



Rep. Rita Mayfield

Adopted in House Comm. on Oct 28, 2019

10100HB3888ham001

LRB101 14210 CPF 64102 a

1 AMENDMENT TO HOUSE BILL 3888

2 AMENDMENT NO. _____. Amend House Bill 3888 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 adding Section 9.18 as follows:

6 (415 ILCS 5/9.18 new)

7 Sec. 9.18. Ethylene oxide phase-out.

8 (a) In this Section:

9 "Densely populated location" means a location that does not
10 qualify as a remote location as defined in this subsection.

11 "Ethylene oxide emissions source" means a stationary
12 source that currently, or at any point in the previous 15
13 years, emits, emitted, or has the potential to emit ethylene
14 oxide into the atmosphere, regardless of the specific emissions
15 source. "Ethylene oxide emissions source" does not include an
16 ethylene oxide sterilization source, hospital, or natural

1 biological source such as the human body, plant, or animal.

2 "Ethylene oxide sterilization operation" means the process
3 of using ethylene oxide to make one or more items free from
4 microorganisms, pathogens, or both microorganisms and
5 pathogens.

6 "Ethylene oxide sterilization source" means a stationary
7 source where operations include ethylene oxide sterilization
8 operations and that currently, or at any point in the previous
9 15 years, emits, emitted, or has the potential to emit ethylene
10 oxide into the atmosphere, regardless of its emissions source.

11 "Ethylene oxide sterilization source" does not include a
12 hospital as defined in this subsection.

13 "Hospital" means a hospital licensed under the Hospital
14 Licensing Act or operated under the University of Illinois
15 Hospital Act.

16 "Remote location" means a location removed from
17 populations especially vulnerable to the emission of ethylene
18 oxide. "Remote location" only includes a location meeting the
19 requirements of the following paragraphs (1) or (2).

20 (1) In counties with an average population density of
21 less than 1,000 people per square mile, the location must
22 be:

23 (A) at the center of a 5 mile radius within which
24 there is a population density of 100 people or fewer
25 per square mile; and

26 (B) at least 5 miles from the nearest registered

1 day care or school serving students in grades preschool
2 through 12 and in existence before October 1, 2019.

3 (2) In counties with an average population density
4 equal to or greater than 1,000 people per square mile, the
5 location must be:

6 (A) at the center of a 10 mile radius within which
7 there is a population density of 100 people or fewer
8 per square mile; and

9 (B) at least 10 miles from the nearest registered
10 day care or school serving students in grades preschool
11 through 12 and in existence before October 1, 2019.

12 (b) Ethylene oxide sterilization sources are subject to the
13 following requirements:

14 (1) On and after January 1, 2021, no ethylene oxide
15 sterilization source in a densely populated location shall
16 conduct ethylene oxide sterilization operations that
17 result in the emission of ethylene oxide or propylene
18 oxide.

19 (2) On and after January 1, 2021, no ethylene oxide
20 sterilization source in a remote location shall emit more
21 than 30 pounds of ethylene oxide or 30 pounds of propylene
22 oxide annually.

23 (3) Within 90 days after the effective date of this
24 amendatory Act of the 101st General Assembly, each ethylene
25 oxide sterilization source shall submit a letter to the
26 Agency stating whether they intend to modify or phase out

1 the emissions of ethylene oxide consistent with their
2 obligations established under this Section. Upon receipt
3 by the Agency, the Agency shall make the letter publicly
4 available on the Agency's website.

5 (4) No ethylene oxide sterilization source shall
6 conduct ethylene oxide sterilization operations or other
7 activities that cause ethylene oxide or propylene oxide
8 emissions unless the owner or operator of the ethylene
9 oxide sterilization source submits for review and approval
10 by the Agency a plan describing how the owner or operator
11 will continuously collect emissions information. The plan
12 must also specify locations at the source from which
13 emissions will be collected and identify equipment used for
14 their collection and analysis, including the equipment's
15 individual system components. Emissions monitoring
16 equipment must be tested and validated at least once in any
17 12-month period and the results forwarded to the Agency.

