



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2385

Introduced 2/17/2021, by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

415 ILCS 5/9.18 new

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to conduct continuous fence line air monitoring, using air canisters, of ethylene oxide at any facility emitting ethylene oxide in a densely-populated area. Provides that the Agency shall publicly post the results of the monitoring on its website within 30 days after each sample is taken. Requires the Agency to establish fence line monitoring of ethylene oxide limits at 0.02 micrograms per cubic meter. Provides specified civil penalties for emitting facilities with different specified annual revenues. Contains other provisions.

LRB102 12783 CPF 18122 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Environmental Protection Act is amended by
5 adding Section 9.18 as follows:

6 (415 ILCS 5/9.18 new)

7 Sec. 9.18. Continuous fence line monitoring; ethylene
8 oxide.

9 (a) The Agency shall conduct continuous fence line air
10 monitoring, using air canisters, of ethylene oxide at any
11 facility emitting ethylene oxide in a densely-populated area.
12 The Agency shall publicly post the results of the monitoring
13 on its website within 30 days after each sample is taken.

14 (b) The Agency shall utilize the results under subsection
15 (a) to determine if facilities emitting ethylene oxide are in
16 compliance with statutory limits, including Section 9.16,
17 regarding ethylene oxide pollution.

18 (c) The Agency shall establish fence line monitoring of
19 ethylene oxide limits at 0.02 micrograms per cubic meter (0.02
20 µg/m³). If fence line monitoring under subsection (a) shows
21 ethylene oxide levels higher than 0.02 micrograms per cubic
22 meter (0.02 µg/m³) for any period of 5 or more days during a
23 30-day period, the emitting facility is subject to a civil

1 penalty under subsection (d).

2 (d) Civil penalties under this Act shall be in the
3 following amounts for the following number of violations:

4 (1) Civil penalties for emitting facilities with over
5 \$5,000,000,000 in annual revenue shall be:

6 (A) for a first violation, \$500,000;

7 (B) for a second violation, \$1,000,000;

8 (C) for a third violation, \$5,000,000;

9 (D) for a fourth violation, \$10,000,000;

10 (E) for a fifth violation, \$50,000,000; and

11 (F) for a sixth or subsequent violation,
12 \$100,000,000.

13 (2) Civil penalties for emitting facilities with over
14 \$1,000,000,000 and up to\$5,000,000,000 in annual revenue
15 shall be:

16 (A) for a first violation, \$250,000;

17 (B) for a second violation, \$500,000;

18 (C) for a third violation, \$1,000,000;

19 (D) for a fourth violation, \$5,000,000;

20 (E) for a fifth violation, \$10,000,000; and

21 (F) for a sixth or subsequent violation,
22 \$20,000,000.

23 (3) Civil penalties for emitting facilities with
24 between \$500,000,000 and\$1,000,000,000 in annual revenue
25 shall be:

26 (A) for the first violation, \$25,000;

1 (B) for a second violation, \$50,000;
2 (C) for a third violation, \$100,000;
3 (D) for a fourth violation, \$250,000;
4 (E) for a fifth violation, \$500,000; and
5 (F) for a sixth or subsequent violation,
6 \$1,000,000.