

Addendum to R 25-19

**TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XXVIII: POLLUTION CONTROL BOARD**

PART 2175

ORGANIZATION, PUBLIC INFORMATION, AND TYPES OF PROCEEDINGS

SUBPART A: INTRODUCTION AND ORGANIZATION

Section	
2175.100	Summary and Purpose
2175.105	Board Membership
2175.110	Organization and Supervisory Relationships
2175.115	Location of Offices and Access
2175.120	Board Meetings
2175.125	Public Notice of Open Board Meetings and Closed Deliberative Sessions
2175.130	Agenda of Open Board Meetings and Closed Deliberative Sessions
2175.135	Minutes of Open Board Meetings; Minutes and Verbatim Record of Closed Deliberative Sessions
2175.140	Accessibility of Open Board Meetings and Hearings

SUBPART B: FEES AND FORMS OF PAYMENT

Section	
2175.200	Filing Fees
2175.205	Copying Fees
2175.210	Copying Procedures
2175.215	Forms of Payment
2175.220	Other Fees/Costs

SUBPART C: PUBLIC INFORMATION

Section	
2175.300	Files Open to Reasonable Public Inspection
2175.305	Publications
2175.310	Board Website
2175.315	Documents Available from the Clerk's Office
2175.320	Requests For Information

SUBPART D: ACCESS TO BOARD RULES

Section	
2175.400	Access to Board Rules in the Illinois Administrative Code

SUBPART E: RULEMAKING

Section	
2175.500	Proposals
2175.505	Hearing
2175.510	First Notice
2175.515	Second Notice
2175.520	Adopted Rules
2175.525	Emergency Rules
2175.530	Peremptory Rules
2175.535	Rules Identical-In-Substance to Federal Regulations
2175.540	Federally Required Rules
2175.545	Generally Applicable Rules and Site-Specific Rules
2175.550	Clean Air Act Fast-Track Rulemaking
2175.555	Updating Incorporations By Reference

SUBPART F: ADJUDICATORY PROCEEDINGS

Section	
2175.600	Adjudicatory Proceedings

SUBPART G: EMERGENCY PROCEDURES

2175.700	Emergency Procedures
2175.710	Emergency Procedures For Hearings

SUBPART H: TIME LIMITED WATER QUALITY STANDARDS

2175.800	Time Limited Water Quality Standards
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2175.APPENDIX A: Organizational Chart

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5 of the Environmental Protection Act [415 ILCS 5/5].

SOURCE: Administrative rules adopted at 3 Ill. Reg. 23, p. 96, effective May 29, 1983; repealed by operation of law effective October 1, 1984; new rules adopted at 9 Ill. Reg. 107, effective December 21, 1984; old Part repealed at 20 Ill. Reg. 4796 and new Part adopted at 20 Ill. Reg. 4798, effective March 5, 1996; amended in R04-9 at 30 Ill. Reg. 14990, effective August 29, 2006; amended in R11-21 at 35 Ill. Reg. 4549, effective March 4, 2011; amended in R15-10 at 38 Ill. Reg. 22834, effective November 24, 2014; amended in R21-17, at 44 Ill. Reg. 14166, effective August 21, 2020; amended in R22-20, at 46 Ill. Reg. 9973, effective May 26, 2022; amended in R25-19 at 48 Ill. Reg. _____, effective _____.

Section 2175.120 Board Meetings

- a) The Board makes all decisions on adjudicatory cases and regulatory matters at open meetings of the Board noticed and held in compliance with the Open Meetings Act [5 ILCS 120]. The Board may also hold meetings that are closed to the public under Section 2(c) of the Open Meetings Act [5 ILCS 120/2(c)], including closed deliberative sessions under Section 2(c)(4) of the Open Meetings Act [5 ILCS 120/2(c)(4)].
- b) Open Board meetings may be held when a quorum of Board members is present. *Three members of the Board shall constitute a quorum to transact business; and the affirmative vote of 3 members is necessary to adopt any order.* [415 ILCS 5/5(a)]
- c) The Board may hold a closed meeting upon a majority vote of a quorum present taken at an open meeting for which notice has been given as required by the Open Meetings Act [5 ILCS 120/2a]. Closed meetings may be held when a majority of a quorum is present. (See 5 ILCS 120/2+20/4.02).
- d) Board members may attend meetings in the following ways:
 - 1) Meetings, whether open or closed, may be held with Board members present physically or by videoconference. Closed meetings may also be held with Board members present telephonically. (See 5 ILCS 120).
 - 2) If a quorum of Board members is present physically or by videoconference at an open meeting, a majority of the Board may allow a Board member to attend the meeting telephonically if the member cannot otherwise attend because of personal illness or disability, the business of the Board, ~~or~~ a family or other emergency, or unexpected childcare obligations. (See 5 ILCS 120/7(a)). In these instances, the Board member who wishes to attend telephonically will notify the Clerk of the Board before the meeting unless advance notice is impractical.
 - 3) Meetings, whether open or closed, may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the meeting meets the conditions of Section 7(e) of the Open Meetings Act [5 ILCS 120/7(e)].
- e) Section 5 of the Act requires the Board to hold at least one open meeting each month and allows the Board to hold special and emergency meetings. [415 ILCS 5/5]. The Chair or two Board members may call a special or emergency meeting of the Board that is open to the public.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2175.320 Requests for Information

