

ILLINOIS POLLUTION CONTROL BOARD

January 17, 1972

In The Matter of)
) #R71-21
ADMISSIONS AND TRANSCRIPTS)

Supplementary Opinion of the Board (by Mr. Currie):

On September 2, 1971, we authorized publication of a proposed procedural rule designed to reduce the overwhelming cost to this Board of producing transcripts of its many hearings. After receiving public comments, we adopted on November 11 the proposed rule in respect to admissions of facts not genuinely in dispute. At that time we deferred action on the associated proposal to require parties in variance and permit cases at their own expense, "pending other efforts to solve the money problem."

The money problem has become progressively more serious. We cannot continue paying for transcripts and get through the end of the fiscal year without a supplementary appropriation. The General Assembly does not meet until April. Therefore emergency measures are necessary to shift the cost of hearings if we are not to be forced to shut down.

We therefore adopt, with some reluctance, the pending proposal that will require petitioners in variance and permit cases to furnish transcripts at their own expense. Because even this measure does not go far enough to assure the Board's continued operation, and because we do not wish to discriminate against applicants in variance and permit cases, we have also proposed today, for adoption after a period of public comment, a rule that would extend the principle of party payment for transcripts to enforcement cases and split the burden in all cases between both parties (#R 72-1). We have also been forced by the money pinch to vote to postpone hearings in enforcement cases until this later rule can become operative (in February), unless the parties agree to supply a transcript now at their own expense.

We hope these measures will be temporary. We have asked for a supplemental appropriation and will press for it. We believe it should be the State's job to provide an inexpensive forum for the trial of pollution cases.

Transcripts in rule-making proceedings will continue to be provided at Board expense. Parties are urged to submit written statements at such hearings (which they are welcome to give orally as well), in order to reduce the cost of transcription.

Because of the immediacy of the money crisis, the Board has certified that an emergency exists requiring that these rules become effective immediately upon filing with the Secretary of State.

ORDER

Chapter 1 of the Rules and Regulations of the Illinois Pollution Control Board is hereby amended by adding the following provisions:

410 Transcripts.

In any proceeding brought pursuant to this Part IV, where a hearing has been ordered by the Board, the Petitioner shall furnish to the Board within 15 days following the completion of said hearing, at its own cost, seven copies of a complete stenographic transcript of the proceedings of the hearing. Upon petition and good cause shown the Board may assume such cost. Any delay in the filing of the transcript shall constitute a waiver of the right to a decision within 90 days under Section 38 of the Act, for the period of the delay.

505 Transcripts.

In any proceeding brought pursuant to this Part V, where a hearing has been ordered by the Board, the Petitioner shall furnish to the Board within 15 days following the completion of said hearing, at its own cost, seven copies of a complete stenographic transcript of the proceedings of the hearing. Upon petition and good cause shown the Board may assume such cost. Any delay in the filing of the transcript shall constitute a waiver of the right to a decision within 90 days under Section 40 of the Act, for the period of the delay.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board certify that the Board adopted above Opinion and Order on the 17th day of January, 1972 by a vote of 5-0.


