

Draft

AWMA-LMSS
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The Illinois Pollution Control Board: Overview

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Disclaimer

- Information provided in this presentations is intended for informational purposes only. It does not represent legal advice. It reflects the views of the presenter only, and does not necessarily reflect the views of either the Illinois Pollution Control Board or of the government of the State of Illinois.

Outline

- What we are: Role and Purpose of the Board
- Who we are: Structure and Composition
- What we do: Matters Before the Board
- What's coming: Updates and Success Stories

What's in a Name?

- It's (very) Greek
 - "Pa-pa-dee-me-tree-ew"
- Does not fit on a soccer jersey

Role of the Board

- Created in 1970 by the Environmental Protection Act (415 ILCS 5/1 et seq.).
- Two types of functions:
 1. Quasi-Judicial: decides case-by-case environmental issues
 - A “technical court” (enviro lawyers + experts & specialists)
 - Reviews agency decisions, decides environmental enforcement cases, adjusts standards
 2. Quasi-Legislative: adopts environmental rules for Illinois after hearings and public comment

Board Composition

- Five members appointed by the Governor (confirmed by the Senate) to staggered 3-year terms
 - Requires “verifiable technical, academic, or actual experience in the field of pollution control or environmental law and regulation” (415 ILCS 5/5)
 - Bipartisan
 - Current Board Members: Chairman: Katie Papadimitriou (R)
Brenda Carter (R)
Gerald M. Keenan (I)
Cynthia Santos (D)
Carrie Zalewski (D)

Board Structure

- 20+ staff in 2 offices (Chicago and Springfield)
 - Attorneys (11), including 2 Hearing Officers, Senior Attorneys and General Council/FOIA Officer with 27 years at the Board
 - Technical Unit (2 scientists/engineers), including Senior Environmental Scientist with 28 years at the Board
 - Clerk's Office (2)
 - Support staff including fiscal and IT (4)

Resources

- Clerk's Office
 - James R. Thompson Center, (312) 814-3461
- Website: www.ipcb.state.il.us
 - Board's Procedural and Administrative Rules
 - Clerk's Office On-Line (COOL)
 - Online citizens guide
 - Board Calendar
 - Board meetings
 - Public hearings
 - Environmental Register
 - Annual Reports

Dockets

- The Board has 150+ cases open at any time
 - Two types:
 - Adjudicatory
 - Rulemaking
 - All Media (Air, Land, Water)
 - Several major rulemakings are pending before the Board now (on time-limited water quality standards, air multi-pollutant standards and public water supply)

Adjudicatory Cases

- Types:
 - Enforcement actions and administrative citations
 - Relief from Board's regulations (variances, adjusted standards, time limited water quality standards)
 - Appeals from IEPA decisions and OSFM UST eligibility decisions
 - Appeals from City and County decisions regarding pollution control facility siting appeals
 - Other (e.g. tax certifications of pollution control facilities)

Board Rulemaking

- The Board adopted environmental rules in the areas:
 - Air, water, and land
 - Public water supply
 - Mine-related and livestock-related pollution
 - Waste (hazardous, non-hazardous, potentially infectious medical)
 - Noise pollution
 - Atomic radiation
- Also:
 - Procedural and administrative rules
 - “Identical-in-substance” to federal rules
 - Site-specific rules

Who can propose rules?

- The IEPA (either directed by legislation or on its own)
- The Board (typically procedural or in reaction to State or federal laws)
- Anyone else (individuals, associations, citizen groups, units of local government, and companies)

Updates and Success Stories

- Board rules review, as part of Illinois' initiative to reduce regulatory burden and improve competitiveness (Governor Rauner's Executive Order 2016-13)
 - Eased permitting process for small boilers (Docket R17-9)
 - Updated Board's procedural rules to streamline, update and overhaul regulations and allow for use of digital technology (Dockets R17-18; R16-17)
 - Electronic filing through Board's e-filing system (COOL)
 - Electronic service
 - Hearings by videoconference
 - Updating Noise rules (pending docket R18-19)

Updates and Success Stories (cont.)

- Brown Bag Lunch Series – one hour presentations by environmental and legal experts
 - Open to the public
 - 22 presentations since it was launched in fall 2015
- Rapid Results initiative – Illinois effort to increase efficiency and lower state government costs
 - Cut by ½ time to serve rulemaking orders, saved staff time and resources by serving electronically
- New website coming early next year –
www.pcb.illinois.gov

Thank you!

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