

ILLINOIS POLLUTION CONTROL BOARD
May 27, 1982

In the matter of:)
)
CODIFICATION OF THE) R81-1
PROCEDURAL RULES)

ORDER OF THE BOARD (by D. Anderson):

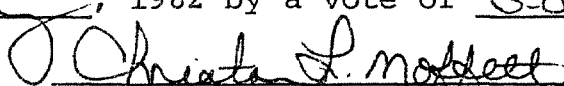
On April 1, 1982 the Board proposed to codify the Procedural Rules as Title 35, Subtitle A, Chapter I, Parts 101 through 109. A draft was made available to the public for comment for 45 days. The comment period has elapsed. The Board has received comments only from the Illinois State Library. The Board has modified the draft in response to the State Library's comments and its own review. Most of the changes involve typographical errors, style and form of references. The following is a summary of more important changes:

1. Parts VIII and IX have been made Subparts C and D of Part 101.
2. Language has been added to the beginning of each Part to allow the use of a short form of reference to other Board rules.
3. Minor changes in spelling or punctuation have been made at the following locations: Secs. 102.122(b), 102.160(g), 103.140, 106.105, 106.301(c).

The Board hereby adopts the text of Subtitle A with the changes noted in the copy of the April 1 text filed with the Clerk. A final text will be filed with the Clerk after it is typed. This adoption is subject to final review by the State Library. The Clerk is directed to file a Notice of Codification without Substantive Change for publication in the Illinois Register. Because of its length, the full text will not appear in the Opinion volumes. However, a copy of the Notice and conversion tables to be published in the Illinois Register will be attached to this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 27th day of May, 1982 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board

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POLLUTION CONTROL BOARD

NOTICE OF CODIFICATION WITH NO SUBSTANTIVE CHANGES

Agency: Pollution Control Board

Title or Name of Rules: R81-1, Codification of the Procedural Rules as Ill. Adm. Code, Title 35: Environmental Protection, Subtitle A: General Provisions, Chapter I: Pollution Control Board:

Part 101	General Rules
Part 102	Regulatory and Other Nonadjudicative Hearings and Proceedings
Part 103	Enforcement Proceedings
Part 104	Variances
Part 105	Permits
Part 106	Hearings Pursuant to Specific Rules
Part 107	Sanctions

Date of Illinois State Library Review:

Outline of Headings of Sections of the Rules as Codified:
Headings are set forth below with conversion tables.

Conversion Table of Present and Codified Rules:

An outline of section headings and conversion table for each Part follows:

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE A: GENERAL PROVISIONS

CHAPTER I: POLLUTION CONTROL BOARD

PART 101

GENERAL RULES

SUBPART A: GENERAL PROVISIONS

Section	
101.101	Applicability
101.102	Definitions
101.103	Filing
101.104	Form of Documents
101.105	Computation of Time
101.106	Appearances
101.107	Public Information
101.108	Publications

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Section
101.109 Board Meetings
101.110 Informal Complaints

SUBPART B: CANONS OF ETHICS

Section
101.120 Financial Disclosure
101.121 Ex parte Contacts
101.122 Improper Publicity

SUBPART C: JUDICIAL REVIEW

Section
101.140 Review of Final Orders and Stay Procedure

APPENDIX
OLD RULE NUMBERS REFERENCED

Chapter 1: Procedural Rules	35 Ill. Adm. Code Parts 101-107
Part I: General Rules	Part 101: General Rules
Rule 101	Section 101.101
Rule 102	Section 101.102
Rule 103	Section 101.103
Rule 104	Section 101.104
Rule 105	Section 101.105
Rule 106	Section 101.106
Rule 107	Section 101.107
Rule 108	Section 101.108
Rule 109	Section 101.109
Rule 110	Section 101.110
Part VIII: Canons of Ethics	
Rule 801	Section 101.120
Rule 802	Section 101.121
Rule 803	Section 101.122
Part IX: Judicial Review	
Rule 901	Section 101.140

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PART 102

REGULATORY AND OTHER NONADJUDICATIVE
HEARINGS AND PROCEEDINGS

SUBPART A: GENERAL PROVISIONS

Section
102.101 Applicability
102.102 Adoption of Regulations

SUBPART B: PROPOSAL OF REGULATIONS

Section
102.120 Proposal of Regulations
102.121 Authorization of Hearing
102.122 Notice of Hearing

SUBPART C: DISCOVERY

Section
102.140 Discovery

SUBPART D: HEARINGS

Section
102.160 Authority of Hearing Officer
102.161 Examination of Witnesses
102.162 Prior Submissions
102.163 Written Submissions
102.164 Record

