

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 Illinois Plumbing License Law is amended by  
5 changing Section 35.5 as follows:

6 (225 ILCS 320/35.5)

7 Sec. 35.5. Lead in drinking water prevention.

8 (a) The General Assembly finds that lead has been detected  
9 in the drinking water of schools in this State. The General  
10 Assembly also finds that infants and young children may suffer  
11 adverse health effects and developmental delays as a result of  
12 exposure to even low levels of lead. The General Assembly  
13 further finds that it is in the best interests of the people of  
14 the State to require school districts or chief school  
15 administrators, or the designee of the school district or chief  
16 school administrator, to test for lead in drinking water in  
17 school buildings and provide written notification of the test  
18 results.

19 The purpose of this Section is to require (i) school  
20 districts or chief school administrators, or the designees of  
21 the school districts or chief school administrators, to test  
22 for lead with the goal of providing school building occupants  
23 with an adequate supply of safe, potable water; and (ii) school

1 districts or chief school administrators, or the designees of  
2 the school districts or chief school administrators, to notify  
3 the parents and legal guardians of enrolled students of the  
4 sampling results from their respective school buildings.

5 (b) For the purposes of this Section:

6 "Community water system" has the meaning provided in 35  
7 Ill. Adm. Code 611.101.

8 "School building" means any facility or portion thereof  
9 that was constructed on or before January 1, 2000 and may be  
10 occupied by more than 10 children or students, pre-kindergarten  
11 through grade 5, under the control of (a) a school district or  
12 (b) a public, private, charter, or nonpublic day or residential  
13 educational institution.

14 "Source of potable water" means the point at which  
15 non-bottled water that may be ingested by children or used for  
16 food preparation exits any tap, faucet, drinking fountain, wash  
17 basin in a classroom occupied by children or students under  
18 grade 1, or similar point of use; provided, however, that all  
19 (a) bathroom sinks and (b) wash basins used by janitorial staff  
20 are excluded from this definition.

21 (c) Each school district or chief school administrator, or  
22 the designee of each school district or chief school  
23 administrator, shall test each source of potable water in a  
24 school building for lead contamination as required in this  
25 subsection.

26 (1) Each school district or chief school

1 administrator, or the designee of each school district or  
2 chief school administrator, shall, at a minimum, (a)  
3 collect a first-draw 250 milliliter sample of water, (b)  
4 flush for 30 seconds, and (c) collect a second-draw 250  
5 milliliter sample from each source of potable water located  
6 at each corresponding school building; provided, however,  
7 that to the extent that multiple sources of potable water  
8 utilize the same drain, (i) the foregoing collection  
9 protocol is required for one such source of potable water,  
10 and (ii) only a first-draw 250 milliliter sample of water  
11 is required from the remaining such sources of potable  
12 water. The water corresponding to the first-draw 250  
13 milliliter sample from each source of potable water shall  
14 have been standing in the plumbing pipes for at least 8  
15 hours, but not more than 18 hours, without any flushing of  
16 the source of potable water before sample collection.

17 (2) Each school district or chief school  
18 administrator, or the designee of each school district or  
19 chief school administrator, shall arrange to have the  
20 samples it collects pursuant to subdivision (1) of this  
21 subsection submitted to a laboratory that is certified for  
22 the analysis of lead in drinking water in accordance with  
23 accreditation requirements developed by a national  
24 laboratory accreditation body, such as the National  
25 Environmental Laboratory Accreditation Conference (NELAC)  
26 Institute (TNI). Samples submitted to laboratories

1 pursuant to this subdivision (2) shall be analyzed for lead  
2 using one of the test methods for lead that is described in  
3 40 CFR 141.23(k) (1). Within 7 days after receiving a final  
4 analytical result concerning a sample collected pursuant  
5 to subdivision (1) of this subsection, the school district  
6 or chief school administrator, or a designee of the school  
7 district or chief school administrator, that collected the  
8 sample shall provide the final analytical result to the  
9 Department. ~~submit or cause to be submitted (A) the samples~~  
10 ~~to an Illinois Environmental Protection Agency accredited~~  
11 ~~laboratory for analysis for lead in accordance with the~~  
12 ~~instructions supplied by an Illinois Environmental~~  
13 ~~Protection Agency accredited laboratory and (B) the~~  
14 ~~written sampling results to the Department within 7~~  
15 ~~business days of receipt of the results.~~

16 (3) If any of the samples taken in the school exceed 5  
17 parts per billion, the school district or chief school  
18 administrator, or the designee of the school district or  
19 chief school administrator, shall promptly provide an  
20 individual notification of the sampling results, via  
21 written or electronic communication, to the parents or  
22 legal guardians of all enrolled students and include the  
23 following information: the corresponding sampling location  
24 within the school building and the United States  
25 Environmental Protection Agency's website for information  
26 about lead in drinking water. If any of the samples taken

1 at the school are at or below 5 parts per billion,  
2 notification may be made as provided in this paragraph or  
3 by posting on the school's website.

4 (4) Sampling and analysis required under this Section  
5 shall be completed by the following applicable deadlines:  
6 for school buildings constructed prior to January 1, 1987,  
7 by December 31, 2017; and for school buildings constructed  
8 between January 2, 1987 and January 1, 2000, by December  
9 31, 2018.

10 (5) A school district or chief school administrator, or  
11 the designee of the school district or chief school  
12 administrator, may seek a waiver of the requirements of  
13 this subsection from the Department, if (A) the school  
14 district or chief school administrator, or the designee of  
15 the school district or chief school administrator,  
16 collected at least one 250 milliliter or greater sample of  
17 water from each source of potable water that had been  
18 standing in the plumbing pipes for at least 6 hours and  
19 that was collected without flushing the source of potable  
20 water before collection, (B) a ~~an Illinois Environmental~~  
21 ~~Protection Agency-accredited~~ laboratory described in  
22 subdivision (2) of this subsection analyzed the samples in  
23 accordance with a test method described in that  
24 subdivision, (C) test results were obtained prior to the  
25 effective date of this amendatory Act of the 99th General  
26 Assembly, but after January 1, 2013, and (D) test results

1           were submitted to the Department within 120 days of the  
2           effective date of this amendatory Act of the 99th General  
3           Assembly.

4           (6) The owner or operator of a community water system  
5           may agree to pay for the cost of the laboratory analysis of  
6           the samples required under this Section and may utilize the  
7           lead hazard cost recovery fee under Section 11-150.1-1 of  
8           the Illinois Municipal Code or other available funds to  
9           defray said costs.

10          (7) Lead sampling results obtained shall not be used  
11          for purposes of determining compliance with the Board's  
12          rules that implement the national primary drinking water  
13          regulations for lead and copper.

14          (d) By no later than June 30, 2019, the Department shall  
15          determine whether it is necessary and appropriate to protect  
16          public health to require schools constructed in whole or in  
17          part after January 1, 2000 to conduct testing for lead from  
18          sources of potable water, taking into account, among other  
19          relevant information, the results of testing conducted  
20          pursuant to this Section.

21          (e) Within 90 days of the effective date of this amendatory  
22          Act of the 99th General Assembly, the Department shall post on  
23          its website guidance on mitigation actions for lead in drinking  
24          water, and ongoing water management practices, in schools. In  
25          preparing such guidance, the Department may, in part, reference  
26          the United States Environmental Protection Agency's 3Ts for

1 Reducing Lead in Drinking Water in Schools.

2 (Source: P.A. 99-922, eff. 1-17-17.)

3 Section 10. The Environmental Protection Act is amended by  
4 changing Sections 12.4, 21, 22.15, 22.28, 22.29, 39.5, 55, and  
5 55.6 as follows:

6 (415 ILCS 5/12.4)

7 Sec. 12.4. Vegetable by-product; land application; report.

8 In addition to any other requirements of this Act, a generator  
9 of vegetable by-products utilizing land application shall  
10 prepare file an annual report ~~with the Agency~~ identifying the  
11 quantity of vegetable by-products transported for land  
12 application during the reporting period, the hauler or haulers  
13 utilized for the transportation, and the sites to which the  
14 vegetable by-products were transported. The report must be  
15 retained on the premises of the generator for a minimum of 5  
16 calendar years after the end of the applicable reporting period  
17 and must, during that time, be made available to the Agency for  
18 inspection and copying during normal business hours.

19 (Source: P.A. 88-454.)

20 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

21 Sec. 21. Prohibited acts. No person shall:

22 (a) Cause or allow the open dumping of any waste.

23 (b) Abandon, dump, or deposit any waste upon the public

1 highways or other public property, except in a sanitary  
2 landfill approved by the Agency pursuant to regulations adopted  
3 by the Board.

4 (c) Abandon any vehicle in violation of the "Abandoned  
5 Vehicles Amendment to the Illinois Vehicle Code", as enacted by  
6 the 76th General Assembly.

7 (d) Conduct any waste-storage, waste-treatment, or  
8 waste-disposal operation:

9 (1) without a permit granted by the Agency or in  
10 violation of any conditions imposed by such permit,  
11 including periodic reports and full access to adequate  
12 records and the inspection of facilities, as may be  
13 necessary to assure compliance with this Act and with  
14 regulations and standards adopted thereunder; provided,  
15 however, that, except for municipal solid waste landfill  
16 units that receive waste on or after October 9, 1993, no  
17 permit shall be required for (i) any person conducting a  
18 waste-storage, waste-treatment, or waste-disposal  
19 operation for wastes generated by such person's own  
20 activities which are stored, treated, or disposed within  
21 the site where such wastes are generated, or (ii) a  
22 facility located in a county with a population over 700,000  
23 as of January 1, 2000, operated and located in accordance  
24 with Section 22.38 of this Act, and used exclusively for  
25 the transfer, storage, or treatment of general  
26 construction or demolition debris, provided that the



1 facility was receiving construction or demolition debris  
2 on the effective date of this amendatory Act of the 96th  
3 General Assembly;

4 (2) in violation of any regulations or standards  
5 adopted by the Board under this Act; or

6 (3) which receives waste after August 31, 1988, does  
7 not have a permit issued by the Agency, and is (i) a  
8 landfill used exclusively for the disposal of waste  
9 generated at the site, (ii) a surface impoundment receiving  
10 special waste not listed in an NPDES permit, (iii) a waste  
11 pile in which the total volume of waste is greater than 100  
12 cubic yards or the waste is stored for over one year, or  
13 (iv) a land treatment facility receiving special waste  
14 generated at the site; without giving notice of the  
15 operation to the Agency by January 1, 1989, or 30 days  
16 after the date on which the operation commences, whichever  
17 is later, and every 3 years thereafter. The form for such  
18 notification shall be specified by the Agency, and shall be  
19 limited to information regarding: the name and address of  
20 the location of the operation; the type of operation; the  
21 types and amounts of waste stored, treated or disposed of  
22 on an annual basis; the remaining capacity of the  
23 operation; and the remaining expected life of the  
24 operation.

25 Item (3) of this subsection (d) shall not apply to any  
26 person engaged in agricultural activity who is disposing of a

1 substance that constitutes solid waste, if the substance was  
2 acquired for use by that person on his own property, and the  
3 substance is disposed of on his own property in accordance with  
4 regulations or standards adopted by the Board.

5 This subsection (d) shall not apply to hazardous waste.

6 (e) Dispose, treat, store or abandon any waste, or  
7 transport any waste into this State for disposal, treatment,  
8 storage or abandonment, except at a site or facility which  
9 meets the requirements of this Act and of regulations and  
10 standards thereunder.

11 (f) Conduct any hazardous waste-storage, hazardous  
12 waste-treatment or hazardous waste-disposal operation:

13 (1) without a RCRA permit for the site issued by the  
14 Agency under subsection (d) of Section 39 of this Act, or  
15 in violation of any condition imposed by such permit,  
16 including periodic reports and full access to adequate  
17 records and the inspection of facilities, as may be  
18 necessary to assure compliance with this Act and with  
19 regulations and standards adopted thereunder; or

20 (2) in violation of any regulations or standards  
21 adopted by the Board under this Act; or

22 (3) in violation of any RCRA permit filing requirement  
23 established under standards adopted by the Board under this  
24 Act; or

25 (4) in violation of any order adopted by the Board  
26 under this Act.

1           Notwithstanding the above, no RCRA permit shall be required  
2 under this subsection or subsection (d) of Section 39 of this  
3 Act for any person engaged in agricultural activity who is  
4 disposing of a substance which has been identified as a  
5 hazardous waste, and which has been designated by Board  
6 regulations as being subject to this exception, if the  
7 substance was acquired for use by that person on his own  
8 property and the substance is disposed of on his own property  
9 in accordance with regulations or standards adopted by the  
10 Board.

11           (g) Conduct any hazardous waste-transportation operation:

12                 (1) without registering with and obtaining a special  
13 waste hauling permit from the Agency in accordance with the  
14 regulations adopted by the Board under this Act; or

15                 (2) in violation of any regulations or standards  
16 adopted by the Board under this Act.

17           (h) Conduct any hazardous waste-recycling or hazardous  
18 waste-reclamation or hazardous waste-reuse operation in  
19 violation of any regulations, standards or permit requirements  
20 adopted by the Board under this Act.

21           (i) Conduct any process or engage in any act which produces  
22 hazardous waste in violation of any regulations or standards  
23 adopted by the Board under subsections (a) and (c) of Section  
24 22.4 of this Act.

25           (j) Conduct any special waste transportation operation in  
26 violation of any regulations, standards or permit requirements

1 adopted by the Board under this Act. However, sludge from a  
2 water or sewage treatment plant owned and operated by a unit of  
3 local government which (1) is subject to a sludge management  
4 plan approved by the Agency or a permit granted by the Agency,  
5 and (2) has been tested and determined not to be a hazardous  
6 waste as required by applicable State and federal laws and  
7 regulations, may be transported in this State without a special  
8 waste hauling permit, and the preparation and carrying of a  
9 manifest shall not be required for such sludge under the rules  
10 of the Pollution Control Board. The unit of local government  
11 which operates the treatment plant producing such sludge shall  
12 file an annual ~~a semiannual~~ report with the Agency identifying  
13 the volume of such sludge transported during the reporting  
14 period, the hauler of the sludge, and the disposal sites to  
15 which it was transported. This subsection (j) shall not apply  
16 to hazardous waste.

17 (k) Fail or refuse to pay any fee imposed under this Act.

18 (l) Locate a hazardous waste disposal site above an active  
19 or inactive shaft or tunneled mine or within 2 miles of an  
20 active fault in the earth's crust. In counties of population  
21 less than 225,000 no hazardous waste disposal site shall be  
22 located (1) within 1 1/2 miles of the corporate limits as  
23 defined on June 30, 1978, of any municipality without the  
24 approval of the governing body of the municipality in an  
25 official action; or (2) within 1000 feet of an existing private  
26 well or the existing source of a public water supply measured

1 from the boundary of the actual active permitted site and  
2 excluding existing private wells on the property of the permit  
3 applicant. The provisions of this subsection do not apply to  
4 publicly-owned sewage works or the disposal or utilization of  
5 sludge from publicly-owned sewage works.

6 (m) Transfer interest in any land which has been used as a  
7 hazardous waste disposal site without written notification to  
8 the Agency of the transfer and to the transferee of the  
9 conditions imposed by the Agency upon its use under subsection  
10 (g) of Section 39.

11 (n) Use any land which has been used as a hazardous waste  
12 disposal site except in compliance with conditions imposed by  
13 the Agency under subsection (g) of Section 39.

14 (o) Conduct a sanitary landfill operation which is required  
15 to have a permit under subsection (d) of this Section, in a  
16 manner which results in any of the following conditions:

17 (1) refuse in standing or flowing waters;

18 (2) leachate flows entering waters of the State;

19 (3) leachate flows exiting the landfill confines (as  
20 determined by the boundaries established for the landfill  
21 by a permit issued by the Agency);

22 (4) open burning of refuse in violation of Section 9 of  
23 this Act;

24 (5) uncovered refuse remaining from any previous  
25 operating day or at the conclusion of any operating day,  
26 unless authorized by permit;

1           (6) failure to provide final cover within time limits  
2 established by Board regulations;

3           (7) acceptance of wastes without necessary permits;

4           (8) scavenging as defined by Board regulations;

5           (9) deposition of refuse in any unpermitted portion of  
6 the landfill;

7           (10) acceptance of a special waste without a required  
8 manifest;

9           (11) failure to submit reports required by permits or  
10 Board regulations;

11           (12) failure to collect and contain litter from the  
12 site by the end of each operating day;

13           (13) failure to submit any cost estimate for the site  
14 or any performance bond or other security for the site as  
15 required by this Act or Board rules.

16           The prohibitions specified in this subsection (o) shall be  
17 enforceable by the Agency either by administrative citation  
18 under Section 31.1 of this Act or as otherwise provided by this  
19 Act. The specific prohibitions in this subsection do not limit  
20 the power of the Board to establish regulations or standards  
21 applicable to sanitary landfills.

22           (p) In violation of subdivision (a) of this Section, cause  
23 or allow the open dumping of any waste in a manner which  
24 results in any of the following occurrences at the dump site:

25           (1) litter;

26           (2) scavenging;

- 1           (3) open burning;
- 2           (4) deposition of waste in standing or flowing waters;
- 3           (5) proliferation of disease vectors;
- 4           (6) standing or flowing liquid discharge from the dump  
5 site;
- 6           (7) deposition of:
- 7               (i) general construction or demolition debris as  
8 defined in Section 3.160(a) of this Act; or
- 9               (ii) clean construction or demolition debris as  
10 defined in Section 3.160(b) of this Act.

11           The prohibitions specified in this subsection (p) shall be  
12 enforceable by the Agency either by administrative citation  
13 under Section 31.1 of this Act or as otherwise provided by this  
14 Act. The specific prohibitions in this subsection do not limit  
15 the power of the Board to establish regulations or standards  
16 applicable to open dumping.

17           (q) Conduct a landscape waste composting operation without  
18 an Agency permit, provided, however, that no permit shall be  
19 required for any person:

20               (1) conducting a landscape waste composting operation  
21 for landscape wastes generated by such person's own  
22 activities which are stored, treated, or disposed of within  
23 the site where such wastes are generated; or

24               (1.5) conducting a landscape waste composting  
25 operation that (i) has no more than 25 cubic yards of  
26 landscape waste, composting additives, composting

1 material, or end-product compost on-site at any one time  
2 and (ii) is not engaging in commercial activity; or

3 (2) applying landscape waste or composted landscape  
4 waste at agronomic rates; or

5 (2.5) operating a landscape waste composting facility  
6 at a site having 10 or more occupied non-farm residences  
7 within 1/2 mile of its boundaries, if the facility meets  
8 all of the following criteria:

9 (A) the composting facility is operated by the  
10 farmer on property on which the composting material is  
11 utilized, and the composting facility constitutes no  
12 more than 2% of the site's total acreage;

13 (A-5) any composting additives that the composting  
14 facility accepts and uses at the facility are necessary  
15 to provide proper conditions for composting and do not  
16 exceed 10% of the total composting material at the  
17 facility at any one time;

18 (B) the property on which the composting facility  
19 is located, and any associated property on which the  
20 compost is used, is principally and diligently devoted  
21 to the production of agricultural crops and is not  
22 owned, leased, or otherwise controlled by any waste  
23 hauler or generator of nonagricultural compost  
24 materials, and the operator of the composting facility  
25 is not an employee, partner, shareholder, or in any way  
26 connected with or controlled by any such waste hauler



1 or generator;

2 (C) all compost generated by the composting  
3 facility is applied at agronomic rates and used as  
4 mulch, fertilizer, or soil conditioner on land  
5 actually farmed by the person operating the composting  
6 facility, and the finished compost is not stored at the  
7 composting site for a period longer than 18 months  
8 prior to its application as mulch, fertilizer, or soil  
9 conditioner;

10 (D) no fee is charged for the acceptance of  
11 materials to be composted at the facility; and

12 (E) the owner or operator, by January 1, 2014 (or  
13 the January 1 following commencement of operation,  
14 whichever is later) and January 1 of each year  
15 thereafter, registers the site with the Agency, (ii)  
16 reports to the Agency on the volume of composting  
17 material received and used at the site; (iii) certifies  
18 to the Agency that the site complies with the  
19 requirements set forth in subparagraphs (A), (A-5),  
20 (B), (C), and (D) of this paragraph (2.5); and (iv)  
21 certifies to the Agency that all composting material  
22 was placed more than 200 feet from the nearest potable  
23 water supply well, was placed outside the boundary of  
24 the 10-year floodplain or on a part of the site that is  
25 floodproofed, was placed at least 1/4 mile from the  
26 nearest residence (other than a residence located on

1           the same property as the facility) or a lesser distance  
2           from the nearest residence (other than a residence  
3           located on the same property as the facility) if the  
4           municipality in which the facility is located has by  
5           ordinance approved a lesser distance than 1/4 mile, and  
6           was placed more than 5 feet above the water table; any  
7           ordinance approving a residential setback of less than  
8           1/4 mile that is used to meet the requirements of this  
9           subparagraph (E) of paragraph (2.5) of this subsection  
10          must specifically reference this paragraph; or

11          (3) operating a landscape waste composting facility on  
12          a farm, if the facility meets all of the following  
13          criteria:

14                 (A) the composting facility is operated by the  
15                 farmer on property on which the composting material is  
16                 utilized, and the composting facility constitutes no  
17                 more than 2% of the property's total acreage, except  
18                 that the Board may allow a higher percentage for  
19                 individual sites where the owner or operator has  
20                 demonstrated to the Board that the site's soil  
21                 characteristics or crop needs require a higher rate;

22                 (A-1) the composting facility accepts from other  
23                 agricultural operations for composting with landscape  
24                 waste no materials other than uncontaminated and  
25                 source-separated (i) crop residue and other  
26                 agricultural plant residue generated from the

1 production and harvesting of crops and other customary  
2 farm practices, including, but not limited to, stalks,  
3 leaves, seed pods, husks, bagasse, and roots and (ii)  
4 plant-derived animal bedding, such as straw or  
5 sawdust, that is free of manure and was not made from  
6 painted or treated wood;

7 (A-2) any composting additives that the composting  
8 facility accepts and uses at the facility are necessary  
9 to provide proper conditions for composting and do not  
10 exceed 10% of the total composting material at the  
11 facility at any one time;

12 (B) the property on which the composting facility  
13 is located, and any associated property on which the  
14 compost is used, is principally and diligently devoted  
15 to the production of agricultural crops and is not  
16 owned, leased or otherwise controlled by any waste  
17 hauler or generator of nonagricultural compost  
18 materials, and the operator of the composting facility  
19 is not an employee, partner, shareholder, or in any way  
20 connected with or controlled by any such waste hauler  
21 or generator;

22 (C) all compost generated by the composting  
23 facility is applied at agronomic rates and used as  
24 mulch, fertilizer or soil conditioner on land actually  
25 farmed by the person operating the composting  
26 facility, and the finished compost is not stored at the

1           composting site for a period longer than 18 months  
2           prior to its application as mulch, fertilizer, or soil  
3           conditioner;

4           (D) the owner or operator, by January 1 of each  
5           year, (i) registers the site with the Agency, (ii)  
6           reports to the Agency on the volume of composting  
7           material received and used at the site, (iii) certifies  
8           to the Agency that the site complies with the  
9           requirements set forth in subparagraphs (A), (A-1),  
10          (A-2), (B), and (C) of this paragraph (q) (3), and (iv)  
11          certifies to the Agency that all composting material:

12                   (I) was placed more than 200 feet from the  
13                   nearest potable water supply well;

14                   (II) was placed outside the boundary of the  
15                   10-year floodplain or on a part of the site that is  
16                   floodproofed;

17                   (III) was placed either (aa) at least 1/4 mile  
18                   from the nearest residence (other than a residence  
19                   located on the same property as the facility) and  
20                   there are not more than 10 occupied non-farm  
21                   residences within 1/2 mile of the boundaries of the  
22                   site on the date of application or (bb) a lesser  
23                   distance from the nearest residence (other than a  
24                   residence located on the same property as the  
25                   facility) provided that the municipality or county  
26                   in which the facility is located has by ordinance

1 approved a lesser distance than 1/4 mile and there  
2 are not more than 10 occupied non-farm residences  
3 within 1/2 mile of the boundaries of the site on  
4 the date of application; and

5 (IV) was placed more than 5 feet above the  
6 water table.

