

Legislative and Regulatory Update – November 5, 2009

Since the last Legislative Update dated October 5, 2009, three new bills of interest have been introduced, and one that we have been tracking has been enacted into Law.

SB2482-GREEN ENERGY SPECIAL AREAS-would provide the Illinois Finance Authority the power to purchase special service area bonds relating to public and private green energy special service area projects, "Green energy special service area" is defined as an area created for the purpose of providing special services that are energy efficiency improvements, renewable energy improvements, or a combination of both. SB 2482 also would allow a county or a municipality to establish a green energy special service area and specifies the criteria for the creation of the areas. SB2482 has now been referred to Assignments

HB4636-RECYCLE-ELECTRONICS-LANDFILLS-would amend the Electronic Products Recycling and Reuse Act by accelerating by one year (from January 1, 2012 to January 1, 2011) the date upon which certain prohibitions regarding the disposal of electronic products take effect. HB4636 has now been referred to Rules Committee.

HB4664-INTERGVR RENEWABLE ENERGY ACT-would permit the creation of an agency by intergovernmental agreement for the purpose of investigating the desirability of and necessity for providing waste disposal or electrical energy from renewable sources and to develop means for providing waste disposal or electrical energy from renewable sources. The bill also details the technical aspects by which this agency will be created and function including board composition; bylaws of an agency; powers and duties of an agency; manner in which an agency may issue bonds; charges an agency may collect for; and the agency's eminent domain powers. HB4664 has been referred to Rules Committee.

October's Legislative Update described the Governor's issuance of an Amendatory Veto of HB0170-PRIV SEWAGE/EPA-SRFCE DSCHRG-which would require the issuance of a coverage letter under a National Pollution Discharge Elimination System (NPDES) permit issued by the Illinois EPA or a jurisdiction's general NPDES permit before a surface discharging private sewage disposal system is constructed and discharges into the "waters of the United States." The Amendatory Veto was overridden by both Houses, and now is Public Act 96-0801.

Additional Policy Materials that may be of Interest:

For many individuals "green buildings" is synonymous with energy efficiency and cost savings there from. Granted, energy efficiency is a critical component in the USGBC's LEED Rating System. But LEED is much more than an energy efficiency and energy cost saving benchmark. But if cost savings is a driving motivation for some interested in LEED certification, it is advisable to keep in mind many of the other credits available that may achieve cost savings in surprising ways.

Take for instance the case of Renae Ekstrand v School District of Somer (No. 09-1853)

heard before the U.S. Seventh Circuit Court of Appeals in which Ekstrand claims she was constructively discharged from her position as a teacher in violation of the Americans with Disability Act (ADA). When Ekstrand was assigned to a classroom without exterior windows, she requested an accommodation under the ADA due to her seasonal affective disorder, a form of depression. Without natural light, Ekstrand claimed, she would have difficulty functioning. Such a room was not assigned to her, and Ekstrand finally left the school giving rise to this case.

This case first started in a Wisconsin district court, moved to the Seventh Circuit Court of Appeals, and will now move back to the Wisconsin district court for rehearing. This case has been ongoing for over three years. The time and money already spent on dealing with this case is significant, and will only continue as the case proceeds. Alternatively, these resources could have been spent on measures included in the LEED Rating System such as those for Daylight and Views. The point being that no credit available under LEED Rating System should be overlooked for their obvious and not so obvious benefits.

Next month we hope to have more for you, as well as, continue with the Additional Policy Materials that may be of Interest. More information on the legislation can be found at ilga.gov. Information on the Illinois EPA / Pollution Control Board rules is at www.ipcb.state.il.us or contact Sean Ziadeh at seanziadeh@hotmail.com or by calling (248) 320-3208 for any other information