

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 Sections 9.1 and 39 as follows:

6 (415 ILCS 5/9.1) (from Ch. 111 1/2, par. 1009.1)

7 Sec. 9.1. (a) The General Assembly finds that the federal
8 Clean Air Act, as amended, and regulations adopted pursuant
9 thereto establish complex and detailed provisions for
10 State-federal cooperation in the field of air pollution
11 control, provide for a Prevention of Significant Deterioration
12 program to regulate the issuance of preconstruction permits to
13 insure that economic growth will occur in a manner consistent
14 with the preservation of existing clean air resources, and also
15 provide for plan requirements for nonattainment areas to
16 regulate the construction, modification and operation of
17 sources of air pollution to insure that economic growth will
18 occur in a manner consistent with the goal of achieving the
19 national ambient air quality standards, and that the General
20 Assembly cannot conveniently or advantageously set forth in
21 this Act all the requirements of such federal Act or all
22 regulations which may be established thereunder.

23 It is the purpose of this Section to avoid the existence of

1 duplicative, overlapping or conflicting State and federal
2 regulatory systems.

3 (b) The provisions of Section 111 of the federal Clean Air
4 Act (42 USC 7411), as amended, relating to standards of
5 performance for new stationary sources, and Section 112 of the
6 federal Clean Air Act (42 USC 7412), as amended, relating to
7 the establishment of national emission standards for hazardous
8 air pollutants are applicable in this State and are enforceable
9 under this Act. Any such enforcement shall be stayed consistent
10 with any stay granted in any federal judicial action to review
11 such standards. Enforcement shall be consistent with the
12 results of any such judicial review.

13 (c) The Board may adopt regulations establishing permit
14 programs meeting the requirements of Sections 165 and 173 of
15 the Clean Air Act (42 USC 7475 and 42 USC 7503) as amended. The
16 Agency may adopt procedures for the administration of such
17 programs.

18 (d) No person shall:

19 (1) violate any provisions of Sections 111, 112, 165 or
20 173 of the Clean Air Act, as now or hereafter amended, or
21 federal regulations adopted pursuant thereto; or

22 (2) construct, install, modify or operate any
23 equipment, building, facility, source or installation
24 which is subject to regulation under Sections 111, 112, 165
25 or 173 of the Clean Air Act, as now or hereafter amended,
26 except in compliance with the requirements of such Sections

1 and federal regulations adopted pursuant thereto, and no
2 such action shall be undertaken (A) without a permit
3 granted by the Agency whenever a permit is required
4 pursuant to (i) this Act or Board regulations or (ii)
5 Section 111, 112, 165, or 173 of the Clean Air Act or
6 federal regulations adopted pursuant thereto or (B) in
7 violation of any conditions imposed by such permit. Any
8 denial of such a permit or any conditions imposed in such a
9 permit shall be reviewable by the Board in accordance with
10 Section 40 of this Act.

11 (e) The Board shall exempt from regulation under the State
12 Implementation Plan for ozone the volatile organic compounds
13 which have been determined by the U.S. Environmental Protection
14 Agency to be exempt from regulation under state implementation
15 plans for ozone due to negligible photochemical reactivity. In
16 accordance with subsection (b) of Section 7.2, the Board shall
17 adopt regulations identical in substance to the U.S.
18 Environmental Protection Agency exemptions or deletion of
19 exemptions published in policy statements on the control of
20 volatile organic compounds in the Federal Register by amending
21 the list of exemptions to the Board's definition of volatile
22 organic material found at 35 Ill. Adm. Code Part 211. The
23 provisions and requirements of Title VII of this Act shall not
24 apply to regulations adopted under this subsection. Section
25 5-35 of the Illinois Administrative Procedure Act, relating to
26 procedures for rulemaking, does not apply to regulations

1 adopted under this subsection. However, the Board shall provide
2 for notice, a hearing if required by the U.S. Environmental
3 Protection Agency, and public comment before adopted rules are
4 filed with the Secretary of State. The Board may consolidate
5 into a single rulemaking under this subsection all such federal
6 policy statements published in the Federal Register within a
7 period of time not to exceed 6 months.

