

# HB4042



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

**HB4042**

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.

LRB098 15599 MGM 50630 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 Until July 1, 2003 or when all of the new members to be  
11 initially appointed under this amendatory Act of the 93rd  
12 General Assembly have been appointed by the Governor, whichever  
13 occurs later, the Board shall consist of 7 technically  
14 qualified members, no more than 4 of whom may be of the same  
15 political party, to be appointed by the Governor with the  
16 advice and consent of the Senate.

17 The term of each appointed member of the Board who is in  
18 office on June 30, 2003 shall terminate at the close of  
19 business on that date or when all of the new members to be  
20 initially appointed under this amendatory Act of the 93rd  
21 General Assembly have been appointed by the Governor, whichever  
22 occurs later.

23 Beginning on July 1, 2003 or when all of the new members to

1 be initially appointed under this amendatory Act of the 93rd  
2 General Assembly have been appointed by the Governor, whichever  
3 occurs later, the Board shall consist of 5 technically  
4 qualified members, no more than 3 of whom may be of the same  
5 political party, to be appointed by the Governor with the  
6 advice and consent of the Senate. Members shall have verifiable  
7 technical, academic, or actual experience in the field of  
8 pollution control or environmental law and regulation.

9 Of the members initially appointed pursuant to this  
10 amendatory Act of the 93rd General Assembly, one shall be  
11 appointed for a term ending July 1, 2004, 2 shall be appointed  
12 for terms ending July 1, 2005, and 2 shall be appointed for  
13 terms ending July 1, 2006. Thereafter, all members shall hold  
14 office for 3 years from the first day of July in the year in  
15 which they were appointed, except in case of an appointment to  
16 fill a vacancy. In case of a vacancy in the office when the  
17 Senate is not in session, the Governor may make a temporary  
18 appointment until the next meeting of the Senate, when he or  
19 she shall nominate some person to fill such office; and any  
20 person so nominated, who is confirmed by the Senate, shall hold  
21 the office during the remainder of the term.

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

26 Board members shall be paid \$37,000 per year or an amount

1 set by the Compensation Review Board, whichever is greater, and  
2 the Chairman shall be paid \$43,000 per year or an amount set by  
3 the Compensation Review Board, whichever is greater. Each  
4 member shall devote his or her entire time to the duties of the  
5 office, and shall hold no other office or position of profit,  
6 nor engage in any other business, employment, or vocation. Each  
7 member shall be reimbursed for expenses necessarily incurred  
8 and shall make a financial disclosure upon appointment.

9 Each Board member may employ one secretary and one  
10 assistant, and the Chairman one secretary and 2 assistants. The  
11 Board also may employ and compensate hearing officers to  
12 preside at hearings under this Act, and such other personnel as  
13 may be necessary. Hearing officers shall be attorneys licensed  
14 to practice law in Illinois.

15 The Board may have an Executive Director; if so, the  
16 Executive Director shall be appointed by the Governor with the  
17 advice and consent of the Senate. The salary and duties of the  
18 Executive Director shall be fixed by the Board.

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

21 The Board shall hold at least one meeting each month and  
22 such additional meetings as may be prescribed by Board rules.  
23 In addition, special meetings may be called by the Chairman or  
24 by any 2 Board members, upon delivery of 24 hours written  
25 notice to the office of each member. All Board meetings shall  
26 be open to the public, and public notice of all meetings shall

1 be given at least 24 hours in advance of each meeting. In  
2 emergency situations in which a majority of the Board certifies  
3 that exigencies of time require the requirements of public  
4 notice and of 24 hour written notice to members may be  
5 dispensed with, and Board members shall receive such notice as  
6 is reasonable under the circumstances.

7 If there is no vacancy on the Board, 4 members of the Board  
8 shall constitute a quorum to transact business; otherwise, a  
9 majority of the Board shall constitute a quorum to transact  
10 business, and no vacancy shall impair the right of the  
11 remaining members to exercise all of the powers of the Board.  
12 Every action approved by a majority of the members of the Board  
13 shall be deemed to be the action of the Board. The Board shall  
14 keep a complete and accurate record of all its meetings.

15 (b) The Board shall determine, define and implement the  
16 environmental control standards applicable in the State of  
17 Illinois and may adopt rules and regulations in accordance with  
18 Title VII of this Act.

19 (c) The Board shall have authority to act for the State in  
20 regard to the adoption of standards for submission to the  
21 United States under any federal law respecting environmental  
22 protection. Such standards shall be adopted in accordance with  
23 Title VII of the Act and upon adoption shall be forwarded to  
24 the Environmental Protection Agency for submission to the  
25 United States pursuant to subsections (l) and (m) of Section 4  
26 of this Act. Nothing in this paragraph shall limit the

1 discretion of the Governor to delegate authority granted to the  
2 Governor under any federal law.

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

16 (e) In connection with any proceeding pursuant to  
17 subsection (b) or (d) of this Section, the Board may subpoena  
18 and compel the attendance of witnesses and the production of  
19 evidence reasonably necessary to resolution of the matter under  
20 consideration. The Board shall issue such subpoenas upon the  
21 request of any party to a proceeding under subsection (d) of  
22 this Section or upon its own motion.

23 (f) The Board may prescribe reasonable fees for permits  
24 required pursuant to this Act. Such fees in the aggregate may  
25 not exceed the total cost to the Agency for its inspection and  
26 permit systems. The Board may not prescribe any permit fees

1 which are different in amount from those established by this  
2 Act.

3 (Source: P.A. 95-331, eff. 8-21-07.)