

SB3282



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3282

Introduced 2/7/2012, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

415 ILCS 5/39.14

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to provide each applicant who has sought expedited permit review with an invoice setting forth the total fee paid for the expedited review, as well as the number of overtime hours that were expended by Agency staff to conduct the expedited review. Effective immediately.

LRB097 17986 JDS 63209 b

FISCAL NOTE ACT
MAY APPLY

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 39.14 as follows:

6 (415 ILCS 5/39.14)

7 Sec. 39.14. Expedited review of permits.

8 (a) It is the intent of this Section to promote an
9 expedited permit review process for any permit required under
10 this Act.

11 (b) Any applicant for a permit under this Act may request
12 in writing from the Agency an expedited review of the
13 application for a permit. Within a reasonable time, the Agency
14 shall respond in writing, indicating whether the Agency will
15 perform an expedited review.

16 (c) In addition to any other fees required by this Act or
17 Board regulations, an applicant requesting expedited review
18 under this Section shall pay to the Agency an expedited permit
19 fee. The amount of the expedited permit fee shall be 4 times
20 the standard permit fee required for the requested permit under
21 this Act or Board regulations; provided that the expedited
22 permit fee shall not exceed \$100,000. For recurring permit
23 fees, such as annual fees, operating fees, or discharge fees,

1 the expedited permit fee shall be 4 times the amount of the
2 recurring fee on a one-time basis for each expedited permitting
3 action. If an owner or operator is not required to pay a
4 standard permit fee for the requested permit, the amount of the
5 expedited permit fee shall be mutually agreed upon by the
6 Agency and the applicant. Prior to any Agency review, the
7 applicant shall make full payment of the expedited permit fee
8 to the Agency. All amounts paid to the Agency pursuant to this
9 Section shall be deposited into the Environmental Protection
10 Permit and Inspection Fund. The applicant shall also pay all
11 standard permit fees in accordance with the applicable fee
12 provisions of this Act or Board regulations.

13 (d) The Agency's expedited review under this Section shall
14 include the usual and customary review by the Agency as
15 necessary for processing any similar application.

16 (e) "Expedited review" means, for the purposes of this
17 Section, the Agency taking action on a permit application
18 within a period of time mutually agreed upon by the Agency and
19 the applicant; provided, however, that the agreed-upon period
20 of time shall be tolled during any times the Agency is waiting
21 for the applicant or another party to provide information
22 necessary for the Agency to complete its expedited review.

23 (f) If the Agency fails to complete an expedited review
24 within the period of time agreed upon by the Agency and the
25 applicant, taking into account the tolling provided under
26 subsection (e) of this Section, the applicant shall be entitled

1 to a refund of the expedited permit fee paid under this
2 Section, on a prorated basis, as mutually agreed upon by the
3 Agency and the applicant.

4 (g) This Section shall not apply to applications related to
5 emergency events necessitating immediate action by the Agency
6 on permit applications.

7 (h) The Agency may adopt rules for the implementation of
8 this Section.

9 (i) Upon the Agency taking action on a permit application
10 pursuant to this Section, the Agency shall provide the
11 applicant with an invoice setting forth the total fee paid
12 pursuant to this Section, as well as the number of overtime
13 hours that were expended by Agency staff in the expedited
14 review.

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.