

# HB3435



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB3435**

Introduced 2/22/2005, by Rep. Monique D. Davis

**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.

LRB094 10394 RCE 40664 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  
24 be initially appointed under this amendatory Act of the 93rd  
25 General Assembly have been appointed by the Governor, whichever  
26 occurs later, the Board shall consist of 5 technically  
27 qualified members, no more than 3 of whom may be of the same  
28 political party, to be appointed by the Governor with the  
29 advice and consent of the Senate. Members shall have verifiable  
30 technical, academic, or actual experience in the field of  
31 pollution control or environmental law and regulation.

32 Of the members initially appointed pursuant to this

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

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

17 Board members shall be paid \$37,000 per year or an amount  
18 set by the Compensation Review Board, whichever is greater, and  
19 the Chairman shall be paid \$43,000 per year or an amount set by  
20 the Compensation Review Board, whichever is greater. Each  
21 member shall devote his or her entire time to the duties of the  
22 office, and shall hold no other office or position of profit,  
23 nor engage in any other business, employment, or vocation. Each  
24 member shall be reimbursed for expenses necessarily incurred  
25 and shall make a financial disclosure upon appointment.

26 Each Board member may employ one secretary and one  
27 assistant, and the Chairman one secretary and 2 assistants. The  
28 Board also may employ and compensate hearing officers to  
29 preside at hearings under this Act, and such other personnel as  
30 may be necessary. Hearing officers shall be attorneys licensed  
31 to practice law in Illinois.

32 The Board may have an Executive Director; if so, the  
33 Executive Director shall be appointed by the Governor with the  
34 advice and consent of the Senate. The salary and duties of the  
35 Executive Director shall be fixed by the Board.

36 The Governor shall designate one Board member to be

1 Chairman, who shall serve at the pleasure of the Governor.

2 The Board shall hold at least one meeting each month and  
3 such additional meetings as may be prescribed by Board rules.  
4 In addition, special meetings may be called by the Chairman or  
5 by any 2 Board members, upon delivery of 24 hours written  
6 notice to the office of each member. All Board meetings shall  
7 be open to the public, and public notice of all meetings shall  
8 be given at least 24 hours in advance of each meeting. In  
9 emergency situations in which a majority of the Board certifies  
10 that exigencies of time require the requirements of public  
11 notice and of 24 hour written notice to members may be  
12 dispensed with, and Board members shall receive such notice as  
13 is reasonable under the circumstances.

14 If there is no vacancy on the Board, 4 members of the Board  
15 shall constitute a quorum to transact business; otherwise, a  
16 majority of the Board shall constitute a quorum to transact  
17 business, and no vacancy shall impair the right of the  
18 remaining members to exercise all of the powers of the Board.  
19 Every action approved by a majority of the members of the Board  
20 shall be deemed to be the action of the Board. The Board shall  
21 keep a complete and accurate record of all its meetings.

22 (b) The Board shall determine, define and implement the  
23 environmental control standards applicable in the State of  
24 Illinois and may adopt rules and regulations in accordance with  
25 Title VII of this Act.

26 (c) The Board shall have authority to act for the State in  
27 regard to the adoption of standards for submission to the  
28 United States under any federal law respecting environmental  
29 protection. Such standards shall be adopted in accordance with  
30 Title VII of the Act and upon adoption shall be forwarded to  
31 the Environmental Protection Agency for submission to the  
32 United States pursuant to subsections (l) and (m) of Section 4  
33 of this Act. Nothing in this paragraph shall limit the  
34 discretion of the Governor to delegate authority granted to the  
35 Governor under any federal law.

36 (d) The Board shall have authority to conduct proceedings

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

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

20 (f) The Board may prescribe reasonable fees for permits  
21 required pursuant to this Act. Such fees in the aggregate may  
22 not exceed the total cost to the Agency for its inspection and  
23 permit systems. The Board may not prescribe any permit fees  
24 which are different in amount from those established by this  
25 Act.

26 (Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03;  
27 93-509, eff. 8-11-03; revised 9-11-03.)