

Board Sends Proposed Amendments to Its Procedural Rules to First Notice

The Illinois Pollution Control Board, on March 18, 2004, proposed first-notice amendments to its procedural rules to make the rules consistent with the new State Officials and Employees Ethics Act, as well as recent amendments to the Environmental Protection Act and Administrative Procedure Act. These rule changes are being addressed in docket R04-24, entitled Amendments to the Board's Procedural Rules To Accommodate New Statutory Provisions: 35 Ill. Adm. Code 101-130.

Among the Environmental Protection Act amendments that need to be reflected in the Board's procedural rules are provisions for the Board to accept settlements in citizen enforcement actions *without* a public hearing, provisions for streamlined rulemaking to update incorporations by reference, and provisions for the Illinois Environmental Protection Agency, rather than the Board, to issue provisional variances. Another Environmental Protection Act amendment reduced the number of Board Members from seven to five and the number of affirmative votes required for a Board decision from four to three.

The Board had been addressing these procedural rule changes in docket R04-8, along with other proposed procedural rule amendments that would allow electronic filing through the Board's new Clerk's Office On-Line or "COOL." However, the statutory-based changes and the electronic-filing changes are unrelated and their promulgation may need to proceed at different paces. The Board opened docket R04-24 to avoid potential delays in adopting the relatively straightforward statutory-based changes, while ensuring a smooth roll-out of electronic filing. Docket R04-8 is now devoted solely to electronic filing.

The proposed amendments will now be published for first notice in the *Illinois Register*, which starts a 45-day period during which anyone may file public comments with the Board. Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office at 312-814-3629, or by writing to the Clerk's office.

Anyone may file public comments on the proposed first-notice amendments in R04-24. The comment should contain the rulemaking caption and docket number (R04-24) and be sent to:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street
Suite 11-500
Chicago, Illinois 60601

For more information about the rulemaking, R04-24, please contact Richard McGill at 312-814-6983, or by e-mail at www.mcgillr@ipcb.state.il.us.