

ILLINOIS POLLUTION CONTROL BOARD  
July 3, 1990

IN THE MATTER OF: )  
CORRECTION TO ) R90-16  
35 ILL.ADM.CODE 102.162 ) (Rulemaking)

PROPOSED RULE. FIRST NOTICE.

OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on its own motion. On May 10, 1990, the Board adopted a final Opinion and Order in Procedural Rules Revision 35 Ill.Adm.Code 102 and 106 (Subparts D, E, and F), R88-5(B). That rulemaking adopted new procedural rules governing regulatory proceedings. The rules were filed with the Secretary of State (and thus became effective) on May 24, 1990. The rules were then published in the Illinois Register on June 8, 1990, at 14 Ill.Reg. 9210.

The Board recently discovered that because of an administrative error, Section 102.162 "Notice of Hearing" was not included in the filing with the Secretary of State. (Section 102.162 was, however, included in the Illinois Register publication. See 14 Ill.Reg. 9226.) In order to correct this error, the Board must proceed through regular rulemaking procedures established by the Administrative Procedure Act (APA), Ill. Rev. Stat. 1989, ch. 127, par. 1001 et seq. (See 1 Ill. Adm. Code 240(d).) Therefore, the Board has opened this docket for the sole purpose of filing Section 102.162 "Notice of Hearing", as adopted in R88-5(B), with the Secretary of State. This rulemaking will be conducted under APA rulemaking procedures, pursuant to Section 26 of the Environmental Protection Act. Because this section was subject to extensive public comment opportunities during the course of R88-5(B), and because of the non-substantive nature of this correction, the Board has not scheduled a hearing in this docket.

ORDER

The Board hereby directs the Clerk of the Board to cause publication in the Illinois Register of the following amendment:

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER I: POLLUTION CONTROL BOARD

PART 102  
REGULATORY AND INFORMATIONAL  
HEARINGS AND PROCEEDINGS

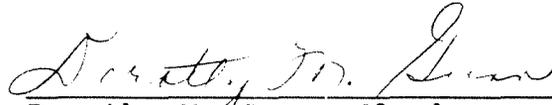
## Section 102.162 Notice Of Hearing

- a) The hearing officer will set a time and place for hearing. The Clerk shall give notice of the date of the hearing as follows:
- 1) By notice in the Board's Environmental Register; and
  - 2) At least 20 days prior to the hearing date, by public advertisement in a newspaper of general circulation in the county in which the hearing is to be held. Where required by federal law, including but not limited to air pollution and RCRA proposals, newspaper notice shall be published at least 30 days prior to the hearing date.
- b) The hearing officer will give notice by mail to the proponent and to all persons who have submitted their names and addresses to the Clerk concerning the proposal.
- c) Hearings which are continued on the hearing record for a period of 45 days or less do not require notice that complies with subsections (a) and (b).

(Source: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 3<sup>rd</sup> day of July, 1990, by a vote of 7-0.

  
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 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board