18 (5) In issuing the applicable permits to ethylene oxide
19 sterilization sources, the Agency shall include
20 limitations, informed by each ethylene oxide sterilization
21 source's risk management plan, on the amount of ethylene
22 oxide that may be stored on-site to protect public health,
23 public safety, and the environment. Prior to issuing the
24 applicable permits, the Agency shall require the
25 submission of documentation demonstrating that the permit
26 applicant is in compliance, and will maintain compliance,

1 with local, State, and federal law governing the storage of
2 ethylene oxide. All permits issued by the Agency shall
3 grant the Agency the authority to modify the permit to
4 change limitations on the amount of ethylene oxide that can
5 be stored on-site at any time and to modify storage
6 practices or equipment requirements. All permits issued by
7 the Agency shall grant the Agency the right to conduct
8 unannounced inspections. The Agency shall conduct at least
9 one unannounced inspection annually of the ethylene oxide
10 storage system for each permit holder.

11 (6) Ethylene oxide sterilization sources shall be
12 required to submit or resubmit a risk management plan to
13 the Agency within 90 days of the effective date of this
14 amendatory Act of the 101st General Assembly, on or before
15 December 31, 2020, and on or before December 31 of every
16 fifth year thereafter.

17 (c) Hospitals are subject to the following requirements:

18 (1) On and after January 1, 2023, any hospital
19 designated as a critical access hospital by the Centers for
20 Medicare and Medicaid Services under the federal Balanced
21 Budget Act of 1997 shall not conduct ethylene oxide
22 sterilization operations.

23 (2) On and after January 1, 2022, any hospital not
24 designated as a critical access hospital by the Centers for
25 Medicare and Medicaid Services shall not conduct ethylene
26 oxide sterilization operations.

1 (3) Within 90 days after the effective date of this
2 amendatory Act of the 101st General Assembly, any hospital
3 conducting ethylene oxide sterilization operations shall
4 submit a letter to the Agency committing the hospital to
5 phase out the emissions of ethylene oxide by applicable
6 deadlines established under this Section.

7 (d) Ethylene oxide emissions sources are subject to the
8 following requirements:

9 (1) On and after January 1, 2021, no ethylene oxide
10 emissions source in a densely populated location shall
11 conduct operations or other activities that emit ethylene
12 oxide in excess of 30 pounds annually and 3 pounds monthly.

13 (2) Beginning 90 days after the effective date of this
14 amendatory Act of the 101st General Assembly, no ethylene
15 oxide emissions source shall conduct activities that cause
16 ethylene oxide emissions unless the owner or operator
17 submits for review and approval by the Agency a plan
18 describing how the ethylene oxide emissions source will
19 continuously collect emissions information. Each ethylene
20 oxide emissions source must specify in its plan all
21 locations at which ethylene oxide may enter the atmosphere
22 at each emissions source and shall install proper
23 monitoring equipment. The equipment for monitoring and
24 collecting emissions must be installed and the owner or
25 operator of the ethylene oxide emissions source must begin
26 reporting the results to the Agency within 120 days of the

1 effective date of this amendatory Act of the 101st General
2 Assembly. The plan must also specify locations at the
3 source from which emissions will be collected and identify
4 equipment used for collection and analysis, including the
5 equipment's individual system components. The emissions
6 monitoring equipment must be tested and validated at least
7 once in any 12-month period and the results forwarded to
8 the Agency.

9 (A) The owner or operator of an ethylene oxide
10 emissions source must provide a notice of acceptance of
11 any conditions added by the Agency to the plan, or
12 correct any deficiencies identified by the Agency in
13 the plan, within 10 business days after receiving the
14 Agency's conditional acceptance or denial of the plan.

15 (B) Upon the Agency's approval of the plan, the
16 owner or operator of the ethylene oxide emissions
17 source shall implement the plan in accordance with its
18 approved terms.