SUBPART E: ECONOMIC IMPACT HEARINGS

Section
102.180 Hearings on the Economic Impact Study of New
Proposals
102.181 Hearings on the Economic Impact Study of Existing
Regulations

SUBPART F: BOARD ACTION

Section
102.200 Revision of Proposed Regulations
102.201 Notice of Adopted Regulations

SUBPART G: OTHER PROCEEDINGS

Section
102.220 Other Proceedings

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SUBPART H: RELIEF FROM FINAL ORDERS

Section
103.240 Motion Subsequent to Entry of Final Order
103.241 Relief from Section 103.224 Final Orders

APPENDIX
OLD RULE NUMBERS REFERENCED

Chapter 1: Procedural Rules	35 Ill. Adm. Code Parts 101-107
Part III: Enforcement Proceedings	Part 103: Enforcement Proceedings
Rule 301	Section 103.101
Rule 302	Section 103.120
Rule 303	Section 103.121
Rule 304	Section 103.122
Rule 305	Section 103.123
Rule 306	Section 103.124
Rule 307	Section 103.125
Rule 308	Section 103.140
Rule 309	Section 103.141
Rule 310	Section 103.142
Rule 311	Section 103.143
Rule 312	Section 103.160
Rule 313	Section 103.161
Rule 314	Section 103.162
Rule 315	Section 103.163
Rule 331	Section 103.180
Rule 316	Section 103.200
Rule 317	Section 103.201
Rule 318	Section 103.202
Rule 319	Section 103.203
Rule 320	Section 103.204
Rule 321	Section 103.205
Rule 322	Section 103.206
Rule 323	Section 103.207
Rule 324	Section 103.208
Rule 325	Section 103.209
Rule 326	Section 103.210
Rule 327	Section 103.220
Rule 328	Section 103.221
Rule 329	Section 103.222
Rule 330	Section 103.223
Rule 332	Section 103.224
Rule 333	Section 103.240
Rule 334	Section 103.241

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APPENDIX
OLD RULE NUMBERS REFERENCED

Chapter 1: Procedural Rules	35 Ill. Adm. Code Parts 101-107
Part II: Regulatory and other Non-adjudicative hearings and Proceedings	Part 102: Regulatory and Non-adjudicative hearings and Proceedings
Rule 201	Section 102.101
Rule 202	Section 102.102
Rule 203	Section 102.120
Rule 204	Section 102.121
Rule 205	Section 102.122
Rule 207	Section 102.140
Rule 206	Section 102.160
Rule 208	Section 102.161
Rule 209	Section 102.162
Rule 210	Section 102.163
Rule 211	Section 102.164
Rule 214	Section 102.180
Rule 215	Section 102.181
Rule 212	Section 102.200
Rule 213	Section 102.201
Rule 216	Section 102.220

PART 103
ENFORCEMENT PROCEEDINGS

SUBPART A: GENERAL PROVISIONS

Section
103.101 Applicability

SUBPART B: COMPLAINT, SERVICE AND
AUTHORIZATION OF HEARING

Section
103.120 Who May Initiate
103.121 Parties
103.122 Notice, Formal Complaint, and Answer
103.123 Service
103.124 Authorization of Hearing
103.125 Notice of Hearing

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SUBPART C: MOTIONS, JOINDER AND INTERVENTION

Section	
103.140	Motions and Responses
103.141	Consolidation and Severance of Claims and Joining Additional Parties
103.142	Intervention
103.143	Continuances

SUBPART D: DISCOVERY, ADMISSIONS AND SUBPOENAS

Section	
103.160	Prehearing Conferences
103.161	Discovery
103.162	Admissions
103.163	Subpcenas

SUBPART E: SETTLEMENT PROCEDURE

Section	
103.180	Settlement Procedure

SUBPART F: CONDUCT OF HEARINGS AND RULES OF EVIDENCE

Section	
103.200	Authority of Hearing Officer
103.201	Authority of Board Members and Board Assistants
103.202	Order of Enforcement Hearings
103.203	Conduct of Hearing
103.204	Admissible Evidence
103.205	Written Narrative Testimony
103.206	Official Notice
103.207	Viewing of Premises
103.208	Admission of Business Records in Evidence
103.209	Examination of Adverse Party or Agent and Hostile Witnesses; Compelling Appearance Thereof at Hearing
103.210	Amendment and Variance

SUBPART G: POST-HEARING PROCEDURES

Section	
103.220	Default
103.221	Transcript
103.222	Record
103.223	Briefs and Oral Argument
103.224	Contents of Board Opinions and Orders

