

Cathy Busto
429 Tomahawk Street
Park Forest, Illinois 60466-2417
January 17, 2003

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STATE OF ILLINOIS
Pollution Control Board

P.C. #1

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

R03-10

REVISION OF THE BOARD'S
PROCEDURAL RULES: 35 ILLINOIS
ADMINISTRATIVE CODE 101-130

(Rulemaking-Procedural)

This filing is submitted on recycled paper.

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IN THE MATTER OF:
REVISION OF THE BOARD'S
PROCEDURAL RULES: Docket Number R03-10

Dear Ms. Gunn:

I want to thank the Illinois Pollution Control Board for the opportunity for public comment on the proposed procedural rule amendments. There have been recent amendments to the Environmental Protection Act (415 ILCS 5 (2000), amended by P.A. 92-0574, effective June 26, 2002) and to the Administrative Procedure Act (5 ILCS 100 (2000), amended by P.A. 92-0330, effective August 9, 2001) since the Illinois Pollution Control Board completely revised its procedural rules. I believe that the procedural rule changes which the Board has proposed will reflect the recent statutory amendments to the Environmental Protection Act and the Administrative Procedure Act.

I am pleased that the Board has revised some of its definitions in Section 101.202, Subpart B of its procedural rules. The word "duplicitous" is a confusing term in reference to citizen complaints. The word "duplicative" is a much better term.

Regarding the filing of documents, the Board has deleted the requirement to file multiple copies. The elimination of the requirement to file ten paper copies will simplify and encourage public participation in Pollution Control Board proceedings. The Board has set parameters to allow documents to be filed and served electronically and has still allowed the public the option of filing paper documents with the Clerk's Office. I think it is important to offer the public a choice of formats for the filing of documents. I am physically handicapped and also have limited visual acuity. Therefore it is easier for me to file paper documents.

Section 101.302 (h) still allows members of the Board or a hearing officer to order a party or participant to deliver a particular filing in paper with multiple copies, if needed. It is important to ensure flexibility that may be needed for a given filing and the Board has done that in this section.

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The Administrative Procedure Act has been amended since the Pollution Control Board last completely revised its procedural rules. Effective August 9, 2001, the Administrative Procedure Act now requires that rulemaking proposals published in the Illinois Register describe any published study or research report used in developing the rule and where the public may obtain a copy. In Sections 102.202 and 102.210, the Board has proposed the addition of a paragraph to reflect this new requirement.

Section 102.820, Subpart H is a new section which details the petition contents for an Outstanding Resource Water Designation. This section also has a paragraph added which reflects the new requirement that rulemaking proposals published in the Illinois Register describe any published study or research report used in developing the rule and where the public may obtain a copy.

The procedural rule changes which the Board has proposed for Sections 102.202, 102.210, and 102.820, Subpart H will incorporate the recent statutory amendments to the Administrative Procedure Act. The proposed rule changes will also make it easier for the public to obtain information regarding any published studies or research reports which have been used in developing the rulemaking proposals which are published in the Illinois Register.

I support the final adoption of these new procedural rules which will facilitate public participation in all adjudicatory and regulatory proceedings pending before the Illinois Pollution Control Board.

Sincerely,

Cathy Busto

(Miss) Cathy Busto