

Board's Digital Initiative Moves Ahead Final Amendments to Procedural Rules Adopted, R16-17

On May 19, 2016, the Board took another major step forward in its Digital Initiative, adopting final procedural rule amendments that will increase the use of electronic filing, e-mail service, and videoconference hearings. With these amendments, Board proceedings will generate less travel, printing, copying, and paper mailings. Plus, reviewing documents on-line and attending Board hearings will be easier than ever. The amended procedural rules took effect on May 20, 2016.

Here are some of the key amendments:

- Records of decision from IEPA, OSFM, and local siting authorities must be filed electronically only.
- Petitions under 35 Ill. Adm. Code 104 and 106 must be filed electronically only. These include petitions for variances, adjusted standards, and alternative thermal effluent limitations.
- All types of Board hearings, whether in rulemakings or adjudicatory cases, are eligible to be held by videoconference.
- With recipient consent, nearly all Board orders, hearing officer orders, and party or participant filings can be served by e-mail alone.

To ensure that the promise of these amendments is fulfilled, the Board has substantially improved the capability of COOL, its electronic filing and docketing system. Software has been upgraded; storage capacity has been significantly increased; and other enhancements have been implemented. Currently, the Board's IT team is creating a new website. Once the new website is launched this summer, COOL will be more easily accessible to the public and will have expanded search functions. All of these changes will make it easier, faster, and cheaper to participate in Board proceedings and stay informed.

Besides aiding the Board's transition to a paperless environment, the procedural rule amendments address other important areas. For example:

- The new rules clarify how to calculate the 35-day timeframe for appealing final Board actions to the appellate court.
- The new rules set a 14-day timeframe for appealing hearing officer orders to the Board.
- For some Clean Air Act SIP-related proceedings, the new rules allow hearing notices to be provided in the *Illinois Register* rather than in newspapers, saving the Board thousands of dollars per notice.

- When a party or participant does file a paper original, the new rules reduce the general paper copy requirement from three to two, *i.e.*, one original and two copies.
- The new rules will lower the expenses incurred by rulemaking proponents who propose that copyrighted documents be incorporated by reference into Board rules. The rulemaking proposal is now required to include only (i) one paper original of the copyrighted document, accompanied by confirmation of Board access to two more, or (ii) a single seat license providing the Board with those same rights.

The Joint Committee on Administrative Rules issued certifications of no objection to the second-notice amendments at its May 10, 2016 meeting. The final amendments are substantively unchanged from second notice. The rulemaking is captioned Procedural Rule Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 through 125, docket R16-17.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's website (www.ipcb.state.il.us) and may be downloaded without charge. Hard copies may be obtained from the Clerk's Office (Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601) upon paying reproduction fees as prescribed by the Freedom of Information Act.

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