

ILLINOIS POLLUTION CONTROL BOARD
December 15, 1988

IN THE MATTER OF:)
)
COLLECTION OF FILING FEES) RES 88-3
PURSUANT TO SECTION 7.2)
OF THE ACT)

RESOLUTION OF THE BOARD (by J. Marlin):

P.A. 85-1331 (also known as HB 4039) added a new Section 7.2 to the Environmental Protection Act. Section 7.2 provides that, effective January 1, 1989:

The Board shall collect filing fees as prescribed in this Act. The fees shall be deposited in the Pollution Control Board Fund. The filing fees shall be as follows:

- (a) Petition for site-specific regulation, \$75.00;
- (b) Petition for variance, \$75.00;
- (c) Petition for review of permit, \$75.00;
- (d) Petition to contest local government decision pursuant to Section 40.1, \$75.00;
- (e) Petition for an adjusted standard, pursuant to Section 28.1, \$75.00.

In Docket R88-5, In The Matter Of: Procedural Rules Revision, 35 Ill. Adm. Code 101, 102, and 106, the Board had proposed regulations to implement Section 7.2 as well as other recent amendments to the Act. Due to the volume and nature of the public comment submitted in that proceeding, this docket remains under advisement.

As the R88-5 regulations cannot be in place on January 1, 1989, the Board will fulfill the mandate of Section 7.2 consistent with the procedures outlined in this Resolution until procedural rules are in place.

1. A person filing an action for which a filing fee is prescribed by Section 7.2 of the Act, above, shall pay that fee at the time of filing of the petition. The fee requirement applies to petitions received at the Board's offices on and after January 2, 1989, regardless of when service was initiated.

2. The Board construes the fee requirement of Section 7.2(b) "petition for variance" applying only to variances filed pursuant to Section 35(a) of the Act. No filing fee is required for provisional variances pursuant to Section 35(b) of the Act.
3. The Board construes the fee requirement of Section 7.2(c) "petition for review of permit" as applying to all actions brought pursuant to Section 40 of the Act.
4. Filing fees may be paid by cashier's check, money order, certified check, or personal check made payable to the Illinois Pollution Control Board. Cash payments will be accepted, but are strongly discouraged.
5. The Board will not deem petitions in actions subject to Section 7.2 complete unless and until checks are honored (paid) by the petitioner's bank. Notwithstanding, for the purposes of computation of any decision deadline in actions subject to Section 7.2(b), (c), or (d), the Board will presume that the filing fee has been paid at the time of filing of the petition and check, if the check is honored upon its initial presentation to petitioner's bank.
6. In the event a check is dishonored (not paid) or not submitted with a petition, the Board will enter an appropriate "sanctions" order in that action. Such orders may include extensions of time for payment, dismissal of an action for non-payment, or in actions with decision deadlines, re-computation of the decision deadline to exclude the time in which the filing fee remained uncollected without leave of the Board.

To ensure that affected persons are made aware of these new filing fee requirements, the Board will:


- (a) Mail a copy of this Resolution to all persons on the R88-5 notice list;
- (b) Publish this Resolution in the Environmental Register; and
- (c) Provide copies of this Resolution to persons filing petitions prior to the effective date of procedural rules implementing Section 7.2.

Finally, the Board would appreciate any assistance that the environmental bar, industry and trade associations, and

environmental groups can give in making these requirements known to their members.

IT IS SO RESOLVED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Resolution was adopted on the 15th day of December, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board