7 Any ordinance approving a residential setback of  
8 less than 1/4 mile that is used to meet the  
9 requirements of this subparagraph (D) must  
10 specifically reference this subparagraph.

11 For the purposes of this subsection (q), "agronomic rates"  
12 means the application of not more than 20 tons per acre per  
13 year, except that the Board may allow a higher rate for  
14 individual sites where the owner or operator has demonstrated  
15 to the Board that the site's soil characteristics or crop needs  
16 require a higher rate.

17 (r) Cause or allow the storage or disposal of coal  
18 combustion waste unless:

19 (1) such waste is stored or disposed of at a site or  
20 facility for which a permit has been obtained or is not  
21 otherwise required under subsection (d) of this Section; or

22 (2) such waste is stored or disposed of as a part of  
23 the design and reclamation of a site or facility which is  
24 an abandoned mine site in accordance with the Abandoned  
25 Mined Lands and Water Reclamation Act; or

26 (3) such waste is stored or disposed of at a site or

1 facility which is operating under NPDES and Subtitle D  
2 permits issued by the Agency pursuant to regulations  
3 adopted by the Board for mine-related water pollution and  
4 permits issued pursuant to the Federal Surface Mining  
5 Control and Reclamation Act of 1977 (P.L. 95-87) or the  
6 rules and regulations thereunder or any law or rule or  
7 regulation adopted by the State of Illinois pursuant  
8 thereto, and the owner or operator of the facility agrees  
9 to accept the waste; and either

10 (i) such waste is stored or disposed of in  
11 accordance with requirements applicable to refuse  
12 disposal under regulations adopted by the Board for  
13 mine-related water pollution and pursuant to NPDES and  
14 Subtitle D permits issued by the Agency under such  
15 regulations; or

16 (ii) the owner or operator of the facility  
17 demonstrates all of the following to the Agency, and  
18 the facility is operated in accordance with the  
19 demonstration as approved by the Agency: (1) the  
20 disposal area will be covered in a manner that will  
21 support continuous vegetation, (2) the facility will  
22 be adequately protected from wind and water erosion,  
23 (3) the pH will be maintained so as to prevent  
24 excessive leaching of metal ions, and (4) adequate  
25 containment or other measures will be provided to  
26 protect surface water and groundwater from

1           contamination at levels prohibited by this Act, the  
2           Illinois Groundwater Protection Act, or regulations  
3           adopted pursuant thereto.

4           Notwithstanding any other provision of this Title, the  
5           disposal of coal combustion waste pursuant to item (2) or (3)  
6           of this subdivision (r) shall be exempt from the other  
7           provisions of this Title V, and notwithstanding the provisions  
8           of Title X of this Act, the Agency is authorized to grant  
9           experimental permits which include provision for the disposal  
10          of wastes from the combustion of coal and other materials  
11          pursuant to items (2) and (3) of this subdivision (r).

12          (s) After April 1, 1989, offer for transportation,  
13          transport, deliver, receive or accept special waste for which a  
14          manifest is required, unless the manifest indicates that the  
15          fee required under Section 22.8 of this Act has been paid.

16          (t) Cause or allow a lateral expansion of a municipal solid  
17          waste landfill unit on or after October 9, 1993, without a  
18          permit modification, granted by the Agency, that authorizes the  
19          lateral expansion.

20          (u) Conduct any vegetable by-product treatment, storage,  
21          disposal or transportation operation in violation of any  
22          regulation, standards or permit requirements adopted by the  
23          Board under this Act. However, no permit shall be required  
24          under this Title V for the land application of vegetable  
25          by-products conducted pursuant to Agency permit issued under  
26          Title III of this Act to the generator of the vegetable

1 by-products. In addition, vegetable by-products may be  
2 transported in this State without a special waste hauling  
3 permit, and without the preparation and carrying of a manifest.

4 (v) (Blank).

5 (w) Conduct any generation, transportation, or recycling  
6 of construction or demolition debris, clean or general, or  
7 uncontaminated soil generated during construction, remodeling,  
8 repair, and demolition of utilities, structures, and roads that  
9 is not commingled with any waste, without the maintenance of  
10 documentation identifying the hauler, generator, place of  
11 origin of the debris or soil, the weight or volume of the  
12 debris or soil, and the location, owner, and operator of the  
13 facility where the debris or soil was transferred, disposed,  
14 recycled, or treated. This documentation must be maintained by  
15 the generator, transporter, or recycler for 3 years. This  
16 subsection (w) shall not apply to (1) a permitted pollution  
17 control facility that transfers or accepts construction or  
18 demolition debris, clean or general, or uncontaminated soil for  
19 final disposal, recycling, or treatment, (2) a public utility  
20 (as that term is defined in the Public Utilities Act) or a  
21 municipal utility, (3) the Illinois Department of  
22 Transportation, or (4) a municipality or a county highway  
23 department, with the exception of any municipality or county  
24 highway department located within a county having a population  
25 of over 3,000,000 inhabitants or located in a county that is  
26 contiguous to a county having a population of over 3,000,000



1 inhabitants; but it shall apply to an entity that contracts  
2 with a public utility, a municipal utility, the Illinois  
3 Department of Transportation, or a municipality or a county  
4 highway department. The terms "generation" and "recycling" as  
5 used in this subsection do not apply to clean construction or  
6 demolition debris when (i) used as fill material below grade  
7 outside of a setback zone if covered by sufficient  
8 uncontaminated soil to support vegetation within 30 days of the  
9 completion of filling or if covered by a road or structure,  
10 (ii) solely broken concrete without protruding metal bars is  
11 used for erosion control, or (iii) milled asphalt or crushed  
12 concrete is used as aggregate in construction of the shoulder  
13 of a roadway. The terms "generation" and "recycling", as used  
14 in this subsection, do not apply to uncontaminated soil that is  
15 not commingled with any waste when (i) used as fill material  
16 below grade or contoured to grade, or (ii) used at the site of  
17 generation.

18 (Source: P.A. 97-220, eff. 7-28-11; 98-239, eff. 8-9-13;  
19 98-484, eff. 8-16-13; 98-756, eff. 7-16-14.)

20 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

21 Sec. 22.15. Solid Waste Management Fund; fees.

22 (a) There is hereby created within the State Treasury a  
23 special fund to be known as the "Solid Waste Management Fund",  
24 to be constituted from the fees collected by the State pursuant  
25 to this Section and from repayments of loans made from the Fund

1 for solid waste projects. Moneys received by the Department of  
2 Commerce and Economic Opportunity in repayment of loans made  
3 pursuant to the Illinois Solid Waste Management Act shall be  
4 deposited into the General Revenue Fund.

5 (b) The Agency shall assess and collect a fee in the amount  
6 set forth herein from the owner or operator of each sanitary  
7 landfill permitted or required to be permitted by the Agency to  
8 dispose of solid waste if the sanitary landfill is located off  
9 the site where such waste was produced and if such sanitary  
10 landfill is owned, controlled, and operated by a person other  
11 than the generator of such waste. The Agency shall deposit all  
12 fees collected into the Solid Waste Management Fund. If a site  
13 is contiguous to one or more landfills owned or operated by the  
14 same person, the volumes permanently disposed of by each  
15 landfill shall be combined for purposes of determining the fee  
16 under this subsection.

17 (1) If more than 150,000 cubic yards of non-hazardous  
18 solid waste is permanently disposed of at a site in a  
19 calendar year, the owner or operator shall either pay a fee  
20 of 95 cents per cubic yard or, alternatively, the owner or  
21 operator may weigh the quantity of the solid waste  
22 permanently disposed of with a device for which  
23 certification has been obtained under the Weights and  
24 Measures Act and pay a fee of \$2.00 per ton of solid waste  
25 permanently disposed of. In no case shall the fee collected  
26 or paid by the owner or operator under this paragraph

1 exceed \$1.55 per cubic yard or \$3.27 per ton.

2 (2) If more than 100,000 cubic yards but not more than  
3 150,000 cubic yards of non-hazardous waste is permanently  
4 disposed of at a site in a calendar year, the owner or  
5 operator shall pay a fee of \$52,630.

6 (3) If more than 50,000 cubic yards but not more than  
7 100,000 cubic yards of non-hazardous solid waste is  
8 permanently disposed of at a site in a calendar year, the  
9 owner or operator shall pay a fee of \$23,790.

10 (4) If more than 10,000 cubic yards but not more than  
11 50,000 cubic yards of non-hazardous solid waste is  
12 permanently disposed of at a site in a calendar year, the  
13 owner or operator shall pay a fee of \$7,260.

14 (5) If not more than 10,000 cubic yards of  
15 non-hazardous solid waste is permanently disposed of at a  
16 site in a calendar year, the owner or operator shall pay a  
17 fee of \$1050.

18 (c) (Blank).

19 (d) The Agency shall establish rules relating to the  
20 collection of the fees authorized by this Section. Such rules  
21 shall include, but not be limited to:

22 (1) necessary records identifying the quantities of  
23 solid waste received or disposed;

24 (2) the form and submission of reports to accompany the  
25 payment of fees to the Agency;

26 (3) the time and manner of payment of fees to the

1 Agency, which payments shall not be more often than  
2 quarterly; and

3 (4) procedures setting forth criteria establishing  
4 when an owner or operator may measure by weight or volume  
5 during any given quarter or other fee payment period.

6 (e) Pursuant to appropriation, all monies in the Solid  
7 Waste Management Fund shall be used by the Agency and the  
8 Department of Commerce and Economic Opportunity for the  
9 purposes set forth in this Section and in the Illinois Solid  
10 Waste Management Act, including for the costs of fee collection  
11 and administration.

12 (f) The Agency is authorized to enter into such agreements  
13 and to promulgate such rules as are necessary to carry out its  
14 duties under this Section and the Illinois Solid Waste  
15 Management Act.

16 (g) On the first day of January, April, July, and October  
17 of each year, beginning on July 1, 1996, the State Comptroller  
18 and Treasurer shall transfer \$500,000 from the Solid Waste  
19 Management Fund to the Hazardous Waste Fund. Moneys transferred  
20 under this subsection (g) shall be used only for the purposes  
21 set forth in item (1) of subsection (d) of Section 22.2.

22 (h) The Agency is authorized to provide financial  
23 assistance to units of local government for the performance of  
24 inspecting, investigating and enforcement activities pursuant  
25 to Section 4(r) at nonhazardous solid waste disposal sites.

26 (i) The Agency is authorized ~~to support the operations of~~

1 ~~an industrial materials exchange service,~~ and to conduct  
2 household waste collection and disposal programs.

3 (j) A unit of local government, as defined in the Local  
4 Solid Waste Disposal Act, in which a solid waste disposal  
5 facility is located may establish a fee, tax, or surcharge with  
6 regard to the permanent disposal of solid waste. All fees,  
7 taxes, and surcharges collected under this subsection shall be  
8 utilized for solid waste management purposes, including  
9 long-term monitoring and maintenance of landfills, planning,  
10 implementation, inspection, enforcement and other activities  
11 consistent with the Solid Waste Management Act and the Local  
12 Solid Waste Disposal Act, or for any other environment-related  
13 purpose, including but not limited to an environment-related  
14 public works project, but not for the construction of a new  
15 pollution control facility other than a household hazardous  
16 waste facility. However, the total fee, tax or surcharge  
17 imposed by all units of local government under this subsection  
18 (j) upon the solid waste disposal facility shall not exceed:

19 (1) 60¢ per cubic yard if more than 150,000 cubic yards  
20 of non-hazardous solid waste is permanently disposed of at  
21 the site in a calendar year, unless the owner or operator  
22 weighs the quantity of the solid waste received with a  
23 device for which certification has been obtained under the  
24 Weights and Measures Act, in which case the fee shall not  
25 exceed \$1.27 per ton of solid waste permanently disposed  
26 of.

1           (2) \$33,350 if more than 100,000 cubic yards, but not  
2 more than 150,000 cubic yards, of non-hazardous waste is  
3 permanently disposed of at the site in a calendar year.

4           (3) \$15,500 if more than 50,000 cubic yards, but not  
5 more than 100,000 cubic yards, of non-hazardous solid waste  
6 is permanently disposed of at the site in a calendar year.

7           (4) \$4,650 if more than 10,000 cubic yards, but not  
8 more than 50,000 cubic yards, of non-hazardous solid waste  
9 is permanently disposed of at the site in a calendar year.

10           (5) \$650 if not more than 10,000 cubic yards of  
11 non-hazardous solid waste is permanently disposed of at the  
12 site in a calendar year.

13           The corporate authorities of the unit of local government  
14 may use proceeds from the fee, tax, or surcharge to reimburse a  
15 highway commissioner whose road district lies wholly or  
16 partially within the corporate limits of the unit of local  
17 government for expenses incurred in the removal of  
18 nonhazardous, nonfluid municipal waste that has been dumped on  
19 public property in violation of a State law or local ordinance.

20           A county or Municipal Joint Action Agency that imposes a  
21 fee, tax, or surcharge under this subsection may use the  
22 proceeds thereof to reimburse a municipality that lies wholly  
23 or partially within its boundaries for expenses incurred in the  
24 removal of nonhazardous, nonfluid municipal waste that has been  
25 dumped on public property in violation of a State law or local  
26 ordinance.

1           If the fees are to be used to conduct a local sanitary  
2 landfill inspection or enforcement program, the unit of local  
3 government must enter into a written delegation agreement with  
4 the Agency pursuant to subsection (r) of Section 4. The unit of  
5 local government and the Agency shall enter into such a written  
6 delegation agreement within 60 days after the establishment of  
7 such fees. At least annually, the Agency shall conduct an audit  
8 of the expenditures made by units of local government from the  
9 funds granted by the Agency to the units of local government  
10 for purposes of local sanitary landfill inspection and  
11 enforcement programs, to ensure that the funds have been  
12 expended for the prescribed purposes under the grant.

13           The fees, taxes or surcharges collected under this  
14 subsection (j) shall be placed by the unit of local government  
15 in a separate fund, and the interest received on the moneys in  
16 the fund shall be credited to the fund. The monies in the fund  
17 may be accumulated over a period of years to be expended in  
18 accordance with this subsection.

19           A unit of local government, as defined in the Local Solid  
20 Waste Disposal Act, shall prepare and distribute to the Agency,  
21 in April of each year, a report that details spending plans for  
22 monies collected in accordance with this subsection. The report  
23 will at a minimum include the following:

24           (1) The total monies collected pursuant to this  
25 subsection.

26           (2) The most current balance of monies collected

1           pursuant to this subsection.

2           (3) An itemized accounting of all monies expended for  
3           the previous year pursuant to this subsection.

4           (4) An estimation of monies to be collected for the  
5           following 3 years pursuant to this subsection.

6           (5) A narrative detailing the general direction and  
7           scope of future expenditures for one, 2 and 3 years.

8           The exemptions granted under Sections 22.16 and 22.16a, and  
9           under subsection (k) of this Section, shall be applicable to  
10          any fee, tax or surcharge imposed under this subsection (j);  
11          except that the fee, tax or surcharge authorized to be imposed  
12          under this subsection (j) may be made applicable by a unit of  
13          local government to the permanent disposal of solid waste after  
14          December 31, 1986, under any contract lawfully executed before  
15          June 1, 1986 under which more than 150,000 cubic yards (or  
16          50,000 tons) of solid waste is to be permanently disposed of,  
17          even though the waste is exempt from the fee imposed by the  
18          State under subsection (b) of this Section pursuant to an  
19          exemption granted under Section 22.16.

20          (k) In accordance with the findings and purposes of the  
21          Illinois Solid Waste Management Act, beginning January 1, 1989  
22          the fee under subsection (b) and the fee, tax or surcharge  
23          under subsection (j) shall not apply to:

24                  (1) Waste which is hazardous waste; or

25                  (2) Waste which is pollution control waste; or

26                  (3) Waste from recycling, reclamation or reuse



1 processes which have been approved by the Agency as being  
2 designed to remove any contaminant from wastes so as to  
3 render such wastes reusable, provided that the process  
4 renders at least 50% of the waste reusable; or

5 (4) Non-hazardous solid waste that is received at a  
6 sanitary landfill and composted or recycled through a  
7 process permitted by the Agency; or

8 (5) Any landfill which is permitted by the Agency to  
9 receive only demolition or construction debris or  
10 landscape waste.

11 (Source: P.A. 97-333, eff. 8-12-11.)

12 (415 ILCS 5/22.28) (from Ch. 111 1/2, par. 1022.28)

13 Sec. 22.28. White goods.

14 (a) ~~No Beginning July 1, 1994, no~~ person shall knowingly  
15 offer for collection or collect white goods for the purpose of  
16 disposal by landfilling unless the white good components have  
17 been removed.

18 (b) ~~No Beginning July 1, 1994, no~~ owner or operator of a  
19 landfill shall accept any white goods for final disposal,  
20 except that white goods may be accepted if:

21 (1) (blank); ~~the landfill participates in the~~  
22 ~~Industrial Materials Exchange Service by communicating the~~  
23 ~~availability of white goods;~~

24 (2) prior to final disposal, any white good components  
25 have been removed from the white goods; and

1           (3) ~~if white good components are removed from the white~~  
2 ~~goods at the landfill,~~ a site operating plan satisfying  
3 this Act has been approved under the landfill's site  
4 operating permit and the conditions of the ~~such~~ operating  
5 plan are met.

6           (c) For the purposes of this Section:

7           (1) "White goods" shall include all discarded  
8 refrigerators, ranges, water heaters, freezers, air  
9 conditioners, humidifiers and other similar domestic and  
10 commercial large appliances.

11           (2) "White good components" shall include:

12                   (i) any chlorofluorocarbon refrigerant gas;

13                   (ii) any electrical switch containing mercury;

14                   (iii) any device that contains or may contain PCBs  
15 in a closed system, such as a dielectric fluid for a  
16 capacitor, ballast or other component; and

17                   (iv) any fluorescent lamp that contains mercury.

18           (d) The Agency is authorized to provide financial  
19 assistance to units of local government from the Solid Waste  
20 Management Fund to plan for and implement programs to collect,  
21 transport and manage white goods. Units of local government may  
22 apply jointly for financial assistance under this Section.

23           Applications for such financial assistance shall be  
24 submitted to the Agency and must provide a description of:

25                   (A) the area to be served by the program;

26                   (B) the white goods intended to be included in the

1 program;

2 (C) the methods intended to be used for collecting  
3 and receiving materials;

4 (D) the property, buildings, equipment and  
5 personnel included in the program;

6 (E) the public education systems to be used as part  
7 of the program;

8 (F) the safety and security systems that will be  
9 used;

10 (G) the intended processing methods for each white  
11 goods type;

12 (H) the intended destination for final material  
13 handling location; and

14 (I) any staging sites used to handle collected  
15 materials, the activities to be performed at such sites  
16 and the procedures for assuring removal of collected  
17 materials from such sites.

18 The application may be amended to reflect changes in  
19 operating procedures, destinations for collected materials, or  
20 other factors.

21 Financial assistance shall be awarded for a State fiscal  
22 year, and may be renewed, upon application, if the Agency  
23 approves the operation of the program.

24 (e) All materials collected or received under a program  
25 operated with financial assistance under this Section shall be  
26 recycled whenever possible. Treatment or disposal of collected

1 materials are not eligible for financial assistance unless the  
2 applicant shows and the Agency approves which materials may be  
3 treated or disposed of under various conditions.

4 Any revenue from the sale of materials collected under such  
5 a program shall be retained by the unit of local government and  
6 may be used only for the same purposes as the financial  
7 assistance under this Section.

8 (f) The Agency is authorized to adopt rules necessary or  
9 appropriate to the administration of this Section.

10 (g) (Blank).

11 (Source: P.A. 91-798, eff. 7-9-00; revised 10-6-16.)

