

1 AN ACT concerning environmental 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
5 by changing Section 28 as follows:

6 (415 ILCS 5/28) (from Ch. 111 1/2, par. 1028)

7 Sec. 28. Proposal of regulations; procedure.

8 (a) Any person may present written proposals for the
9 adoption, amendment, or repeal of the Board's regulations,
10 and the Board may make such proposals on its own motion. If
11 the Board finds that any such proposal is supported by an
12 adequate statement of reasons, is accompanied by a petition
13 signed by at least 200 persons, is not plainly devoid of
14 merit and does not deal with a subject on which a hearing has
15 been held within the preceding 6 months, the Board shall
16 schedule a public hearing for consideration of the proposal.
17 If the such proposal is made by the Agency or by the
18 Department, the Board shall schedule a public hearing without
19 regard to the above conditions. The Board may hold one or
20 more hearings to consider both the merits and the economics
21 of the proposal. The Board may also in its discretion
22 schedule a public hearing upon any proposal without regard to
23 the above conditions.

24 No substantive regulation shall be adopted, amended, or
25 repealed until after a public hearing within the area of the
26 State concerned. In the case of state-wide regulations
27 hearings shall be held in at least two areas. At least 20
28 days prior to the scheduled date of the hearing the Board
29 shall give notice of such hearing by public advertisement in
30 a newspaper of general circulation in the area of the state
31 concerned of the date, time, place and purpose of such

1 hearing; give written notice to any person in the area
2 concerned who has in writing requested notice of public
3 hearings; and make available to any person upon request
4 copies of the proposed regulations, together with summaries
5 of the reasons supporting their adoption.

6 Any public hearing relating to the adoption, amendment,
7 or repeal of Board regulations under this subsection shall be
8 held before a qualified hearing officer, who shall be
9 attended by at least one member of the Board, designated by
10 the Chairman. All such hearings shall be open to the public,
11 and reasonable opportunity to be heard with respect to the
12 subject of the hearing shall be afforded to any person. All
13 testimony taken before the Board shall be recorded
14 stenographically. The transcript so recorded, and any written
15 submissions to the Board in relation to such hearings, shall
16 be open to public inspection, and copies thereof shall be
17 made available to any person upon payment of the actual cost
18 of reproducing the original.

19 After such hearing the Board may revise the proposed
20 regulations before adoption in response to suggestions made
21 at the hearing, without conducting a further hearing on the
22 revisions.

23 In addition, the Board may revise the proposed
24 regulations after hearing in response to objections or
25 suggestions made by the Joint Committee on Administrative
26 Rules pursuant to subsection (b) of Section 5-40 and
27 subsection (a) of Section 5-110 of the Illinois
28 Administrative Procedure Act, where the Board finds (1) that
29 such objections or suggestions relate to the statutory
30 authority upon which the regulation is based, whether the
31 regulation is in proper form, or whether adequate notice was
32 given, and (2) that the record before the Board is sufficient
33 to support such a change without further hearing.

34 Any person heard or represented at a hearing or

1 requesting notice shall be given written notice of the action
2 of the Board with respect to the subject thereof.

3 No rule or regulation, or amendment or repeal thereof,
4 shall become effective until a certified copy thereof has
5 been filed with the Secretary of State, and thereafter as
6 provided in the Illinois Administrative Procedure Act as
7 amended.

8 Any person who files a petition for adoption of a
9 regulation specific to that person shall pay a filing fee.

10 (b) The Board shall not, on its own motion, propose
11 regulations pursuant to subsection (a) of this Section or
12 Sections 28.2, 28.4 or 28.5 of this Act to implement the
13 provisions required by or related to the Clean Air Act
14 Amendments of 1990, as now or hereafter amended. However,
15 nothing herein shall preclude the Board from, on its own
16 motion:

17 (1) making technical corrections to adopted rules
18 pursuant to Section 100.240 of Title 1 of the Illinois
19 Administrative Code;

20 (2) modifying a proposed rule following receipt of
21 comments, objections, or suggestions without agreement of
22 the proponent after the end of the hearing and comment
23 period;

24 (3) initiating procedural rulemaking in accordance
25 with Section 26 of this Act; or

26 (4) initiating rulemaking necessitated by a court
27 order directed to the Board.

28 (Source: P.A. 87-860; 87-1213; 88-45.)