

ILLINOIS POLLUTION CONTROL BOARD
February 3, 1994

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

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

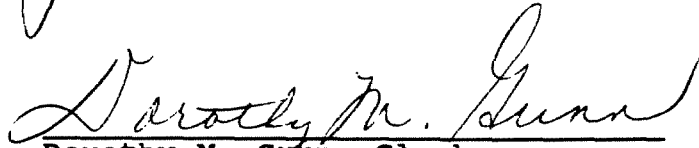
On August 5, 1993, the Board issued an extension of time order pursuant to Section 7.2 and 22.7 of the Environmental Protection Act ("Act") (415 ILCS 5/7.2(b) and 5/22.7 (1992).) Sections 7.2 and 22.7 of the Act require the Board to adopt amendments to State's contingency plan regulations pursuant to "identical in substance" rulemaking procedures, unless the Board formally extends the time in accordance with Section 7.2. The contingency plan regulations are to be identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the USEPA to implement Section 105 of Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA").

On February 1, 1994, the Illinois Environmental Protection Agency ("Agency") submitted a request that we further extend the completion date for this rulemaking. The Agency is pursuing an amendment to Section 22.7 in the upcoming legislative session. Such an amendment would substantially alter, if not remove the legislative mandate entirely that the Board adopt identical in substance rules to USEPA CERCLA Section 105 regulations when no federal authorization or USEPA approval is required. Clearly, such a legislative change would impact the outcome of this rulemaking, if not obviate it altogether.

Therefore, we are hereby formally extending the time for completion of this rulemaking. However, we decline to set a time certain and do so based on the nature of the legislative process. Should a legislative amendment not be successful, the Board estimates it would require six months to complete the rulemaking. Pursuant to Section 7.2(b) of the Act, the Board will submit this order for publication in the Illinois Register as expeditiously as possible.

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 3rd day of February, 1994, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board