12 (415 ILCS 5/22.29) (from Ch. 111 1/2, par. 1022.29)

13 Sec. 22.29. (a) Except as provided in subsection (c), any  
14 waste material generated by processing recyclable metals by  
15 shredding shall be managed as a special waste unless ~~(1)~~ a site  
16 operating plan has been approved by the Agency and the  
17 conditions of such operating plan are met; ~~and (2) the facility~~  
18 ~~participates in the Industrial Materials Exchange Service by~~  
19 ~~communicating availability to process recyclable metals.~~

20 (b) An operating plan submitted to the Agency under this  
21 Section shall include the following concerning recyclable  
22 metals processing and components which may contaminate waste  
23 from shredding recyclable metals (such as lead acid batteries,  
24 fuel tanks, or components that contain or may contain PCB's in  
25 a closed system such as a capacitor or ballast):

1 (1) procedures for inspecting recyclable metals when  
2 received to assure that such components are identified;

3 (2) a list of equipment and removal procedures to be  
4 used to assure proper removal of such components;

5 (3) procedures for safe storage of such components  
6 after removal and any waste materials;

7 (4) procedures to assure that such components and waste  
8 materials will only be stored for a period long enough to  
9 accumulate the proper quantities for off-site  
10 transportation;

11 (5) identification of how such components and waste  
12 materials will be managed after removal from the site to  
13 assure proper handling and disposal;

14 (6) procedures for sampling and analyzing waste  
15 intended for disposal or off-site handling as a waste;

16 (7) a demonstration, including analytical reports,  
17 that any waste generated is not a hazardous waste and will  
18 not pose a present or potential threat to human health or  
19 the environment.

20 (c) Any waste generated as a result of processing  
21 recyclable metals by shredding which is determined to be  
22 hazardous waste shall be managed as a hazardous waste.

23 (d) The Agency is authorized to adopt rules necessary or  
24 appropriate to the administration of this Section.

25 (Source: P.A. 87-806; 87-895.)

1 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

2 Sec. 39.5. Clean Air Act Permit Program.

3 1. Definitions. For purposes of this Section:

4 "Administrative permit amendment" means a permit revision  
5 subject to subsection 13 of this Section.

6 "Affected source for acid deposition" means a source that  
7 includes one or more affected units under Title IV of the Clean  
8 Air Act.

9 "Affected States" for purposes of formal distribution of a  
10 draft CAAPP permit to other States for comments prior to  
11 issuance, means all States:

12 (1) Whose air quality may be affected by the source  
13 covered by the draft permit and that are contiguous to  
14 Illinois; or

15 (2) That are within 50 miles of the source.

16 "Affected unit for acid deposition" shall have the meaning  
17 given to the term "affected unit" in the regulations  
18 promulgated under Title IV of the Clean Air Act.

19 "Applicable Clean Air Act requirement" means all of the  
20 following as they apply to emissions units in a source  
21 (including regulations that have been promulgated or approved  
22 by USEPA pursuant to the Clean Air Act which directly impose  
23 requirements upon a source and other such federal requirements  
24 which have been adopted by the Board. These may include  
25 requirements and regulations which have future effective  
26 compliance dates. Requirements and regulations will be exempt

1 if USEPA determines that such requirements need not be  
2 contained in a Title V permit):

3 (1) Any standard or other requirement provided for in  
4 the applicable state implementation plan approved or  
5 promulgated by USEPA under Title I of the Clean Air Act  
6 that implements the relevant requirements of the Clean Air  
7 Act, including any revisions to the state Implementation  
8 Plan promulgated in 40 CFR Part 52, Subparts A and O and  
9 other subparts applicable to Illinois. For purposes of this  
10 paragraph (1) of this definition, "any standard or other  
11 requirement" means only such standards or requirements  
12 directly enforceable against an individual source under  
13 the Clean Air Act.

14 (2) (i) Any term or condition of any preconstruction  
15 permits issued pursuant to regulations approved or  
16 promulgated by USEPA under Title I of the Clean Air  
17 Act, including Part C or D of the Clean Air Act.

18 (ii) Any term or condition as required pursuant to  
19 Section 39.5 of any federally enforceable State  
20 operating permit issued pursuant to regulations  
21 approved or promulgated by USEPA under Title I of the  
22 Clean Air Act, including Part C or D of the Clean Air  
23 Act.

24 (3) Any standard or other requirement under Section 111  
25 of the Clean Air Act, including Section 111(d).

26 (4) Any standard or other requirement under Section 112

1 of the Clean Air Act, including any requirement concerning  
2 accident prevention under Section 112(r)(7) of the Clean  
3 Air Act.

4 (5) Any standard or other requirement of the acid rain  
5 program under Title IV of the Clean Air Act or the  
6 regulations promulgated thereunder.

7 (6) Any requirements established pursuant to Section  
8 504(b) or Section 114(a)(3) of the Clean Air Act.

9 (7) Any standard or other requirement governing solid  
10 waste incineration, under Section 129 of the Clean Air Act.

11 (8) Any standard or other requirement for consumer and  
12 commercial products, under Section 183(e) of the Clean Air  
13 Act.

14 (9) Any standard or other requirement for tank vessels,  
15 under Section 183(f) of the Clean Air Act.

16 (10) Any standard or other requirement of the program  
17 to control air pollution from Outer Continental Shelf  
18 sources, under Section 328 of the Clean Air Act.

19 (11) Any standard or other requirement of the  
20 regulations promulgated to protect stratospheric ozone  
21 under Title VI of the Clean Air Act, unless USEPA has  
22 determined that such requirements need not be contained in  
23 a Title V permit.

24 (12) Any national ambient air quality standard or  
25 increment or visibility requirement under Part C of Title I  
26 of the Clean Air Act, but only as it would apply to



1 temporary sources permitted pursuant to Section 504(e) of  
2 the Clean Air Act.

3 "Applicable requirement" means all applicable Clean Air  
4 Act requirements and any other standard, limitation, or other  
5 requirement contained in this Act or regulations promulgated  
6 under this Act as applicable to sources of air contaminants  
7 (including requirements that have future effective compliance  
8 dates).

9 "CAAPP" means the Clean Air Act Permit Program, developed  
10 pursuant to Title V of the Clean Air Act.

11 "CAAPP application" means an application for a CAAPP  
12 permit.

13 "CAAPP Permit" or "permit" (unless the context suggests  
14 otherwise) means any permit issued, renewed, amended, modified  
15 or revised pursuant to Title V of the Clean Air Act.

16 "CAAPP source" means any source for which the owner or  
17 operator is required to obtain a CAAPP permit pursuant to  
18 subsection 2 of this Section.

19 "Clean Air Act" means the Clean Air Act, as now and  
20 hereafter amended, 42 U.S.C. 7401, et seq.

21 "Designated representative" has the meaning given to it in  
22 Section 402(26) of the Clean Air Act and the regulations  
23 promulgated thereunder, which state that the term "designated  
24 representative" means a responsible person or official  
25 authorized by the owner or operator of a unit to represent the  
26 owner or operator in all matters pertaining to the holding,

1 transfer, or disposition of allowances allocated to a unit, and  
2 the submission of and compliance with permits, permit  
3 applications, and compliance plans for the unit.

4 "Draft CAAPP permit" means the version of a CAAPP permit  
5 for which public notice and an opportunity for public comment  
6 and hearing is offered by the Agency.

7 "Effective date of the CAAPP" means the date that USEPA  
8 approves Illinois' CAAPP.

9 "Emission unit" means any part or activity of a stationary  
10 source that emits or has the potential to emit any air  
11 pollutant. This term is not meant to alter or affect the  
12 definition of the term "unit" for purposes of Title IV of the  
13 Clean Air Act.

14 "Federally enforceable" means enforceable by USEPA.

15 "Final permit action" means the Agency's granting with  
16 conditions, refusal to grant, renewal of, or revision of a  
17 CAAPP permit, the Agency's determination of incompleteness of a  
18 submitted CAAPP application, or the Agency's failure to act on  
19 an application for a permit, permit renewal, or permit revision  
20 within the time specified in subsection 13, subsection 14, or  
21 paragraph (j) of subsection 5 of this Section.

22 "General permit" means a permit issued to cover numerous  
23 similar sources in accordance with subsection 11 of this  
24 Section.

25 "Major source" means a source for which emissions of one or  
26 more air pollutants meet the criteria for major status pursuant

1 to paragraph (c) of subsection 2 of this Section.

2 "Maximum achievable control technology" or "MACT" means  
3 the maximum degree of reductions in emissions deemed achievable  
4 under Section 112 of the Clean Air Act.

5 "Owner or operator" means any person who owns, leases,  
6 operates, controls, or supervises a stationary source.

7 "Permit modification" means a revision to a CAAPP permit  
8 that cannot be accomplished under the provisions for  
9 administrative permit amendments under subsection 13 of this  
10 Section.

11 "Permit revision" means a permit modification or  
12 administrative permit amendment.

13 "Phase II" means the period of the national acid rain  
14 program, established under Title IV of the Clean Air Act,  
15 beginning January 1, 2000, and continuing thereafter.

16 "Phase II acid rain permit" means the portion of a CAAPP  
17 permit issued, renewed, modified, or revised by the Agency  
18 during Phase II for an affected source for acid deposition.

19 "Potential to emit" means the maximum capacity of a  
20 stationary source to emit any air pollutant under its physical  
21 and operational design. Any physical or operational limitation  
22 on the capacity of a source to emit an air pollutant, including  
23 air pollution control equipment and restrictions on hours of  
24 operation or on the type or amount of material combusted,  
25 stored, or processed, shall be treated as part of its design if  
26 the limitation is enforceable by USEPA. This definition does

1 not alter or affect the use of this term for any other purposes  
2 under the Clean Air Act, or the term "capacity factor" as used  
3 in Title IV of the Clean Air Act or the regulations promulgated  
4 thereunder.

5 "Preconstruction Permit" or "Construction Permit" means a  
6 permit which is to be obtained prior to commencing or beginning  
7 actual construction or modification of a source or emissions  
8 unit.

9 "Proposed CAAPP permit" means the version of a CAAPP permit  
10 that the Agency proposes to issue and forwards to USEPA for  
11 review in compliance with applicable requirements of the Act  
12 and regulations promulgated thereunder.

13 "Regulated air pollutant" means the following:

14 (1) Nitrogen oxides (NO<sub>x</sub>) or any volatile organic  
15 compound.

16 (2) Any pollutant for which a national ambient air  
17 quality standard has been promulgated.

18 (3) Any pollutant that is subject to any standard  
19 promulgated under Section 111 of the Clean Air Act.

20 (4) Any Class I or II substance subject to a standard  
21 promulgated under or established by Title VI of the Clean  
22 Air Act.

23 (5) Any pollutant subject to a standard promulgated  
24 under Section 112 or other requirements established under  
25 Section 112 of the Clean Air Act, including Sections  
26 112(g), (j) and (r).

1           (i) Any pollutant subject to requirements under  
2           Section 112(j) of the Clean Air Act. Any pollutant  
3           listed under Section 112(b) for which the subject  
4           source would be major shall be considered to be  
5           regulated 18 months after the date on which USEPA was  
6           required to promulgate an applicable standard pursuant  
7           to Section 112(e) of the Clean Air Act, if USEPA fails  
8           to promulgate such standard.

9           (ii) Any pollutant for which the requirements of  
10          Section 112(g) (2) of the Clean Air Act have been met,  
11          but only with respect to the individual source subject  
12          to Section 112(g) (2) requirement.

13          (6) Greenhouse gases.

14          "Renewal" means the process by which a permit is reissued  
15          at the end of its term.

16          "Responsible official" means one of the following:

17          (1) For a corporation: a president, secretary,  
18          treasurer, or vice-president of the corporation in charge  
19          of a principal business function, or any other person who  
20          performs similar policy or decision-making functions for  
21          the corporation, or a duly authorized representative of  
22          such person if the representative is responsible for the  
23          overall operation of one or more manufacturing,  
24          production, or operating facilities applying for or  
25          subject to a permit and either (i) the facilities employ  
26          more than 250 persons or have gross annual sales or

1 expenditures exceeding \$25 million (in second quarter 1980  
2 dollars), or (ii) the delegation of authority to such  
3 representative is approved in advance by the Agency.

4 (2) For a partnership or sole proprietorship: a general  
5 partner or the proprietor, respectively, or in the case of  
6 a partnership in which all of the partners are  
7 corporations, a duly authorized representative of the  
8 partnership if the representative is responsible for the  
9 overall operation of one or more manufacturing,  
10 production, or operating facilities applying for or  
11 subject to a permit and either (i) the facilities employ  
12 more than 250 persons or have gross annual sales or  
13 expenditures exceeding \$25 million (in second quarter 1980  
14 dollars), or (ii) the delegation of authority to such  
15 representative is approved in advance by the Agency.

16 (3) For a municipality, State, Federal, or other public  
17 agency: either a principal executive officer or ranking  
18 elected official. For the purposes of this part, a  
19 principal executive officer of a Federal agency includes  
20 the chief executive officer having responsibility for the  
21 overall operations of a principal geographic unit of the  
22 agency (e.g., a Regional Administrator of USEPA).

23 (4) For affected sources for acid deposition:

24 (i) The designated representative shall be the  
25 "responsible official" in so far as actions,  
26 standards, requirements, or prohibitions under Title

1 IV of the Clean Air Act or the regulations promulgated  
2 thereunder are concerned.

3 (ii) The designated representative may also be the  
4 "responsible official" for any other purposes with  
5 respect to air pollution control.

6 "Section 502(b)(10) changes" means changes that contravene  
7 express permit terms. "Section 502(b)(10) changes" do not  
8 include changes that would violate applicable requirements or  
9 contravene federally enforceable permit terms or conditions  
10 that are monitoring (including test methods), recordkeeping,  
11 reporting, or compliance certification requirements.

12 "Solid waste incineration unit" means a distinct operating  
13 unit of any facility which combusts any solid waste material  
14 from commercial or industrial establishments or the general  
15 public (including single and multiple residences, hotels, and  
16 motels). The term does not include incinerators or other units  
17 required to have a permit under Section 3005 of the Solid Waste  
18 Disposal Act. The term also does not include (A) materials  
19 recovery facilities (including primary or secondary smelters)  
20 which combust waste for the primary purpose of recovering  
21 metals, (B) qualifying small power production facilities, as  
22 defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C.  
23 769(17)(C)), or qualifying cogeneration facilities, as defined  
24 in Section 3(18)(B) of the Federal Power Act (16 U.S.C.  
25 796(18)(B)), which burn homogeneous waste (such as units which  
26 burn tires or used oil, but not including refuse-derived fuel)

1 for the production of electric energy or in the case of  
2 qualifying cogeneration facilities which burn homogeneous  
3 waste for the production of electric energy and steam or forms  
4 of useful energy (such as heat) which are used for industrial,  
5 commercial, heating or cooling purposes, or (C) air curtain  
6 incinerators provided that such incinerators only burn wood  
7 wastes, yard waste and clean lumber and that such air curtain  
8 incinerators comply with opacity limitations to be established  
9 by the USEPA by rule.

10 "Source" means any stationary source (or any group of  
11 stationary sources) that is located on one or more contiguous  
12 or adjacent properties that are under common control of the  
13 same person (or persons under common control) and that belongs  
14 to a single major industrial grouping. For the purposes of  
15 defining "source," a stationary source or group of stationary  
16 sources shall be considered part of a single major industrial  
17 grouping if all of the pollutant emitting activities at such  
18 source or group of sources located on contiguous or adjacent  
19 properties and under common control belong to the same Major  
20 Group (i.e., all have the same two-digit code) as described in  
21 the Standard Industrial Classification Manual, 1987, or such  
22 pollutant emitting activities at a stationary source (or group  
23 of stationary sources) located on contiguous or adjacent  
24 properties and under common control constitute a support  
25 facility. The determination as to whether any group of  
26 stationary sources is located on contiguous or adjacent



1 properties, and/or is under common control, and/or whether the  
2 pollutant emitting activities at such group of stationary  
3 sources constitute a support facility shall be made on a case  
4 by case basis.

5 "Stationary source" means any building, structure,  
6 facility, or installation that emits or may emit any regulated  
7 air pollutant or any pollutant listed under Section 112(b) of  
8 the Clean Air Act, except those emissions resulting directly  
9 from an internal combustion engine for transportation purposes  
10 or from a nonroad engine or nonroad vehicle as defined in  
11 Section 216 of the Clean Air Act.

12 "Subject to regulation" has the meaning given to it in 40  
13 CFR 70.2, as now or hereafter amended.

14 "Support facility" means any stationary source (or group of  
15 stationary sources) that conveys, stores, or otherwise assists  
16 to a significant extent in the production of a principal  
17 product at another stationary source (or group of stationary  
18 sources). A support facility shall be considered to be part of  
19 the same source as the stationary source (or group of  
20 stationary sources) that it supports regardless of the 2-digit  
21 Standard Industrial Classification code for the support  
22 facility.

23 "USEPA" means the Administrator of the United States  
24 Environmental Protection Agency (USEPA) or a person designated  
25 by the Administrator.

1 1.1. Exclusion From the CAAPP.

2 a. An owner or operator of a source which determines  
3 that the source could be excluded from the CAAPP may seek  
4 such exclusion prior to the date that the CAAPP application  
5 for the source is due but in no case later than 9 months  
6 after the effective date of the CAAPP through the  
7 imposition of federally enforceable conditions limiting  
8 the "potential to emit" of the source to a level below the  
9 major source threshold for that source as described in  
10 paragraph (c) of subsection 2 of this Section, within a  
11 State operating permit issued pursuant to subsection (a) of  
12 Section 39 of this Act. After such date, an exclusion from  
13 the CAAPP may be sought under paragraph (c) of subsection 3  
14 of this Section.

15 b. An owner or operator of a source seeking exclusion  
16 from the CAAPP pursuant to paragraph (a) of this subsection  
17 must submit a permit application consistent with the  
18 existing State permit program which specifically requests  
19 such exclusion through the imposition of such federally  
20 enforceable conditions.

21 c. Upon such request, if the Agency determines that the  
22 owner or operator of a source has met the requirements for  
23 exclusion pursuant to paragraph (a) of this subsection and  
24 other applicable requirements for permit issuance under  
25 subsection (a) of Section 39 of this Act, the Agency shall  
26 issue a State operating permit for such source under

1 subsection (a) of Section 39 of this Act, as amended, and  
2 regulations promulgated thereunder with federally  
3 enforceable conditions limiting the "potential to emit" of  
4 the source to a level below the major source threshold for  
5 that source as described in paragraph (c) of subsection 2  
6 of this Section.

7 d. The Agency shall provide an owner or operator of a  
8 source which may be excluded from the CAAPP pursuant to  
9 this subsection with reasonable notice that the owner or  
10 operator may seek such exclusion.

11 e. The Agency shall provide such sources with the  
12 necessary permit application forms.

## 13 2. Applicability.

14 a. Sources subject to this Section shall include:

15 i. Any major source as defined in paragraph (c) of  
16 this subsection.

17 ii. Any source subject to a standard or other  
18 requirements promulgated under Section 111 (New Source  
19 Performance Standards) or Section 112 (Hazardous Air  
20 Pollutants) of the Clean Air Act, except that a source  
21 is not required to obtain a permit solely because it is  
22 subject to regulations or requirements under Section  
23 112(r) of the Clean Air Act.

24 iii. Any affected source for acid deposition, as  
25 defined in subsection 1 of this Section.

1           iv. Any other source subject to this Section under  
2 the Clean Air Act or regulations promulgated  
3 thereunder, or applicable Board regulations.

4 b. Sources exempted from this Section shall include:

5           i. All sources listed in paragraph (a) of this  
6 subsection that are not major sources, affected  
7 sources for acid deposition or solid waste  
8 incineration units required to obtain a permit  
9 pursuant to Section 129(e) of the Clean Air Act, until  
10 the source is required to obtain a CAAPP permit  
11 pursuant to the Clean Air Act or regulations  
12 promulgated thereunder.

13           ii. Nonmajor sources subject to a standard or other  
14 requirements subsequently promulgated by USEPA under  
15 Section 111 or 112 of the Clean Air Act that are  
16 determined by USEPA to be exempt at the time a new  
17 standard is promulgated.

18           iii. All sources and source categories that would  
19 be required to obtain a permit solely because they are  
20 subject to Part 60, Subpart AAA - Standards of  
21 Performance for New Residential Wood Heaters (40 CFR  
22 Part 60).

23           iv. All sources and source categories that would be  
24 required to obtain a permit solely because they are  
25 subject to Part 61, Subpart M - National Emission  
26 Standard for Hazardous Air Pollutants for Asbestos,

1 Section 61.145 (40 CFR Part 61).

2 v. Any other source categories exempted by USEPA  
3 regulations pursuant to Section 502(a) of the Clean Air  
4 Act.

5 vi. Major sources of greenhouse gas emissions  
6 required to obtain a CAAPP permit under this Section if  
7 any of the following occurs:

8 (A) enactment of federal legislation depriving  
9 the Administrator of the USEPA of authority to  
10 regulate greenhouse gases under the Clean Air Act;

11 (B) the issuance of any opinion, ruling,  
12 judgment, order, or decree by a federal court  
13 depriving the Administrator of the USEPA of  
14 authority to regulate greenhouse gases under the  
15 Clean Air Act; or

16 (C) action by the President of the United  
17 States or the President's authorized agent,  
18 including the Administrator of the USEPA, to  
19 repeal or withdraw the Greenhouse Gas Tailoring  
20 Rule (75 Fed. Reg. 31514, June 3, 2010).

21 If any event listed in this subparagraph (vi)  
22 occurs, CAAPP permits issued after such event shall not  
23 impose permit terms or conditions addressing  
24 greenhouse gases during the effectiveness of any event  
25 listed in subparagraph (vi). If any event listed in  
26 this subparagraph (vi) occurs, any owner or operator

1 with a CAAPP permit that includes terms or conditions  
2 addressing greenhouse gases may elect to submit an  
3 application to the Agency to address a revision or  
4 repeal of such terms or conditions. If any owner or  
5 operator submits such an application, the Agency shall  
6 expeditiously process the permit application in  
7 accordance with applicable laws and regulations.  
8 Nothing in this subparagraph (vi) shall relieve an  
9 owner or operator of a source from the requirement to  
10 obtain a CAAPP permit for its emissions of regulated  
11 air pollutants other than greenhouse gases, as  
12 required by this Section.