- a) Informal requests for information may be made to any Board office. Informal requests will be filled promptly upon receipt of the request. However, where a request for information maintained by the Clerk's Office is made at a Board office other than the Chicago office, some delay may be necessary to allow for the Clerk's Office to provide the material. Inspection of documents can only take place at the Clerk's Office.
- b) FOIA Requests:
 - 1) A formal request for information under FOIA must state that it is a formal request under FOIA. The formal request must be addressed to the Board's FOI officer, who:
 - A) Notes the date the public body receives the written request;
 - B) Computes the day on which the period for response will expire and makes a notation of that date on the written request;
 - C) Maintains an electronic or paper copy of a written request, including all documents submitted with the request, until the request has been complied with or denied; and
 - D) Provides a copy to the Clerk's Office to create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.
 - 2) The request must be submitted in writing and may be submitted by electronic mail (PCB.FOIA@illinois.gov), fax (312-814-3669), U. S. Mail, or special carrier.
 - 3) The Board will either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under Section 3(e) of FOIA [5 ILCS 140/3(e)].
 - 4) If denied, the requests will be denied under Section 7 and 7.5 of FOIA [5 ILCS 140/7 and 7.5]. Upon a decision to deny a request, the FOI officer shall notify the requester in writing of the decision and provide:

- A) The reasons for denial, including a detailed basis for the exemption claimed,
 - B) the names and titles or positions of each person responsible for the denial,
 - C) Information on the right to review by the Public Access Counselor, and include the address and phone number for the Public Access Counselor, and
 - D) Information on the right to judicial review.
- c) Information that is immediately available on request from the Clerk's Officer, includes, but is not limited to:
- 1) Board Meeting Agendas,
 - 2) Board Meeting Minutes,
 - 3) Board Opinions and Orders, and
 - 4) Filings in cases available in the Clerk's Office On-Line.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2175.535 Rules Identical-In-Substance to Federal Regulations

- a) The Board adopts regulations in the following programs under Section 7.2 of the Act (415 ILCS 5/7.2) that are identical-in-substance to federal regulations and which are exempt from Sections 5-35 and 5-40 of the IAPA (5 ILCS 100/5-35 and 5-40):
- 1) Exemptions from the definition of volatile organic material: Section 9.1(e) of the Act [415 ILCS 5/9.1(e)];
 - 2) Ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere: [415 ILCS 5/10(H)];
 - 3) Underground injection control (UIC): Section 13(c) of the Act [415 ILCS 5/13(c)];
 - 4) Wastewater pretreatment: Section 13.3 of the Act [415 ILCS 5/13.3)],

- 5) Safe Drinking Water Act (SDWA): Section 17.5 of the Act [415 ILCS 5/17.5)];
 - 6) Resource Conservation and Recovery Act (RCRA), Subtitle C, hazardous waste: Section 22.4(a) of the Act [415 ILCS 5/22.4(a)];
 - 7) RCRA, Subtitle I, UST: Section 22.4(d) of the Act [415 ILCS 22.4(d)];
 - 8) RCRA, Subtitle D, municipal solid waste landfills: Section 22.40(a) of the Act [415 ILCS 5/22.40(a)].
- b) Section 7.2(b) of the Act [415 ILCS 5/7.2(b)] provides timetables for rule adoption, but generally the Board must adopt rules within one year after the United States Environmental Protection Agency's (USEPA) adoption of the corresponding federal rule. The Board adopts a proposal for public comment that is published in the Illinois Register. The Board then accepts public comments for 45 days, after which the Board adopts final rules that are published in the Illinois Register.
- c) Because Sections 5-35 and 5-40 of the IAPA [5 ILCS 100/5-35 and 5-40] do not apply to identical-in-substance rulemaking under Section 7.2 of the Act [415 ILCS 5/7.2], the Board does not follow the IAPA's procedure of first notice, second notice, and final adoption.

(Source: Amended at 48 Ill. Reg. _____, effective _____)