



Sen. Edward D. Maloney

Filed: 5/26/2004

09300HB0911sam001

LRB093 05422 RAS 51695 a

1 AMENDMENT TO HOUSE BILL 911

2 AMENDMENT NO. _____. Amend House Bill 911 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 10 as follows:

6 (415 ILCS 5/10) (from Ch. 111 1/2, par. 1010)

7 Sec. 10. Regulations.

8 (A) The Board, pursuant to procedures prescribed in Title
9 VII of this Act, may adopt regulations to promote the purposes
10 of this Title. Without limiting the generality of this
11 authority, such regulations may among other things prescribe:

12 (a) Ambient air quality standards specifying the
13 maximum permissible short-term and long-term
14 concentrations of various contaminants in the atmosphere;

15 (b) Emission standards specifying the maximum amounts
16 or concentrations of various contaminants that may be
17 discharged into the atmosphere;

18 (c) Standards for the issuance of permits for
19 construction, installation, or operation of any equipment,
20 facility, vehicle, vessel, or aircraft capable of causing
21 or contributing to air pollution or designed to prevent air
22 pollution;

23 (d) Standards and conditions regarding the sale,
24 offer, or use of any fuel, vehicle, or other article

1 determined by the Board to constitute an air-pollution
2 hazard;

3 (e) Alert and abatement standards relative to
4 air-pollution episodes or emergencies constituting an
5 acute danger to health or to the environment;

6 (f) Requirements and procedures for the inspection of
7 any equipment, facility, vehicle, vessel, or aircraft that
8 may cause or contribute to air pollution;

9 (g) Requirements and standards for equipment and
10 procedures for monitoring contaminant discharges at their
11 sources, the collection of samples and the collection,
12 reporting and retention of data resulting from such
13 monitoring.

14 (B) The Board shall adopt sulfur dioxide regulations and
15 emission standards for existing fuel combustion stationary
16 emission sources located in all areas of the State of Illinois,
17 except the Chicago, St. Louis (Illinois) and Peoria major
18 metropolitan areas, in accordance with the following
19 requirements:

20 (1) Such regulations shall not be more restrictive than
21 necessary to attain and maintain the "Primary National
22 Ambient Air Quality Standards for Sulfur Dioxide" and
23 within a reasonable time attain and maintain the "Secondary
24 National Ambient Air Quality Standards for Sulfur
25 Dioxide."

26 (2) Such regulations shall be based upon ambient air
27 quality monitoring data insofar as possible, consistent
28 with regulations of the United States Environmental
29 Protection Agency. To the extent that air quality modeling
30 techniques are used for setting standards, such techniques
31 shall be fully described and documented in the record of
32 the Board's rulemaking proceeding.

33 (3) Such regulations shall provide a mechanism for the
34 establishment of emission standards applicable to a

1 specific site as an alternative to a more restrictive
2 general emission standard. The Board shall delegate
3 authority to the Agency to determine such specific site
4 emission standards, pursuant to regulations adopted by the
5 Board.

6 (4) Such regulations and standards shall allow all
7 available alternative air quality control methods
8 consistent with federal law and regulations.

9 (C) The Board may not adopt any regulation banning the
10 burning of landscape waste throughout the State generally. The
11 Board may, by regulation, restrict or prohibit the burning of
12 landscape waste within any geographical area of the State if it
13 determines based on medical and biological evidence generally
14 accepted by the scientific community that such burning will
15 produce in the atmosphere of that geographical area
16 contaminants in sufficient quantities and of such
17 characteristics and duration as to be injurious to humans,
18 plant, or animal life, or health.

19 Notwithstanding any other provision of this Act, no later
20 than January 1, 2005, the Board shall, by rule, prohibit the
21 burning of landscape waste in a municipality with a population
22 between 4,000 and 6,000 in a county with a population over
23 5,000,000.

24 (D) The Board shall adopt regulations requiring the owner
25 or operator of a gasoline dispensing system that dispenses more
26 than 10,000 gallons of gasoline per month to install and
27 operate a system for the recovery of gasoline vapor emissions
28 arising from the fueling of motor vehicles that meets the
29 requirements of Section 182 of the federal Clean Air Act (42
30 USC 7511a). These regulations shall apply only in areas of the
31 State that are classified as moderate, serious, severe or
32 extreme nonattainment areas for ozone pursuant to Section 181
33 of the federal Clean Air Act (42 USC 7511), but shall not apply
34 in such areas classified as moderate nonattainment areas for

1 ozone if the Administrator of the U.S. Environmental Protection
2 Agency promulgates standards for vehicle-based (onboard)
3 systems for the control of vehicle refueling emissions pursuant
4 to Section 202(a)(6) of the federal Clean Air Act (42 USC
5 7521(a)(6)) by November 15, 1992.

6 (E) The Board shall not adopt or enforce any regulation
7 requiring the use of a tarpaulin or other covering on a truck,
8 trailer, or other vehicle that is stricter than the
9 requirements of Section 15-109.1 of the Illinois Vehicle Code.
10 To the extent that it is in conflict with this subsection, the
11 Board's rule codified as 35 Ill. Admin. Code, Section 212.315
12 is hereby superseded.

13 (F) Any person who prior to June 8, 1988, has filed a
14 timely Notice of Intent to Petition for an Adjusted RACT
15 Emissions Limitation and who subsequently timely files a
16 completed petition for an adjusted RACT emissions limitation
17 pursuant to 35 Ill. Adm. Code, Part 215, Subpart I, shall be
18 subject to the procedures contained in Subpart I but shall be
19 excluded by operation of law from 35 Ill. Adm. Code, Part 215,
20 Subparts PP, QQ and RR, including the applicable definitions in
21 35 Ill. Adm. Code, Part 211. Such persons shall instead be
22 subject to a separate regulation which the Board is hereby
23 authorized to adopt pursuant to the adjusted RACT emissions
24 limitation procedure in 35 Ill. Adm. Code, Part 215, Subpart I.
25 In its final action on the petition, the Board shall create a
26 separate rule which establishes Reasonably Available Control
27 Technology (RACT) for such person. The purpose of this
28 procedure is to create separate and independent regulations for
29 purposes of SIP submittal, review, and approval by USEPA.

30 (G) Subpart FF of Subtitle B, Title 35 Ill. Adm. Code,
31 Sections 218.720 through 218.730 and Sections 219.720 through
32 219.730, are hereby repealed by operation of law and are
33 rendered null and void and of no force and effect.

34 (Source: P.A. 88-381; 89-79, eff. 6-30-95.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".