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PART 104
VARIANCES

SUBPART A: GENERAL PROVISIONS

Section
104.102 Variances from New Regulation
104.103 References

SUBPART B: PETITION FOR VARIANCE

Section
104.120 Petition for Variance
104.121 Contents of Variance Petition
104.122 Consistency with Federal Law
104.123 Extension of Prior Variance
104.124 Hearing Request or Waiver; Affidavit
104.125 Dismissal for Inadequacy

SUBPART C: NOTICE AND OBJECTIONS

Section
104.140 Notice of Petition
104.141 Objections to Petition

SUBPART D: AUTHORIZATION OF HEARINGS

Section
104.160 Board Action on Petitions for Variance and
Authorization of Hearing

SUBPART E: RECOMMENDATION AND RESPONSE

Section
104.180 Agency Investigation and Recommendation
104.181 Response or Amended Petition

SUBPART F: HEARINGS

Section
104.200 Notice of Hearing
104.201 Proceedings
104.202 Transcripts

SUBPART G: FINAL ACTION

Section
104.220 Decision

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APPENDIX
OLD RULE NUMBERS REFERENCED

Chapter 1: Procedural Rules	35 Ill. Adm. Code Parts 101-107
Part IV: Variances	Part 104: Variances
Rule 411	Section 104.102
Rule 401(a)	Section 104.120
Rule 401(a) & (c)	Section 104.121
Rule 401(d) - (g)	Section 104.122
Rule 402	Section 104.123
Rule 401(b)	Section 104.124
Rule 401(h)	Section 104.125
Rule 403	Section 104.140
Rule 404	Section 104.141
Rule 407	Section 104.160
Rule 405	Section 104.180
Rule 406	Section 104.181
Rule 408	Section 104.200
Rule 409	Section 104.201
Rule 412	Section 104.202
Rule 410	Section 104.220

PART 105
PERMITS

Section	
105.101	Setting Standards
105.102	Permit Appeals
105.103	Permit Review
105.104	Cost of Review

APPENDIX
OLD RULE NUMBERS REFERENCED

Chapter 1: Procedural Rules	35 Ill. Adm. Code Parts 101-107
Part V: Permits	Part 105: Permits
Rule 501	Section 105.101
Rule 502	Section 105.102
Rule 503	Section 105.103
Rule 504	Section 105.104

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PART 106
HEARINGS PURSUANT TO SPECIFIC RULES

SUBPART A: HEATED EFFLUENT DEMONSTRATIONS

Section
106.101 Petition
106.102 Requirements for Petition
106.103 Parties
106.104 Recommendation
106.105 Notice and Hearing
106.106 Transcripts
106.107 Opinion and Order

SUBPART B: ARTIFICIAL COOLING LAKE DEMONSTRATIONS

Section
106.201 Petition
106.202 Notice and Hearing
106.203 Transcripts
106.204 Effective Date

SUBPART C: SULFUR DIOXIDE DEMONSTRATIONS

Section
106.301 Petition
106.302 Requirements for Petition
106.303 Parties
106.304 Recommendation
106.305 Notice and Hearing
106.306 Transcripts

APPENDIX
OLD RULE NUMBERS REFERENCED

Chapter 1: Procedural Rules	35 Ill. Adm. Code Parts 101-107
Part VI: Hearings Pursuant to Specific Rules	Part 106: Hearings Pursuant to Specific Rules
Rule 601	Section 106.101
Rule 602	Section 106.102
Rule 603	Section 106.103
Rule 604	Section 106.104
Rule 605	Section 106.105
Rule 606	Section 106.106
Rule 607	Section 106.107
Rules 608-610 Reserved	Deleted

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Rule 611	Section 106.201
Rule 612	Section 106.202
Rule 613	Section 106.203
Rule 614	Section 106.204
Rules 615-620 Reserved	Deleted
Rule 621	Section 106.301
Rule 622	Section 106.302
Rule 623	Section 106.303
Rule 624	Section 106.304
Rule 625	Section 106.305
Rule 626	Section 106.306
Rules 627-629 Reserved	Deleted

PART 107
SANCTIONS

Section	
107.100	References
107.101	Consequences of Refusal to Comply With Procedural Rules or Orders of the Hearing Officer or Board

APPENDIX
OLD RULE NUMBERS REFERENCED

Chapter 1: Procedural Rules	35 Ill. Adm. Code Parts 101-109
Part VII: Sanctions	Part 107: Sanctions
Rule 701	Section 107.101