



Sen. Debbie DeFrancesco Halvorson

**Filed: 3/19/2007**

09500SB1419sam002

LRB095 01629 CMK 33906 a

1 AMENDMENT TO SENATE BILL 1419

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1419 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

1 discharged into the atmosphere;

2 (c) Standards for the issuance of permits for  
3 construction, installation, or operation of any equipment,  
4 facility, vehicle, vessel, or aircraft capable of causing  
5 or contributing to air pollution or designed to prevent air  
6 pollution;

7 (d) Standards and conditions regarding the sale,  
8 offer, or use of any fuel, vehicle, or other article  
9 determined by the Board to constitute an air-pollution  
10 hazard;

11 (e) Alert and abatement standards relative to  
12 air-pollution episodes or emergencies constituting an  
13 acute danger to health or to the environment;

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

17 (g) Requirements and standards for equipment and  
18 procedures for monitoring contaminant discharges at their  
19 sources, the collection of samples and the collection,  
20 reporting and retention of data resulting from such  
21 monitoring.

22 (B) The Board may adopt regulations and emission standards  
23 that are applicable or that may become applicable to stationary  
24 emission sources located in all areas of the State in  
25 accordance with any of the following ~~The Board shall adopt~~  
26 ~~sulfur dioxide regulations and emission standards for existing~~

1 ~~fuel combustion stationary emission sources located in all~~  
2 ~~areas of the State of Illinois, except the Chicago, St. Louis~~  
3 ~~(Illinois) and Peoria major metropolitan areas, in accordance~~  
4 ~~with the following requirements:~~

5 (1) that are required by federal law; ~~Such regulations~~  
6 ~~shall not be more restrictive than necessary to attain and~~  
7 ~~maintain the "Primary National Ambient Air Quality~~  
8 ~~Standards for Sulfur Dioxide" and within a reasonable time~~  
9 ~~attain and maintain the "Secondary National Ambient Air~~  
10 ~~Quality Standards for Sulfur Dioxide."~~

11 (2) that are otherwise part of the State's attainment  
12 plan and are necessary to attain the national ambient air  
13 quality standards; or ~~Such regulations shall be based upon~~  
14 ~~ambient air quality monitoring data insofar as possible,~~  
15 ~~consistent with regulations of the United States~~  
16 ~~Environmental Protection Agency. To the extent that air~~  
17 ~~quality modeling techniques are used for setting~~  
18 ~~standards, such techniques shall be fully described and~~  
19 ~~documented in the record of the Board's rulemaking~~  
20 ~~proceeding.~~

21 (3) that are necessary to comply with the requirements  
22 of the federal Clean Air Act. ~~Such regulations shall~~  
23 ~~provide a mechanism for the establishment of emission~~  
24 ~~standards applicable to a specific site as an alternative~~  
25 ~~to a more restrictive general emission standard. The Board~~  
26 ~~shall delegate authority to the Agency to determine such~~

1 ~~specific site emission standards, pursuant to regulations~~  
2 ~~adopted by the Board.~~

3 ~~(4) Such regulations and standards shall allow all~~  
4 ~~available alternative air quality control methods~~  
5 ~~consistent with federal law and regulations.~~

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

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

1 Technology (RACT) for such person. The purpose of this  
2 procedure is to create separate and independent regulations for  
3 purposes of SIP submittal, review, and approval by USEPA.

4 (G) Subpart FF of Subtitle B, Title 35 Ill. Adm. Code,  
5 Sections 218.720 through 218.730 and Sections 219.720 through  
6 219.730, are hereby repealed by operation of law and are  
7 rendered null and void and of no force and effect.

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

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law."