

ILLINOIS POLLUTION CONTROL BOARD
April 10, 1986

IN THE MATTER OF:) R82-27, 36 AND
) R83-36
PROCEDURAL RULES)

INTERIM ORDER OF THE BOARD (by B. Forcade):

At the March 27, 1986, Board meeting a draft revision of the Board's procedural rules was presented to the Board for discussion purposes. By this Order, the Board will make this draft document publicly available. The reasons for early distribution of a draft document prior to merit hearings or first notice publication are due to the nature of the subject matter itself and the public interest associated with this rulemaking. In order to make meaningful comments on procedural rules, the public must have adequate time to review and analyze them.

The Board must emphasize that in making this preliminary draft public, the Board is not formally proposing or adopting the content therein. The draft is a preliminary revision of the procedural rules and is intended to be a starting-point for discussion, dialogue and comments.

In addition to soliciting preliminary public comments, the Board also wishes to update the current regulatory notice list for this proceeding. Therefore, interested members of the public not already on the notice list are encouraged to contact the Board, preferably in writing.

The following is a brief and less than complete description of the major changes made in the preliminary draft from the current rules:

- 1) The procedures governing service, notice, discovery, prehearing conferences, motion practice, intervention, conduct of hearings and relief from final actions in Part 103: Enforcement Proceedings, have been specifically incorporated where appropriate into Part 104: Variance Proceedings, Part 105: Permit Appeals and Part 106: Local Site Suitability Review Proceedings. Consequently, each Part consists of a complete set of rules governing the specific form of action before the Board.
- 2) The Illinois Environmental Protection Agency ("Agency") regulatory proposals regarding Contingent Penalties (R83-37) and Site

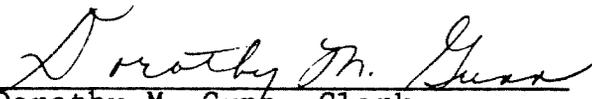
Specific Regulatory Proceedings (R82-36) have been incorporated in the preliminary draft. These Agency proposals have not been modified by the Board but have been placed in the context of procedural rules for evaluation and comment.

- 3) Two completely new Parts have been drafted - Part 106 outlines procedures for Local Site Suitability Review (SB-172 - RPCF siting proceedings) and Part 107 outlines procedures for IDOT Lake Michigan Permits.
- 4) Part 108: Hearings Pursuant to Specific Rules [Old Part 106] and Part 109: Sanctions [Old Part 107], are renumbered but have not been modified in substance.
- 5) An attempt has been made to amend the rules to reflect actual Board practice and current state and federal law.
- 6) An attempt has been made to tighten practice and procedure in statutory deadline cases.
- 7) An attempt has been made to streamline the litigation process before the Board.

By today's action, the Board begins the preliminary review process and requests written public comments on the draft document. Preliminary comments will be accepted for 60 days, or until June 9, 1986. The Board will utilize these public comments in its initial review of the draft document. The Board will then proceed to merit hearing. The Board believes that these hearings will be more constructive and useful as a result of this preliminary comment period.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certifies that the above Order was adopted on the 10th day of April, 1986, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board