

SB2657



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2657

Introduced 1/21/2014, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

415 ILCS 5/37

from Ch. 111 1/2, par. 1037

Amends the Environmental Protection Act. Makes a change to the filing requirements for a person seeking a variance. Effective immediately.

LRB098 15828 MGM 50870 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 37 as follows:

6 (415 ILCS 5/37) (from Ch. 111 1/2, par. 1037)

7 Sec. 37. Variances; procedures.

8 (a) Any person seeking a variance pursuant to subsection
9 (a) of Section 35 shall do so by filing a petition for variance
10 with the Board and providing a copy of the petition to the
11 Agency. Any person filing such a petition shall (i) pay a
12 filing fee, (ii). ~~The Agency shall~~ promptly give written notice
13 of such petition to any person in the county in which the
14 installation or property for which variance is sought is
15 located who has filed with the Board a written request for in
16 ~~writing requested~~ notice of variance petitions, the State's
17 attorney of such county, the Chairman of the County Board of
18 such county, and to each member of the General Assembly from
19 the legislative district in which that installation or property
20 is located, and (iii) ~~shall~~ publish a single notice of such
21 petition in a newspaper of general circulation in such county.
22 The notices required by this Section shall be in a format
23 prescribed by the Board and shall include the street address,

1 and if there is no street address then the legal description or
2 the location with reference to any well known landmark,
3 highway, road, thoroughfare or intersection.

4 The Agency shall promptly investigate such petition and
5 consider the views of persons who might be adversely affected
6 by the grant of a variance. The Agency shall make a
7 recommendation to the Board as to the disposition of the
8 petition. If the Board, in its discretion, concludes that a
9 hearing would be advisable, or if the Agency or any other
10 person files a written objection to the grant of such variance
11 within 21 days, together with a written request for hearing,
12 then a hearing shall be held, under the rules prescribed in
13 Sections 32 and 33 (a) of this Act, and the burden of proof
14 shall be on the petitioner.

15 (b) Any person seeking a provisional variance pursuant to
16 subsection (b) of Section 35 shall make a request to the
17 Agency. The Agency shall promptly investigate and consider the
18 merits of the request. If the Agency fails to take final action
19 within 30 days after receipt of the request for a provisional
20 variance, or if the Agency denies the request, the person may
21 initiate a proceeding with the Board under subsection (a) of
22 Section 35.

23 If the Agency grants a provisional variance, the Agency
24 must promptly file a copy of its written decision with the
25 Board, and shall give prompt notice of its action to the public
26 by issuing a press release for distribution to newspapers of

1 general circulation in the county. The Board must maintain for
2 public inspection copies of all provisional variances filed
3 with it by the Agency.

4 (Source: P.A. 93-152, eff. 7-10-03.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.