



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 3728

2 AMENDMENT NO. _____. Amend Senate Bill 3728 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 39 as follows:

6 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

7 Sec. 39. Issuance of permits; procedures.

8 (a) When the Board has by regulation required a permit for
9 the construction, installation, or operation of any type of
10 facility, equipment, vehicle, vessel, or aircraft, the
11 applicant shall apply to the Agency for such permit and it
12 shall be the duty of the Agency to issue such a permit upon
13 proof by the applicant that the facility, equipment, vehicle,
14 vessel, or aircraft will not cause a violation of this Act or
15 of regulations hereunder. The Agency shall adopt such
16 procedures as are necessary to carry out its duties under this

1 Section. In making its determinations on permit applications
2 under this Section the Agency may consider prior adjudications
3 of noncompliance with this Act by the applicant that involved a
4 release of a contaminant into the environment. In granting
5 permits, the Agency may impose reasonable conditions
6 specifically related to the applicant's past compliance
7 history with this Act as necessary to correct, detect, or
8 prevent noncompliance. The Agency may impose such other
9 conditions as may be necessary to accomplish the purposes of
10 this Act, and as are not inconsistent with the regulations
11 promulgated by the Board hereunder. Except as otherwise
12 provided in this Act, a bond or other security shall not be
13 required as a condition for the issuance of a permit. If the
14 Agency denies any permit under this Section, the Agency shall
15 transmit to the applicant within the time limitations of this
16 Section specific, detailed statements as to the reasons the
17 permit application was denied. Such statements shall include,
18 but not be limited to the following:

19 (i) the Sections of this Act which may be violated if
20 the permit were granted;

21 (ii) the provision of the regulations, promulgated
22 under this Act, which may be violated if the permit were
23 granted;

24 (iii) the specific type of information, if any, which
25 the Agency deems the applicant did not provide the Agency;
26 and

1 (iv) a statement of specific reasons why the Act and
2 the regulations might not be met if the permit were
3 granted.

4 If there is no final action by the Agency within 90 days
5 after the filing of the application for permit, the applicant
6 may deem the permit issued; except that this time period shall
7 be extended to 180 days when (1) notice and opportunity for
8 public hearing are required by State or federal law or
9 regulation, (2) the application which was filed is for any
10 permit to develop a landfill subject to issuance pursuant to
11 this subsection, or (3) the application that was filed is for a
12 MSWLF unit required to issue public notice under subsection (p)
13 of Section 39. The 90-day and 180-day time periods for the
14 Agency to take final action do not apply to NPDES permit
15 applications under subsection (b) of this Section, to RCRA
16 permit applications under subsection (d) of this Section, or to
17 UIC permit applications under subsection (e) of this Section.

18 The Agency shall publish notice of all final permit
19 determinations for development permits for MSWLF units and for
20 significant permit modifications for lateral expansions for
21 existing MSWLF units one time in a newspaper of general
22 circulation in the county in which the unit is or is proposed
23 to be located.

24 After January 1, 1994 and until July 1, 1998, operating
25 permits issued under this Section by the Agency for sources of
26 air pollution permitted to emit less than 25 tons per year of

1 any combination of regulated air pollutants, as defined in
2 Section 39.5 of this Act, shall be required to be renewed only
3 upon written request by the Agency consistent with applicable
4 provisions of this Act and regulations promulgated hereunder.
5 Such operating permits shall expire 180 days after the date of
6 such a request. The Board shall revise its regulations for the
7 existing State air pollution operating permit program
8 consistent with this provision by January 1, 1994.

9 After June 30, 1998, operating permits issued under this
10 Section by the Agency for sources of air pollution that are not
11 subject to Section 39.5 of this Act and are not required to
12 have a federally enforceable State operating permit shall be
13 required to be renewed only upon written request by the Agency
14 consistent with applicable provisions of this Act and its
15 rules. Such operating permits shall expire 180 days after the
16 date of such a request. Before July 1, 1998, the Board shall
17 revise its rules for the existing State air pollution operating
18 permit program consistent with this paragraph and shall adopt
19 rules that require a source to demonstrate that it qualifies
20 for a permit under this paragraph.

21 (b) The Agency may issue NPDES permits exclusively under
22 this subsection for the discharge of contaminants from point
23 sources into navigable waters, all as defined in the Federal
24 Water Pollution Control Act, as now or hereafter amended,
25 within the jurisdiction of the State, or into any well.

