

## **Board Proposes New Procedural Rules To Allow Electronic Filing And To Reflect Recent Statutory Changes**

On August 21, 2003, the Board opened a rulemaking entitled Amendments to the Board's Procedural Rules: 35 Ill. Adm. Code 101-130, R04-8, to amend its procedural rules to allow for electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line (COOL) and to reflect amendments to the Environmental Protection Act in P.A. 92-574, effective June 26, 2002. The Board also opened Amendments to the Board's Administrative Rules: 2 Ill. Adm. Code 2175, R04-9, to reflect amendments to the Administrative Procedure Act in P.A. 92-330, effective August 9, 2001.

Additionally, the Board closed the rulemaking titled Revisions of The Board's Procedural Rules: 35 Ill. Adm. Code 101-130, R03-10, which was opened by the Board on November 7, 2002 to amend its procedural rules to allow for electronic filing. The first-notice opinion and order, hearing transcripts and public comments in R03-10 can be viewed through COOL on the Board's Web site. The R03-10 first notice amendments appeared in the Illinois Register on December 2 and 6, 2002, proposing amendments to Parts 101-107, 125, and 130 of Title 35 of the Illinois Administrative Code. Those proposed changes will now be taken up in R04-8.

R04-8 proposes changes that are necessary to make the procedural rules consistent with amendments to the Environmental Protection Act (415 ILCS 5 (2002)) in P.A. 93-152, effective July 10, 2003. These amendments include having the Illinois Environmental Protection Agency rather than the Board issue provisional variances, allowing the Board to adopt settlements in citizen enforcement actions without a public hearing, and new rulemaking procedures for updating incorporations by reference. The changes to the Environmental Protection Act resulted from recommendations of the Illinois Environmental Regulator Review Commission, which was charged with reviewing and recommending improvements to the Environmental Protection Act.

R04-9 proposes amendments to reflect a reduction of the number of Board Members from seven to five, to accommodate filing fee payments when filing electronically is allowed through the Board's COOL and to update information about the Board's proceedings and offices.

The Board will proceed expeditiously to first-notice publication of proposed administrative rule amendments in the *Illinois Register*, which will start a 45-day period during which anyone may file public comments with the Board. Written comments should contain the rulemaking title and docket number (R04-8 and/ or R04-9) and should be sent to the Clerk's office at the following address:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500

Chicago, Illinois 60601

For more information about this rulemaking proposal contact Erin Conley at 217-782-2471, or by email at [www.conley@ipcb.state.il.us](mailto:www.conley@ipcb.state.il.us).