

ILLINOIS POLLUTION CONTROL BOARD
March 2, 1972

In the Matter of)
)
) #R72-1
TRANSCRIPTS)

Opinion of the Board (by Mr. Currie):

As forecast in our explanation to an earlier proposal to require petitioners in variance and permit cases to furnish transcripts at their own expense (#R 71-21, in Newsletter #32 Oct. 13, 1971), the costs of transcripts in the numerous cases brought before the Board are far outdistancing our appropriation for this fiscal year. We are seeking a deficiency appropriation. At the same time, however, we must make some alternative provision in order to avoid closing down the Board's operations during interim and in the event of a delay or denial of that request. The only relief we think feasible is to require parties in all cases to provide transcripts at their expense, and that is what we here provide. We earlier adopted a rule shifting the cost in permit and variance cases to the petitioner. (#R 71-21, Jan. 17, 1972). Today's rule applies to enforcement cases. We have included a provision allowing the Board, to the extent finances permit, to bear the cost in cases of financial hardship, and another allowing us to reassume all transcript costs immediately upon receipt of an adequate appropriation. We believe it most appropriate that the Board bear these costs, and we view today's regulation as an interim measure only. We think it preferable to follow standard court practice for a while than to stop hearing cases, which would close down the pollution control program.

Mr. Aldrich dissents, and Mr. Dumelle was not present when this regulation was adopted.

ORDER

Rule 328 of Chapter 1 of the Rules and Regulations of the Illinois Pollution Control Board is hereby amended to read as follows:

328 Transcript.

(a) The party seeking relief from the Board shall provide or arrange for a court reporter, who shall take down the entire hearing. Costs for the services of the reporter shall be borne by the parties as the Hearing Office in the absence of agreement, shall determine. Within 15

days following the close of the hearing, each party shall furnish to the Board, at his own expense, seven copies of a verbatim transcript of those portions of the proceedings which he wishes the Board to consider.

(b) Upon motion and good cause shown the Board may assume any portion of the cost of such transcript, to the extent consistent with available funds, in cases of financial hardship.

(c) Any person may suggest corrections in the transcript as filed. Corrections shall be determined by the Hearing Officer.

(d) The Board may reassume transcript costs in any class of proceedings upon receipt of adequate appropriations at any time.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order this 2nd day of March, 1972, by a vote of 3-1.

Christan L. Moffett