

ILLINOIS POLLUTION CONTROL BOARD

August 21, 2003

IN THE MATTER OF: )  
)  
REVISION OF THE BOARD'S ) R03-10  
PROCEDURAL RULES: 35 ILL. ADM. ) (Rulemaking - Procedural)  
CODE 101-130 )

ORDER OF THE BOARD (by T.E. Johnson):

In this docket, the Board proposed amendments to its procedural rules to accomplish two primary objectives: (1) allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line or "COOL"; and (2) reflect amendments to the Environmental Protection Act (415 ILCS 5 (2002)) in P.A. 92-574, effective June 26, 2002, and to the Administrative Procedure Act (5 ILCS 100 (2002)) in P.A. 92-330, effective August 9, 2001. Today the Board closes this docket and, in a separate order, opens a new docket, R04-8, to most efficiently meet these same objectives *and* to adopt additional procedural rule amendments, principally those made necessary by more recent legislation.

In R03-10, the Board on November 7, 2002, adopted its first-notice opinion and order, which may be viewed through COOL on the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). The first-notice amendments appeared in the *Illinois Register* on December 2 and 6, 2002, proposing amendments to Parts 101-107, 125, and 130 of Title 35 of the Illinois Administrative Code. The Board held two public hearings on the proposed amendments and received public comment.

In R04-8, the Board will propose these and additional changes to its procedural rules. For the most part, the additional changes are needed to make the rules consistent with legislation that has just become law, primarily the amendments to the Environmental Protection Act in P.A. 93-152, effective July 10, 2003. These amendments include (1) having the Illinois Environmental Protection Agency rather than the Board issue provisional variances;(2) allowing the Board to adopt settlements in citizen enforcement actions *without* a public hearing; and (3) a new rulemaking procedure for updating incorporations by reference. P.A. 93-152 may found on the Board's Web site.

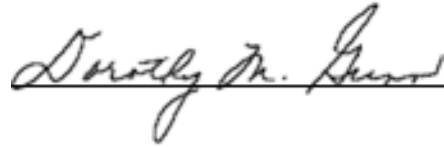
The changes to the Environmental Protection Act in P.A. 93-152, like those in P.A. 92-574, resulted from recommendations of the Illinois Environmental Regulatory Review Commission (IERRC). Created in December 1999 by Executive Order 18, the IERRC was charged with reviewing and recommending improvements to the Environmental Protection Act, which was originally enacted in 1970.

Though the Board is withdrawing its first-notice proposal in R03-10, the Board expects that adopting *all* of the procedural rule changes at once in a new docket, rather than in a piecemeal fashion, will minimize confusion. To that end, the Board closes this docket and, in a separate order today, opens the new docket R04-8 and incorporates the record of R03-10 into the

record of R04-8. See Amendments to the Board's Procedural Rules: 35 Ill. Adm. Code 101-130, R04-8, slip op. at 1 (Aug. 21, 2003).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 21, 2003, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board