

ILLINOIS POLLUTION CONTROL BOARD
October 6, 1988

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R88-21
TITLE 35, SUBTITLE C)
(TOXICS CONTROL))

ORDER OF THE BOARD (by B. Forcade):

A prehearing conference was held in this matter on September 28, 1988 at the request of the Illinois Environmental Protection Agency ("Agency") and the Illinois Environmental Regulatory Group. The Board is advised that there was inadequate time to discuss various staff concerns about the drafting of the rules and conformance with requirements of the Administrative Procedure Act ("APA") and Illinois administrative law. These concerns include, but are not limited to, whether the proposed delegation to the Agency of authority to define and establish limits for various "criteria" by Agency rule, is an impermissible subdelegation of the Board's rulemaking authority, uncertainty concerning procedural steps and appeal provisions, and potential APA problems such as formatting, vagueness, improper incorporations by reference and the like.

Discussion of these concerns may serve to allow for more efficient use of time at the hearings in this proceeding, which are scheduled for November 18 and December 6; the Hearing Officer is authorized to schedule a prehearing conference as expeditiously as is practicable to deal solely with the drafting issues here discussed. Notice of this conference shall be sent to all persons on the notice list.

IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 6th day of October, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board