

ILLINOIS POLLUTION CONTROL BOARD  
August 5, 1993

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

EXTENSION OF TIME

ORDER OF THE BOARD (by J. Anderson):

On March 25, 1993, the Board issued an extension of time order pursuant to Sections 7.2 and 22.7 of the Environmental Protection Act (Act).<sup>1</sup> (415 ILCS 5/7.2(b) and 5/22.7 (1992)).<sup>2</sup> Sections 7.2 and 22.7 of the Environmental Protection Act require the Board to adopt amendments to its contingency plan regulations on a "fast track" basis 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 CERCLA.

For the reasons contained in its March 25, 1993 order, and as summarized as follows, the Board finds that an extension of time is necessary to complete the rulemaking. In its March 25, 1993 order, the Board explained, pursuant to Section 7.2 of the Act, that it could not specify an anticipated completion deadline, due to an event beyond the Board's control, i. e., the then-current pendency of legislation seeking to amend the statutory mandate that would have directly affected the scope of this rulemaking. At that time, the Board determined not to proceed until it knew the outcome of the proposed legislative amendment to provisions of the Act which establish the specifics of the State contingency plan's identical in substance mandate.<sup>3</sup> The Board anticipated being able to give its best assessment of when this rulemaking could be completed at its second regularly scheduled July meeting.

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<sup>1</sup> On December 3, 1992, the Board had also earlier issued an extension of time order in this matter.

<sup>2</sup> The Act was formerly codified at Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1001 et seq.

<sup>3</sup> While the Act requires that the contingency plan regulations be patterned after the USEPA "Superfund" regulations, their adoption is not required by the USEPA. In this respect, the contingency plan regulatory program differs from most other "identical in substance" programs (such as RCRA).

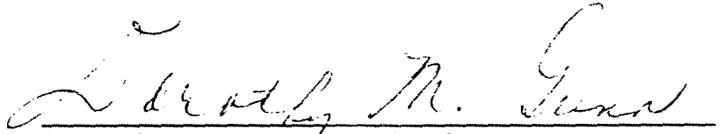
In that the legislative session has ended without adopting the amendment, the Board is giving that best assessment today.

The Board anticipates that this rulemaking, which is voluminous, can be completed by February 10.

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 5th day of August, 1993, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board