



Sen. William R. Haine

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09700SB2867sam003

LRB097 15146 JDS 67786 a

1 AMENDMENT TO SENATE BILL 2867

2 AMENDMENT NO. _____. Amend Senate Bill 2867 as follows:

3 on page 1, line 5, by replacing "Section 1-70" with "Sections
4 1-5 and 1-70"; and

5 on page 1, immediately below line 5, by inserting the
6 following:

7 "(5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

8 Sec. 1-5. Applicability.

9 (a) This Act applies to every agency as defined in this
10 Act. Beginning January 1, 1978, in case of conflict between the
11 provisions of this Act and the Act creating or conferring power
12 on an agency, this Act shall control. If, however, an agency
13 (or its predecessor in the case of an agency that has been
14 consolidated or reorganized) has existing procedures on July 1,
15 1977, specifically for contested cases or licensing, those

1 existing provisions control, except that this exception
2 respecting contested cases and licensing does not apply if the
3 Act creating or conferring power on the agency adopts by
4 express reference the provisions of this Act. Where the Act
5 creating or conferring power on an agency establishes
6 administrative procedures not covered by this Act, those
7 procedures shall remain in effect.

8 (b) The provisions of this Act do not apply to (i)
9 preliminary hearings, investigations, or practices where no
10 final determinations affecting State funding are made by the
11 State Board of Education, (ii) legal opinions issued under
12 Section 2-3.7 of the School Code, (iii) as to State colleges
13 and universities, their disciplinary and grievance
14 proceedings, academic irregularity and capricious grading
15 proceedings, and admission standards and procedures, and (iv)
16 the class specifications for positions and individual position
17 descriptions prepared and maintained under the Personnel Code.
18 Those class specifications shall, however, be made reasonably
19 available to the public for inspection and copying. The
20 provisions of this Act do not apply to hearings under Section
21 20 of the Uniform Disposition of Unclaimed Property Act.

22 (c) Section 5-35 of this Act relating to procedures for
23 rulemaking does not apply to the following:

24 (1) Rules adopted by the Pollution Control Board that,
25 in accordance with Section 7.2 of the Environmental
26 Protection Act, are identical in substance to federal

1 regulations or amendments to those regulations
2 implementing the following: Sections 3001, 3002, 3003,
3 3004, 3005, and 9003 of the Solid Waste Disposal Act;
4 Section 105 of the Comprehensive Environmental Response,
5 Compensation, and Liability Act of 1980; Sections 307(b),
6 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
7 Water Pollution Control Act; and Sections 1412(b),
8 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking
9 Water Act.

10 (2) Rules adopted by the Pollution Control Board that
11 establish or amend standards for the emission of
12 hydrocarbons and carbon monoxide from gasoline powered
13 motor vehicles subject to inspection under the Vehicle
14 Emissions Inspection Law of 2005 or its predecessor laws.

15 (3) Procedural rules adopted by the Pollution Control
16 Board governing requests for exceptions under Section 14.2
17 of the Environmental Protection Act.

18 (4) The Pollution Control Board's grant, pursuant to an
19 adjudicatory determination, of an adjusted standard for
20 persons who can justify an adjustment consistent with
21 subsection (a) of Section 27 of the Environmental
22 Protection Act.

23 (5) Rules adopted by the Pollution Control Board that
24 are identical in substance to the regulations adopted by
25 the Office of the State Fire Marshal under clause (ii) of
26 paragraph (b) of subsection (3) of Section 2 of the

1 Gasoline Storage Act.

2 ~~(6) Rules adopted by the Illinois Pollution Control~~
3 ~~Board under Section 9.14 of the Environmental Protection~~
4 ~~Act.~~

5 (d) Pay rates established under Section 8a of the Personnel
6 Code shall be amended or repealed pursuant to the process set
7 forth in Section 5-50 within 30 days after it becomes necessary
8 to do so due to a conflict between the rates and the terms of a
9 collective bargaining agreement covering the compensation of
10 an employee subject to that Code.