8 (f) (Blank). ~~If a complete application for a permit renewal~~
9 ~~is submitted to the Agency at least 90 days prior to expiration~~
10 ~~of the permit, all of the terms and conditions of the permit~~
11 ~~shall remain in effect until final administrative action has~~
12 ~~been taken on the application.~~

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

14 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

15 Sec. 39. Issuance of permits; procedures.

16 (a) When the Board has by regulation required a permit for
17 the construction, installation, or operation of any type of
18 facility, equipment, vehicle, vessel, or aircraft, the
19 applicant shall apply to the Agency for such permit and it
20 shall be the duty of the Agency to issue such a permit upon
21 proof by the applicant that the facility, equipment, vehicle,
22 vessel, or aircraft will not cause a violation of this Act or
23 of regulations hereunder. The Agency shall adopt such
24 procedures as are necessary to carry out its duties under this
25 Section. In making its determinations on permit applications

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

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

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

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

26 (iv) a statement of specific reasons why the Act and

1 the regulations might not be met if the permit were
2 granted.

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

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

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

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

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

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

25 All NPDES 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.

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

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

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

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

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

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

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

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

23 In the case of a pollution control facility for which a
24 development permit was issued before November 12, 1981, if an
25 operating permit has not been issued by the Agency prior to
26 August 31, 1989 for any portion of the facility, then the

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

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

21 Except for those facilities owned or operated by sanitary
22 districts organized under the Metropolitan Water Reclamation
23 District Act, and except for new pollution control facilities
24 governed by Section 39.2, and except for fossil fuel mining
25 facilities, the granting of a permit under this Act shall not
26 relieve the applicant from meeting and securing all necessary

1 zoning approvals from the unit of government having zoning
2 jurisdiction over the proposed facility.

3 Before beginning construction on any new sewage treatment
4 plant or sludge drying site to be owned or operated by a
5 sanitary district organized under the Metropolitan Water
6 Reclamation District Act for which a new permit (rather than
7 the renewal or amendment of an existing permit) is required,
8 such sanitary district shall hold a public hearing within the
9 municipality within which the proposed facility is to be
10 located, or within the nearest community if the proposed
11 facility is to be located within an unincorporated area, at
12 which information concerning the proposed facility shall be
13 made available to the public, and members of the public shall
14 be given the opportunity to express their views concerning the
15 proposed facility.

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

19 (1) the municipal waste transfer station was in
20 existence on or before January 1, 1979 and was in
21 continuous operation from January 1, 1979 to January 1,
22 1993;

23 (2) the operator submitted a permit application to the
24 Agency to develop and operate the municipal waste transfer
25 station during April of 1994;

26 (3) the operator can demonstrate that the county board

1 of the county, if the municipal waste transfer station is
2 in an unincorporated area, or the governing body of the
3 municipality, if the station is in an incorporated area,
4 does not object to resumption of the operation of the
5 station; and

6 (4) the site has local zoning approval.

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

11 All RCRA permits shall contain those terms and conditions,
12 including but not limited to schedules of compliance, which may
13 be required to accomplish the purposes and provisions of this
14 Act. The Agency may include among such conditions standards and
15 other requirements established under this Act, Board
16 regulations, the Resource Conservation and Recovery Act of 1976
17 (P.L. 94-580), as amended, and regulations pursuant thereto,
18 and may include schedules for achieving compliance therewith as
19 soon as possible. The Agency shall require that a performance
20 bond or other security be provided as a condition for the
21 issuance of a RCRA permit.

22 In the case of a permit to operate a hazardous waste or PCB
23 incinerator as defined in subsection (k) of Section 44, the
24 Agency shall require, as a condition of the permit, that the
25 operator of the facility perform such analyses of the waste to
26 be incinerated as may be necessary and appropriate to ensure

1 the safe operation of the incinerator.

