

Board Adopts for First-Notice Proposed Rules on Hearings in Identical In Substance Rulemakings

The Board, on January 21, 2010, proposed for first notice rules that would allow videoconference hearings in rulemaking proceedings pursuant to Section 7.2 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 (2008)). The proposal is docketed as In the Matter of: Proposed Amendment to Procedural Rules on Hearings in Identical in Substances Rulemakings (R10-18).

Traditionally, the Board holds public hearings at one location in rulemakings that amend the definition of volatile organic material (VOM) pursuant to the Act. The Board held those hearings as required by Section 110 of the Clean Air Act 42 U.S.C. § 7410 (2006), which requires the State to conduct a public hearing before submitting an amendment of the State Implementation Plan to the United States Environmental Protection Agency (USEPA) for review and approval. These hearings are generally brief with little to no testimony placed in the report.

Additionally, the Board proposes amending the procedural rules to allow the Board to hold other types of hearings authorized by Section 7.2 of the Act such as underground injection control rules, and underground storage tank rules via videoconference. The Board is not required to hold hearings in these hearings, however, there is a possibility that a hearing in a future may serve the public interest.

The Board has the ability to videoconference between the Chicago and Springfield Offices of the Board. The Board believes that holding these types of hearings via videoconference will allow more economical participation by the public and government officials without hampering the proceedings.

The Board is not required to hold a public hearing to amend these procedural rules pursuant to Section 26 and 27 of the Act. Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R10-18, should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address:

Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

In addition, public comments may be filed electronically through COOL at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629

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

For more information contact Marie Tipsord at (312) 814-4925 or email at tipsorm@ipcb.state.il.us.