26 All NPDES permits shall contain those terms and conditions,

1 including but not limited to schedules of compliance, which may
2 be required to accomplish the purposes and provisions of this
3 Act.

4 The Agency may issue general NPDES permits for discharges
5 from categories of point sources which are subject to the same
6 permit limitations and conditions. Such general permits may be
7 issued without individual applications and shall conform to
8 regulations promulgated under Section 402 of the Federal Water
9 Pollution Control Act, as now or hereafter amended.

10 The Agency may include, among such conditions, effluent
11 limitations and other requirements established under this Act,
12 Board regulations, the Federal Water Pollution Control Act, as
13 now or hereafter amended, and regulations pursuant thereto, and
14 schedules for achieving compliance therewith at the earliest
15 reasonable date.

16 The Agency shall adopt filing requirements and procedures
17 which are necessary and appropriate for the issuance of NPDES
18 permits, and which are consistent with the Act or regulations
19 adopted by the Board, and with the Federal Water Pollution
20 Control Act, as now or hereafter amended, and regulations
21 pursuant thereto.

22 The Agency, subject to any conditions which may be
23 prescribed by Board regulations, may issue NPDES permits to
24 allow discharges beyond deadlines established by this Act or by
25 regulations of the Board without the requirement of a variance,
26 subject to the Federal Water Pollution Control Act, as now or

1 hereafter amended, and regulations pursuant thereto.

2 (c) Except for those facilities owned or operated by
3 sanitary districts organized under the Metropolitan Water
4 Reclamation District Act, no permit for the development or
5 construction of a new pollution control facility may be granted
6 by the Agency unless the applicant submits proof to the Agency
7 that the location of the facility has been approved by the
8 County Board of the county if in an unincorporated area, or the
9 governing body of the municipality when in an incorporated
10 area, in which the facility is to be located in accordance with
11 Section 39.2 of this Act. For purposes of this subsection (c),
12 and for purposes of Section 39.2 of this Act, the appropriate
13 county board or governing body of the municipality shall be the
14 county board of the county or the governing body of the
15 municipality in which the facility is to be located as of the
16 date when the application for siting approval is filed.

17 In the event that siting approval granted pursuant to
18 Section 39.2 has been transferred to a subsequent owner or
19 operator, that subsequent owner or operator may apply to the
20 Agency for, and the Agency may grant, a development or
21 construction permit for the facility for which local siting
22 approval was granted. Upon application to the Agency for a
23 development or construction permit by that subsequent owner or
24 operator, the permit applicant shall cause written notice of
25 the permit application to be served upon the appropriate county
26 board or governing body of the municipality that granted siting

1 approval for that facility and upon any party to the siting
2 proceeding pursuant to which siting approval was granted. In
3 that event, the Agency shall conduct an evaluation of the
4 subsequent owner or operator's prior experience in waste
5 management operations in the manner conducted under subsection
6 (i) of Section 39 of this Act.

7 Beginning August 20, 1993, if the pollution control
8 facility consists of a hazardous or solid waste disposal
9 facility for which the proposed site is located in an
10 unincorporated area of a county with a population of less than
11 100,000 and includes all or a portion of a parcel of land that
12 was, on April 1, 1993, adjacent to a municipality having a
13 population of less than 5,000, then the local siting review
14 required under this subsection (c) in conjunction with any
15 permit applied for after that date shall be performed by the
16 governing body of that adjacent municipality rather than the
17 county board of the county in which the proposed site is
18 located; and for the purposes of that local siting review, any
19 references in this Act to the county board shall be deemed to
20 mean the governing body of that adjacent municipality;
21 provided, however, that the provisions of this paragraph shall
22 not apply to any proposed site which was, on April 1, 1993,
23 owned in whole or in part by another municipality.

24 In the case of a pollution control facility for which a
25 development permit was issued before November 12, 1981, if an
26 operating permit has not been issued by the Agency prior to

1 August 31, 1989 for any portion of the facility, then the
2 Agency may not issue or renew any development permit nor issue
3 an original operating permit for any portion of such facility
4 unless the applicant has submitted proof to the Agency that the
5 location of the facility has been approved by the appropriate
6 county board or municipal governing body pursuant to Section
7 39.2 of this Act.