2 The Agency shall adopt filing requirements and procedures
3 which are necessary and appropriate for the issuance of RCRA
4 permits, and which are consistent with the Act or regulations
5 adopted by the Board, and with the Resource Conservation and
6 Recovery Act of 1976 (P.L. 94-580), as amended, and regulations
7 pursuant thereto.

8 The applicant shall make available to the public for
9 inspection all documents submitted by the applicant to the
10 Agency in furtherance of an application, with the exception of
11 trade secrets, at the office of the county board or governing
12 body of the municipality. Such documents may be copied upon
13 payment of the actual cost of reproduction during regular
14 business hours of the local office. The Agency shall issue a
15 written statement concurrent with its grant or denial of the
16 permit explaining the basis for its decision.

17 (e) The Agency may issue UIC permits exclusively under this
18 subsection to persons owning or operating a facility for the
19 underground injection of contaminants as defined under this
20 Act.

21 All UIC permits shall contain those terms and conditions,
22 including but not limited to schedules of compliance, which may
23 be required to accomplish the purposes and provisions of this
24 Act. The Agency may include among such conditions standards and
25 other requirements established under this Act, Board
26 regulations, the Safe Drinking Water Act (P.L. 93-523), as

1 amended, and regulations pursuant thereto, and may include
2 schedules for achieving compliance therewith. The Agency shall
3 require that a performance bond or other security be provided
4 as a condition for the issuance of a UIC permit.

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

10 The applicant shall make available to the public for
11 inspection, all documents submitted by the applicant to the
12 Agency in furtherance of an application, with the exception of
13 trade secrets, at the office of the county board or governing
14 body of the municipality. Such documents may be copied upon
15 payment of the actual cost of reproduction during regular
16 business hours of the local office. The Agency shall issue a
17 written statement concurrent with its grant or denial of the
18 permit explaining the basis for its decision.

19 (f) In making any determination pursuant to Section 9.1 of
20 this Act:

21 (1) The Agency shall have authority to make the
22 determination of any question required to be determined by
23 the Clean Air Act, as now or hereafter amended, this Act,
24 or the regulations of the Board, including the
25 determination of the Lowest Achievable Emission Rate,
26 Maximum Achievable Control Technology, or Best Available

1 Control Technology, consistent with the Board's
2 regulations, if any.

3 (2) The Agency shall, after conferring with the
4 applicant, give written notice to the applicant of its
5 proposed decision on the application including the terms
6 and conditions of the permit to be issued and the facts,
7 conduct or other basis upon which the Agency will rely to
8 support its proposed action.

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

13 (g) The Agency shall include as conditions upon all permits
14 issued for hazardous waste disposal sites such restrictions
15 upon the future use of such sites as are reasonably necessary
16 to protect public health and the environment, including
17 permanent prohibition of the use of such sites for purposes
18 which may create an unreasonable risk of injury to human health
19 or to the environment. After administrative and judicial
20 challenges to such restrictions have been exhausted, the Agency
21 shall file such restrictions of record in the Office of the
22 Recorder of the county in which the hazardous waste disposal
23 site is located.

24 (h) A hazardous waste stream may not be deposited in a
25 permitted hazardous waste site unless specific authorization
26 is obtained from the Agency by the generator and disposal site

