

# HB0464



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

**HB0464**

by Rep. Michael J. Madigan

### SYNOPSIS AS INTRODUCED:

415 ILCS 5/5

from Ch. 111 1/2, par. 1005

Amends the Environmental Protection Act. Makes a technical change in a Section concerning the Pollution Control Board.

LRB101 03560 CPF 48568 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by  
5 changing Section 5 as follows:

6 (415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

7 Sec. 5. Pollution Control Board.

8 (a) There is hereby created an independent board to be  
9 known as the ~~the~~ Pollution Control Board.

10 On and after August 11, 2003 (the effective date of Public  
11 Act 93-509), the Board shall consist of 5 technically qualified  
12 members, no more than 3 of whom may be of the same political  
13 party, to be appointed by the Governor with the advice and  
14 consent of the Senate. Members shall have verifiable technical,  
15 academic, or actual experience in the field of pollution  
16 control or environmental law and regulation.

17 One member shall be appointed for a term ending July 1,  
18 2004, 2 shall be appointed for terms ending July 1, 2005, and 2  
19 shall be appointed for terms ending July 1, 2006. Thereafter,  
20 all members shall hold office for 3 years from the first day of  
21 July in the year in which they were appointed, except in case  
22 of an appointment to fill a vacancy. In case of a vacancy in  
23 the office when the Senate is not in session, the Governor may

1 make a temporary appointment until the next meeting of the  
2 Senate, when he or she shall nominate some person to fill such  
3 office; and any person so nominated, who is confirmed by the  
4 Senate, shall hold the office during the remainder of the term.

5 Members of the Board shall hold office until their  
6 respective successors have been appointed and qualified. Any  
7 member may resign from office, such resignation to take effect  
8 when a successor has been appointed and has qualified.

9 Board members shall be paid \$37,000 per year or an amount  
10 set by the Compensation Review Board, whichever is greater, and  
11 the Chairman shall be paid \$43,000 per year or an amount set by  
12 the Compensation Review Board, whichever is greater. Each  
13 member shall devote his or her entire time to the duties of the  
14 office, and shall hold no other office or position of profit,  
15 nor engage in any other business, employment, or vocation. Each  
16 member shall be reimbursed for expenses necessarily incurred  
17 and shall make a financial disclosure upon appointment.

18 The Board may employ one assistant for each member and 2  
19 assistants for the Chairman. The Board also may employ and  
20 compensate hearing officers to preside at hearings under this  
21 Act, and such other personnel as may be necessary. Hearing  
22 officers shall be attorneys licensed to practice law in  
23 Illinois.

24 The Board may have an Executive Director; if so, the  
25 Executive Director shall be appointed by the Governor with the  
26 advice and consent of the Senate. The salary and duties of the

1 Executive Director shall be fixed by the Board.

2 The Governor shall designate one Board member to be  
3 Chairman, who shall serve at the pleasure of the Governor.

4 The Board shall hold at least one meeting each month and  
5 such additional meetings as may be prescribed by Board rules.  
6 In addition, special meetings may be called by the Chairman or  
7 by any 2 Board members, upon delivery of 48 hours written  
8 notice to the office of each member. All Board meetings shall  
9 be open to the public, and public notice of all meetings shall  
10 be given at least 48 hours in advance of each meeting. In  
11 emergency situations in which a majority of the Board certifies  
12 that exigencies of time require the requirements of public  
13 notice and of 24 hour written notice to members may be  
14 dispensed with, and Board members shall receive such notice as  
15 is reasonable under the circumstances.

16 Three members of the Board shall constitute a quorum to  
17 transact business; and the affirmative vote of 3 members is  
18 necessary to adopt any order. The Board shall keep a complete  
19 and accurate record of all its meetings.

20 (b) The Board shall determine, define and implement the  
21 environmental control standards applicable in the State of  
22 Illinois and may adopt rules and regulations in accordance with  
23 Title VII of this Act.

24 (c) The Board shall have authority to act for the State in  
25 regard to the adoption of standards for submission to the  
26 United States under any federal law respecting environmental

1 protection. Such standards shall be adopted in accordance with  
2 Title VII of the Act and upon adoption shall be forwarded to  
3 the Environmental Protection Agency for submission to the  
4 United States pursuant to subsections (l) and (m) of Section 4  
5 of this Act. Nothing in this paragraph shall limit the  
6 discretion of the Governor to delegate authority granted to the  
7 Governor under any federal law.

8 (d) The Board shall have authority to conduct proceedings  
9 upon complaints charging violations of this Act, any rule or  
10 regulation adopted under this Act, any permit or term or  
11 condition of a permit, or any Board order; upon administrative  
12 citations; upon petitions for variances, adjusted standards,  
13 or time-limited water quality standards; upon petitions for  
14 review of the Agency's final determinations on permit  
15 applications in accordance with Title X of this Act; upon  
16 petitions to remove seals under Section 34 of this Act; and  
17 upon other petitions for review of final determinations which  
18 are made pursuant to this Act or Board rule and which involve a  
19 subject which the Board is authorized to regulate. The Board  
20 may also conduct other proceedings as may be provided by this  
21 Act or any other statute or rule.

22 (e) In connection with any proceeding pursuant to  
23 subsection (b) or (d) of this Section, the Board may subpoena  
24 and compel the attendance of witnesses and the production of  
25 evidence reasonably necessary to resolution of the matter under  
26 consideration. The Board shall issue such subpoenas upon the

1 request of any party to a proceeding under subsection (d) of  
2 this Section or upon its own motion.

3 (f) The Board may prescribe reasonable fees for permits  
4 required pursuant to this Act. Such fees in the aggregate may  
5 not exceed the total cost to the Agency for its inspection and  
6 permit systems. The Board may not prescribe any permit fees  
7 which are different in amount from those established by this  
8 Act.

9 (Source: P.A. 99-934, eff. 1-27-17; 99-937, eff. 2-24-17;  
10 100-863, eff. 8-14-18.)