December 2, 1993, the Agency filed a response to the motion to stay which stated, in summary, that the Agency did not consider the above-referenced proposal "imminent" and that to grant the motion to stay would result only in further and indeterminable delay in resolving this matter.

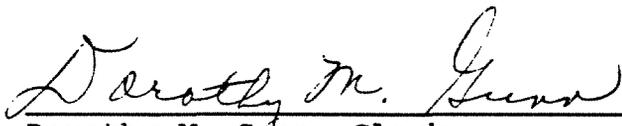
On December 16, 1993, the Agency filed a motion to withdraw its initial response. The Agency states that since the filing of the December 2, 1993, response and this December 16, 1993 "alternative response" that the negotiations have been ongoing between it, SIRC and CICI. As a result the Agency has determined that withdrawal of its initial response, which objected to the stay, is appropriate as it anticipates proposing the negotiated rulemaking "shortly." The Board has not received any other

response concerning the motion to stay.

While the Board is unwilling to grant an indefinite motion to stay, especially where, as here, the matter being stayed is a rulemaking where there are definite time constraints in completing the matter, the Board hereby grants a stay until March 3, 1994.<sup>1</sup> Any motions to dismiss, withdraw, or other appropriate motions the parties want the Board to consider must be received by the Board by February 25, 1994.

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 6<sup>th</sup> day of January, 1994, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

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<sup>1</sup> The Administrative Procedure Act states that a state agency has a year to complete a rulemaking from the date the proposed rulemaking is published in the Illinois Register. (5 ILCS 100/5-40(e) (1992).)