1 owner and operator for the deposit of that specific hazardous
2 waste stream. The Agency may grant specific authorization for
3 disposal of hazardous waste streams only after the generator
4 has reasonably demonstrated that, considering technological
5 feasibility and economic reasonableness, the hazardous waste
6 cannot be reasonably recycled for reuse, nor incinerated or
7 chemically, physically or biologically treated so as to
8 neutralize the hazardous waste and render it nonhazardous. In
9 granting authorization under this Section, the Agency may
10 impose such conditions as may be necessary to accomplish the
11 purposes of the Act and are consistent with this Act and
12 regulations promulgated by the Board hereunder. If the Agency
13 refuses to grant authorization under this Section, the
14 applicant may appeal as if the Agency refused to grant a
15 permit, pursuant to the provisions of subsection (a) of Section
16 40 of this Act. For purposes of this subsection (h), the term
17 "generator" has the meaning given in Section 3.205 of this Act,
18 unless: (1) the hazardous waste is treated, incinerated, or
19 partially recycled for reuse prior to disposal, in which case
20 the last person who treats, incinerates, or partially recycles
21 the hazardous waste prior to disposal is the generator; or (2)
22 the hazardous waste is from a response action, in which case
23 the person performing the response action is the generator.
24 This subsection (h) does not apply to any hazardous waste that
25 is restricted from land disposal under 35 Ill. Adm. Code 728.

26 (i) Before issuing any RCRA permit, any permit for a waste

1 storage site, sanitary landfill, waste disposal site, waste
2 transfer station, waste treatment facility, waste incinerator,
3 or any waste-transportation operation, or any permit or interim
4 authorization for a clean construction or demolition debris
5 fill operation, the Agency shall conduct an evaluation of the
6 prospective owner's or operator's prior experience in waste
7 management operations and clean construction or demolition
8 debris fill operations. The Agency may deny such a permit, or
9 deny or revoke interim authorization, if the prospective owner
10 or operator or any employee or officer of the prospective owner
11 or operator has a history of:

12 (1) repeated violations of federal, State, or local
13 laws, regulations, standards, or ordinances in the
14 operation of waste management facilities or sites or clean
15 construction or demolition debris fill operation
16 facilities or sites; or

17 (2) conviction in this or another State of any crime
18 which is a felony under the laws of this State, or
19 conviction of a felony in a federal court; or conviction in
20 this or another state or federal court of any of the
21 following crimes: forgery, official misconduct, bribery,
22 perjury, or knowingly submitting false information under
23 any environmental law, regulation, or permit term or
24 condition; or

25 (3) proof of gross carelessness or incompetence in
26 handling, storing, processing, transporting or disposing

1 of waste or clean construction or demolition debris, or
2 proof of gross carelessness or incompetence in using clean
3 construction or demolition debris as fill.

4 (i-5) Before issuing any permit or approving any interim
5 authorization for a clean construction or demolition debris
6 fill operation in which any ownership interest is transferred
7 between January 1, 2005, and the effective date of the
8 prohibition set forth in Section 22.52 of this Act, the Agency
9 shall conduct an evaluation of the operation if any previous
10 activities at the site or facility may have caused or allowed
11 contamination of the site. It shall be the responsibility of
12 the owner or operator seeking the permit or interim
13 authorization to provide to the Agency all of the information
14 necessary for the Agency to conduct its evaluation. The Agency
15 may deny a permit or interim authorization if previous
16 activities at the site may have caused or allowed contamination
17 at the site, unless such contamination is authorized under any
18 permit issued by the Agency.

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

24 (k) A development permit issued under subsection (a) of
25 Section 39 for any facility or site which is required to have a
26 permit under subsection (d) of Section 21 shall expire at the

1 end of 2 calendar years from the date upon which it was issued,
2 unless within that period the applicant has taken action to
3 develop the facility or the site. In the event that review of
4 the conditions of the development permit is sought pursuant to
5 Section 40 or 41, or permittee is prevented from commencing
6 development of the facility or site by any other litigation
7 beyond the permittee's control, such two-year period shall be
8 deemed to begin on the date upon which such review process or
9 litigation is concluded.

10 (l) No permit shall be issued by the Agency under this Act
11 for construction or operation of any facility or site located
12 within the boundaries of any setback zone established pursuant
13 to this Act, where such construction or operation is
14 prohibited.

