



Rep. Dwight Kay

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09800HB2036ham001

LRB098 06284 MGM 41478 a

1 AMENDMENT TO HOUSE BILL 2036

2 AMENDMENT NO. _____. Amend House Bill 2036 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 adding Sections 7.7 and 7.8 as follows:

6 (415 ILCS 5/7.7 new)

7 Sec. 7.7. Permit, registration, and license application
8 response times.

9 (a) Notwithstanding any other provision of law, as soon as
10 practicable after the effective date of this amendatory Act of
11 the 98th General Assembly, the Director shall determine and
12 establish a maximum processing time for applications for each
13 permit, registration, or license issued under this Act. The
14 processing time established by the Director shall not be more
15 than 60 days after the Director notifies the applicant that the
16 application is complete. When establishing processing times

1 for permits, registrations, and licenses under this Act, the
2 Director shall take into consideration all duties and
3 responsibilities of the Agency and the availability of
4 resources.

5 (b) The Director shall annually publish processing
6 timetables for each permit, registration, and license issued
7 under this Act. The deadline for the processing of an
8 application is determined by the timetable published and in
9 effect on the date the Agency received a completed application.

10 (c) Before publishing timetables under subsection (b) of
11 this Section, the Director shall review the proposed processing
12 response times with an advisory committee established for that
13 purpose. The Director shall appoint the members of the advisory
14 committee, who shall be broadly representative of business,
15 environmental, and other interest groups.

16 (d) The processing period for an application under this Act
17 begins on the date the Agency notifies the applicant that the
18 application is complete. The consent of the applicant is
19 required to stop the processing period or to extend the
20 deadline unless:

21 (1) the Director determines that a public hearing is
22 required, in which case the processing period may be
23 stopped or extended only as necessary to accommodate the
24 public hearing process; or

25 (2) the Director determines that the applicant has
26 significantly modified the application, in which case the

1 processing period is stopped until the Agency and the
2 applicant agree to a new timetable.

3 (e) The Director may stop the processing time with consent
4 of the applicant for any period of time if the Director
5 determines that:

6 (1) additional information is required from the
7 applicant;

8 (2) agencies or departments other than the Illinois
9 Environmental Protection Agency are required to comment on
10 an application and do not respond within the time frame
11 established between the organizations; or

12 (3) the applicant wishes to stop the processing period
13 or extend the deadline.

14 (f) For projects that require more than one permit,
15 registration, or license from the Agency, the Agency and the
16 applicant shall determine the timetables applicable to all
17 permit, registration, or license applications.

18 (g) Except as otherwise provided in this Section, if the
19 Director fails to approve or deny an application before the
20 deadline set under this Section, the Agency shall return 50% of
21 the application fee to the applicant. If the Director fails to
22 approve or deny an application within 120 days after the
23 deadline, the Agency shall return the remainder of the
24 application fee to the applicant.

25 (h) The Agency shall adopt any rules necessary to carry out
26 the provisions of this Section.

1 (415 ILCS 5/7.8 new)

2 Sec. 7.8. Private application review. If, after the
3 expiration of half of the processing time established in a
4 timeline under Section 7.7 of this Act, the Director determines
5 that the Agency cannot process a permit, registration, or
6 license application within the required processing time, the
7 Director shall, with the consent of the applicant, enter into
8 an agreement with an individual, partnership, firm, or
9 corporation outside of the Agency to review the application.

10 The Agency shall adopt any rules necessary to carry out the
11 provisions of this Section."