13 c. For purposes of this Section the term "major source"  
14 means any source that is:

15 i. A major source under Section 112 of the Clean  
16 Air Act, which is defined as:

17 A. For pollutants other than radionuclides,  
18 any stationary source or group of stationary  
19 sources located within a contiguous area and under  
20 common control that emits or has the potential to  
21 emit, in the aggregate, 10 tons per year (tpy) or  
22 more of any hazardous air pollutant which has been  
23 listed pursuant to Section 112(b) of the Clean Air  
24 Act, 25 tpy or more of any combination of such  
25 hazardous air pollutants, or such lesser quantity  
26 as USEPA may establish by rule. Notwithstanding

1           the preceding sentence, emissions from any oil or  
2           gas exploration or production well (with its  
3           associated equipment) and emissions from any  
4           pipeline compressor or pump station shall not be  
5           aggregated with emissions from other similar  
6           units, whether or not such units are in a  
7           contiguous area or under common control, to  
8           determine whether such stations are major sources.

9           B. For radionuclides, "major source" shall  
10          have the meaning specified by the USEPA by rule.

11          ii. A major stationary source of air pollutants, as  
12          defined in Section 302 of the Clean Air Act, that  
13          directly emits or has the potential to emit, 100 tpy or  
14          more of any air pollutant subject to regulation  
15          (including any major source of fugitive emissions of  
16          any such pollutant, as determined by rule by USEPA).  
17          For purposes of this subsection, "fugitive emissions"  
18          means those emissions which could not reasonably pass  
19          through a stack, chimney, vent, or other  
20          functionally-equivalent opening. The fugitive  
21          emissions of a stationary source shall not be  
22          considered in determining whether it is a major  
23          stationary source for the purposes of Section 302(j) of  
24          the Clean Air Act, unless the source belongs to one of  
25          the following categories of stationary source:

26                A. Coal cleaning plants (with thermal dryers).

- 1 B. Kraft pulp mills.
- 2 C. Portland cement plants.
- 3 D. Primary zinc smelters.
- 4 E. Iron and steel mills.
- 5 F. Primary aluminum ore reduction plants.
- 6 G. Primary copper smelters.
- 7 H. Municipal incinerators capable of charging
- 8 more than 250 tons of refuse per day.
- 9 I. Hydrofluoric, sulfuric, or nitric acid
- 10 plants.
- 11 J. Petroleum refineries.
- 12 K. Lime plants.
- 13 L. Phosphate rock processing plants.
- 14 M. Coke oven batteries.
- 15 N. Sulfur recovery plants.
- 16 O. Carbon black plants (furnace process).
- 17 P. Primary lead smelters.
- 18 Q. Fuel conversion plants.
- 19 R. Sintering plants.
- 20 S. Secondary metal production plants.
- 21 T. Chemical process plants.
- 22 U. Fossil-fuel boilers (or combination
- 23 thereof) totaling more than 250 million British
- 24 thermal units per hour heat input.
- 25 V. Petroleum storage and transfer units with a
- 26 total storage capacity exceeding 300,000 barrels.



1           W. Taconite ore processing plants.

2           X. Glass fiber processing plants.

3           Y. Charcoal production plants.

4           Z. Fossil fuel-fired steam electric plants of  
5 more than 250 million British thermal units per  
6 hour heat input.

7           AA. All other stationary source categories,  
8 which as of August 7, 1980 are being regulated by a  
9 standard promulgated under Section 111 or 112 of  
10 the Clean Air Act.

11           BB. Any other stationary source category  
12 designated by USEPA by rule.

13           iii. A major stationary source as defined in part D  
14 of Title I of the Clean Air Act including:

15           A. For ozone nonattainment areas, sources with  
16 the potential to emit 100 tons or more per year of  
17 volatile organic compounds or oxides of nitrogen  
18 in areas classified as "marginal" or "moderate",  
19 50 tons or more per year in areas classified as  
20 "serious", 25 tons or more per year in areas  
21 classified as "severe", and 10 tons or more per  
22 year in areas classified as "extreme"; except that  
23 the references in this clause to 100, 50, 25, and  
24 10 tons per year of nitrogen oxides shall not apply  
25 with respect to any source for which USEPA has made  
26 a finding, under Section 182(f)(1) or (2) of the

1           Clean Air Act, that requirements otherwise  
2           applicable to such source under Section 182(f) of  
3           the Clean Air Act do not apply. Such sources shall  
4           remain subject to the major source criteria of  
5           subparagraph (ii) of paragraph (c) of this  
6           subsection.

7           B. For ozone transport regions established  
8           pursuant to Section 184 of the Clean Air Act,  
9           sources with the potential to emit 50 tons or more  
10          per year of volatile organic compounds (VOCs).

11          C. For carbon monoxide nonattainment areas (1)  
12          that are classified as "serious", and (2) in which  
13          stationary sources contribute significantly to  
14          carbon monoxide levels as determined under rules  
15          issued by USEPA, sources with the potential to emit  
16          50 tons or more per year of carbon monoxide.

17          D. For particulate matter (PM-10)  
18          nonattainment areas classified as "serious",  
19          sources with the potential to emit 70 tons or more  
20          per year of PM-10.

21          3. Agency Authority To Issue CAAPP Permits and Federally  
22          Enforceable State Operating Permits.

23          a. The Agency shall issue CAAPP permits under this  
24          Section consistent with the Clean Air Act and regulations  
25          promulgated thereunder and this Act and regulations

1 promulgated thereunder.

2 b. The Agency shall issue CAAPP permits for fixed terms  
3 of 5 years, except CAAPP permits issued for solid waste  
4 incineration units combusting municipal waste which shall  
5 be issued for fixed terms of 12 years and except CAAPP  
6 permits for affected sources for acid deposition which  
7 shall be issued for initial terms to expire on December 31,  
8 1999, and for fixed terms of 5 years thereafter.

9 c. The Agency shall have the authority to issue a State  
10 operating permit for a source under subsection (a) of  
11 Section 39 of this Act, as amended, and regulations  
12 promulgated thereunder, which includes federally  
13 enforceable conditions limiting the "potential to emit" of  
14 the source to a level below the major source threshold for  
15 that source as described in paragraph (c) of subsection 2  
16 of this Section, thereby excluding the source from the  
17 CAAPP, when requested by the applicant pursuant to  
18 paragraph (u) of subsection 5 of this Section. The public  
19 notice requirements of this Section applicable to CAAPP  
20 permits shall also apply to the initial issuance of permits  
21 under this paragraph.

22 d. For purposes of this Act, a permit issued by USEPA  
23 under Section 505 of the Clean Air Act, as now and  
24 hereafter amended, shall be deemed to be a permit issued by  
25 the Agency pursuant to Section 39.5 of this Act.

1           4. Transition.

2           a. An owner or operator of a CAAPP source shall not be  
3 required to renew an existing State operating permit for  
4 any emission unit at such CAAPP source once a CAAPP  
5 application timely submitted prior to expiration of the  
6 State operating permit has been deemed complete. For  
7 purposes other than permit renewal, the obligation upon the  
8 owner or operator of a CAAPP source to obtain a State  
9 operating permit is not removed upon submittal of the  
10 complete CAAPP permit application. An owner or operator of  
11 a CAAPP source seeking to make a modification to a source  
12 prior to the issuance of its CAAPP permit shall be required  
13 to obtain a construction permit, operating permit, or both  
14 as required for such modification in accordance with the  
15 State permit program under subsection (a) of Section 39 of  
16 this Act, as amended, and regulations promulgated  
17 thereunder. The application for such construction permit,  
18 operating permit, or both shall be considered an amendment  
19 to the CAAPP application submitted for such source.

20           b. An owner or operator of a CAAPP source shall  
21 continue to operate in accordance with the terms and  
22 conditions of its applicable State operating permit  
23 notwithstanding the expiration of the State operating  
24 permit until the source's CAAPP permit has been issued.

25           c. An owner or operator of a CAAPP source shall submit  
26 its initial CAAPP application to the Agency no later than

1 12 months after the effective date of the CAAPP. The Agency  
2 may request submittal of initial CAAPP applications during  
3 this 12-month period according to a schedule set forth  
4 within Agency procedures, however, in no event shall the  
5 Agency require such submittal earlier than 3 months after  
6 such effective date of the CAAPP. An owner or operator may  
7 voluntarily submit its initial CAAPP application prior to  
8 the date required within this paragraph or applicable  
9 procedures, if any, subsequent to the date the Agency  
10 submits the CAAPP to USEPA for approval.

11 d. The Agency shall act on initial CAAPP applications  
12 in accordance with paragraph (j) of subsection 5 of this  
13 Section.

14 e. For purposes of this Section, the term "initial  
15 CAAPP application" shall mean the first CAAPP application  
16 submitted for a source existing as of the effective date of  
17 the CAAPP.

18 f. The Agency shall provide owners or operators of  
19 CAAPP sources with at least 3 months advance notice of the  
20 date on which their applications are required to be  
21 submitted. In determining which sources shall be subject to  
22 early submittal, the Agency shall include among its  
23 considerations the complexity of the permit application,  
24 and the burden that such early submittal will have on the  
25 source.

26 g. The CAAPP permit shall upon becoming effective

1           supersede the State operating permit.

2           h. The Agency shall have the authority to adopt  
3           procedural rules, in accordance with the Illinois  
4           Administrative Procedure Act, as the Agency deems  
5           necessary, to implement this subsection.

6           5. Applications and Completeness.

7           a. An owner or operator of a CAAPP source shall submit  
8           its complete CAAPP application consistent with the Act and  
9           applicable regulations.

10          b. An owner or operator of a CAAPP source shall submit  
11          a single complete CAAPP application covering all emission  
12          units at that source.

13          c. To be deemed complete, a CAAPP application must  
14          provide all information, as requested in Agency  
15          application forms, sufficient to evaluate the subject  
16          source and its application and to determine all applicable  
17          requirements, pursuant to the Clean Air Act, and  
18          regulations thereunder, this Act and regulations  
19          thereunder. Such Agency application forms shall be  
20          finalized and made available prior to the date on which any  
21          CAAPP application is required.

22          d. An owner or operator of a CAAPP source shall submit,  
23          as part of its complete CAAPP application, a compliance  
24          plan, including a schedule of compliance, describing how  
25          each emission unit will comply with all applicable

1 requirements. Any such schedule of compliance shall be  
2 supplemental to, and shall not sanction noncompliance  
3 with, the applicable requirements on which it is based.

4 e. Each submitted CAAPP application shall be certified  
5 for truth, accuracy, and completeness by a responsible  
6 official in accordance with applicable regulations.

7 f. The Agency shall provide notice to a CAAPP applicant  
8 as to whether a submitted CAAPP application is complete.  
9 Unless the Agency notifies the applicant of  
10 incompleteness, within 60 days after receipt of the CAAPP  
11 application, the application shall be deemed complete. The  
12 Agency may request additional information as needed to make  
13 the completeness determination. The Agency may to the  
14 extent practicable provide the applicant with a reasonable  
15 opportunity to correct deficiencies prior to a final  
16 determination of completeness.

17 g. If after the determination of completeness the  
18 Agency finds that additional information is necessary to  
19 evaluate or take final action on the CAAPP application, the  
20 Agency may request in writing such information from the  
21 source with a reasonable deadline for response.

22 h. If the owner or operator of a CAAPP source submits a  
23 timely and complete CAAPP application, the source's  
24 failure to have a CAAPP permit shall not be a violation of  
25 this Section until the Agency takes final action on the  
26 submitted CAAPP application, provided, however, where the

1 applicant fails to submit the requested information under  
2 paragraph (g) of this subsection 5 within the time frame  
3 specified by the Agency, this protection shall cease to  
4 apply.

5 i. Any applicant who fails to submit any relevant facts  
6 necessary to evaluate the subject source and its CAAPP  
7 application or who has submitted incorrect information in a  
8 CAAPP application shall, upon becoming aware of such  
9 failure or incorrect submittal, submit supplementary facts  
10 or correct information to the Agency. In addition, an  
11 applicant shall provide to the Agency additional  
12 information as necessary to address any requirements which  
13 become applicable to the source subsequent to the date the  
14 applicant submitted its complete CAAPP application but  
15 prior to release of the draft CAAPP permit.

16 j. The Agency shall issue or deny the CAAPP permit  
17 within 18 months after the date of receipt of the complete  
18 CAAPP application, with the following exceptions: (i)  
19 permits for affected sources for acid deposition shall be  
20 issued or denied within 6 months after receipt of a  
21 complete application in accordance with subsection 17 of  
22 this Section; (ii) the Agency shall act on initial CAAPP  
23 applications within 24 months after the date of receipt of  
24 the complete CAAPP application; (iii) the Agency shall act  
25 on complete applications containing early reduction  
26 demonstrations under Section 112(i) (5) of the Clean Air Act



1           within 9 months of receipt of the complete CAAPP  
2           application.

3           Where the Agency does not take final action on the  
4           permit within the required time period, the permit shall  
5           not be deemed issued; rather, the failure to act shall be  
6           treated as a final permit action for purposes of judicial  
7           review pursuant to Sections 40.2 and 41 of this Act.

8           k. The submittal of a complete CAAPP application shall  
9           not affect the requirement that any source have a  
10          preconstruction permit under Title I of the Clean Air Act.

11          l. Unless a timely and complete renewal application has  
12          been submitted consistent with this subsection, a CAAPP  
13          source operating upon the expiration of its CAAPP permit  
14          shall be deemed to be operating without a CAAPP permit.  
15          Such operation is prohibited under this Act.

16          m. Permits being renewed shall be subject to the same  
17          procedural requirements, including those for public  
18          participation and federal review and objection, that apply  
19          to original permit issuance.

20          n. For purposes of permit renewal, a timely application  
21          is one that is submitted no less than 9 months prior to the  
22          date of permit expiration.

23          o. The terms and conditions of a CAAPP permit shall  
24          remain in effect until the issuance of a CAAPP renewal  
25          permit provided a timely and complete CAAPP application has  
26          been submitted.

1           p. The owner or operator of a CAAPP source seeking a  
2 permit shield pursuant to paragraph (j) of subsection 7 of  
3 this Section shall request such permit shield in the CAAPP  
4 application regarding that source.

5           q. The Agency shall make available to the public all  
6 documents submitted by the applicant to the Agency,  
7 including each CAAPP application, compliance plan  
8 (including the schedule of compliance), and emissions or  
9 compliance monitoring report, with the exception of  
10 information entitled to confidential treatment pursuant to  
11 Section 7 of this Act.

12           r. The Agency shall use the standardized forms required  
13 under Title IV of the Clean Air Act and regulations  
14 promulgated thereunder for affected sources for acid  
15 deposition.

16           s. An owner or operator of a CAAPP source may include  
17 within its CAAPP application a request for permission to  
18 operate during a startup, malfunction, or breakdown  
19 consistent with applicable Board regulations.

20           t. An owner or operator of a CAAPP source, in order to  
21 utilize the operational flexibility provided under  
22 paragraph (l) of subsection 7 of this Section, must request  
23 such use and provide the necessary information within its  
24 CAAPP application.

25           u. An owner or operator of a CAAPP source which seeks  
26 exclusion from the CAAPP through the imposition of

1       federally enforceable conditions, pursuant to paragraph  
2       (c) of subsection 3 of this Section, must request such  
3       exclusion within a CAAPP application submitted consistent  
4       with this subsection on or after the date that the CAAPP  
5       application for the source is due. Prior to such date, but  
6       in no case later than 9 months after the effective date of  
7       the CAAPP, such owner or operator may request the  
8       imposition of federally enforceable conditions pursuant to  
9       paragraph (b) of subsection 1.1 of this Section.

10       v. CAAPP applications shall contain accurate  
11       information on allowable emissions to implement the fee  
12       provisions of subsection 18 of this Section.

13       w. An owner or operator of a CAAPP source shall submit  
14       within its CAAPP application emissions information  
15       regarding all regulated air pollutants emitted at that  
16       source consistent with applicable Agency procedures.  
17       Emissions information regarding insignificant activities  
18       or emission levels, as determined by the Agency pursuant to  
19       Board regulations, may be submitted as a list within the  
20       CAAPP application. The Agency shall propose regulations to  
21       the Board defining insignificant activities or emission  
22       levels, consistent with federal regulations, if any, no  
23       later than 18 months after the effective date of this  
24       amendatory Act of 1992, consistent with Section 112(n)(1)  
25       of the Clean Air Act. The Board shall adopt final  
26       regulations defining insignificant activities or emission

1 levels no later than 9 months after the date of the  
2 Agency's proposal.

3 x. The owner or operator of a new CAAPP source shall  
4 submit its complete CAAPP application consistent with this  
5 subsection within 12 months after commencing operation of  
6 such source. The owner or operator of an existing source  
7 that has been excluded from the provisions of this Section  
8 under subsection 1.1 or paragraph (c) of subsection 3 of  
9 this Section and that becomes subject to the CAAPP solely  
10 due to a change in operation at the source shall submit its  
11 complete CAAPP application consistent with this subsection  
12 at least 180 days before commencing operation in accordance  
13 with the change in operation.

14 y. The Agency shall have the authority to adopt  
15 procedural rules, in accordance with the Illinois  
16 Administrative Procedure Act, as the Agency deems  
17 necessary to implement this subsection.

18 6. Prohibitions.

19 a. It shall be unlawful for any person to violate any  
20 terms or conditions of a permit issued under this Section,  
21 to operate any CAAPP source except in compliance with a  
22 permit issued by the Agency under this Section or to  
23 violate any other applicable requirements. All terms and  
24 conditions of a permit issued under this Section are  
25 enforceable by USEPA and citizens under the Clean Air Act,

1           except those, if any, that are specifically designated as  
2           not being federally enforceable in the permit pursuant to  
3           paragraph (m) of subsection 7 of this Section.

4           b. After the applicable CAAPP permit or renewal  
5           application submittal date, as specified in subsection 5 of  
6           this Section, no person shall operate a CAAPP source  
7           without a CAAPP permit unless the complete CAAPP permit or  
8           renewal application for such source has been timely  
9           submitted to the Agency.

10          c. No owner or operator of a CAAPP source shall cause  
11          or threaten or allow the continued operation of an emission  
12          source during malfunction or breakdown of the emission  
13          source or related air pollution control equipment if such  
14          operation would cause a violation of the standards or  
15          limitations applicable to the source, unless the CAAPP  
16          permit granted to the source provides for such operation  
17          consistent with this Act and applicable Board regulations.

18          7. Permit Content.

19          a. All CAAPP permits shall contain emission  
20          limitations and standards and other enforceable terms and  
21          conditions, including but not limited to operational  
22          requirements, and schedules for achieving compliance at  
23          the earliest reasonable date, which are or will be required  
24          to accomplish the purposes and provisions of this Act and  
25          to assure compliance with all applicable requirements.

1           b. The Agency shall include among such conditions  
2           applicable monitoring, reporting, record keeping and  
3           compliance certification requirements, as authorized by  
4           paragraphs (d), (e), and (f) of this subsection, that the  
5           Agency deems necessary to assure compliance with the Clean  
6           Air Act, the regulations promulgated thereunder, this Act,  
7           and applicable Board regulations. When monitoring,  
8           reporting, record keeping, and compliance certification  
9           requirements are specified within the Clean Air Act,  
10          regulations promulgated thereunder, this Act, or  
11          applicable regulations, such requirements shall be  
12          included within the CAAPP permit. The Board shall have  
13          authority to promulgate additional regulations where  
14          necessary to accomplish the purposes of the Clean Air Act,  
15          this Act, and regulations promulgated thereunder.

16          c. The Agency shall assure, within such conditions, the  
17          use of terms, test methods, units, averaging periods, and  
18          other statistical conventions consistent with the  
19          applicable emission limitations, standards, and other  
20          requirements contained in the permit.

21          d. To meet the requirements of this subsection with  
22          respect to monitoring, the permit shall:

23                  i. Incorporate and identify all applicable  
24                  emissions monitoring and analysis procedures or test  
25                  methods required under the Clean Air Act, regulations  
26                  promulgated thereunder, this Act, and applicable Board

1 regulations, including any procedures and methods  
2 promulgated by USEPA pursuant to Section 504(b) or  
3 Section 114 (a) (3) of the Clean Air Act.

4 ii. Where the applicable requirement does not  
5 require periodic testing or instrumental or  
6 noninstrumental monitoring (which may consist of  
7 recordkeeping designed to serve as monitoring),  
8 require periodic monitoring sufficient to yield  
9 reliable data from the relevant time period that is  
10 representative of the source's compliance with the  
11 permit, as reported pursuant to paragraph (f) of this  
12 subsection. The Agency may determine that  
13 recordkeeping requirements are sufficient to meet the  
14 requirements of this subparagraph.

15 iii. As necessary, specify requirements concerning  
16 the use, maintenance, and when appropriate,  
17 installation of monitoring equipment or methods.

18 e. To meet the requirements of this subsection with  
19 respect to record keeping, the permit shall incorporate and  
20 identify all applicable recordkeeping requirements and  
21 require, where applicable, the following:

22 i. Records of required monitoring information that  
23 include the following:

24 A. The date, place and time of sampling or  
25 measurements.

26 B. The date(s) analyses were performed.

1 C. The company or entity that performed the  
2 analyses.

3 D. The analytical techniques or methods used.

4 E. The results of such analyses.

5 F. The operating conditions as existing at the  
6 time of sampling or measurement.

7 ii. Retention of records of all monitoring data and  
8 support information for a period of at least 5 years  
9 from the date of the monitoring sample, measurement,  
10 report, or application. Support information includes  
11 all calibration and maintenance records, original  
12 strip-chart recordings for continuous monitoring  
13 instrumentation, and copies of all reports required by  
14 the permit.

