

## **Board Opens Rulemaking Dockets for Electronic Filing and Recent Statutory Changes**

The Board is amending its procedural rules and administrative rules to accommodate its new provisions for electronic filing and recent changes to the Environmental Protection Act (Act). 415 ILCS 5 (2002). On August 21, 2003, the Board opened rulemaking docket R04-8, entitled Amendments to the Board's Procedural Rules: 35 Ill. Adm. Code 101-130. To maximize efficiency and minimize confusion, the Board will address *all* needed procedural rule amendments at one time and in one docket, R04-8, rather than using multiple dockets and having new procedural rules taking effect on different dates. Amendments will include those proposed in the now closed docket R03-10 (*e.g.*, electronic filing through the Board's new Clerk's Office On-Line (COOL)) and those necessitated by new legislation. P.A. 93-152, effective July 10, 2003, amended the Act so that, among other things, the Board may accept settlements in citizen enforcement actions *without* a public hearing, and the Illinois Environmental Protection Agency, rather than the Board, will issue provisional variances. The Board incorporated the R03-10 record into R04-8.

Also on August 21, 2003, the Board opened rulemaking docket R04-9, entitled Amendments to the Board's Administrative Rules: 2 Ill. Adm. Code 2175. In R04-9, the Board will propose amendments to its administrative rules primarily (1) to accommodate filing fee payment when filing electronically is allowed through COOL, (2) to update information about the Board's proceedings and offices, and (3) to reflect P.A. 93-509, effective August 11, 2003. P.A. 93-509 amended the Act by, among other changes, reducing the number of Board members from seven to five and the number of affirmative votes required for a Board decision from four to three.

The Board plans to proceed expeditiously to first notice in both R04-8 and R04-9. In each rulemaking, once the Board adopts a first-notice opinion and order, proposed amendments will be published for first notice in the *Illinois Register*, which will start a 45-day period during which anyone may file public comments with the Board. For more information about these rulemakings, please contact Richard McGill at 312-814-6983, or by e-mail at [www.mcgillr@ipcb.state.il.us](mailto:www.mcgillr@ipcb.state.il.us).