8 After January 1, 1994, if a solid waste disposal facility,
9 any portion for which an operating permit has been issued by
10 the Agency, has not accepted waste disposal for 5 or more
11 consecutive calendars years, before that facility may accept
12 any new or additional waste for disposal, the owner and
13 operator must obtain a new operating permit under this Act for
14 that facility unless the owner and operator have applied to the
15 Agency for a permit authorizing the temporary suspension of
16 waste acceptance. The Agency may not issue a new operation
17 permit under this Act for the facility unless the applicant has
18 submitted proof to the Agency that the location of the facility
19 has been approved or re-approved by the appropriate county
20 board or municipal governing body under Section 39.2 of this
21 Act after the facility ceased accepting waste.

22 Notwithstanding any other provision of this Act, the Agency
23 may not issue a construction or operating permit under this Act
24 for any facility that has been the subject of a disconnection
25 action that was commenced on or after January 1, 2010, unless
26 the applicant for that permit submits proof to the Agency (i)

1 that the location of the facility has been approved or
2 re-approved by the appropriate county board or municipal
3 governing body under Section 39.2 of this Act and (ii) that the
4 location of the facility has also been approved by the
5 governing authority of every municipality contiguous to the
6 proposed site and, if the proposed site is located within the
7 boundaries of a municipality, by the county board of the county
8 where the proposed site is located.

9 Except for those facilities owned or operated by sanitary
10 districts organized under the Metropolitan Water Reclamation
11 District Act, and except for new pollution control facilities
12 governed by Section 39.2, and except for fossil fuel mining
13 facilities, the granting of a permit under this Act shall not
14 relieve the applicant from meeting and securing all necessary
15 zoning approvals from the unit of government having zoning
16 jurisdiction over the proposed facility.

17 Before beginning construction on any new sewage treatment
18 plant or sludge drying site to be owned or operated by a
19 sanitary district organized under the Metropolitan Water
20 Reclamation District Act for which a new permit (rather than
21 the renewal or amendment of an existing permit) is required,
22 such sanitary district shall hold a public hearing within the
23 municipality within which the proposed facility is to be
24 located, or within the nearest community if the proposed
25 facility is to be located within an unincorporated area, at
26 which information concerning the proposed facility shall be

1 made available to the public, and members of the public shall
2 be given the opportunity to express their views concerning the
3 proposed facility.

4 The Agency may issue a permit for a municipal waste
5 transfer station without requiring approval pursuant to
6 Section 39.2 provided that the following demonstration is made:

7 (1) the municipal waste transfer station was in
8 existence on or before January 1, 1979 and was in
9 continuous operation from January 1, 1979 to January 1,
10 1993;

11 (2) the operator submitted a permit application to the
12 Agency to develop and operate the municipal waste transfer
13 station during April of 1994;

14 (3) the operator can demonstrate that the county board
15 of the county, if the municipal waste transfer station is
16 in an unincorporated area, or the governing body of the
17 municipality, if the station is in an incorporated area,
18 does not object to resumption of the operation of the
19 station; and

20 (4) the site has local zoning approval.

21 (d) The Agency may issue RCRA permits exclusively under
22 this subsection to persons owning or operating a facility for
23 the treatment, storage, or disposal of hazardous waste as
24 defined under this Act.

25 All RCRA permits shall contain those terms and conditions,
26 including but not limited to schedules of compliance, which may

1 be required to accomplish the purposes and provisions of this
2 Act. The Agency may include among such conditions standards and
3 other requirements established under this Act, Board
4 regulations, the Resource Conservation and Recovery Act of 1976
5 (P.L. 94-580), as amended, and regulations pursuant thereto,
6 and may include schedules for achieving compliance therewith as
7 soon as possible. The Agency shall require that a performance
8 bond or other security be provided as a condition for the
9 issuance of a RCRA permit.

10 In the case of a permit to operate a hazardous waste or PCB
11 incinerator as defined in subsection (k) of Section 44, the
12 Agency shall require, as a condition of the permit, that the
13 operator of the facility perform such analyses of the waste to
14 be incinerated as may be necessary and appropriate to ensure
15 the safe operation of the incinerator.

16 The Agency shall adopt filing requirements and procedures
17 which are necessary and appropriate for the issuance of RCRA
18 permits, and which are consistent with the Act or regulations
19 adopted by the Board, and with the Resource Conservation and
20 Recovery Act of 1976 (P.L. 94-580), as amended, and regulations
21 pursuant thereto.