15 f. To meet the requirements of this subsection with  
16 respect to reporting, the permit shall incorporate and  
17 identify all applicable reporting requirements and require  
18 the following:

19 i. Submittal of reports of any required monitoring  
20 every 6 months. More frequent submittals may be  
21 requested by the Agency if such submittals are  
22 necessary to assure compliance with this Act or  
23 regulations promulgated by the Board thereunder. All  
24 instances of deviations from permit requirements must  
25 be clearly identified in such reports. All required  
26 reports must be certified by a responsible official



1 consistent with subsection 5 of this Section.

2 ii. Prompt reporting of deviations from permit  
3 requirements, including those attributable to upset  
4 conditions as defined in the permit, the probable cause  
5 of such deviations, and any corrective actions or  
6 preventive measures taken.

7 g. Each CAAPP permit issued under subsection 10 of this  
8 Section shall include a condition prohibiting emissions  
9 exceeding any allowances that the source lawfully holds  
10 under Title IV of the Clean Air Act or the regulations  
11 promulgated thereunder, consistent with subsection 17 of  
12 this Section and applicable regulations, if any.

13 h. All CAAPP permits shall state that, where another  
14 applicable requirement of the Clean Air Act is more  
15 stringent than any applicable requirement of regulations  
16 promulgated under Title IV of the Clean Air Act, both  
17 provisions shall be incorporated into the permit and shall  
18 be State and federally enforceable.

19 i. Each CAAPP permit issued under subsection 10 of this  
20 Section shall include a severability clause to ensure the  
21 continued validity of the various permit requirements in  
22 the event of a challenge to any portions of the permit.

23 j. The following shall apply with respect to owners or  
24 operators requesting a permit shield:

25 i. The Agency shall include in a CAAPP permit, when  
26 requested by an applicant pursuant to paragraph (p) of

1 subsection 5 of this Section, a provision stating that  
2 compliance with the conditions of the permit shall be  
3 deemed compliance with applicable requirements which  
4 are applicable as of the date of release of the  
5 proposed permit, provided that:

6 A. The applicable requirement is specifically  
7 identified within the permit; or

8 B. The Agency in acting on the CAAPP  
9 application or revision determines in writing that  
10 other requirements specifically identified are not  
11 applicable to the source, and the permit includes  
12 that determination or a concise summary thereof.

13 ii. The permit shall identify the requirements for  
14 which the source is shielded. The shield shall not  
15 extend to applicable requirements which are  
16 promulgated after the date of release of the proposed  
17 permit unless the permit has been modified to reflect  
18 such new requirements.

19 iii. A CAAPP permit which does not expressly  
20 indicate the existence of a permit shield shall not  
21 provide such a shield.

22 iv. Nothing in this paragraph or in a CAAPP permit  
23 shall alter or affect the following:

24 A. The provisions of Section 303 (emergency  
25 powers) of the Clean Air Act, including USEPA's  
26 authority under that section.

1           B. The liability of an owner or operator of a  
2           source for any violation of applicable  
3           requirements prior to or at the time of permit  
4           issuance.

5           C. The applicable requirements of the acid  
6           rain program consistent with Section 408(a) of the  
7           Clean Air Act.

8           D. The ability of USEPA to obtain information  
9           from a source pursuant to Section 114  
10          (inspections, monitoring, and entry) of the Clean  
11          Air Act.

12          k. Each CAAPP permit shall include an emergency  
13          provision providing an affirmative defense of emergency to  
14          an action brought for noncompliance with technology-based  
15          emission limitations under a CAAPP permit if the following  
16          conditions are met through properly signed,  
17          contemporaneous operating logs, or other relevant  
18          evidence:

19            i. An emergency occurred and the permittee can  
20            identify the cause(s) of the emergency.

21            ii. The permitted facility was at the time being  
22            properly operated.

23            iii. The permittee submitted notice of the  
24            emergency to the Agency within 2 working days after the  
25            time when emission limitations were exceeded due to the  
26            emergency. This notice must contain a detailed

1 description of the emergency, any steps taken to  
2 mitigate emissions, and corrective actions taken.

3 iv. During the period of the emergency the  
4 permittee took all reasonable steps to minimize levels  
5 of emissions that exceeded the emission limitations,  
6 standards, or requirements in the permit.

7 For purposes of this subsection, "emergency" means any  
8 situation arising from sudden and reasonably unforeseeable  
9 events beyond the control of the source, such as an act of  
10 God, that requires immediate corrective action to restore  
11 normal operation, and that causes the source to exceed a  
12 technology-based emission limitation under the permit, due  
13 to unavoidable increases in emissions attributable to the  
14 emergency. An emergency shall not include noncompliance to  
15 the extent caused by improperly designed equipment, lack of  
16 preventative maintenance, careless or improper operation,  
17 or operation error.

18 In any enforcement proceeding, the permittee seeking  
19 to establish the occurrence of an emergency has the burden  
20 of proof. This provision is in addition to any emergency or  
21 upset provision contained in any applicable requirement.  
22 This provision does not relieve a permittee of any  
23 reporting obligations under existing federal or state laws  
24 or regulations.

25 1. The Agency shall include in each permit issued under  
26 subsection 10 of this Section:

1           i. Terms and conditions for reasonably anticipated  
2 operating scenarios identified by the source in its  
3 application. The permit terms and conditions for each  
4 such operating scenario shall meet all applicable  
5 requirements and the requirements of this Section.

6           A. Under this subparagraph, the source must  
7 record in a log at the permitted facility a record  
8 of the scenario under which it is operating  
9 contemporaneously with making a change from one  
10 operating scenario to another.

11           B. The permit shield described in paragraph  
12 (j) of subsection 7 of this Section shall extend to  
13 all terms and conditions under each such operating  
14 scenario.

15           ii. Where requested by an applicant, all terms and  
16 conditions allowing for trading of emissions increases  
17 and decreases between different emission units at the  
18 CAAPP source, to the extent that the applicable  
19 requirements provide for trading of such emissions  
20 increases and decreases without a case-by-case  
21 approval of each emissions trade. Such terms and  
22 conditions:

23           A. Shall include all terms required under this  
24 subsection to determine compliance;

25           B. Must meet all applicable requirements;

26           C. Shall extend the permit shield described in

1 paragraph (j) of subsection 7 of this Section to  
2 all terms and conditions that allow such increases  
3 and decreases in emissions.

4 m. The Agency shall specifically designate as not being  
5 federally enforceable under the Clean Air Act any terms and  
6 conditions included in the permit that are not specifically  
7 required under the Clean Air Act or federal regulations  
8 promulgated thereunder. Terms or conditions so designated  
9 shall be subject to all applicable state requirements,  
10 except the requirements of subsection 7 (other than this  
11 paragraph, paragraph q of subsection 7, subsections 8  
12 through 11, and subsections 13 through 16 of this Section.  
13 The Agency shall, however, include such terms and  
14 conditions in the CAAPP permit issued to the source.

15 n. Each CAAPP permit issued under subsection 10 of this  
16 Section shall specify and reference the origin of and  
17 authority for each term or condition, and identify any  
18 difference in form as compared to the applicable  
19 requirement upon which the term or condition is based.

20 o. Each CAAPP permit issued under subsection 10 of this  
21 Section shall include provisions stating the following:

22 i. Duty to comply. The permittee must comply with  
23 all terms and conditions of the CAAPP permit. Any  
24 permit noncompliance constitutes a violation of the  
25 Clean Air Act and the Act, and is grounds for any or  
26 all of the following: enforcement action; permit

1            termination, revocation and reissuance, or  
2            modification; or denial of a permit renewal  
3            application.

4            ii. Need to halt or reduce activity not a defense.  
5            It shall not be a defense for a permittee in an  
6            enforcement action that it would have been necessary to  
7            halt or reduce the permitted activity in order to  
8            maintain compliance with the conditions of this  
9            permit.

10           iii. Permit actions. The permit may be modified,  
11           revoked, reopened, and reissued, or terminated for  
12           cause in accordance with the applicable subsections of  
13           Section 39.5 of this Act. The filing of a request by  
14           the permittee for a permit modification, revocation  
15           and reissuance, or termination, or of a notification of  
16           planned changes or anticipated noncompliance does not  
17           stay any permit condition.

18           iv. Property rights. The permit does not convey any  
19           property rights of any sort, or any exclusive  
20           privilege.

21           v. Duty to provide information. The permittee  
22           shall furnish to the Agency within a reasonable time  
23           specified by the Agency any information that the Agency  
24           may request in writing to determine whether cause  
25           exists for modifying, revoking and reissuing, or  
26           terminating the permit or to determine compliance with

1           the permit. Upon request, the permittee shall also  
2           furnish to the Agency copies of records required to be  
3           kept by the permit or, for information claimed to be  
4           confidential, the permittee may furnish such records  
5           directly to USEPA along with a claim of  
6           confidentiality.

7           vi. Duty to pay fees. The permittee must pay fees  
8           to the Agency consistent with the fee schedule approved  
9           pursuant to subsection 18 of this Section, and submit  
10          any information relevant thereto.

11          vii. Emissions trading. No permit revision shall  
12          be required for increases in emissions allowed under  
13          any approved economic incentives, marketable permits,  
14          emissions trading, and other similar programs or  
15          processes for changes that are provided for in the  
16          permit and that are authorized by the applicable  
17          requirement.

18          p. Each CAAPP permit issued under subsection 10 of this  
19          Section shall contain the following elements with respect  
20          to compliance:

21                i. Compliance certification, testing, monitoring,  
22                reporting, and record keeping requirements sufficient  
23                to assure compliance with the terms and conditions of  
24                the permit. Any document (including reports) required  
25                by a CAAPP permit shall contain a certification by a  
26                responsible official that meets the requirements of



1 subsection 5 of this Section and applicable  
2 regulations.

3 ii. Inspection and entry requirements that  
4 necessitate that, upon presentation of credentials and  
5 other documents as may be required by law and in  
6 accordance with constitutional limitations, the  
7 permittee shall allow the Agency, or an authorized  
8 representative to perform the following:

9 A. Enter upon the permittee's premises where a  
10 CAAPP source is located or emissions-related  
11 activity is conducted, or where records must be  
12 kept under the conditions of the permit.

13 B. Have access to and copy, at reasonable  
14 times, any records that must be kept under the  
15 conditions of the permit.

16 C. Inspect at reasonable times any facilities,  
17 equipment (including monitoring and air pollution  
18 control equipment), practices, or operations  
19 regulated or required under the permit.

20 D. Sample or monitor any substances or  
21 parameters at any location:

22 1. As authorized by the Clean Air Act, at  
23 reasonable times, for the purposes of assuring  
24 compliance with the CAAPP permit or applicable  
25 requirements; or

26 2. As otherwise authorized by this Act.

1           iii. A schedule of compliance consistent with  
2 subsection 5 of this Section and applicable  
3 regulations.

4           iv. Progress reports consistent with an applicable  
5 schedule of compliance pursuant to paragraph (d) of  
6 subsection 5 of this Section and applicable  
7 regulations to be submitted semiannually, or more  
8 frequently if the Agency determines that such more  
9 frequent submittals are necessary for compliance with  
10 the Act or regulations promulgated by the Board  
11 thereunder. Such progress reports shall contain the  
12 following:

13           A. Required dates for achieving the  
14 activities, milestones, or compliance required by  
15 the schedule of compliance and dates when such  
16 activities, milestones or compliance were  
17 achieved.

18           B. An explanation of why any dates in the  
19 schedule of compliance were not or will not be met,  
20 and any preventive or corrective measures adopted.

21           v. Requirements for compliance certification with  
22 terms and conditions contained in the permit,  
23 including emission limitations, standards, or work  
24 practices. Permits shall include each of the  
25 following:

26           A. The frequency (annually or more frequently

1 as specified in any applicable requirement or by  
2 the Agency pursuant to written procedures) of  
3 submissions of compliance certifications.

4 B. A means for assessing or monitoring the  
5 compliance of the source with its emissions  
6 limitations, standards, and work practices.

7 C. A requirement that the compliance  
8 certification include the following:

9 1. The identification of each term or  
10 condition contained in the permit that is the  
11 basis of the certification.

12 2. The compliance status.

13 3. Whether compliance was continuous or  
14 intermittent.

15 4. The method(s) used for determining the  
16 compliance status of the source, both  
17 currently and over the reporting period  
18 consistent with subsection 7 of this Section.

19 D. A requirement that all compliance  
20 certifications be submitted to ~~USEPA as well as to~~  
21 the Agency.

22 E. Additional requirements as may be specified  
23 pursuant to Sections 114(a)(3) and 504(b) of the  
24 Clean Air Act.

25 F. Other provisions as the Agency may require.

26 q. If the owner or operator of CAAPP source can

1 demonstrate in its CAAPP application, including an  
2 application for a significant modification, that an  
3 alternative emission limit would be equivalent to that  
4 contained in the applicable Board regulations, the Agency  
5 shall include the alternative emission limit in the CAAPP  
6 permit, which shall supersede the emission limit set forth  
7 in the applicable Board regulations, and shall include  
8 conditions that insure that the resulting emission limit is  
9 quantifiable, accountable, enforceable, and based on  
10 replicable procedures.

11 8. Public Notice; Affected State Review.

12 a. The Agency shall provide notice to the public,  
13 including an opportunity for public comment and a hearing,  
14 on each draft CAAPP permit for issuance, renewal or  
15 significant modification, subject to Section 7.1 and  
16 subsection (a) of Section 7 of this Act.

17 b. The Agency shall prepare a draft CAAPP permit and a  
18 statement that sets forth the legal and factual basis for  
19 the draft CAAPP permit conditions, including references to  
20 the applicable statutory or regulatory provisions. The  
21 Agency shall provide this statement to any person who  
22 requests it.

23 c. The Agency shall give notice of each draft CAAPP  
24 permit to the applicant and to any affected State on or  
25 before the time that the Agency has provided notice to the

1 public, except as otherwise provided in this Act.

2 d. The Agency, as part of its submittal of a proposed  
3 permit to USEPA (or as soon as possible after the submittal  
4 for minor permit modification procedures allowed under  
5 subsection 14 of this Section), shall notify USEPA and any  
6 affected State in writing of any refusal of the Agency to  
7 accept all of the recommendations for the proposed permit  
8 that an affected State submitted during the public or  
9 affected State review period. The notice shall include the  
10 Agency's reasons for not accepting the recommendations.  
11 The Agency is not required to accept recommendations that  
12 are not based on applicable requirements or the  
13 requirements of this Section.

14 e. The Agency shall make available to the public any  
15 CAAPP permit application, compliance plan (including the  
16 schedule of compliance), CAAPP permit, and emissions or  
17 compliance monitoring report. If an owner or operator of a  
18 CAAPP source is required to submit information entitled to  
19 protection from disclosure under Section 7.1 and  
20 subsection (a) of Section 7 of this Act, the owner or  
21 operator shall submit such information separately. The  
22 requirements of Section 7.1 and subsection (a) of Section 7  
23 of this Act shall apply to such information, which shall  
24 not be included in a CAAPP permit unless required by law.  
25 The contents of a CAAPP permit shall not be entitled to  
26 protection under Section 7.1 and subsection (a) of Section

1 7 of this Act.

2 f. The Agency shall have the authority to adopt  
3 procedural rules, in accordance with the Illinois  
4 Administrative Procedure Act, as the Agency deems  
5 necessary, to implement this subsection.

6 g. If requested by the permit applicant, the Agency  
7 shall provide the permit applicant with a copy of the draft  
8 CAAPP permit prior to any public review period. If  
9 requested by the permit applicant, the Agency shall provide  
10 the permit applicant with a copy of the final CAAPP permit  
11 prior to issuance of the CAAPP permit.

12 9. USEPA Notice and Objection.

13 a. The Agency shall provide to USEPA for its review a  
14 copy of each CAAPP application (including any application  
15 for permit modification), statement of basis as provided in  
16 paragraph (b) of subsection 8 of this Section, proposed  
17 CAAPP permit, CAAPP permit, and, if the Agency does not  
18 incorporate any affected State's recommendations on a  
19 proposed CAAPP permit, a written statement of this decision  
20 and its reasons for not accepting the recommendations,  
21 except as otherwise provided in this Act or by agreement  
22 with USEPA. To the extent practicable, the preceding  
23 information shall be provided in computer readable format  
24 compatible with USEPA's national database management  
25 system.

1           b. The Agency shall not issue the proposed CAAPP permit  
2 if USEPA objects in writing within 45 days after receipt of  
3 the proposed CAAPP permit and all necessary supporting  
4 information.

5           c. If USEPA objects in writing to the issuance of the  
6 proposed CAAPP permit within the 45-day period, the Agency  
7 shall respond in writing and may revise and resubmit the  
8 proposed CAAPP permit in response to the stated objection,  
9 to the extent supported by the record, within 90 days after  
10 the date of the objection. Prior to submitting a revised  
11 permit to USEPA, the Agency shall provide the applicant and  
12 any person who participated in the public comment process,  
13 pursuant to subsection 8 of this Section, with a 10-day  
14 period to comment on any revision which the Agency is  
15 proposing to make to the permit in response to USEPA's  
16 objection in accordance with Agency procedures.

17           d. Any USEPA objection under this subsection,  
18 according to the Clean Air Act, will include a statement of  
19 reasons for the objection and a description of the terms  
20 and conditions that must be in the permit, in order to  
21 adequately respond to the objections. Grounds for a USEPA  
22 objection include the failure of the Agency to: (1) submit  
23 the items and notices required under this subsection; (2)  
24 submit any other information necessary to adequately  
25 review the proposed CAAPP permit; or (3) process the permit  
26 under subsection 8 of this Section except for minor permit

1 modifications.

2 e. If USEPA does not object in writing to issuance of a  
3 permit under this subsection, any person may petition USEPA  
4 within 60 days after expiration of the 45-day review period  
5 to make such objection.

6 f. If the permit has not yet been issued and USEPA  
7 objects to the permit as a result of a petition, the Agency  
8 shall not issue the permit until USEPA's objection has been  
9 resolved. The Agency shall provide a 10-day comment period  
10 in accordance with paragraph c of this subsection. A  
11 petition does not, however, stay the effectiveness of a  
12 permit or its requirements if the permit was issued after  
13 expiration of the 45-day review period and prior to a USEPA  
14 objection.

15 g. If the Agency has issued a permit after expiration  
16 of the 45-day review period and prior to receipt of a USEPA  
17 objection under this subsection in response to a petition  
18 submitted pursuant to paragraph e of this subsection, the  
19 Agency may, upon receipt of an objection from USEPA, revise  
20 and resubmit the permit to USEPA pursuant to this  
21 subsection after providing a 10-day comment period in  
22 accordance with paragraph c of this subsection. If the  
23 Agency fails to submit a revised permit in response to the  
24 objection, USEPA shall modify, terminate or revoke the  
25 permit. In any case, the source will not be in violation of  
26 the requirement to have submitted a timely and complete



1 application.

2 h. The Agency shall have the authority to adopt  
3 procedural rules, in accordance with the Illinois  
4 Administrative Procedure Act, as the Agency deems  
5 necessary, to implement this subsection.

6 10. Final Agency Action.

7 a. The Agency shall issue a CAAPP permit, permit  
8 modification, or permit renewal if all of the following  
9 conditions are met:

10 i. The applicant has submitted a complete and  
11 certified application for a permit, permit  
12 modification, or permit renewal consistent with  
13 subsections 5 and 14 of this Section, as applicable,  
14 and applicable regulations.

15 ii. The applicant has submitted with its complete  
16 application an approvable compliance plan, including a  
17 schedule for achieving compliance, consistent with  
18 subsection 5 of this Section and applicable  
19 regulations.

20 iii. The applicant has timely paid the fees  
21 required pursuant to subsection 18 of this Section and  
22 applicable regulations.

23 iv. The Agency has received a complete CAAPP  
24 application and, if necessary, has requested and  
25 received additional information from the applicant

1 consistent with subsection 5 of this Section and  
2 applicable regulations.

3 v. The Agency has complied with all applicable  
4 provisions regarding public notice and affected State  
5 review consistent with subsection 8 of this Section and  
6 applicable regulations.

7 vi. The Agency has provided a copy of each CAAPP  
8 application, or summary thereof, pursuant to agreement  
9 with USEPA and proposed CAAPP permit required under  
10 subsection 9 of this Section to USEPA, and USEPA has  
11 not objected to the issuance of the permit in  
12 accordance with the Clean Air Act and 40 CFR Part 70.

13 b. The Agency shall have the authority to deny a CAAPP  
14 permit, permit modification, or permit renewal if the  
15 applicant has not complied with the requirements of  
16 subparagraphs (i) through (iv) of paragraph (a) of this  
17 subsection or if USEPA objects to its issuance.

18 c. i. Prior to denial of a CAAPP permit, permit  
19 modification, or permit renewal under this Section,  
20 the Agency shall notify the applicant of the possible  
21 denial and the reasons for the denial.

22 ii. Within such notice, the Agency shall specify an  
23 appropriate date by which the applicant shall  
24 adequately respond to the Agency's notice. Such date  
25 shall not exceed 15 days from the date the notification  
26 is received by the applicant. The Agency may grant a

1 reasonable extension for good cause shown.

2 iii. Failure by the applicant to adequately  
3 respond by the date specified in the notification or by  
4 any granted extension date shall be grounds for denial  
5 of the permit.

6 For purposes of obtaining judicial review under  
7 Sections 40.2 and 41 of this Act, the Agency shall  
8 provide to USEPA and each applicant, and, upon request,  
9 to affected States, any person who participated in the  
10 public comment process, and any other person who could  
11 obtain judicial review under Sections 40.2 and 41 of  
12 this Act, a copy of each CAAPP permit or notification  
13 of denial pertaining to that party.

14 d. The Agency shall have the authority to adopt  
15 procedural rules, in accordance with the Illinois  
16 Administrative Procedure Act, as the Agency deems  
17 necessary, to implement this subsection.

18 11. General Permits.

19 a. The Agency may issue a general permit covering  
20 numerous similar sources, except for affected sources for  
21 acid deposition unless otherwise provided in regulations  
22 promulgated under Title IV of the Clean Air Act.

