

# HB1544



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

**HB1544**

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

### 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.

LRB102 03560 CPF 13573 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  
12 qualified members, no more than 3 of whom may be of the same  
13 political party, to be appointed by the Governor with the  
14 advice and consent of the Senate. Members shall have  
15 verifiable technical, academic, or actual experience in the  
16 field of pollution control or environmental law and  
17 regulation.

18 One member shall be appointed for a term ending July 1,  
19 2004, 2 shall be appointed for terms ending July 1, 2005, and 2  
20 shall be appointed for terms ending July 1, 2006. Thereafter,  
21 all members shall hold office for 3 years from the first day of  
22 July in the year in which they were appointed, except in case  
23 of an appointment to fill a vacancy. In case of a vacancy in

1 the office when the Senate is not in session, the Governor may  
2 make a temporary appointment until the next meeting of the  
3 Senate, when he or she shall nominate some person to fill such  
4 office; and any person so nominated, who is confirmed by the  
5 Senate, shall hold the office during the remainder of the  
6 term.

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

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

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

1           The Board may have an Executive Director; if so, the  
2 Executive Director shall be appointed by the Governor with the  
3 advice and consent of the Senate. The salary and duties of the  
4 Executive Director shall be fixed by the Board.

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

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

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

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

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

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

25 (e) In connection with any proceeding pursuant to  
26 subsection (b) or (d) of this Section, the Board may subpoena

1 and compel the attendance of witnesses and the production of  
2 evidence reasonably necessary to resolution of the matter  
3 under consideration. The Board shall issue such subpoenas upon  
4 the request of any party to a proceeding under subsection (d)  
5 of this Section or upon its own motion.

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

12 (Source: P.A. 99-934, eff. 1-27-17; 99-937, eff. 2-24-17;  
13 100-863, eff. 8-14-18.)