

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1990

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL.ADM.CODE) R90-24
101.103(d) TO REQUIRE USE OF) (Rulemaking)
RECYCLED PAPER FOR ALL DOCUMENTS)
FILED WITH THE BOARD)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a petition for rulemaking, filed by Business and Professional People for the Public Interest (BPI) on November 21, 1990. BPI asks the Board to amend its procedural rules to require the use of recycled paper for all documents filed by attorneys with the Board. The Board finds that the proposal satisfies the applicable content requirements of 35 Ill.Adm.Code 102.121. Because the petition seeks to amend the Board's procedural rules, several aspects of "regular" rulemaking do not apply to this proceeding. For example, the provisions of Section 27 of the Environmental Protection Act (Act) relating to economic impact studies are not applicable to procedural rulemakings pursuant to Section 26 of the Act. Additionally, the Board is not required to hold hearings, other than within the context of the Administrative Procedure Act. BPI has requested "oral argument", however, and the Board construes this as a request for hearing. The Board will hold at least one hearing on this proposal, and the hearing officer is directed to schedule hearings pursuant to 35 Ill.Adm.Code 102.161. The hearing officer shall consult with the Board's office manager before actually establishing a hearing date, in order to assure that hearing funds are available.

In addition to the issues raised in BPI's proposal, the Board requests testimony and comment on three related issues during the hearing process:

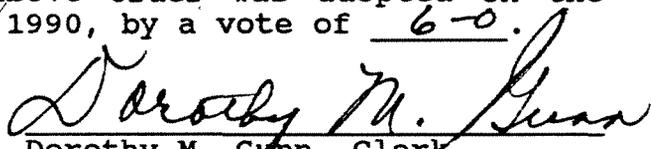
1. Whether the photocopiers generally used by those appearing before the Board are compatible with recycled paper;
2. Whether the scope of the proposal should be expanded to include documents filed by organized environmental and trade groups, whether or not those groups are represented by attorneys; and
3. What sanctions should be imposed for failure to comply with required use of recycled paper.

Finally, the Board notes that it has slightly revised the

caption of this proceeding. All participants should use this caption in future filings.

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 4th day of December, 1990, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board