23 b. The Agency shall identify, in any general permit,  
24 criteria by which sources may qualify for the general  
25 permit.

1           c. CAAPP sources that would qualify for a general  
2 permit must apply for coverage under the terms of the  
3 general permit or must apply for a CAAPP permit consistent  
4 with subsection 5 of this Section and applicable  
5 regulations.

6           d. The Agency shall comply with the public comment and  
7 hearing provisions of this Section as well as the USEPA and  
8 affected State review procedures prior to issuance of a  
9 general permit.

10          e. When granting a subsequent request by a qualifying  
11 CAAPP source for coverage under the terms of a general  
12 permit, the Agency shall not be required to repeat the  
13 public notice and comment procedures. The granting of such  
14 request shall not be considered a final permit action for  
15 purposes of judicial review.

16          f. The Agency may not issue a general permit to cover  
17 any discrete emission unit at a CAAPP source if another  
18 CAAPP permit covers emission units at the source.

19          g. The Agency shall have the authority to adopt  
20 procedural rules, in accordance with the Illinois  
21 Administrative Procedure Act, as the Agency deems  
22 necessary, to implement this subsection.

23           12. Operational Flexibility.

24           a. An owner or operator of a CAAPP source may make  
25 changes at the CAAPP source without requiring a prior

1 permit revision, consistent with subparagraphs (i) through  
2 (iii) of paragraph (a) of this subsection, so long as the  
3 changes are not modifications under any provision of Title  
4 I of the Clean Air Act and they do not exceed the emissions  
5 allowable under the permit (whether expressed therein as a  
6 rate of emissions or in terms of total emissions), provided  
7 that the owner or operator of the CAAPP source provides  
8 USEPA and the Agency with written notification as required  
9 below in advance of the proposed changes, which shall be a  
10 minimum of 7 days, unless otherwise provided by the Agency  
11 in applicable regulations regarding emergencies. The owner  
12 or operator of a CAAPP source and the Agency shall each  
13 attach such notice to their copy of the relevant permit.

14 i. An owner or operator of a CAAPP source may make  
15 Section 502 (b) (10) changes without a permit revision,  
16 if the changes are not modifications under any  
17 provision of Title I of the Clean Air Act and the  
18 changes do not exceed the emissions allowable under the  
19 permit (whether expressed therein as a rate of  
20 emissions or in terms of total emissions).

21 A. For each such change, the written  
22 notification required above shall include a brief  
23 description of the change within the source, the  
24 date on which the change will occur, any change in  
25 emissions, and any permit term or condition that is  
26 no longer applicable as a result of the change.

1           B. The permit shield described in paragraph  
2           (j) of subsection 7 of this Section shall not apply  
3           to any change made pursuant to this subparagraph.

4           ii. An owner or operator of a CAAPP source may  
5           trade increases and decreases in emissions in the CAAPP  
6           source, where the applicable implementation plan  
7           provides for such emission trades without requiring a  
8           permit revision. This provision is available in those  
9           cases where the permit does not already provide for  
10          such emissions trading.

11          A. Under this subparagraph (ii) of paragraph  
12          (a) of this subsection, the written notification  
13          required above shall include such information as  
14          may be required by the provision in the applicable  
15          implementation plan authorizing the emissions  
16          trade, including at a minimum, when the proposed  
17          changes will occur, a description of each such  
18          change, any change in emissions, the permit  
19          requirements with which the source will comply  
20          using the emissions trading provisions of the  
21          applicable implementation plan, and the pollutants  
22          emitted subject to the emissions trade. The notice  
23          shall also refer to the provisions in the  
24          applicable implementation plan with which the  
25          source will comply and provide for the emissions  
26          trade.

1           B. The permit shield described in paragraph  
2           (j) of subsection 7 of this Section shall not apply  
3           to any change made pursuant to subparagraph (ii) of  
4           paragraph (a) of this subsection. Compliance with  
5           the permit requirements that the source will meet  
6           using the emissions trade shall be determined  
7           according to the requirements of the applicable  
8           implementation plan authorizing the emissions  
9           trade.

10          iii. If requested within a CAAPP application, the  
11          Agency shall issue a CAAPP permit which contains terms  
12          and conditions, including all terms required under  
13          subsection 7 of this Section to determine compliance,  
14          allowing for the trading of emissions increases and  
15          decreases at the CAAPP source solely for the purpose of  
16          complying with a federally-enforceable emissions cap  
17          that is established in the permit independent of  
18          otherwise applicable requirements. The owner or  
19          operator of a CAAPP source shall include in its CAAPP  
20          application proposed replicable procedures and permit  
21          terms that ensure the emissions trades are  
22          quantifiable and enforceable. The permit shall also  
23          require compliance with all applicable requirements.

24          A. Under this subparagraph (iii) of paragraph  
25          (a), the written notification required above shall  
26          state when the change will occur and shall describe

1           the changes in emissions that will result and how  
2           these increases and decreases in emissions will  
3           comply with the terms and conditions of the permit.

4           B. The permit shield described in paragraph  
5           (j) of subsection 7 of this Section shall extend to  
6           terms and conditions that allow such increases and  
7           decreases in emissions.

8           b. An owner or operator of a CAAPP source may make  
9           changes that are not addressed or prohibited by the permit,  
10          other than those which are subject to any requirements  
11          under Title IV of the Clean Air Act or are modifications  
12          under any provisions of Title I of the Clean Air Act,  
13          without a permit revision, in accordance with the following  
14          requirements:

15               (i) Each such change shall meet all applicable  
16               requirements and shall not violate any existing permit  
17               term or condition;

18               (ii) Sources must provide contemporaneous written  
19               notice to the Agency and USEPA of each such change,  
20               except for changes that qualify as insignificant under  
21               provisions adopted by the Agency or the Board. Such  
22               written notice shall describe each such change,  
23               including the date, any change in emissions,  
24               pollutants emitted, and any applicable requirement  
25               that would apply as a result of the change;

26               (iii) The change shall not qualify for the shield



1 described in paragraph (j) of subsection 7 of this  
2 Section; and

3 (iv) The permittee shall keep a record describing  
4 changes made at the source that result in emissions of  
5 a regulated air pollutant subject to an applicable  
6 Clean Air Act requirement, but not otherwise regulated  
7 under the permit, and the emissions resulting from  
8 those changes.

9 c. The Agency shall have the authority to adopt  
10 procedural rules, in accordance with the Illinois  
11 Administrative Procedure Act, as the Agency deems  
12 necessary to implement this subsection.

13 13. Administrative Permit Amendments.

14 a. The Agency shall take final action on a request for  
15 an administrative permit amendment within 60 days after  
16 receipt of the request. Neither notice nor an opportunity  
17 for public and affected State comment shall be required for  
18 the Agency to incorporate such revisions, provided it  
19 designates the permit revisions as having been made  
20 pursuant to this subsection.

21 b. The Agency shall submit a copy of the revised permit  
22 to USEPA.

23 c. For purposes of this Section the term  
24 "administrative permit amendment" shall be defined as a  
25 permit revision that can accomplish one or more of the

1 changes described below:

2 i. Corrects typographical errors;

3 ii. Identifies a change in the name, address, or  
4 phone number of any person identified in the permit, or  
5 provides a similar minor administrative change at the  
6 source;

7 iii. Requires more frequent monitoring or  
8 reporting by the permittee;

9 iv. Allows for a change in ownership or operational  
10 control of a source where the Agency determines that no  
11 other change in the permit is necessary, provided that  
12 a written agreement containing a specific date for  
13 transfer of permit responsibility, coverage, and  
14 liability between the current and new permittees has  
15 been submitted to the Agency;

16 v. Incorporates into the CAAPP permit the  
17 requirements from preconstruction review permits  
18 authorized under a USEPA-approved program, provided  
19 the program meets procedural and compliance  
20 requirements substantially equivalent to those  
21 contained in this Section;

22 vi. (Blank); or

23 vii. Any other type of change which USEPA has  
24 determined as part of the approved CAAPP permit program  
25 to be similar to those included in this subsection.

26 d. The Agency shall, upon taking final action granting

1 a request for an administrative permit amendment, allow  
2 coverage by the permit shield in paragraph (j) of  
3 subsection 7 of this Section for administrative permit  
4 amendments made pursuant to subparagraph (v) of paragraph  
5 (c) of this subsection which meet the relevant requirements  
6 for significant permit modifications.

7 e. Permit revisions and modifications, including  
8 administrative amendments and automatic amendments  
9 (pursuant to Sections 408(b) and 403(d) of the Clean Air  
10 Act or regulations promulgated thereunder), for purposes  
11 of the acid rain portion of the permit shall be governed by  
12 the regulations promulgated under Title IV of the Clean Air  
13 Act. Owners or operators of affected sources for acid  
14 deposition shall have the flexibility to amend their  
15 compliance plans as provided in the regulations  
16 promulgated under Title IV of the Clean Air Act.

17 f. The CAAPP source may implement the changes addressed  
18 in the request for an administrative permit amendment  
19 immediately upon submittal of the request.

20 g. The Agency shall have the authority to adopt  
21 procedural rules, in accordance with the Illinois  
22 Administrative Procedure Act, as the Agency deems  
23 necessary, to implement this subsection.

24 14. Permit Modifications.

25 a. Minor permit modification procedures.

1           i. The Agency shall review a permit modification  
2 using the "minor permit" modification procedures only  
3 for those permit modifications that:

4           A. Do not violate any applicable requirement;

5           B. Do not involve significant changes to  
6 existing monitoring, reporting, or recordkeeping  
7 requirements in the permit;

8           C. Do not require a case-by-case determination  
9 of an emission limitation or other standard, or a  
10 source-specific determination of ambient impacts,  
11 or a visibility or increment analysis;

12           D. Do not seek to establish or change a permit  
13 term or condition for which there is no  
14 corresponding underlying requirement and which  
15 avoids an applicable requirement to which the  
16 source would otherwise be subject. Such terms and  
17 conditions include:

18           1. A federally enforceable emissions cap  
19 assumed to avoid classification as a  
20 modification under any provision of Title I of  
21 the Clean Air Act; and

22           2. An alternative emissions limit approved  
23 pursuant to regulations promulgated under  
24 Section 112(i)(5) of the Clean Air Act;

25           E. Are not modifications under any provision  
26 of Title I of the Clean Air Act; and

1           F. Are not required to be processed as a  
2           significant modification.

3           ii. Notwithstanding subparagraph (i) of paragraph  
4           (a) and subparagraph (ii) of paragraph (b) of this  
5           subsection, minor permit modification procedures may  
6           be used for permit modifications involving the use of  
7           economic incentives, marketable permits, emissions  
8           trading, and other similar approaches, to the extent  
9           that such minor permit modification procedures are  
10          explicitly provided for in an applicable  
11          implementation plan or in applicable requirements  
12          promulgated by USEPA.

13          iii. An applicant requesting the use of minor  
14          permit modification procedures shall meet the  
15          requirements of subsection 5 of this Section and shall  
16          include the following in its application:

17                A. A description of the change, the emissions  
18                resulting from the change, and any new applicable  
19                requirements that will apply if the change occurs;

20                B. The source's suggested draft permit;

21                C. Certification by a responsible official,  
22                consistent with paragraph (e) of subsection 5 of  
23                this Section and applicable regulations, that the  
24                proposed modification meets the criteria for use  
25                of minor permit modification procedures and a  
26                request that such procedures be used; and

1           D. Completed forms for the Agency to use to  
2           notify USEPA and affected States as required under  
3           subsections 8 and 9 of this Section.

4           iv. Within 5 working days after receipt of a  
5           complete permit modification application, the Agency  
6           shall notify USEPA and affected States of the requested  
7           permit modification in accordance with subsections 8  
8           and 9 of this Section. The Agency promptly shall send  
9           any notice required under paragraph (d) of subsection 8  
10          of this Section to USEPA.

11          v. The Agency may not issue a final permit  
12          modification until after the 45-day review period for  
13          USEPA or until USEPA has notified the Agency that USEPA  
14          will not object to the issuance of the permit  
15          modification, whichever comes first, although the  
16          Agency can approve the permit modification prior to  
17          that time. Within 90 days after the Agency's receipt of  
18          an application under the minor permit modification  
19          procedures or 15 days after the end of USEPA's 45-day  
20          review period under subsection 9 of this Section,  
21          whichever is later, the Agency shall:

22                A. Issue the permit modification as proposed;

23                B. Deny the permit modification application;

24                C. Determine that the requested modification  
25                does not meet the minor permit modification  
26                criteria and should be reviewed under the

1           significant modification procedures; or

2           D. Revise the draft permit modification and  
3           transmit to USEPA the new proposed permit  
4           modification as required by subsection 9 of this  
5           Section.

6           vi. Any CAAPP source may make the change proposed  
7           in its minor permit modification application  
8           immediately after it files such application. After the  
9           CAAPP source makes the change allowed by the preceding  
10          sentence, and until the Agency takes any of the actions  
11          specified in items (A) through (C) of subparagraph (v)  
12          of paragraph (a) of this subsection, the source must  
13          comply with both the applicable requirements governing  
14          the change and the proposed permit terms and  
15          conditions. During this time period, the source need  
16          not comply with the existing permit terms and  
17          conditions it seeks to modify. If the source fails to  
18          comply with its proposed permit terms and conditions  
19          during this time period, the existing permit terms and  
20          conditions which it seeks to modify may be enforced  
21          against it.

22          vii. The permit shield under paragraph (j) of  
23          subsection 7 of this Section may not extend to minor  
24          permit modifications.

25          viii. If a construction permit is required,  
26          pursuant to subsection (a) of Section 39 of this Act

1 and regulations thereunder, for a change for which the  
2 minor permit modification procedures are applicable,  
3 the source may request that the processing of the  
4 construction permit application be consolidated with  
5 the processing of the application for the minor permit  
6 modification. In such cases, the provisions of this  
7 Section, including those within subsections 5, 8, and  
8 9, shall apply and the Agency shall act on such  
9 applications pursuant to subparagraph (v) of paragraph  
10 (a) of subsection 14 of this Section. The source may  
11 make the proposed change immediately after filing its  
12 application for the minor permit modification. Nothing  
13 in this subparagraph shall otherwise affect the  
14 requirements and procedures applicable to construction  
15 permits.

16 b. Group Processing of Minor Permit Modifications.

17 i. Where requested by an applicant within its  
18 application, the Agency shall process groups of a  
19 source's applications for certain modifications  
20 eligible for minor permit modification processing in  
21 accordance with the provisions of this paragraph (b).

22 ii. Permit modifications may be processed in  
23 accordance with the procedures for group processing,  
24 for those modifications:

25 A. Which meet the criteria for minor permit  
26 modification procedures under subparagraph (i) of



1 paragraph (a) of subsection 14 of this Section; and

2 B. That collectively are below 10 percent of  
3 the emissions allowed by the permit for the  
4 emissions unit for which change is requested, 20  
5 percent of the applicable definition of major  
6 source set forth in subsection 2 of this Section,  
7 or 5 tons per year, whichever is least.

8 iii. An applicant requesting the use of group  
9 processing procedures shall meet the requirements of  
10 subsection 5 of this Section and shall include the  
11 following in its application:

12 A. A description of the change, the emissions  
13 resulting from the change, and any new applicable  
14 requirements that will apply if the change occurs.

15 B. The source's suggested draft permit.

16 C. Certification by a responsible official  
17 consistent with paragraph (e) of subsection 5 of  
18 this Section, that the proposed modification meets  
19 the criteria for use of group processing  
20 procedures and a request that such procedures be  
21 used.

22 D. A list of the source's other pending  
23 applications awaiting group processing, and a  
24 determination of whether the requested  
25 modification, aggregated with these other  
26 applications, equals or exceeds the threshold set

1           under item (B) of subparagraph (ii) of paragraph  
2           (b) of this subsection.

3           E. Certification, consistent with paragraph  
4           (e) of subsection 5 of this Section, that the  
5           source has notified USEPA of the proposed  
6           modification. Such notification need only contain  
7           a brief description of the requested modification.

8           F. Completed forms for the Agency to use to  
9           notify USEPA and affected states as required under  
10          subsections 8 and 9 of this Section.

11          iv. On a quarterly basis or within 5 business days  
12          after receipt of an application demonstrating that the  
13          aggregate of a source's pending applications equals or  
14          exceeds the threshold level set forth within item (B)  
15          of subparagraph (ii) of paragraph (b) of this  
16          subsection, whichever is earlier, the Agency shall  
17          promptly notify USEPA and affected States of the  
18          requested permit modifications in accordance with  
19          subsections 8 and 9 of this Section. The Agency shall  
20          send any notice required under paragraph (d) of  
21          subsection 8 of this Section to USEPA.

22          v. The provisions of subparagraph (v) of paragraph  
23          (a) of this subsection shall apply to modifications  
24          eligible for group processing, except that the Agency  
25          shall take one of the actions specified in items (A)  
26          through (D) of subparagraph (v) of paragraph (a) of

1           this subsection within 180 days after receipt of the  
2           application or 15 days after the end of USEPA's 45-day  
3           review period under subsection 9 of this Section,  
4           whichever is later.

5           vi. The provisions of subparagraph (vi) of  
6           paragraph (a) of this subsection shall apply to  
7           modifications for group processing.

8           vii. The provisions of paragraph (j) of subsection  
9           7 of this Section shall not apply to modifications  
10          eligible for group processing.

11          c. Significant Permit Modifications.

12           i. Significant modification procedures shall be  
13           used for applications requesting significant permit  
14           modifications and for those applications that do not  
15           qualify as either minor permit modifications or as  
16           administrative permit amendments.

17           ii. Every significant change in existing  
18           monitoring permit terms or conditions and every  
19           relaxation of reporting or recordkeeping requirements  
20           shall be considered significant. A modification shall  
21           also be considered significant if in the judgment of  
22           the Agency action on an application for modification  
23           would require decisions to be made on technically  
24           complex issues. Nothing herein shall be construed to  
25           preclude the permittee from making changes consistent  
26           with this Section that would render existing permit

1 compliance terms and conditions irrelevant.

2 iii. Significant permit modifications must meet  
3 all the requirements of this Section, including those  
4 for applications (including completeness review),  
5 public participation, review by affected States, and  
6 review by USEPA applicable to initial permit issuance  
7 and permit renewal. The Agency shall take final action  
8 on significant permit modifications within 9 months  
9 after receipt of a complete application.

10 d. The Agency shall have the authority to adopt  
11 procedural rules, in accordance with the Illinois  
12 Administrative Procedure Act, as the Agency deems  
13 necessary, to implement this subsection.

14 15. Reopenings for Cause by the Agency.

15 a. Each issued CAAPP permit shall include provisions  
16 specifying the conditions under which the permit will be  
17 reopened prior to the expiration of the permit. Such  
18 revisions shall be made as expeditiously as practicable. A  
19 CAAPP permit shall be reopened and revised under any of the  
20 following circumstances, in accordance with procedures  
21 adopted by the Agency:

22 i. Additional requirements under the Clean Air Act  
23 become applicable to a major CAAPP source for which 3  
24 or more years remain on the original term of the  
25 permit. Such a reopening shall be completed not later

1           than 18 months after the promulgation of the applicable  
2           requirement. No such revision is required if the  
3           effective date of the requirement is later than the  
4           date on which the permit is due to expire.

5           ii. Additional requirements (including excess  
6           emissions requirements) become applicable to an  
7           affected source for acid deposition under the acid rain  
8           program. Excess emissions offset plans shall be deemed  
9           to be incorporated into the permit upon approval by  
10          USEPA.

11          iii. The Agency or USEPA determines that the permit  
12          contains a material mistake or that inaccurate  
13          statements were made in establishing the emissions  
14          standards, limitations, or other terms or conditions  
15          of the permit.

16          iv. The Agency or USEPA determines that the permit  
17          must be revised or revoked to assure compliance with  
18          the applicable requirements.

19          b. In the event that the Agency determines that there  
20          are grounds for revoking a CAAPP permit, for cause,  
21          consistent with paragraph a of this subsection, it shall  
22          file a petition before the Board setting forth the basis  
23          for such revocation. In any such proceeding, the Agency  
24          shall have the burden of establishing that the permit  
25          should be revoked under the standards set forth in this Act  
26          and the Clean Air Act. Any such proceeding shall be

1 conducted pursuant to the Board's procedures for  
2 adjudicatory hearings and the Board shall render its  
3 decision within 120 days of the filing of the petition. The  
4 Agency shall take final action to revoke and reissue a  
5 CAAPP permit consistent with the Board's order.

6 c. Proceedings regarding a reopened CAAPP permit shall  
7 follow the same procedures as apply to initial permit  
8 issuance and shall affect only those parts of the permit  
9 for which cause to reopen exists.

10 d. Reopenings under paragraph (a) of this subsection  
11 shall not be initiated before a notice of such intent is  
12 provided to the CAAPP source by the Agency at least 30 days  
13 in advance of the date that the permit is to be reopened,  
14 except that the Agency may provide a shorter time period in  
15 the case of an emergency.

16 e. The Agency shall have the authority to adopt  
17 procedural rules, in accordance with the Illinois  
18 Administrative Procedure Act, as the Agency deems  
19 necessary, to implement this subsection.

20 16. Reopenings for Cause by USEPA.

21 a. When USEPA finds that cause exists to terminate,  
22 modify, or revoke and reissue a CAAPP permit pursuant to  
23 subsection 15 of this Section, and thereafter notifies the  
24 Agency and the permittee of such finding in writing, the  
25 Agency shall forward to USEPA and the permittee a proposed

1 determination of termination, modification, or revocation  
2 and reissuance as appropriate, in accordance with  
3 paragraph (b) of this subsection. The Agency's proposed  
4 determination shall be in accordance with the record, the  
5 Clean Air Act, regulations promulgated thereunder, this  
6 Act and regulations promulgated thereunder. Such proposed  
7 determination shall not affect the permit or constitute a  
8 final permit action for purposes of this Act or the  
9 Administrative Review Law. The Agency shall forward to  
10 USEPA such proposed determination within 90 days after  
11 receipt of the notification from USEPA. If additional time  
12 is necessary to submit the proposed determination, the  
13 Agency shall request a 90-day extension from USEPA and  
14 shall submit the proposed determination within 180 days  
15 after receipt of notification from USEPA.

