

ILLINOIS POLLUTION CONTROL BOARD
July 21, 1994

IN THE MATTER OF:)
)
TOXIC AIR CONTAMINANT LIST,) R90-1 (D)
) (Rulemaking)
STYRENE (35 ILL. ADM. CODE)
)
232 APPENDIX A))

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

On September 10, 1993, the First Notice of the proposed rulemaking was published in the Illinois Register. (17 Ill. Reg. 14540 (September 10, 1993).) The Board adopted the First Notice pursuant to Sections 9.5 and 27 of the Illinois Environmental Protection Act (Act), on August 26, 1993. (415 ILCS 5/9.5 and 5/27 (1992).)

On September 23 and 24, 1993, the Styrene Information and Research Center (SIRC) and the Chemical Industry Council of Illinois (CICI) filed requests for a hearing in this matter pursuant to Section 5-40 of the Illinois Administrative Procedure Act. (5 ILCS 100/5-40 (1992).) The Board granted the requests in its October 21, 1993 order.

SIRC filed a motion on November 12, 1993 to stay proceedings based on SIRC's understanding that the Illinois Environmental Protection Agency (Agency) intends to propose to the Board a rulemaking which would eventually list styrene as a Toxic Air Contaminant (TAC). On December 16, 1993, the Agency filed a response which stated that it intends to file a proposal which would allow the listing of styrene as a TAC. Based on this the Board granted a stay until March 3, 1994.

On February 25, 1994, SIRC filed a status report and a motion to extend the stay in this matter for at least ninety (90) days. In support of the motion SIRC states that the Agency intends to file a proposal for listing styrene as a TAC on the basis that it is already listed as a Hazardous Air Pollutant (HAP) pursuant to Section 112 of the Clean Air Act in May of 1994. The Board granted the extension of the stay until May 19, 1994 with reluctance due to the deadline to finish the proceedings as established by the Administrative Procedure Act. The Board also directed the parties to file any motions to dismiss, withdraw, or other appropriate motions with the Board by May 6, 1994.

On April 29, 1994 the Agency filed a status report with the Board. It stated that the Agency intends to proceed with the amendment to Section 232.200 in order to include styrene on the TAC list and anticipates filing its proposal by mid-summer. Furthermore the Agency stated that it would concur with a request

by SIRC to continue the stay in this matter and assures the Board that it will be able to dismiss this docket by September 10, 1994. However, the Agency also requested the Board to keep this docket open until the proposal to amend Section 232.200 is actually filed with the Board.

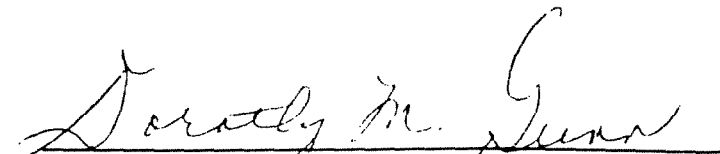
On May 6, 1994, SIRC filed a motion to continue the hearing. In support of its motion it states that to allow the Agency to propose listing styrene on the TAC list because it is a HAP is a "more efficient approach since further proceedings on this docket will involve substantial hearings and great expense to all parties." SIRC requests an additional stay for at least 180 days and that it understands that this may require the Board to republish First Notice of this rulemaking in the Illinois Register.

On July 11, 1994, the Agency filed a motion to stay the hearing in this matter for an additional sixty (60) days. The Agency states that it has only recently received the Great Waters Program, as set forth on the "First Report to Congress, Deposition of Air Pollutants to the Great Waters," published in May 1994. The Agency is requesting the additional time to review the list of chemicals to revise its regulatory proposal based on this publication.

The Board will grant the requested 60-day stay in this matter. The Board grants the stay until October 6, 1994. Any motions to dismiss, withdraw, or other appropriate motions the parties want the Board to consider must be received by the Board by September 24, 1994. The First Notice published on September 10, 1993 will expire, therefore the Board will be required to return to first notice in this matter.

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 21st day of July, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board