

ILLINOIS POLLUTION CONTROL BOARD

June 14, 1984

IN THE MATTER OF:)
)
INSTA-FOAM PRODUCTS, INC.) R84-23
PETITION FOR DELISTING (35 Ill.)
Adm. Code 721))

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

This matter comes before the Board upon a May 23, 1984 petition for regulatory change filed on behalf of Insta-Foam Products, Inc. Insta-Foam requests the delisting of a waste material which contains small quantities of dichlorodifluoromethane and trichlorofluoromethane from the list of hazardous wastes at 35 Ill. Adm. Code 721 pursuant to 35 Ill. Adm. Code 720.122. The request, apparently, falls under Section 720.122(b) relating to delistings which have not been adopted by the United States Environmental Protection Agency.

The Board notes that Section 720.122(b) cautions that the Board may not have the authority to adopt such delistings (note especially Sections 20 and 22.4 of the Environmental Protection Act). If the Board does not have such power, the authorization of hearings would be a useless act. The Board further notes that Insta-Foam has failed to indicate the specific language of its proposal, or even which section(s) it desires be amended. The chemicals at issue here are listed under Section 721.133(e), (f) and Appendix H.

The Board finally notes that there may be components of the "waste material" other than those specified which could result in the material being deemed hazardous either by characteristic or listing. However, Insta-Foam has not discussed this possibility.

The Board has docketed this matter as R84-23 solely for the purpose of filing. It will not, however, authorize hearings at this time. Rather, the Board requests that Insta-Foam provide the following supplemental information:

1. Citation of the particular sections of 35 Ill. Adm. Code Subtitle G it desires be amended as well as the specific language changes;

2. A brief discussion of the legal authority of the Board to delist a waste from Subtitle G in the absence of federal delisting under the Resource Conservation and Recovery Act including a discussion of the relevant State and federal statutes and regulations; and
3. A discussion of any other component or characteristic of the material which might, under State or federal law, result in its being identified as a hazardous waste.

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 14th day of June, 1984 by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board