15 (m) The Agency may issue permits to persons owning or
16 operating a facility for composting landscape waste. In
17 granting such permits, the Agency may impose such conditions as
18 may be necessary to accomplish the purposes of this Act, and as
19 are not inconsistent with applicable regulations promulgated
20 by the Board. Except as otherwise provided in this Act, a bond
21 or other security shall not be required as a condition for the
22 issuance of a permit. If the Agency denies any permit pursuant
23 to this subsection, the Agency shall transmit to the applicant
24 within the time limitations of this subsection specific,
25 detailed statements as to the reasons the permit application
26 was denied. Such statements shall include but not be limited to

1 the following:

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

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

6 (3) the specific information, if any, the Agency deems
7 the applicant did not provide in its application to the
8 Agency; and

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

11 If no final action is taken by the Agency within 90 days
12 after the filing of the application for permit, the applicant
13 may deem the permit issued. Any applicant for a permit may
14 waive the 90 day limitation by filing a written statement with
15 the Agency.

16 The Agency shall issue permits for such facilities upon
17 receipt of an application that includes a legal description of
18 the site, a topographic map of the site drawn to the scale of
19 200 feet to the inch or larger, a description of the operation,
20 including the area served, an estimate of the volume of
21 materials to be processed, and documentation that:

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

24 (2) the facility is located outside the boundary of the
25 10-year floodplain or the site will be floodproofed;

26 (3) the facility is located so as to minimize

1 incompatibility with the character of the surrounding
2 area, including at least a 200 foot setback from any
3 residence, and in the case of a facility that is developed
4 or the permitted composting area of which is expanded after
5 November 17, 1991, the composting area is located at least
6 1/8 mile from the nearest residence (other than a residence
7 located on the same property as the facility);

8 (4) the design of the facility will prevent any compost
9 material from being placed within 5 feet of the water
10 table, will adequately control runoff from the site, and
11 will collect and manage any leachate that is generated on
12 the site;

13 (5) the operation of the facility will include
14 appropriate dust and odor control measures, limitations on
15 operating hours, appropriate noise control measures for
16 shredding, chipping and similar equipment, management
17 procedures for composting, containment and disposal of
18 non-compostable wastes, procedures to be used for
19 terminating operations at the site, and recordkeeping
20 sufficient to document the amount of materials received,
21 composted and otherwise disposed of; and

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

24 The Agency shall issue renewable permits of not longer than
25 10 years in duration for the composting of landscape wastes, as
26 defined in Section 3.155 of this Act, based on the above

1 requirements.

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

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

11 (o) (Blank.)

12 (p) (1) Any person submitting an application for a permit
13 for a new MSWLF unit or for a lateral expansion under
14 subsection (t) of Section 21 of this Act for an existing MSWLF
15 unit that has not received and is not subject to local siting
16 approval under Section 39.2 of this Act shall publish notice of
17 the application in a newspaper of general circulation in the
18 county in which the MSWLF unit is or is proposed to be located.
19 The notice must be published at least 15 days before submission
20 of the permit application to the Agency. The notice shall state
21 the name and address of the applicant, the location of the
22 MSWLF unit or proposed MSWLF unit, the nature and size of the
23 MSWLF unit or proposed MSWLF unit, the nature of the activity
24 proposed, the probable life of the proposed activity, the date
25 the permit application will be submitted, and a statement that
26 persons may file written comments with the Agency concerning

1 the permit application within 30 days after the filing of the
2 permit application unless the time period to submit comments is
3 extended by the Agency.

4 When a permit applicant submits information to the Agency
5 to supplement a permit application being reviewed by the
6 Agency, the applicant shall not be required to reissue the
7 notice under this subsection.