22 The applicant shall make available to the public for
23 inspection all documents submitted by the applicant to the
24 Agency in furtherance of an application, with the exception of
25 trade secrets, at the office of the county board or governing
26 body of the municipality. Such documents may be copied upon

1 payment of the actual cost of reproduction during regular
2 business hours of the local office. The Agency shall issue a
3 written statement concurrent with its grant or denial of the
4 permit explaining the basis for its decision.

5 (e) The Agency may issue UIC permits exclusively under this
6 subsection to persons owning or operating a facility for the
7 underground injection of contaminants as defined under this
8 Act.

9 All UIC permits shall contain those terms and conditions,
10 including but not limited to schedules of compliance, which may
11 be required to accomplish the purposes and provisions of this
12 Act. The Agency may include among such conditions standards and
13 other requirements established under this Act, Board
14 regulations, the Safe Drinking Water Act (P.L. 93-523), as
15 amended, and regulations pursuant thereto, and may include
16 schedules for achieving compliance therewith. The Agency shall
17 require that a performance bond or other security be provided
18 as a condition for the issuance of a UIC permit.

19 The Agency shall adopt filing requirements and procedures
20 which are necessary and appropriate for the issuance of UIC
21 permits, and which are consistent with the Act or regulations
22 adopted by the Board, and with the Safe Drinking Water Act
23 (P.L. 93-523), as amended, and regulations pursuant thereto.

24 The applicant shall make available to the public for
25 inspection, all documents submitted by the applicant to the
26 Agency in furtherance of an application, with the exception of

1 trade secrets, at the office of the county board or governing
2 body of the municipality. Such documents may be copied upon
3 payment of the actual cost of reproduction during regular
4 business hours of the local office. The Agency shall issue a
5 written statement concurrent with its grant or denial of the
6 permit explaining the basis for its decision.

7 (f) In making any determination pursuant to Section 9.1 of
8 this Act:

9 (1) The Agency shall have authority to make the
10 determination of any question required to be determined by
11 the Clean Air Act, as now or hereafter amended, this Act,
12 or the regulations of the Board, including the
13 determination of the Lowest Achievable Emission Rate,
14 Maximum Achievable Control Technology, or Best Available
15 Control Technology, consistent with the Board's
16 regulations, if any.

17 (2) The Agency shall, after conferring with the
18 applicant, give written notice to the applicant of its
19 proposed decision on the application including the terms
20 and conditions of the permit to be issued and the facts,
21 conduct or other basis upon which the Agency will rely to
22 support its proposed action.

23 (3) Following such notice, the Agency shall give the
24 applicant an opportunity for a hearing in accordance with
25 the provisions of Sections 10-25 through 10-60 of the
26 Illinois Administrative Procedure Act.

1 (g) The Agency shall include as conditions upon all permits
2 issued for hazardous waste disposal sites such restrictions
3 upon the future use of such sites as are reasonably necessary
4 to protect public health and the environment, including
5 permanent prohibition of the use of such sites for purposes
6 which may create an unreasonable risk of injury to human health
7 or to the environment. After administrative and judicial
8 challenges to such restrictions have been exhausted, the Agency
9 shall file such restrictions of record in the Office of the
10 Recorder of the county in which the hazardous waste disposal
11 site is located.

12 (h) A hazardous waste stream may not be deposited in a
13 permitted hazardous waste site unless specific authorization
14 is obtained from the Agency by the generator and disposal site
15 owner and operator for the deposit of that specific hazardous
16 waste stream. The Agency may grant specific authorization for
17 disposal of hazardous waste streams only after the generator
18 has reasonably demonstrated that, considering technological
19 feasibility and economic reasonableness, the hazardous waste
20 cannot be reasonably recycled for reuse, nor incinerated or
21 chemically, physically or biologically treated so as to
22 neutralize the hazardous waste and render it nonhazardous. In
23 granting authorization under this Section, the Agency may
24 impose such conditions as may be necessary to accomplish the
25 purposes of the Act and are consistent with this Act and
26 regulations promulgated by the Board hereunder. If the Agency

1 refuses to grant authorization under this Section, the
2 applicant may appeal as if the Agency refused to grant a
3 permit, pursuant to the provisions of subsection (a) of Section
4 40 of this Act. For purposes of this subsection (h), the term
5 "generator" has the meaning given in Section 3.205 of this Act,
6 unless: (1) the hazardous waste is treated, incinerated, or
7 partially recycled for reuse prior to disposal, in which case
8 the last person who treats, incinerates, or partially recycles
9 the hazardous waste prior to disposal is the generator; or (2)
10 the hazardous waste is from a response action, in which case
11 the person performing the response action is the generator.
12 This subsection (h) does not apply to any hazardous waste that
13 is restricted from land disposal under 35 Ill. Adm. Code 728.

