

ILLINOIS POLLUTION CONTROL BOARD  
January 9, 2025

IN THE MATTER OF: )  
 )  
AMENDMENTS TO THE BOARD’S ) R25-19  
ADMINISTRATIVE RULES ) (Rulemaking – Procedural)  
2 ILL. ADM. CODE 2175 )

ORDER OF THE BOARD (by B. F. Currie):

On September 5, 2024, the Board adopted amendments to its administrative rules at Part 2175 of Title 2 of the Illinois Administrative Code. The administrative rules, last amended in 2022, describe the Board’s organization, the types of Board proceedings, how to pay filing and copying fees, and how the public may access information. The Board amended the rules to update the provisions for open meetings to reflect recent statutory changes to the Open Meetings Act (OMA) (*see* 5 ILCS 120/7(a) (2022), as amended by P.A. 103-311 (eff. July 28, 2023)). The Board also made typographical changes suggested by the Joint Committee on Administrative Rules (JCAR) from prior amendments of these rules. Under Section 5-15 of the Illinois Administrative Procedure Act (IAPA), rules adopted for these purposes are immediately effective upon filing with the Secretary of State (SOS). *See* 5 ILCS 100/5-15(b) (2022). On November 1, 2025, SOS published in the *Illinois Register* the Board’s amended rule.

On December 3, 2024, the Board received a comment from staff at the Joint Committee on Administrative Rules (JCAR). JCAR indicated that “it’s not clear to us” how the Board’s adopted rules fit the definition of “required rule” under Section 5-15 of the IAPA (5 ILCS 100/5-15 (2022)). In response, Board staff provided JCAR with the Board’s October 17, 2024 order, explaining the Board’s reasoning for using Section 5-15 of the IAPA (5 ILCS 100/5-15 (2022)).

On December 10, 2024, JCAR issued a recommendation concerning this rulemaking. JCAR “recommended that the Board review Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100] to ensure any rule adopted pursuant to that Section is in full compliance.” The Board appreciates JCAR’s careful review of this rulemaking, and the opportunity to discuss the rulemaking with JCAR’s staff. The Board will carefully review the provisions of Section 5-15 of the IAPA (5 ILCS 100/5-15 (2022)) before adopting future rulemakings.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on January 9, 2025, by a vote of 5-0.

Don A. Brown

Don A. Brown, Clerk  
Illinois Pollution Control Board