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

12 (3) Each applicant for a permit described in part (1) of
13 this subsection shall file a copy of the permit application
14 with the county board or governing body of the municipality in
15 which the MSWLF unit is or is proposed to be located at the
16 same time the application is submitted to the Agency. The
17 permit application filed with the county board or governing
18 body of the municipality shall include all documents submitted
19 to or to be submitted to the Agency, except trade secrets as
20 determined under Section 7.1 of this Act. The permit
21 application and other documents on file with the county board
22 or governing body of the municipality shall be made available
23 for public inspection during regular business hours at the
24 office of the county board or the governing body of the
25 municipality and may be copied upon payment of the actual cost
26 of reproduction.

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

8 (1) Checklists and guidance relating to the completion
9 of permit applications, developed pursuant to subsection
10 (s) of this Section, which may include, but are not limited
11 to, existing instructions for completing the applications
12 and examples of complete applications. As the Agency
13 develops new checklists and develops guidance, it shall
14 supplement the web portal with those materials.

15 (2) Within 2 years after the effective date of this
16 amendatory Act of the 97th General Assembly, permit
17 application forms or portions of permit applications that
18 can be completed and saved electronically, and submitted to
19 the Agency electronically with digital signatures.

20 (3) Within 2 years after the effective date of this
21 amendatory Act of the 97th General Assembly, an online
22 tracking system where an applicant may review the status of
23 its pending application, including the name and contact
24 information of the permit analyst assigned to the
25 application. Until the online tracking system has been
26 developed, the Agency shall post on its website semi-annual

1 permitting efficiency tracking reports that include
2 statistics on the timeframes for Agency action on the
3 following types of permits received after the effective
4 date of this amendatory Act of the 97th General Assembly:
5 air construction permits, new NPDES permits and associated
6 water construction permits, and modifications of major
7 NPDES permits and associated water construction permits.
8 The reports must be posted by February 1 and August 1 each
9 year and shall include:

10 (A) the number of applications received for each
11 type of permit, the number of applications on which the
12 Agency has taken action, and the number of applications
13 still pending; and

14 (B) for those applications where the Agency has not
15 taken action in accordance with the timeframes set
16 forth in this Act, the date the application was
17 received and the reasons for any delays, which may
18 include, but shall not be limited to, (i) the
19 application being inadequate or incomplete, (ii)
20 scientific or technical disagreements with the
21 applicant, USEPA, or other local, state, or federal
22 agencies involved in the permitting approval process,
23 (iii) public opposition to the permit, or (iv) Agency
24 staffing shortages. To the extent practicable, the
25 tracking report shall provide approximate dates when
26 cause for delay was identified by the Agency, when the

1 Agency informed the applicant of the problem leading to
2 the delay, and when the applicant remedied the reason
3 for the delay.

4 (r) Upon the request of the applicant, the Agency shall
5 notify the applicant of the permit analyst assigned to the
6 application upon its receipt.

7 (s) The Agency is authorized to prepare and distribute
8 guidance documents relating to its administration of this
9 Section and procedural rules implementing this Section.
10 Guidance documents prepared under this subsection shall not be
11 considered rules and shall not be subject to the Illinois
12 Administrative Procedure Act. Such guidance shall not be
13 binding on any party.

14 (t) Except as otherwise prohibited by federal law or
15 regulation, any person submitting an application for a permit
16 may include with the application suggested permit language for
17 Agency consideration. The Agency is not obligated to use the
18 suggested language or any portion thereof in its permitting
19 decision. If requested by the permit applicant, the Agency
20 shall meet with the applicant to discuss the suggested
21 language.

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

25 (v) If requested by the permit applicant, the Agency shall
26 provide the permit applicant with a copy of the final permit

1 prior to its issuance.

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

5 (x) If, before the expiration of a State operating permit
6 that is issued pursuant to subsection (a) of this Section and
7 contains federally enforceable conditions limiting the
8 potential to emit of the source to a level below the major
9 source threshold for that source so as to exclude the source
10 from the Clean Air Act Permit Program, the Agency receives a
11 complete application for the renewal of that permit, then all
12 of the terms and conditions of the permit shall remain in
13 effect until final administrative action has been taken on the
14 application for the renewal of the permit.

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

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