14 (i) Before issuing any RCRA permit, any permit for a waste
15 storage site, sanitary landfill, waste disposal site, waste
16 transfer station, waste treatment facility, waste incinerator,
17 or any waste-transportation operation, or any permit or interim
18 authorization for a clean construction or demolition debris
19 fill operation, the Agency shall conduct an evaluation of the
20 prospective owner's or operator's prior experience in waste
21 management operations and clean construction or demolition
22 debris fill operations. The Agency may deny such a permit, or
23 deny or revoke interim authorization, if the prospective owner
24 or operator or any employee or officer of the prospective owner
25 or operator has a history of:

26 (1) repeated violations of federal, State, or local

1 laws, regulations, standards, or ordinances in the
2 operation of waste management facilities or sites or clean
3 construction or demolition debris fill operation
4 facilities or sites; or

5 (2) conviction in this or another State of any crime
6 which is a felony under the laws of this State, or
7 conviction of a felony in a federal court; or conviction in
8 this or another state or federal court of any of the
9 following crimes: forgery, official misconduct, bribery,
10 perjury, or knowingly submitting false information under
11 any environmental law, regulation, or permit term or
12 condition; or

13 (3) proof of gross carelessness or incompetence in
14 handling, storing, processing, transporting or disposing
15 of waste or clean construction or demolition debris, or
16 proof of gross carelessness or incompetence in using clean
17 construction or demolition debris as fill.

18 (i-5) Before issuing any permit or approving any interim
19 authorization for a clean construction or demolition debris
20 fill operation in which any ownership interest is transferred
21 between January 1, 2005, and the effective date of the
22 prohibition set forth in Section 22.52 of this Act, the Agency
23 shall conduct an evaluation of the operation if any previous
24 activities at the site or facility may have caused or allowed
25 contamination of the site. It shall be the responsibility of
26 the owner or operator seeking the permit or interim

1 authorization to provide to the Agency all of the information
2 necessary for the Agency to conduct its evaluation. The Agency
3 may deny a permit or interim authorization if previous
4 activities at the site may have caused or allowed contamination
5 at the site, unless such contamination is authorized under any
6 permit issued by the Agency.

7 (j) The issuance under this Act of a permit to engage in
8 the surface mining of any resources other than fossil fuels
9 shall not relieve the permittee from its duty to comply with
10 any applicable local law regulating the commencement, location
11 or operation of surface mining facilities.

12 (k) A development permit issued under subsection (a) of
13 Section 39 for any facility or site which is required to have a
14 permit under subsection (d) of Section 21 shall expire at the
15 end of 2 calendar years from the date upon which it was issued,
16 unless within that period the applicant has taken action to
17 develop the facility or the site. In the event that review of
18 the conditions of the development permit is sought pursuant to
19 Section 40 or 41, or permittee is prevented from commencing
20 development of the facility or site by any other litigation
21 beyond the permittee's control, such two-year period shall be
22 deemed to begin on the date upon which such review process or
23 litigation is concluded.

24 (l) No permit shall be issued by the Agency under this Act
25 for construction or operation of any facility or site located
26 within the boundaries of any setback zone established pursuant

1 to this Act, where such construction or operation is
2 prohibited.

