

ILLINOIS POLLUTION CONTROL BOARD
September 4, 1997

IN MATTER OF:)
)
TOXIC AIR CONTAMINANT LIST,) R90-1(B)
ENVIRONMENTAL EFFECTS) (Rulemaking - Air)
CONSIDERATION (35 ILL. ADM.)
CODE 232))

ORDER OF THE BOARD (by J. Yi):


Docket R90-1 was opened January 2, 1990, to address the Illinois Environmental Protection Agency's (Agency) proposal to create a list of toxic air contaminants (TACs) as required by Section 9.5(e) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9.5(e) (1996)). After hearings, by order of September 26, 1991, the Board adopted a first notice proposal in R90-1(A). In that same order, the Board created subdocket R90-1(B) to address the question of developing environmental effects criteria for selecting TACs. In the Matter of: Toxic Air Contaminants List (35 Ill. Adm. Code 232) September 26, 1991, R90-1, slip op. at 14. Final rules were adopted in R90-1(A) on September 3, 1992.

Due to press of other business, no proposal has been filed in R90-1(B). The Agency's July 1997 regulatory agenda submittal to the Board for Illinois Register publication (21 Ill. Reg. 11299 (August 8, 1997)) does not contain any listing for this item, so it would appear that the filing of a proposal is not imminent. Under these circumstances, the Board sees no purpose in continuing to keep this docket open. In the event the Agency files a proposal regarding this subject, the Board will assign the matter a new docket number.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 145 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 4th day of September 1997, by a vote of 7-0 .



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board