19 (3) Each ethylene oxide emissions source shall report
20 to the Agency the amount of ethylene oxide used and the
21 ethylene oxide emissions created at the ethylene oxide
22 emissions source annually. All reports submitted to the
23 Agency shall include documentation necessary to verify the
24 quantity used and purchased by the ethylene oxide emissions
25 source.

26 (4) In issuing the applicable permits to ethylene oxide

1 emissions sources, the Agency shall include limitations,
2 informed by each ethylene oxide emissions source's risk
3 management plan, on the amount of ethylene oxide that may
4 be stored on-site to protect public health, public safety,
5 and the environment. The unit of local government in which
6 the ethylene oxide emissions source is located may regulate
7 the storage of ethylene oxide in a manner that is more
8 restrictive or matches the standards established by the
9 Agency. Prior to issuing the applicable permits, the Agency
10 shall require the submission of documentation
11 demonstrating that the permit applicant is in compliance,
12 and will maintain compliance, with local, State, and
13 federal law governing the storage of ethylene oxide. All
14 permits issued by the Agency shall grant the Agency the
15 authority to modify the permit to change limitations on the
16 amount of ethylene oxide that can be stored on-site at any
17 time and to modify storage practices or equipment
18 requirements. All permits issued by the Agency shall grant
19 the Agency the right to conduct unannounced inspections.
20 The Agency shall conduct at least one unannounced
21 inspection annually of the ethylene oxide storage system
22 for each permit holder.

23 (5) The Agency shall set annual emissions limitations
24 on ethylene oxide emissions that are equal to or lesser
25 than the maximums established under this Section for all
26 ethylene oxide emissions sources. The limitations shall be

1 set to provide maximum protection for public health without
2 consideration of financial cost. No ethylene oxide
3 emissions source shall conduct operations or other
4 activities that emit ethylene oxide in excess of 150 pounds
5 annually.

6 (6) In establishing the annual emissions limitation on
7 ethylene oxide emissions sources in remote locations, the
8 Agency shall consider the health and safety of children in
9 rural schools. On and after January 1, 2021, no ethylene
10 oxide emissions source in a remote location shall conduct
11 operations or other activities that emit ethylene oxide in
12 excess of 30 pounds annually and 3 pounds monthly if the
13 emissions source is within 5 miles of the nearest
14 registered day care or school serving students in grades
15 preschool through 12 and in existence before October 1,
16 2019.

17 (7) Ethylene oxide emissions sources shall be required
18 to submit or resubmit a risk management plan to the Agency
19 within 90 days of the effective date of this amendatory Act
20 of the 101st General Assembly, on or before December 31,
21 2020, and on or before December 31 of every fifth year
22 thereafter.

23 (e) On and after January 1, 2022, the maximum cumulative
24 emissions in a densely populated location from any sum of
25 ethylene oxide emissions sources, hospitals, and ethylene
26 oxide sterilization sources located within 3 and one half miles

1 of each other shall not exceed 35 pounds annually, inclusive of
2 any emissions not emanating from any stack. The Agency shall
3 set emissions limitations for individual ethylene oxide
4 emissions sources to comply with this requirement. If multiple
5 applicants request to emit ethylene oxide in a collective sum
6 that is greater than the annual collective maximum regional
7 emissions established under this subsection, the Agency shall
8 prioritize applicants seeking to provide medical services,
9 such as hospitals and ethylene oxide sterilization sources that
10 sterilize medical products.

11 (f) The Agency shall conduct a comprehensive review of
12 ethylene oxide use and emissions within the State of Illinois.
13 The Agency shall submit its findings in a report to the General
14 Assembly and make the report publicly available on the Agency's
15 website on or before June 30, 2021. At a minimum, the report
16 shall include the following:

17 (1) A comprehensive assessment of where ethylene oxide
18 is used at levels that may cause measurable emissions.

19 (2) The Agency's recommendations for future
20 administrative actions, regulations, or legislation
21 pertaining to ethylene oxide, designed to provide maximum
22 protection to public health.

23 (3) The Agency's assessment of the risk to human health
24 and environmental damage that can be caused by exposure to
25 ethylene oxide.

1 Section 97. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".