



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

March 9, 2011

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CLERK'S OFFICE
MAR 14 2011
STATE OF ILLINOIS
Pollution Control Board

POLLUTION CONTROL BOARD
JOHN THERRIAULT ASSISTANT CLERK
100 W RANDOLPH ST, STE 11-500
CHICAGO, IL 60601

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 35, Issue 12 of the Illinois Register, dated 3/18/2011.

ADOPTED RULES

Organization, Public Information, and Types of Proceedings
2 Ill. Adm. Code 2175
Point of Contact: Nancy Miller

4549

If you have any questions, you may contact the Administrative Code Division at
(217) 782 - 7017.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organization, Public Information, and Types of Proceedings
- 2) Code Citation: 2 Ill. Adm. Code 2175
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2175.205	Amended
2175.700	New
2175.710	New
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28] and Section 5-15 of the Administrative Procedure Act [5 ILCS 100/5-15].
- 5) Effective Date of Amendments: MAR - 4 2011
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) The adopted amendments are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: Pursuant to Section 5-15 of the Administrative Procedure Act [5 ILCS 100/5-15] these rules were not published a proposed rules in the Illinois Register
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments:

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NOTICE OF ADOPTED AMENDMENTS

The Board is amending its administrative rules, last amended in 2006, to update fees charged for copies provided to the public by referencing the Freedom of Information Act sections on fees that may be charged. Also the Board is detailing responses to emergency shut-downs of Board offices, or facilities housing Board activities if a hearing is scheduled or a Board filing date is set on the day of the emergency shut-down.

16) Information and questions regarding this adopted amendment shall be directed to:

Marie Tipsord
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-4925

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R11-21 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XXVIII: POLLUTION CONTROL BOARD

PART 2175

ORGANIZATION, PUBLIC INFORMATION, AND TYPES OF PROCEEDINGS

SUBPART A: INTRODUCTION AND ORGANIZATION

Section	
2175.100	Summary and Purpose
2175.105	Board Membership
2175.110	Organization and Supervisory Relationships
2175.115	Location of Offices
2175.120	Board Meetings
2175.125	Public Notice of Open Board Meetings and Closed Deliberative Sessions
2175.130	Agenda of Open Board Meetings and Closed Deliberative Sessions
2175.135	Minutes of Open Board Meetings; Minutes and Verbatim Record of Closed Deliberative Sessions
2175.140	Accessibility of Open Board Meetings and Hearings

SUBPART B: FEES AND FORMS OF PAYMENT

Section	
2175.200	Filing Fees
2175.205	Copying Fees
2175.210	Copying Procedures
2175.215	Forms of Payment
2175.220	Other Fees/Costs

SUBPART C: PUBLIC INFORMATION

Section	
2175.300	Files Open to Reasonable Public Inspection
2175.305	Publications
2175.310	Board Web Site
2175.315	Documents Available from the Clerk's Office
2175.320	Requests For Information

SUBPART D: ACCESS TO BOARD RULES

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Section
2175.400 Access to Board Rules in the Illinois Administrative Code

SUBPART E: RULEMAKING

Section
2175.500 Proposals
2175.505 Hearing
2175.510 First Notice
2175.515 Second Notice
2175.520 Adopted Rules
2175.525 Emergency Rules
2175.530 Peremptory Rules
2175.535 Rules Identical-In-Substance to Federal Regulations
2175.540 Federally Required Rules
2175.545 Generally Applicable Rules and Site-Specific Rules
2175.550 Clean Air Act Fast-Track Rulemaking
2175.555 Updating Incorporations By Reference

SUBPART F: ADJUDICATORY PROCEEDINGS

Section
2175.600 Adjudicatory Proceedings

SUBPART G: EMERGENCY PROCEDURES

2175.700 Emergency Procedures
2175.710 Emergency Procedures For Hearings
2175.APPENDIX A: ORGANIZATIONAL CHART

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5 of the Environmental Protection Act [415 ILCS 5/5].

SOURCE: Administrative rules adopted at 3 Ill. Reg. 23, p. 96, effective May 29, 1983; repealed by operation of law effective October 1, 1984; new rules adopted at 9 Ill. Reg. 107, effective December 21, 1984; Part repealed, new Part adopted at 20 Ill. Reg. 107, effective March 5, 1996; amended in R04-9 at 30 Ill. Reg. 14990, effective August 29, 2006; amended in R11-21 at 35 Ill. Reg. _____, effective _____.

Section 2175.205 Copying Fees

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NOTICE OF ADOPTED AMENDMENTS

- a) Most files, records, and data are available on the Board's Web site (see Section 2175.310 of this Part), where they may be viewed, searched, and downloaded free of charge. Copies may also be made at the Board office in Chicago upon payment of reasonable reproduction fees as prescribed by Section 6 of the FOIA [5 ILCS 140/6]. When reasonably practicable, materials may be provided electronically in the form of compact disk, or other appropriate portable electronic storage device. The fee for such material will be based on actual costs incurred by the Board. follows:
- 1) ~~A hard copy of a single opinion and order will be furnished on request without cost, irrespective of length, with any dissenting and concurring opinions. Hard copies of multiple opinions and orders cost 75 cents per page.~~
 - 2) ~~Hard copies of hearing transcripts cost 75 cents per page.~~
 - 3) ~~Hard copies of all other documents cost 75 cents per page.~~
 - 4) ~~When reasonably practicable, materials may be provided electronically in the form of a diskette or compact disk. The fee for such material will be based on actual costs incurred by the Board.~~
- b) State agencies are, upon request, provided a hard copy of opinions and orders and transcripts free of charge.
- c) Fees will be waived or reduced if:
- 1) The requestor is a constitutional officer or a member of the General Assembly; or
 - 2) *The requestor states the specific purpose for the request and indicates that a waiver of the fee is in the public interest. Waiver of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the purpose of personal or commercial benefit [5 ILCS 140/6(b)(c)].*
- d) No fee will be charged to inspect records. Inspection of records can only take place in Chicago at the Clerk's Office.

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART G: EMERGENCY PROCEDURES

Section 2175.700 Emergency Procedures For Filings

In the event that an emergency, such as extreme weather conditions, public safety or other exigency, results in the Governor or other authority directing the closure of the Clerk's office on a day scheduled for regular business, the Board will implement the following procedures:

- a) All non-statutory filing deadlines will be automatically extended until the next business day.
- b) Statutory filing deadlines must be met by following the rules at 35 Ill. Adm. Code 101.Subpart C.
- c) When possible, the Board will place notices on the Board's website of the emergency closures.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 2175.710 Emergency Procedures For Hearings

In the event that an emergency, such as extreme weather conditions, public safety or other exigency, results in the Governor or other authority directing the closure of a facility where a Board hearing is scheduled for the day of the closure, the Board will implement the following procedures:

- a) Hearings scheduled for the day of the emergency closure, will be held on the next business day and may be continued on the record to a date certain, when schedules of the participants require such a continuance.
- b) When possible, the Board will place notices on the Board's website of the emergency closures and the date of the continued hearing.

(Source: Added at 35 Ill. Reg. _____, effective _____).