16 b. i. Prior to the Agency's submittal to USEPA of a  
17 proposed determination to terminate or revoke and  
18 reissue the permit, the Agency shall file a petition  
19 before the Board setting forth USEPA's objection, the  
20 permit record, the Agency's proposed determination,  
21 and the justification for its proposed determination.  
22 The Board shall conduct a hearing pursuant to the rules  
23 prescribed by Section 32 of this Act, and the burden of  
24 proof shall be on the Agency.

25 ii. After due consideration of the written and oral  
26 statements, the testimony and arguments that shall be

1 submitted at hearing, the Board shall issue and enter  
2 an interim order for the proposed determination, which  
3 shall set forth all changes, if any, required in the  
4 Agency's proposed determination. The interim order  
5 shall comply with the requirements for final orders as  
6 set forth in Section 33 of this Act. Issuance of an  
7 interim order by the Board under this paragraph,  
8 however, shall not affect the permit status and does  
9 not constitute a final action for purposes of this Act  
10 or the Administrative Review Law.

11 iii. The Board shall cause a copy of its interim  
12 order to be served upon all parties to the proceeding  
13 as well as upon USEPA. The Agency shall submit the  
14 proposed determination to USEPA in accordance with the  
15 Board's Interim Order within 180 days after receipt of  
16 the notification from USEPA.

17 c. USEPA shall review the proposed determination to  
18 terminate, modify, or revoke and reissue the permit within  
19 90 days after receipt.

20 i. When USEPA reviews the proposed determination  
21 to terminate or revoke and reissue and does not object,  
22 the Board shall, within 7 days after receipt of USEPA's  
23 final approval, enter the interim order as a final  
24 order. The final order may be appealed as provided by  
25 Title XI of this Act. The Agency shall take final  
26 action in accordance with the Board's final order.



1           ii. When USEPA reviews such proposed determination  
2           to terminate or revoke and reissue and objects, the  
3           Agency shall submit USEPA's objection and the Agency's  
4           comments and recommendation on the objection to the  
5           Board and permittee. The Board shall review its interim  
6           order in response to USEPA's objection and the Agency's  
7           comments and recommendation and issue a final order in  
8           accordance with Sections 32 and 33 of this Act. The  
9           Agency shall, within 90 days after receipt of such  
10          objection, respond to USEPA's objection in accordance  
11          with the Board's final order.

12          iii. When USEPA reviews such proposed  
13          determination to modify and objects, the Agency shall,  
14          within 90 days after receipt of the objection, resolve  
15          the objection and modify the permit in accordance with  
16          USEPA's objection, based upon the record, the Clean Air  
17          Act, regulations promulgated thereunder, this Act, and  
18          regulations promulgated thereunder.

19          d. If the Agency fails to submit the proposed  
20          determination pursuant to paragraph a of this subsection or  
21          fails to resolve any USEPA objection pursuant to paragraph  
22          c of this subsection, USEPA will terminate, modify, or  
23          revoke and reissue the permit.

24          e. The Agency shall have the authority to adopt  
25          procedural rules, in accordance with the Illinois  
26          Administrative Procedure Act, as the Agency deems

1           necessary, to implement this subsection.

2           17. Title IV; Acid Rain Provisions.

3           a. The Agency shall act on initial CAAPP applications  
4           for affected sources for acid deposition in accordance with  
5           this Section and Title V of the Clean Air Act and  
6           regulations promulgated thereunder, except as modified by  
7           Title IV of the Clean Air Act and regulations promulgated  
8           thereunder. The Agency shall issue initial CAAPP permits to  
9           the affected sources for acid deposition which shall become  
10          effective no earlier than January 1, 1995, and which shall  
11          terminate on December 31, 1999, in accordance with this  
12          Section. Subsequent CAAPP permits issued to affected  
13          sources for acid deposition shall be issued for a fixed  
14          term of 5 years. Title IV of the Clean Air Act and  
15          regulations promulgated thereunder, including but not  
16          limited to 40 C.F.R. Part 72, as now or hereafter amended,  
17          are applicable to and enforceable under this Act.

18          b. A designated representative of an affected source  
19          for acid deposition shall submit a timely and complete  
20          Phase II acid rain permit application and compliance plan  
21          to the Agency, not later than January 1, 1996, that meets  
22          the requirements of Titles IV and V of the Clean Air Act  
23          and regulations. The Agency shall act on the Phase II acid  
24          rain permit application and compliance plan in accordance  
25          with this Section and Title V of the Clean Air Act and

1 regulations promulgated thereunder, except as modified by  
2 Title IV of the Clean Air Act and regulations promulgated  
3 thereunder. The Agency shall issue the Phase II acid rain  
4 permit to an affected source for acid deposition no later  
5 than December 31, 1997, which shall become effective on  
6 January 1, 2000, in accordance with this Section, except as  
7 modified by Title IV and regulations promulgated  
8 thereunder; provided that the designated representative of  
9 the source submitted a timely and complete Phase II permit  
10 application and compliance plan to the Agency that meets  
11 the requirements of Title IV and V of the Clean Air Act and  
12 regulations.

13 c. Each Phase II acid rain permit issued in accordance  
14 with this subsection shall have a fixed term of 5 years.  
15 Except as provided in paragraph b above, the Agency shall  
16 issue or deny a Phase II acid rain permit within 18 months  
17 of receiving a complete Phase II permit application and  
18 compliance plan.

19 d. A designated representative of a new unit, as  
20 defined in Section 402 of the Clean Air Act, shall submit a  
21 timely and complete Phase II acid rain permit application  
22 and compliance plan that meets the requirements of Titles  
23 IV and V of the Clean Air Act and its regulations. The  
24 Agency shall act on the new unit's Phase II acid rain  
25 permit application and compliance plan in accordance with  
26 this Section and Title V of the Clean Air Act and its

1 regulations, except as modified by Title IV of the Clean  
2 Air Act and its regulations. The Agency shall reopen the  
3 new unit's CAAPP permit for cause to incorporate the  
4 approved Phase II acid rain permit in accordance with this  
5 Section. The Phase II acid rain permit for the new unit  
6 shall become effective no later than the date required  
7 under Title IV of the Clean Air Act and its regulations.

8 e. A designated representative of an affected source  
9 for acid deposition shall submit a timely and complete  
10 Title IV NOx permit application to the Agency, not later  
11 than January 1, 1998, that meets the requirements of Titles  
12 IV and V of the Clean Air Act and its regulations. The  
13 Agency shall reopen the Phase II acid rain permit for cause  
14 and incorporate the approved NOx provisions into the Phase  
15 II acid rain permit not later than January 1, 1999, in  
16 accordance with this Section, except as modified by Title  
17 IV of the Clean Air Act and regulations promulgated  
18 thereunder. Such reopening shall not affect the term of the  
19 Phase II acid rain permit.

20 f. The designated representative of the affected  
21 source for acid deposition shall renew the initial CAAPP  
22 permit and Phase II acid rain permit in accordance with  
23 this Section and Title V of the Clean Air Act and  
24 regulations promulgated thereunder, except as modified by  
25 Title IV of the Clean Air Act and regulations promulgated  
26 thereunder.

1           g. In the case of an affected source for acid  
2 deposition for which a complete Phase II acid rain permit  
3 application and compliance plan are timely received under  
4 this subsection, the complete permit application and  
5 compliance plan, including amendments thereto, shall be  
6 binding on the owner, operator and designated  
7 representative, all affected units for acid deposition at  
8 the affected source, and any other unit, as defined in  
9 Section 402 of the Clean Air Act, governed by the Phase II  
10 acid rain permit application and shall be enforceable as an  
11 acid rain permit for purposes of Titles IV and V of the  
12 Clean Air Act, from the date of submission of the acid rain  
13 permit application until a Phase II acid rain permit is  
14 issued or denied by the Agency.

15           h. The Agency shall not include or implement any  
16 measure which would interfere with or modify the  
17 requirements of Title IV of the Clean Air Act or  
18 regulations promulgated thereunder.

19           i. Nothing in this Section shall be construed as  
20 affecting allowances or USEPA's decision regarding an  
21 excess emissions offset plan, as set forth in Title IV of  
22 the Clean Air Act or regulations promulgated thereunder.

23           i. No permit revision shall be required for  
24 increases in emissions that are authorized by  
25 allowances acquired pursuant to the acid rain program,  
26 provided that such increases do not require a permit

1 revision under any other applicable requirement.

2 ii. No limit shall be placed on the number of  
3 allowances held by the source. The source may not,  
4 however, use allowances as a defense to noncompliance  
5 with any other applicable requirement.

6 iii. Any such allowance shall be accounted for  
7 according to the procedures established in regulations  
8 promulgated under Title IV of the Clean Air Act.

9 j. To the extent that the federal regulations  
10 promulgated under Title IV, including but not limited to 40  
11 C.F.R. Part 72, as now or hereafter amended, are  
12 inconsistent with the federal regulations promulgated  
13 under Title V, the federal regulations promulgated under  
14 Title IV shall take precedence.

15 k. The USEPA may intervene as a matter of right in any  
16 permit appeal involving a Phase II acid rain permit  
17 provision or denial of a Phase II acid rain permit.

18 l. It is unlawful for any owner or operator to violate  
19 any terms or conditions of a Phase II acid rain permit  
20 issued under this subsection, to operate any affected  
21 source for acid deposition except in compliance with a  
22 Phase II acid rain permit issued by the Agency under this  
23 subsection, or to violate any other applicable  
24 requirements.

25 m. The designated representative of an affected source  
26 for acid deposition shall submit to the Agency the data and

1 information submitted quarterly to USEPA, pursuant to 40  
2 CFR 75.64, concurrently with the submission to USEPA. The  
3 submission shall be in the same electronic format as  
4 specified by USEPA.

5 n. The Agency shall act on any petition for exemption  
6 of a new unit or retired unit, as those terms are defined  
7 in Section 402 of the Clean Air Act, from the requirements  
8 of the acid rain program in accordance with Title IV of the  
9 Clean Air Act and its regulations.

10 o. The Agency shall have the authority to adopt  
11 procedural rules, in accordance with the Illinois  
12 Administrative Procedure Act, as the Agency deems  
13 necessary to implement this subsection.

14 18. Fee Provisions.

15 a. A source subject to this Section or excluded under  
16 subsection 1.1 or paragraph (c) of subsection 3 of this  
17 Section, shall pay a fee as provided in this paragraph (a)  
18 of subsection 18. However, a source that has been excluded  
19 from the provisions of this Section under subsection 1.1 or  
20 under paragraph (c) of subsection 3 of this Section because  
21 the source emits less than 25 tons per year of any  
22 combination of regulated air pollutants, except greenhouse  
23 gases, shall pay fees in accordance with paragraph (1) of  
24 subsection (b) of Section 9.6.

25 i. The fee for a source allowed to emit less than

1           100 tons per year of any combination of regulated air  
2           pollutants, except greenhouse gases, shall be \$1,800  
3           per year, and that fee shall increase, beginning  
4           January 1, 2012, to \$2,150 per year.

5           ii. The fee for a source allowed to emit 100 tons  
6           or more per year of any combination of regulated air  
7           pollutants, except greenhouse gases and those  
8           regulated air pollutants excluded in paragraph (f) of  
9           this subsection 18, shall be as follows:

10           A. The Agency shall assess a fee of \$18 per  
11           ton, per year for the allowable emissions of  
12           regulated air pollutants subject to this  
13           subparagraph (ii) of paragraph (a) of subsection  
14           18, and that fee shall increase, beginning January  
15           1, 2012, to \$21.50 per ton, per year. These fees  
16           shall be used by the Agency and the Board to fund  
17           the activities required by Title V of the Clean Air  
18           Act including such activities as may be carried out  
19           by other State or local agencies pursuant to  
20           paragraph (d) of this subsection. The amount of  
21           such fee shall be based on the information supplied  
22           by the applicant in its complete CAAPP permit  
23           application or in the CAAPP permit if the permit  
24           has been granted and shall be determined by the  
25           amount of emissions that the source is allowed to  
26           emit annually, provided however, that the maximum



1 fee for a CAAPP permit under this subparagraph (ii)  
2 of paragraph (a) of subsection 18 is \$250,000, and  
3 increases, beginning January 1, 2012, to \$294,000.  
4 Beginning January 1, 2012, the maximum fee under  
5 this subparagraph (ii) of paragraph (a) of  
6 subsection 18 for a source that has been excluded  
7 under subsection 1.1 of this Section or under  
8 paragraph (c) of subsection 3 of this Section is  
9 \$4,112. The Agency shall provide as part of the  
10 permit application form required under subsection  
11 5 of this Section a separate fee calculation form  
12 which will allow the applicant to identify the  
13 allowable emissions and calculate the fee. In no  
14 event shall the Agency raise the amount of  
15 allowable emissions requested by the applicant  
16 unless such increases are required to demonstrate  
17 compliance with terms of a CAAPP permit.

18 Notwithstanding the above, any applicant may  
19 seek a change in its permit which would result in  
20 increases in allowable emissions due to an  
21 increase in the hours of operation or production  
22 rates of an emission unit or units and such a  
23 change shall be consistent with the construction  
24 permit requirements of the existing State permit  
25 program, under subsection (a) of Section 39 of this  
26 Act and applicable provisions of this Section.

1           Where a construction permit is required, the  
2           Agency shall expeditiously grant such construction  
3           permit and shall, if necessary, modify the CAAPP  
4           permit based on the same application.

5           B. The applicant or permittee may pay the fee  
6           annually or semiannually for those fees greater  
7           than \$5,000. However, any applicant paying a fee  
8           equal to or greater than \$100,000 shall pay the  
9           full amount on July 1, for the subsequent fiscal  
10          year, or pay 50% of the fee on July 1 and the  
11          remaining 50% by the next January 1. The Agency may  
12          change any annual billing date upon reasonable  
13          notice, but shall prorate the new bill so that the  
14          permittee or applicant does not pay more than its  
15          required fees for the fee period for which payment  
16          is made.

17          b. (Blank).

18          c. (Blank).

19          d. There is hereby created in the State Treasury a  
20          special fund to be known as the Clean Air Act Permit Fund  
21          (formerly known as the CAA Permit Fund). All Funds  
22          collected by the Agency pursuant to this subsection shall  
23          be deposited into the Fund. The General Assembly shall  
24          appropriate monies from this Fund to the Agency and to the  
25          Board to carry out their obligations under this Section.  
26          The General Assembly may also authorize monies to be

1 granted by the Agency from this Fund to other State and  
2 local agencies which perform duties related to the CAAPP.  
3 Interest generated on the monies deposited in this Fund  
4 shall be returned to the Fund.

5 e. The Agency shall have the authority to adopt  
6 procedural rules, in accordance with the Illinois  
7 Administrative Procedure Act, as the Agency deems  
8 necessary to implement this subsection.

9 f. For purposes of this subsection, the term "regulated  
10 air pollutant" shall have the meaning given to it under  
11 subsection 1 of this Section but shall exclude the  
12 following:

13 i. carbon monoxide;

14 ii. any Class I or II substance which is a  
15 regulated air pollutant solely because it is listed  
16 pursuant to Section 602 of the Clean Air Act; and

17 iii. any pollutant that is a regulated air  
18 pollutant solely because it is subject to a standard or  
19 regulation under Section 112(r) of the Clean Air Act  
20 based on the emissions allowed in the permit effective  
21 in that calendar year, at the time the applicable bill  
22 is generated.

23 19. Air Toxics Provisions.

24 a. In the event that the USEPA fails to promulgate in a  
25 timely manner a standard pursuant to Section 112(d) of the

1 Clean Air Act, the Agency shall have the authority to issue  
2 permits, pursuant to Section 112(j) of the Clean Air Act  
3 and regulations promulgated thereunder, which contain  
4 emission limitations which are equivalent to the emission  
5 limitations that would apply to a source if an emission  
6 standard had been promulgated in a timely manner by USEPA  
7 pursuant to Section 112(d). Provided, however, that the  
8 owner or operator of a source shall have the opportunity to  
9 submit to the Agency a proposed emission limitation which  
10 it determines to be equivalent to the emission limitations  
11 that would apply to such source if an emission standard had  
12 been promulgated in a timely manner by USEPA. If the Agency  
13 refuses to include the emission limitation proposed by the  
14 owner or operator in a CAAPP permit, the owner or operator  
15 may petition the Board to establish whether the emission  
16 limitation proposal submitted by the owner or operator  
17 provides for emission limitations which are equivalent to  
18 the emission limitations that would apply to the source if  
19 the emission standard had been promulgated by USEPA in a  
20 timely manner. The Board shall determine whether the  
21 emission limitation proposed by the owner or operator or an  
22 alternative emission limitation proposed by the Agency  
23 provides for the level of control required under Section  
24 112 of the Clean Air Act, or shall otherwise establish an  
25 appropriate emission limitation, pursuant to Section 112  
26 of the Clean Air Act.

1           b. Any Board proceeding brought under paragraph (a) or  
2           (e) of this subsection shall be conducted according to the  
3           Board's procedures for adjudicatory hearings and the Board  
4           shall render its decision within 120 days of the filing of  
5           the petition. Any such decision shall be subject to review  
6           pursuant to Section 41 of this Act. Where USEPA promulgates  
7           an applicable emission standard prior to the issuance of  
8           the CAAPP permit, the Agency shall include in the permit  
9           the promulgated standard, provided that the source shall  
10          have the compliance period provided under Section 112(i) of  
11          the Clean Air Act. Where USEPA promulgates an applicable  
12          standard subsequent to the issuance of the CAAPP permit,  
13          the Agency shall revise such permit upon the next renewal  
14          to reflect the promulgated standard, providing a  
15          reasonable time for the applicable source to comply with  
16          the standard, but no longer than 8 years after the date on  
17          which the source is first required to comply with the  
18          emissions limitation established under this subsection.

19          c. The Agency shall have the authority to implement and  
20          enforce complete or partial emission standards promulgated  
21          by USEPA pursuant to Section 112(d), and standards  
22          promulgated by USEPA pursuant to Sections 112(f), 112(h),  
23          112(m), and 112(n), and may accept delegation of authority  
24          from USEPA to implement and enforce Section 112(l) and  
25          requirements for the prevention and detection of  
26          accidental releases pursuant to Section 112(r) of the Clean

1 Air Act.

2 d. The Agency shall have the authority to issue permits  
3 pursuant to Section 112(i) (5) of the Clean Air Act.

4 e. The Agency has the authority to implement Section  
5 112(g) of the Clean Air Act consistent with the Clean Air  
6 Act and federal regulations promulgated thereunder. If the  
7 Agency refuses to include the emission limitations  
8 proposed in an application submitted by an owner or  
9 operator for a case-by-case maximum achievable control  
10 technology (MACT) determination, the owner or operator may  
11 petition the Board to determine whether the emission  
12 limitation proposed by the owner or operator or an  
13 alternative emission limitation proposed by the Agency  
14 provides for a level of control required by Section 112 of  
15 the Clean Air Act, or to otherwise establish an appropriate  
16 emission limitation under Section 112 of the Clean Air Act.

17 20. Small Business.

18 a. For purposes of this subsection:

19 "Program" is the Small Business Stationary Source  
20 Technical and Environmental Compliance Assistance Program  
21 created within this State pursuant to Section 507 of the  
22 Clean Air Act and guidance promulgated thereunder, to  
23 provide technical assistance and compliance information to  
24 small business stationary sources;

25 "Small Business Assistance Program" is a component of

1 the Program responsible for providing sufficient  
2 communications with small businesses through the  
3 collection and dissemination of information to small  
4 business stationary sources; and

5 "Small Business Stationary Source" means a stationary  
6 source that:

7 1. is owned or operated by a person that employs  
8 100 or fewer individuals;

9 2. is a small business concern as defined in the  
10 "Small Business Act";

11 3. is not a major source as that term is defined in  
12 subsection 2 of this Section;

13 4. does not emit 50 tons or more per year of any  
14 regulated air pollutant, except greenhouse gases; and

15 5. emits less than 75 tons per year of all  
16 regulated pollutants, except greenhouse gases.

17 b. The Agency shall adopt and submit to USEPA, after  
18 reasonable notice and opportunity for public comment, as a  
19 revision to the Illinois state implementation plan, plans  
20 for establishing the Program.

21 c. The Agency shall have the authority to enter into  
22 such contracts and agreements as the Agency deems necessary  
23 to carry out the purposes of this subsection.

24 d. The Agency may establish such procedures as it may  
25 deem necessary for the purposes of implementing and  
26 executing its responsibilities under this subsection.

1 e. There shall be appointed a Small Business Ombudsman  
2 (hereinafter in this subsection referred to as  
3 "Ombudsman") to monitor the Small Business Assistance  
4 Program. The Ombudsman shall be a nonpartisan designated  
5 official, with the ability to independently assess whether  
6 the goals of the Program are being met.

7 f. The State Ombudsman Office shall be located in an  
8 existing Ombudsman office within the State or in any State  
9 Department.

10 g. There is hereby created a State Compliance Advisory  
11 Panel (hereinafter in this subsection referred to as  
12 "Panel") for determining the overall effectiveness of the  
13 Small Business Assistance Program within this State.

14 h. The selection of Panel members shall be by the  
15 following method:

16 1. The Governor shall select two members who are  
17 not owners or representatives of owners of small  
18 business stationary sources to represent the general  
19 public;

20 2. The Director of the Agency shall select one  
21 member to represent the Agency; and

22 3. The State Legislature shall select four members  
23 who are owners or representatives of owners of small  
24 business stationary sources. Both the majority and  
25 minority leadership in both Houses of the Legislature  
26 shall appoint one member of the panel.



1           i. Panel members should serve without compensation but  
2 will receive full reimbursement for expenses including  
3 travel and per diem as authorized within this State.

4           j. The Panel shall select its own Chair by a majority  
5 vote. The Chair may meet and consult with the Ombudsman and  
6 the head of the Small Business Assistance Program in  
7 planning the activities for the Panel.

8           21. Temporary Sources.