3 (m) The Agency may issue permits to persons owning or
4 operating a facility for composting landscape waste. In
5 granting such permits, the Agency may impose such conditions as
6 may be necessary to accomplish the purposes of this Act, and as
7 are not inconsistent with applicable regulations promulgated
8 by the Board. Except as otherwise provided in this Act, a bond
9 or other security shall not be required as a condition for the
10 issuance of a permit. If the Agency denies any permit pursuant
11 to this subsection, the Agency shall transmit to the applicant
12 within the time limitations of this subsection specific,
13 detailed statements as to the reasons the permit application
14 was denied. Such statements shall include but not be limited to
15 the following:

16 (1) the Sections of this Act that may be violated if
17 the permit were granted;

18 (2) the specific regulations promulgated pursuant to
19 this Act that may be violated if the permit were granted;

20 (3) the specific information, if any, the Agency deems
21 the applicant did not provide in its application to the
22 Agency; and

23 (4) a statement of specific reasons why the Act and the
24 regulations might be violated if the permit were granted.

25 If no final action is taken by the Agency within 90 days
26 after the filing of the application for permit, the applicant

1 may deem the permit issued. Any applicant for a permit may
2 waive the 90 day limitation by filing a written statement with
3 the Agency.

4 The Agency shall issue permits for such facilities upon
5 receipt of an application that includes a legal description of
6 the site, a topographic map of the site drawn to the scale of
7 200 feet to the inch or larger, a description of the operation,
8 including the area served, an estimate of the volume of
9 materials to be processed, and documentation that:

10 (1) the facility includes a setback of at least 200
11 feet from the nearest potable water supply well;

12 (2) the facility is located outside the boundary of the
13 10-year floodplain or the site will be floodproofed;

14 (3) the facility is located so as to minimize
15 incompatibility with the character of the surrounding
16 area, including at least a 200 foot setback from any
17 residence, and in the case of a facility that is developed
18 or the permitted composting area of which is expanded after
19 November 17, 1991, the composting area is located at least
20 1/8 mile from the nearest residence (other than a residence
21 located on the same property as the facility);

22 (4) the design of the facility will prevent any compost
23 material from being placed within 5 feet of the water
24 table, will adequately control runoff from the site, and
25 will collect and manage any leachate that is generated on
26 the site;

1 (5) the operation of the facility will include
2 appropriate dust and odor control measures, limitations on
3 operating hours, appropriate noise control measures for
4 shredding, chipping and similar equipment, management
5 procedures for composting, containment and disposal of
6 non-compostable wastes, procedures to be used for
7 terminating operations at the site, and recordkeeping
8 sufficient to document the amount of materials received,
9 composted and otherwise disposed of; and

10 (6) the operation will be conducted in accordance with
11 any applicable rules adopted by the Board.

12 The Agency shall issue renewable permits of not longer than
13 10 years in duration for the composting of landscape wastes, as
14 defined in Section 3.155 of this Act, based on the above
15 requirements.

16 The operator of any facility permitted under this
17 subsection (m) must submit a written annual statement to the
18 Agency on or before April 1 of each year that includes an
19 estimate of the amount of material, in tons, received for
20 composting.

21 (n) The Agency shall issue permits jointly with the
22 Department of Transportation for the dredging or deposit of
23 material in Lake Michigan in accordance with Section 18 of the
24 Rivers, Lakes, and Streams Act.

25 (o) (Blank.)

26 (p) (1) Any person submitting an application for a permit

1 for a new MSWLF unit or for a lateral expansion under
2 subsection (t) of Section 21 of this Act for an existing MSWLF
3 unit that has not received and is not subject to local siting
4 approval under Section 39.2 of this Act shall publish notice of
5 the application in a newspaper of general circulation in the
6 county in which the MSWLF unit is or is proposed to be located.
7 The notice must be published at least 15 days before submission
8 of the permit application to the Agency. The notice shall state
9 the name and address of the applicant, the location of the
10 MSWLF unit or proposed MSWLF unit, the nature and size of the
11 MSWLF unit or proposed MSWLF unit, the nature of the activity
12 proposed, the probable life of the proposed activity, the date
13 the permit application will be submitted, and a statement that
14 persons may file written comments with the Agency concerning
15 the permit application within 30 days after the filing of the
16 permit application unless the time period to submit comments is
17 extended by the Agency.

18 When a permit applicant submits information to the Agency
19 to supplement a permit application being reviewed by the
20 Agency, the applicant shall not be required to reissue the
21 notice under this subsection.

22 (2) The Agency shall accept written comments concerning the
23 permit application that are postmarked no later than 30 days
24 after the filing of the permit application, unless the time
25 period to accept comments is extended by the Agency.

