

ILLINOIS POLLUTION CONTROL BOARD
October 17, 1996

IN THE MATTER OF:)
)
CONTINGENCY PLAN UPDATE, USEPA) R92-18
REGULATIONS (through June 30, 1992)) (Identical-in-Substance)
) (Land Rules)

IN THE MATTER OF:)
)
CONTINGENCY PLAN UPDATE, USEPA) R93-7
REGULATIONS (July 1 through December) (Identical-in-Substance)
31, 1992)) (Land Rules)

IN THE MATTER OF:)
)
CONTINGENCY PLAN UPDATE, USEPA) R93-23
REGULATIONS (January 1 through) (Identical-in-Substance)
June 30, 1993)) (Land Rules)

IN THE MATTER OF:)
)
CONTINGENCY PLAN UPDATE, USEPA) R94-9
REGULATIONS (July 1 through December) (Identical-in-Substance)
31, 1993)) (Land Rules)

IN THE MATTER OF:)
)
CONTINGENCY PLAN UPDATE, USEPA) R94-27
REGULATIONS (January 1 through) (Identical-in-Substance)
June 30, 1994)) (Land Rules)

Proposed rules. Dismissal order.

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

Section 22.7(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.7(a) (1994)] formerly required the Board to adopt regulations that are "identical in substance" to remedial action regulations promulgated by USEPA to implement Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9605). The Board adopted such regulations in docket R84-5 on June 8, 1984 and amended them in R84-5(B) on May 30, 1995. The Board has since periodically and systematically reserved dockets for various six-month time-frames to consider amendments to the federal regulations (codified as 40 CFR 300) that USEPA has adopted since we adopted the initial R84-5 docket. Knowing

that prospective statutory revisions would affect the scope of our Section 22.7(a) authority, and at the request of the Illinois EPA (Agency), the Board deferred action on these update dockets.

The recent "brownfields" legislation, P.A. 89-431, effective December 15, 1995, repealed Section 22.7(a) of the Act. This legislation replaced the contingency plan regulatory program with the "brownfields" regulatory program, mandating that the Board adopt regulations by March 15, 1997. The Agency has proposed, and the Board has docketed as R97-12, a set of "brownfields" regulations pursuant to P.A.. 89-431 that would replace the contingency plan rules.

For the foregoing reasons, the Board hereby dismisses the five reserved dockets listed in the caption of this order.

IT IS SO ORDERED.

Board Member K. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the _____ day of _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board