
Illinois Governor Signs House Bill 2842 - Take Note: Testimony is Required at an Illinois Pollution Control Facility Siting Hearing

By Jennifer J. Sackett Pohlenz / Sep 26, 2017

In Illinois, an applicant seeking to construct or expand a pollution control facility, such as a municipal solid waste landfill or transfer station, must seek a first-level approval on the proposed site location from the local, host government. Recently, whether an applicant needs to present any testimony to support the statutory criteria was called into question, when the Illinois Pollution Control Board held that the siting law neither requires an applicant to present testimony of any witness nor be subject to cross-examination. HB2842, now Public Act 100-0382, which Governor Rauner signed into law on August 25, 2017, provides reaffirmation of the original intent and practice of the law that applicants for local siting approval shall present at least one witness to testify, subject to cross-examination. It also states that the decision by the local government must now confirm that a public hearing was held with testimony from at least one witness. This law is important to anyone looking to site a new or expanded pollution control facility in Illinois.

For more information about siting pollution control facilities in Illinois, please contact Jennifer Sackett Pohlenz at 312.985.5912 | jpohlenz@clarkhill.com.