

ILLINOIS POLLUTION CONTROL BOARD  
December 20, 1984

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

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

On May 23, 1984 Insta-Foam Products, Inc. petitioned the Board to delist a waste material containing small quantities of dichlorodifluoromethane and trichlorofluoromethane pursuant to 35 Ill. Adm. Code 720.122. At that time, the Board noted that no such delisting had been adopted by the United States Environmental Protection Agency (U.S. EPA) and that the Board's authority to delist was unclear absent a federal delisting. The Board also noted certain deficiencies in the regulatory petition. The Board docketed this matter, but requested that Insta-Foam provide certain additional information and legal support. Neither was provided.

On December 7, 1984, Insta-Foam filed a Motion to Dismiss this proceeding. In its motion, Insta-Foam notes that it no longer believes a delisting is necessary to achieve its purposes based on the fact that it has received a letter from U.S. EPA indicating that the waste in question is not considered to be a hazardous waste under U.S. EPA's interpretation of 40 CFR 261. The letter is attached to Insta-Foam's Motion to Dismiss as Exhibit A.

The Board hereby dismisses this proposal and closes the docket at the request of the Petitioner. This action does not constitute a Board finding of fact on the issue presented in the petition. The Board has not held a hearing in this matter nor is it able to judge the nature of the waste involved or the veracity of the facts presented in the petition.

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 20<sup>th</sup> day of December, 1984 by a vote of 5-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board