26 (3) Each applicant for a permit described in part (1) of

1 this subsection shall file a copy of the permit application
2 with the county board or governing body of the municipality in
3 which the MSWLF unit is or is proposed to be located at the
4 same time the application is submitted to the Agency. The
5 permit application filed with the county board or governing
6 body of the municipality shall include all documents submitted
7 to or to be submitted to the Agency, except trade secrets as
8 determined under Section 7.1 of this Act. The permit
9 application and other documents on file with the county board
10 or governing body of the municipality shall be made available
11 for public inspection during regular business hours at the
12 office of the county board or the governing body of the
13 municipality and may be copied upon payment of the actual cost
14 of reproduction.

15 (q) Within 6 months after the effective date of this
16 amendatory Act of the 97th General Assembly, the Agency, in
17 consultation with the regulated community, shall develop a web
18 portal to be posted on its website for the purpose of enhancing
19 review and promoting timely issuance of permits required by
20 this Act. At a minimum, the Agency shall make the following
21 information available on the web portal:

22 (1) Checklists and guidance relating to the completion
23 of permit applications, developed pursuant to subsection
24 (s) of this Section, which may include, but are not limited
25 to, existing instructions for completing the applications
26 and examples of complete applications. As the Agency

1 develops new checklists and develops guidance, it shall
2 supplement the web portal with those materials.

3 (2) Within 2 years after the effective date of this
4 amendatory Act of the 97th General Assembly, permit
5 application forms or portions of permit applications that
6 can be completed and saved electronically, and submitted to
7 the Agency electronically with digital signatures.

8 (3) Within 2 years after the effective date of this
9 amendatory Act of the 97th General Assembly, an online
10 tracking system where an applicant may review the status of
11 its pending application, including the name and contact
12 information of the permit analyst assigned to the
13 application. Until the online tracking system has been
14 developed, the Agency shall post on its website semi-annual
15 permitting efficiency tracking reports that include
16 statistics on the timeframes for Agency action on the
17 following types of permits received after the effective
18 date of this amendatory Act of the 97th General Assembly:
19 air construction permits, new NPDES permits and associated
20 water construction permits, and modifications of major
21 NPDES permits and associated water construction permits.
22 The reports must be posted by February 1 and August 1 each
23 year and shall include:

24 (A) the number of applications received for each
25 type of permit, the number of applications on which the
26 Agency has taken action, and the number of applications

1 still pending; and

2 (B) for those applications where the Agency has not
3 taken action in accordance with the timeframes set
4 forth in this Act, the date the application was
5 received and the reasons for any delays, which may
6 include, but shall not be limited to, (i) the
7 application being inadequate or incomplete, (ii)
8 scientific or technical disagreements with the
9 applicant, USEPA, or other local, state, or federal
10 agencies involved in the permitting approval process,
11 (iii) public opposition to the permit, or (iv) Agency
12 staffing shortages. To the extent practicable, the
13 tracking report shall provide approximate dates when
14 cause for delay was identified by the Agency, when the
15 Agency informed the applicant of the problem leading to
16 the delay, and when the applicant remedied the reason
17 for the delay.

18 (r) Upon the request of the applicant, the Agency shall
19 notify the applicant of the permit analyst assigned to the
20 application upon its receipt.

21 (s) The Agency is authorized to prepare and distribute
22 guidance documents relating to its administration of this
23 Section and procedural rules implementing this Section.
24 Guidance documents prepared under this subsection shall not be
25 considered rules and shall not be subject to the Illinois
26 Administrative Procedure Act. Such guidance shall not be

1 binding on any party.

2 (t) Except as otherwise prohibited by federal law or
3 regulation, any person submitting an application for a permit
4 may include with the application suggested permit language for
5 Agency consideration. The Agency is not obligated to use the
6 suggested language or any portion thereof in its permitting
7 decision. If requested by the permit applicant, the Agency
8 shall meet with the applicant to discuss the suggested
9 language.

10 (u) If requested by the permit applicant, the Agency shall
11 provide the permit applicant with a copy of the draft permit
12 prior to any public review period.

13 (v) If requested by the permit applicant, the Agency shall
14 provide the permit applicant with a copy of the final permit
15 prior to its issuance.

16 (w) An air pollution permit shall not be required due to
17 emissions of greenhouse gases, as specified by Section 9.15 of
18 this Act.

19 (Source: P.A. 97-95, eff. 7-12-11.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."