

ILLINOIS POLLUTION CONTROL BOARD

June 12, 1980

RESOLUTION

The Board's rulemaking terminology and procedures are creating confusion since the advent of the new rulemaking amendments to the Administrative Procedure Act.

The amendments, among other things, created the Legislative Joint Committee on Administrative Rules and the Illinois Register, and established a 3-step procedure to assure public notice, public participation and Joint Committee review before a rule can be adopted.

This process has placed a confusing overlay on the rulemaking processes and terminology used by the Board pursuant to the Environmental Protection Act and the Board's Procedural Rules.

In order to achieve consistency and to better inform the public about the various stages of rulemaking, the Board hereafter will use the following rulemaking language in Board Orders.

1. Proposal for Rulemaking. Submitted by _____.
This will initiate hearings, etc. concerning rules proposed by agencies or other persons pursuant to Sec. 28 of the Environmental Protection Act and the Board's Procedural Rules.

2. Proposal for Rulemaking. First revision.
This identifies Board draft proposals pursuant to Sec. 28. of the Environmental Protection Act and Sec. 212(a) of the Board's Procedural Rules.

3. Proposed Rule. First Notice.
This indicates that the proposed rule will be published in the Illinois Register, followed by a public participation period of at least 45 days pursuant to Sec. 5.01(a) of the Administrative Procedures Act.

4. Proposed Rule. Second Notice.
This initiates comment and recommendations only by the legislative Joint Committee on Administrative Rules pursuant to Sec. 5.01(b) of the Administrative Procedures Act.

5. Adopted Rule. Final Order.
This initiates filing with the Secretary of State pursuant to the Environmental Protection Act, the Procedural Rules of the Board, and the Administrative Procedures Act.

The Board, if it elects to consolidate number 1 or 2 with number 3 above will clearly indicate this by use of both captions.

This Resolution shall be published in the Environmental Register.

IT IS SO RESOLVED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Resolution was adopted on the 12th day of June, 1980 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board