11 (e) Section 10-45 of this Act shall not apply to any
12 hearing, proceeding, or investigation conducted under Section
13 13-515 of the Public Utilities Act.

14 (f) Article 10 of this Act does not apply to any hearing,
15 proceeding, or investigation conducted by the State Council for
16 the State of Illinois created under Section 3-3-11.05 of the
17 Unified Code of Corrections or by the Interstate Commission for
18 Adult Offender Supervision created under the Interstate
19 Compact for Adult Offender Supervision or by the Interstate
20 Commission for Juveniles created under the Interstate Compact
21 for Juveniles.

22 (g) This Act is subject to the provisions of Article XXI of
23 the Public Utilities Act. To the extent that any provision of
24 this Act conflicts with the provisions of that Article XXI, the
25 provisions of that Article XXI control.

26 (Source: P.A. 97-95, eff. 7-12-11.); and

1 on page 75, line 22, immediately after "Sections", by inserting
2 "9.14"; and

3 on page 75, immediately below line 22, by inserting the
4 following:

5 "(415 ILCS 5/9.14)

6 Sec. 9.14. Registration of smaller sources.

7 (a) After the effective date of rules implementing this
8 Section, the owner or operator of an eligible source shall
9 annually register with the Agency instead of complying with the
10 requirement to obtain an air pollution construction or
11 operating permit under this Act. The criteria for determining
12 an eligible source shall include the following:

13 (1) the source must not be required to obtain a permit
14 pursuant to the Illinois Clean Air Act Permit Program or
15 Federally Enforceable State Operating Permit program, or
16 under regulations promulgated pursuant to Section 111 or
17 112 of the Clean Air Act;

18 (2) the USEPA has not otherwise determined that a
19 permit is required;

20 (3) the source emits less than an actual 5 tons per
21 year of combined particulate matter, carbon monoxide,
22 nitrogen oxides, sulfur dioxide, and volatile organic
23 material air pollutant emissions;

1 (4) the source emits less than an actual 0.5 tons per
2 year of combined hazardous air pollutant emissions;

3 (5) the source emits less than an actual 0.05 tons per
4 year of lead air emissions;

5 (6) the source emits less than an actual 0.05 tons per
6 year of mercury air emissions; and

7 (7) the source does not have an emission unit subject
8 to a standard pursuant to 40 CFR Part 61 Maximum Achievable
9 Control Technology, or 40 CFR Part 63 National Emissions
10 Standards for Hazardous Air Pollutants other than those
11 regulations that the USEPA has categorized as "area
12 source".

13 (b) Complete registration of an eligible source, including
14 payment of the required fee as specified in subsection (c) of
15 this Section, shall provide the owner or operator of the
16 eligible source with an exemption from the requirement to
17 obtain an air pollution construction or operating permit under
18 this Act. The registration of smaller sources program does not
19 relieve an owner or operator from the obligation to comply with
20 any other applicable rules or regulations.

21 (c) The owner or operator of an eligible source shall pay
22 an annual registration fee of \$235 to the Agency at the time of
23 registration submittal and each year thereafter. Fees
24 collected under this Section shall be deposited into the
25 Environmental Protection Permit and Inspection Fund.

26 (d) The Agency shall propose rules to implement the

1 registration of smaller sources program. Within 120 days after
2 the Agency proposes those rules, the Board shall adopt rules to
3 implement the registration of smaller sources program. These
4 rules may be subsequently amended from time to time pursuant to
5 a proposal filed with the Board by any person, and any
6 necessary amendments shall be adopted by the Board within 120
7 days after proposal. Such amendments may provide for the
8 alteration or revision of the initial criteria included in
9 subsection (a) of this Section. ~~Subsection (b) of Section 27 of~~
10 ~~this Act and the rulemaking provisions of the Illinois~~
11 ~~Administrative Procedure Act do not apply to rules adopted by~~
12 ~~the Board under this Section.~~

13 (Source: P.A. 97-95, eff. 7-12-11.)".