

ILLINOIS POLLUTION CONTROL BOARD  
December 3, 1992

IN THE MATTER OF: )  
 ) R92-18  
CONTINGENCY PLAN UPDATE ) (Identical in Substance  
(USEPA RULES THROUGH 12/31/92) ) Rules)

EXTENSION OF TIME

ORDER OF THE BOARD (by J. Anderson):

On October 1, 1992, the Board opened this Docket for the purpose of updating the State contingency plan (Contingency Plan) regulations contained in 35 Ill. Adm. Code 750. The contingency plan regulations are patterned after the USEPA CERCLA, commonly referred to as "Superfund", regulations found in 40 CFR 300. The Board's contingency plan regulations address spills of hazardous materials, and prioritization of remediation projects to be funded by the State. The regulations were promulgated so as to be utilized by the Illinois Environmental Protection Agency (Agency) in concert with the Agency's administration of the legislatively appropriated "State Superfund" monies.

We note, however, that while the Act requires that the contingency plan regulations be patterned after the USEPA "Superfund" regulations, their adoption is not required by the USEPA. In this respect, the contingency plan regulatory program differs from most other "identical in substance" programs (such as RCRA).

Sections 7.2 and 22.7 of the Environmental Protection Act (Act) require the Board to adopt the contingency plan regulations on a "fast track" basis pursuant to "identical in substance" rulemaking procedures. Specifically, Section 22.7 requires the Board to adopt regulations which are identical in substance to the federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). (Ill. Rev. Stat. 1991, ch. 111 and 1/2. par. 1022.7). Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of a federal rule, unless the Board extends the time based on a finding that the time is insufficient, and stating the reasons. The Board is to specify a date certain anticipated for completion unless a specified event beyond the Board's control prevents such specificity.

For the reasons stated below, the Board finds that the time has been insufficient, and that it anticipates completion by April 1, 1993.

0137-0727