

HB3092



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3092

Introduced 2/19/2021, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.62 new

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to analyze impacts on environmental justice communities of permits for specified facilities. Contains requirements for public notice and hearings under the provisions. Provides that the provisions shall not apply to permits issued by the Agency pursuant to authority delegated from the United States pursuant to specified federal provisions.

LRB102 14527 CPF 19880 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 22.62 as follows:

6 (415 ILCS 5/22.62 new)

7 Sec. 22.62. Analysis of impacts on environmental justice
8 communities.

9 (a) The Agency shall analyze the impacts on environmental
10 justice communities of permits for new or expanded facilities.

11 (b) The Agency shall provide public notice and hearings
12 consistent with the following:

13 (1) Not more than 90 days after receipt of a complete
14 application for a permit under this Section, the Agency
15 shall give public notice of its preliminary determination
16 to either issue or deny the permit, and shall give notice
17 of the opportunity for a public hearing on that
18 preliminary determination under this Section. Upon the
19 request of the permit applicant, or of any other person
20 who is admitted as a party under paragraph (4), the Agency
21 shall schedule a public hearing pursuant to paragraph (5).

22 (2) The Agency notice shall be published in a
23 newspaper of general circulation in the county in which

1 the site is proposed to be located, and shall be served
2 upon the Attorney General, the State's Attorney, and the
3 Chairman of the County Board of the county in which the
4 facility is proposed to be located, each member of the
5 General Assembly from the legislative district in which
6 the facility is proposed to be located, and the clerk of
7 each municipality, any portion of which is within 3 miles
8 of the boundary of the facility.

9 (3) The contents, form, and manner of service of the
10 Agency notice shall conform to the requirements of Section
11 10-25 of the Illinois Administrative Procedure Act.

12 (4) Within 60 days after the date of the Agency notice
13 required by paragraphs (1), (2), and (3), any person who
14 may be adversely affected by an Agency decision on the
15 permit application may petition the Agency to intervene
16 before the Agency as a party. The petition to intervene
17 shall contain a short and plain statement identifying the
18 petitioner and stating the petitioner's interest. The
19 petitioner shall serve the petition upon the applicant for
20 the permit and upon any other persons who have petitioned
21 to intervene. Unless the Agency determines that the
22 petition is duplicative or frivolous, it shall admit the
23 petitioner as a party.

24 (5) Not less than 60 days nor more than 180 days after
25 the date of the Agency notice required by paragraphs (1),
26 (2), and (3), the Agency shall commence the public hearing

1 required by this subsection.

2 (6) The public hearing and other proceedings required
3 by this subsection shall be conducted in accordance with
4 the provisions concerning contested cases of the Illinois
5 Administrative Procedure Act.

6 (7) All documents submitted to the Agency in
7 connection with the public hearing shall be reproduced and
8 filed at the office of the county board or governing body
9 of the municipality and may be copied upon payment of the
10 actual cost of reproduction.

11 (8) Within 60 days of the completion of the public
12 hearing required by this subsection, the Agency shall
13 render a final decision either granting or denying the
14 permit.

15 (9) The Agency shall adopt such procedural rules as
16 may be necessary and appropriate to carry out its duties
17 under this subsection that are not inconsistent with the
18 requirements of this Section. In adopting such procedural
19 rules the Agency shall follow the requirements concerning
20 rulemaking of the Illinois Administrative Procedure Act.

21 (c) This Section shall not apply to permits issued by the
22 Agency pursuant to authority delegated from the United States
23 pursuant to the Resource Conservation and Recovery Act of
24 1976, P.L. 94-580, as amended, or the Safe Drinking Water Act,
25 P.L. 93-523, as amended.

26 (d) In this Section, "facility" means a pollution control

1 facility, hazardous waste facility, agrichemical facility,
2 landfill gas facility, recycling center, sanitary landfill,
3 sharps collection station, transfer station, waste treatment
4 plant, water supply treatment plant, or waste incineration
5 facility.