9           a. The Agency may issue a single permit authorizing  
10 emissions from similar operations by the same source owner  
11 or operator at multiple temporary locations, except for  
12 sources which are affected sources for acid deposition  
13 under Title IV of the Clean Air Act.

14           b. The applicant must demonstrate that the operation is  
15 temporary and will involve at least one change of location  
16 during the term of the permit.

17           c. Any such permit shall meet all applicable  
18 requirements of this Section and applicable regulations,  
19 and include conditions assuring compliance with all  
20 applicable requirements at all authorized locations and  
21 requirements that the owner or operator notify the Agency  
22 at least 10 days in advance of each change in location.

23           22. Solid Waste Incineration Units.

24           a. A CAAPP permit for a solid waste incineration unit

1           combusting   municipal   waste   subject   to   standards  
2           promulgated under Section 129(e) of the Clean Air Act shall  
3           be issued for a period of 12 years and shall be reviewed  
4           every 5 years, unless the Agency requires more frequent  
5           review through Agency procedures.

6           b. During the review in paragraph (a) of this  
7           subsection, the Agency shall fully review the previously  
8           submitted CAAPP permit application and corresponding  
9           reports subsequently submitted to determine whether the  
10          source is in compliance with all applicable requirements.

11          c. If the Agency determines that the source is not in  
12          compliance with all applicable requirements it shall  
13          revise the CAAPP permit as appropriate.

14          d. The Agency shall have the authority to adopt  
15          procedural rules, in accordance with the Illinois  
16          Administrative Procedure Act, as the Agency deems  
17          necessary, to implement this subsection.

18          (Source: P.A. 99-380, eff. 8-17-15; 99-933, eff. 1-27-17.)

19           (415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)

20          Sec. 55. Prohibited activities.

21          (a) No person shall:

22           (1) Cause or allow the open dumping of any used or  
23           waste tire.

24           (2) Cause or allow the open burning of any used or  
25           waste tire.

1           (3) Except at a tire storage site which contains more  
2 than 50 used tires, cause or allow the storage of any used  
3 tire unless the tire is altered, reprocessed, converted,  
4 covered, or otherwise prevented from accumulating water.

5           (4) Cause or allow the operation of a tire storage site  
6 except in compliance with Board regulations.

7           (5) Abandon, dump or dispose of any used or waste tire  
8 on private or public property, except in a sanitary  
9 landfill approved by the Agency pursuant to regulations  
10 adopted by the Board.

11           (6) Fail to submit required reports, tire removal  
12 agreements, or Board regulations.

13           (b) (Blank.)

14           (b-1) No ~~Beginning January 1, 1995,~~ no person shall  
15 knowingly mix any used or waste tire, either whole or cut, with  
16 municipal waste, and no owner or operator of a sanitary  
17 landfill shall accept any used or waste tire for final  
18 disposal; except that used or waste tires, when separated from  
19 other waste, may be accepted if: ~~(1)~~ the sanitary landfill  
20 provides and maintains a means for shredding, slitting, or  
21 chopping whole tires and so treats whole tires and, if approved  
22 by the Agency in a permit issued under this Act, uses the used  
23 or waste tires for alternative uses, which may include on-site  
24 practices such as lining of roadways with tire scraps,  
25 alternative daily cover, or use in a leachate collection system  
26 ~~or (2) the sanitary landfill, by its notification to the~~

1 ~~Illinois Industrial Materials Exchange Service, makes~~  
2 ~~available the used or waste tire to an appropriate facility for~~  
3 ~~reuse, reprocessing, or converting, including use as an~~  
4 ~~alternate energy fuel. If, within 30 days after notification to~~  
5 ~~the Illinois Industrial Materials Exchange Service of the~~  
6 ~~availability of waste tires, no specific request for the used~~  
7 ~~or waste tires is received by the sanitary landfill, and the~~  
8 ~~sanitary landfill determines it has no alternative use for~~  
9 ~~those used or waste tires, the sanitary landfill may dispose of~~  
10 ~~slit, chopped, or shredded used or waste tires in the sanitary~~  
11 ~~landfill.~~ In the event the physical condition of a used or  
12 waste tire makes shredding, slitting, chopping, reuse,  
13 reprocessing, or other alternative use of the used or waste  
14 tire impractical or infeasible, then the sanitary landfill,  
15 after authorization by the Agency, may accept the used or waste  
16 tire for disposal.

17 ~~Sanitary landfills and facilities for reuse, reprocessing,~~  
18 ~~or converting, including use as alternative fuel, shall (i)~~  
19 ~~notify the Illinois Industrial Materials Exchange Service of~~  
20 ~~the availability of and demand for used or waste tires and (ii)~~  
21 ~~consult with the Department of Commerce and Economic~~  
22 ~~Opportunity regarding the status of marketing of waste tires to~~  
23 ~~facilities for reuse.~~

24 (c) Any person who sells new or used tires at retail or  
25 operates a tire storage site or a tire disposal site which  
26 contains more than 50 used or waste tires shall give notice of

1 such activity to the Agency. Any person engaging in such  
2 activity for the first time after January 1, 1990, shall give  
3 notice to the Agency within 30 days after the date of  
4 commencement of the activity. The form of such notice shall be  
5 specified by the Agency and shall be limited to information  
6 regarding the following:

7 (1) the name and address of the owner and operator;

8 (2) the name, address and location of the operation;

9 (3) the type of operations involving used and waste  
10 tires (storage, disposal, conversion or processing); and

11 (4) the number of used and waste tires present at the  
12 location.

13 (d) Beginning January 1, 1992, no person shall cause or  
14 allow the operation of:

15 (1) a tire storage site which contains more than 50  
16 used tires, unless the owner or operator, by January 1,  
17 1992 (or the January 1 following commencement of operation,  
18 whichever is later) and January 1 of each year thereafter,  
19 (i) registers the site with the Agency, except that the  
20 registration requirement in this item (i) does not apply in  
21 the case of a tire storage site required to be permitted  
22 under subsection (d-5), (ii) certifies to the Agency that  
23 the site complies with any applicable standards adopted by  
24 the Board pursuant to Section 55.2, (iii) reports to the  
25 Agency the number of tires accumulated, the status of  
26 vector controls, and the actions taken to handle and

1 process the tires, and (iv) pays the fee required under  
2 subsection (b) of Section 55.6; or

3 (2) a tire disposal site, unless the owner or operator  
4 (i) has received approval from the Agency after filing a  
5 tire removal agreement pursuant to Section 55.4, or (ii)  
6 has entered into a written agreement to participate in a  
7 consensual removal action under Section 55.3.

8 The Agency shall provide written forms for the annual  
9 registration and certification required under this subsection  
10 (d).

11 (d-4) On or before January 1, 2015, the owner or operator  
12 of each tire storage site that contains used tires totaling  
13 more than 10,000 passenger tire equivalents, or at which more  
14 than 500 tons of used tires are processed in a calendar year,  
15 shall submit documentation demonstrating its compliance with  
16 Board rules adopted under this Title. This documentation must  
17 be submitted on forms and in a format prescribed by the Agency.

18 (d-5) Beginning July 1, 2016, no person shall cause or  
19 allow the operation of a tire storage site that contains used  
20 tires totaling more than 10,000 passenger tire equivalents, or  
21 at which more than 500 tons of used tires are processed in a  
22 calendar year, without a permit granted by the Agency or in  
23 violation of any conditions imposed by that permit, including  
24 periodic reports and full access to adequate records and the  
25 inspection of facilities, as may be necessary to ensure  
26 compliance with this Act and with regulations and standards

1 adopted under this Act.

2 (d-6) No person shall cause or allow the operation of a  
3 tire storage site in violation of the financial assurance rules  
4 established by the Board under subsection (b) of Section 55.2  
5 of this Act. In addition to the remedies otherwise provided  
6 under this Act, the State's Attorney of the county in which the  
7 violation occurred, or the Attorney General, may, at the  
8 request of the Agency or on his or her own motion, institute a  
9 civil action for an immediate injunction, prohibitory or  
10 mandatory, to restrain any violation of this subsection (d-6)  
11 or to require any other action as may be necessary to abate or  
12 mitigate any immediate danger or threat to public health or the  
13 environment at the site. Injunctions to restrain a violation of  
14 this subsection (d-6) may include, but are not limited to, the  
15 required removal of all tires for which financial assurance is  
16 not maintained and a prohibition against the acceptance of  
17 tires in excess of the amount for which financial assurance is  
18 maintained.

19 (e) No person shall cause or allow the storage, disposal,  
20 treatment or processing of any used or waste tire in violation  
21 of any regulation or standard adopted by the Board.

22 (f) No person shall arrange for the transportation of used  
23 or waste tires away from the site of generation with a person  
24 known to openly dump such tires.

25 (g) No person shall engage in any operation as a used or  
26 waste tire transporter except in compliance with Board

1 regulations.

2 (h) No person shall cause or allow the combustion of any  
3 used or waste tire in an enclosed device unless a permit has  
4 been issued by the Agency authorizing such combustion pursuant  
5 to regulations adopted by the Board for the control of air  
6 pollution and consistent with the provisions of Section 9.4 of  
7 this Act.

8 (i) No person shall cause or allow the use of pesticides to  
9 treat tires except as prescribed by Board regulations.

10 (j) No person shall fail to comply with the terms of a tire  
11 removal agreement approved by the Agency pursuant to Section  
12 55.4.

13 (k) No person shall:

14 (1) Cause or allow water to accumulate in used or waste  
15 tires. The prohibition set forth in this paragraph (1) of  
16 subsection (k) shall not apply to used or waste tires  
17 located at a residential household, as long as not more  
18 than 12 used or waste tires are located at the site.

19 (2) Fail to collect a fee required under Section 55.8  
20 of this Title.

21 (3) Fail to file a return required under Section 55.10  
22 of this Title.

23 (4) Transport used or waste tires in violation of the  
24 registration and vehicle placarding requirements adopted  
25 by the Board.

26 (Source: P.A. 98-656, eff. 6-19-14.)



1 (415 ILCS 5/55.6) (from Ch. 111 1/2, par. 1055.6)

2 Sec. 55.6. Used Tire Management Fund.

3 (a) There is hereby created in the State Treasury a special  
4 fund to be known as the Used Tire Management Fund. There shall  
5 be deposited into the Fund all monies received as (1) recovered  
6 costs or proceeds from the sale of used tires under Section  
7 55.3 of this Act, (2) repayment of loans from the Used Tire  
8 Management Fund, or (3) penalties or punitive damages for  
9 violations of this Title, except as provided by subdivision  
10 (b) (4) or (b) (4-5) of Section 42.

11 (b) Beginning January 1, 1992, in addition to any other  
12 fees required by law, the owner or operator of each site  
13 required to be registered or permitted under subsection (d) or  
14 (d-5) of Section 55 shall pay to the Agency an annual fee of  
15 \$100. Fees collected under this subsection shall be deposited  
16 into the Environmental Protection Permit and Inspection Fund.

17 (c) Pursuant to appropriation, monies up to an amount of \$2  
18 million per fiscal year from the Used Tire Management Fund  
19 shall be allocated as follows:

20 (1) 38% shall be available to the Agency for the  
21 following purposes, provided that priority shall be given  
22 to item (i):

23 (i) To undertake preventive, corrective or removal  
24 action as authorized by and in accordance with Section  
25 55.3, and to recover costs in accordance with Section

1 55.3.

2 (ii) For the performance of inspection and  
3 enforcement activities for used and waste tire sites.

4 (iii) (Blank). ~~To assist with marketing of used~~  
5 ~~tires by augmenting the operations of an industrial~~  
6 ~~materials exchange service.~~

7 (iv) To provide financial assistance to units of  
8 local government for the performance of inspecting,  
9 investigating and enforcement activities pursuant to  
10 subsection (r) of Section 4 at used and waste tire  
11 sites.

12 (v) To provide financial assistance for used and  
13 waste tire collection projects sponsored by local  
14 government or not-for-profit corporations.

15 (vi) For the costs of fee collection and  
16 administration relating to used and waste tires, and to  
17 accomplish such other purposes as are authorized by  
18 this Act and regulations thereunder.

19 (vii) To provide financial assistance to units of  
20 local government and private industry for the purposes  
21 of:

22 (A) assisting in the establishment of  
23 facilities and programs to collect, process, and  
24 utilize used and waste tires and tire-derived  
25 materials;

26 (B) demonstrating the feasibility of

1 innovative technologies as a means of collecting,  
2 storing, processing, and utilizing used and waste  
3 tires and tire-derived materials; and

4 (C) applying demonstrated technologies as a  
5 means of collecting, storing, processing, and  
6 utilizing used and waste tires and tire-derived  
7 materials.

8 (2) For fiscal years beginning prior to July 1, 2004,  
9 23% shall be available to the Department of Commerce and  
10 Economic Opportunity for the following purposes, provided  
11 that priority shall be given to item (A):

12 (A) To provide grants or loans for the purposes of:

13 (i) assisting units of local government and  
14 private industry in the establishment of  
15 facilities and programs to collect, process and  
16 utilize used and waste tires and tire derived  
17 materials;

18 (ii) demonstrating the feasibility of  
19 innovative technologies as a means of collecting,  
20 storing, processing and utilizing used and waste  
21 tires and tire derived materials; and

22 (iii) applying demonstrated technologies as a  
23 means of collecting, storing, processing, and  
24 utilizing used and waste tires and tire derived  
25 materials.

26 (B) To develop educational material for use by

1 officials and the public to better understand and  
2 respond to the problems posed by used tires and  
3 associated insects.

4 (C) (Blank).

5 (D) To perform such research as the Director deems  
6 appropriate to help meet the purposes of this Act.

7 (E) To pay the costs of administration of its  
8 activities authorized under this Act.

9 (2.1) For the fiscal year beginning July 1, 2004 and  
10 for all fiscal years thereafter, 23% shall be deposited  
11 into the General Revenue Fund.

12 (3) 25% shall be available to the Illinois Department  
13 of Public Health for the following purposes:

14 (A) To investigate threats or potential threats to  
15 the public health related to mosquitoes and other  
16 vectors of disease associated with the improper  
17 storage, handling and disposal of tires, improper  
18 waste disposal, or natural conditions.

19 (B) To conduct surveillance and monitoring  
20 activities for mosquitoes and other arthropod vectors  
21 of disease, and surveillance of animals which provide a  
22 reservoir for disease-producing organisms.

23 (C) To conduct training activities to promote  
24 vector control programs and integrated pest management  
25 as defined in the Vector Control Act.

26 (D) To respond to inquiries, investigate

1 complaints, conduct evaluations and provide technical  
2 consultation to help reduce or eliminate public health  
3 hazards and nuisance conditions associated with  
4 mosquitoes and other vectors.

5 (E) To provide financial assistance to units of  
6 local government for training, investigation and  
7 response to public nuisances associated with  
8 mosquitoes and other vectors of disease.

9 (4) 2% shall be available to the Department of  
10 Agriculture for its activities under the Illinois  
11 Pesticide Act relating to used and waste tires.

12 (5) 2% shall be available to the Pollution Control  
13 Board for administration of its activities relating to used  
14 and waste tires.

15 (6) 10% shall be available to the Department of Natural  
16 Resources for the Illinois Natural History Survey to  
17 perform research to study the biology, distribution,  
18 population ecology, and biosystematics of tire-breeding  
19 arthropods, especially mosquitoes, and the diseases they  
20 spread.

21 (d) By January 1, 1998, and biennially thereafter, each  
22 State agency receiving an appropriation from the Used Tire  
23 Management Fund shall report to the Governor and the General  
24 Assembly on its activities relating to the Fund.

25 (e) Any monies appropriated from the Used Tire Management  
26 Fund, but not obligated, shall revert to the Fund.

1           (f) In administering the provisions of subdivisions (1),  
2           (2) and (3) of subsection (c) of this Section, the Agency, the  
3           Department of Commerce and Economic Opportunity, and the  
4           Illinois Department of Public Health shall ensure that  
5           appropriate funding assistance is provided to any municipality  
6           with a population over 1,000,000 or to any sanitary district  
7           which serves a population over 1,000,000.

8           (g) Pursuant to appropriation, monies in excess of \$2  
9           million per fiscal year from the Used Tire Management Fund  
10          shall be used as follows:

11           (1) 55% shall be available to the Agency for the  
12          following purposes, provided that priority shall be given  
13          to subparagraph (A):

14           (A) To undertake preventive, corrective or renewed  
15          action as authorized by and in accordance with Section  
16          55.3 and to recover costs in accordance with Section  
17          55.3.

18           (B) To provide financial assistance to units of  
19          local government and private industry for the purposes  
20          of:

21           (i) assisting in the establishment of  
22          facilities and programs to collect, process, and  
23          utilize used and waste tires and tire-derived  
24          materials;

25           (ii) demonstrating the feasibility of  
26          innovative technologies as a means of collecting,

1 storing, processing, and utilizing used and waste  
2 tires and tire-derived materials; and

3 (iii) applying demonstrated technologies as a  
4 means of collecting, storing, processing, and  
5 utilizing used and waste tires and tire-derived  
6 materials.

7 (2) For fiscal years beginning prior to July 1, 2004,  
8 45% shall be available to the Department of Commerce and  
9 Economic Opportunity to provide grants or loans for the  
10 purposes of:

11 (i) assisting units of local government and  
12 private industry in the establishment of facilities  
13 and programs to collect, process and utilize waste  
14 tires and tire derived material;

15 (ii) demonstrating the feasibility of innovative  
16 technologies as a means of collecting, storing,  
17 processing, and utilizing used and waste tires and tire  
18 derived materials; and

19 (iii) applying demonstrated technologies as a  
20 means of collecting, storing, processing, and  
21 utilizing used and waste tires and tire derived  
22 materials.

23 (3) For the fiscal year beginning July 1, 2004 and for  
24 all fiscal years thereafter, 45% shall be deposited into  
25 the General Revenue Fund.

26 (Source: P.A. 98-656, eff. 6-19-14.)

1 (415 ILCS 5/17.6 rep.)

2 Section 15. The Environmental Protection Act is amended by  
3 repealing Section 17.6.

4 Section 20. The Environmental Toxicology Act is amended by  
5 changing Sections 3 and 5 as follows:

6 (415 ILCS 75/3) (from Ch. 111 1/2, par. 983)

7 Sec. 3. Definitions. As used in this Act, unless the  
8 context otherwise requires;

9 (a) "Department" means the Illinois Department of Public  
10 Health;

11 (b) "Director" means the Director of the Illinois  
12 Department of Public Health;

13 (c) "Program" means the Environmental Toxicology program  
14 as established by this Act;

15 (d) "Exposure" means contact with a hazardous substance;

16 (e) "Hazardous Substance" means chemical compounds,  
17 elements, or combinations of chemicals which, because of  
18 quantity concentration, physical characteristics or  
19 toxicological characteristics may pose a substantial present  
20 or potential hazard to human health and includes, but is not  
21 limited to, any substance defined as a hazardous substance in  
22 Section 3.215 of the "Environmental Protection Act", approved  
23 June 29, 1970, as amended;



1 (f) "Initial Assessment" means a review and evaluation of  
2 site history and hazardous substances involved, potential for  
3 population exposure, the nature of any health related  
4 complaints and any known patterns in disease occurrence;

5 (g) "Comprehensive Health Study" means a detailed analysis  
6 which may include: a review of available environmental,  
7 morbidity and mortality data; environmental and biological  
8 sampling; detailed review of scientific literature; exposure  
9 analysis; population surveys; or any other scientific or  
10 epidemiologic methods deemed necessary to adequately evaluate  
11 the health status of the population at risk and any potential  
12 relationship to environmental factors;

13 (h) "Superfund Site" means any hazardous waste site  
14 designated for cleanup on the National Priorities List as  
15 mandated by the Comprehensive Environmental Response,  
16 Compensation, and Liability Act of 1980 (P.L. 96-510), as  
17 amended;

18 (i) ~~(Blank). "State Remedial Action Priority List" means a~~  
19 ~~list compiled by the Illinois Environmental Protection Agency~~  
20 ~~which identifies sites that appear to present significant risk~~  
21 ~~to the public health, welfare or environment.~~

22 (Source: P.A. 92-574, eff. 6-26-02.)

23 (415 ILCS 75/5) (from Ch. 111 1/2, par. 985)

24 Sec. 5. (a) Upon request by the Illinois Environmental  
25 Protection Agency, the Department shall conduct an initial

1 assessment for any location designated as a Superfund Site ~~or~~  
2 ~~on the State Remedial Action Priority List~~. Such assessment  
3 shall be initiated within 60 days of the request.

4 (b) (Blank). ~~For sites designated as Superfund Sites or~~  
5 ~~sites on the State Remedial Action Priority List on the~~  
6 ~~effective date of this Act, the Department and the Illinois~~  
7 ~~Environmental Protection Agency shall jointly determine which~~  
8 ~~sites warrant initial assessment. If warranted, initial~~  
9 ~~assessment shall be initiated by January 1, 1986.~~

10 (c) If, as a result of the initial assessment, the  
11 Department determines that a public health problem related to  
12 exposure to hazardous substances may exist in a community  
13 located near a designated site, the Department shall conduct a  
14 comprehensive health study to assess the full relationship, if  
15 any, between such threat or potential threat and possible  
16 exposure to hazardous substances at the designated site.

17 (Source: P.A. 84-987.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 225 ILCS 320/35.5

4 415 ILCS 5/12.4

5 415 ILCS 5/21 from Ch. 111 1/2, par. 1021

6 415 ILCS 5/22.15 from Ch. 111 1/2, par. 1022.15

7 415 ILCS 5/22.28 from Ch. 111 1/2, par. 1022.28

8 415 ILCS 5/22.29 from Ch. 111 1/2, par. 1022.29

9 415 ILCS 5/55 from Ch. 111 1/2, par. 1055

10 415 ILCS 5/55.6 from Ch. 111 1/2, par. 1055.6

11 415 ILCS 5/17.6 rep.

12 415 ILCS 75/3 from Ch. 111 1/2, par. 983

13 415 ILCS 75/5 from Ch. 111 1/2, par. 985