

HB5849



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5849

by Rep. Carol A. Sente

SYNOPSIS AS INTRODUCED:

415 ILCS 5/9.14
415 ILCS 5/39.10
415 ILCS 5/39.12

Amends the Environmental Protection Act. Makes changes to provisions concerning the registration of smaller sources, general permits, and permits by rule. Effective immediately.

LRB098 19002 MGM 54151 b

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 changing Sections 9.14, 39.10, and 39.12 as follows:

6 (415 ILCS 5/9.14)

7 Sec. 9.14. Registration of smaller sources.

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

14 (1) the source must not be required to obtain a permit
15 pursuant to the Illinois Clean Air Act Permit Program or
16 Federally Enforceable State Operating Permit program, or
17 under regulations promulgated pursuant to Section 111 or
18 112 of the Clean Air Act;

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

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

1 material air pollutant emissions;

2 (4) the source emits less than an actual 2 ~~0.5~~ tons per
3 year of any single hazardous air pollutant and less than an
4 actual 5 tons per year of a combination of all ~~combined~~
5 hazardous air pollutant emissions;

6 (5) the source emits less than an actual 0.5 ~~0.05~~ tons
7 per year of lead air emissions;

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

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

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

24 (c) The owner or operator of an eligible source shall pay
25 an annual registration fee of \$235 to the Agency at the time of
26 registration submittal and each year thereafter. Fees

1 collected under this Section shall be deposited into the
2 Environmental Protection Permit and Inspection Fund.

3 (d) The Agency shall propose rules to implement the
4 registration of smaller sources program. Within 120 days after
5 the Agency proposes those rules, the Board shall adopt rules to
6 implement the registration of smaller sources program. These
7 rules may be subsequently amended from time to time pursuant to
8 a proposal filed with the Board by any person, and any
9 necessary amendments shall be adopted by the Board within 120
10 days after proposal. Such amendments may provide for the
11 alteration or revision of the initial criteria included in
12 subsection (a) of this Section.

13 (Source: P.A. 97-95, eff. 7-12-11; 97-1081, eff. 8-24-12.)

14 (415 ILCS 5/39.10)

15 Sec. 39.10. General permits.

16 (a) Except as otherwise prohibited by federal law or
17 regulation, the Agency may issue general permits for the
18 construction, installation, or operation of categories of
19 facilities for which permits are required under this Act or
20 Board regulation, provided that such general permits are
21 consistent with federal and State laws and regulations. Such
22 general permits shall include, but shall not be limited to,
23 provisions requiring the following as prerequisites to
24 obtaining coverage under a general permit: (i) the submittal of
25 a notice of intent to be covered by the general permit and (ii)

1 the payment of applicable permitting fees. The Agency may
2 include conditions in such general permits as may be necessary
3 to accomplish the intent of this Act and rules adopted under
4 this Act.

5 (b) Within 6 months after the effective date of this
6 amendatory Act of the 97th General Assembly, the Agency shall,
7 in consultation with the regulated community, identify types of
8 permits for which general permits would be appropriate and
9 consistent with State and federal law and regulations. The
10 types of permits may include, but shall not be limited to,
11 permits for nonhazardous solid waste activities, discharge of
12 storm water from landfills, and discharge of hydrostatic test
13 waters. Within 18 months after the effective date of this
14 amendatory Act of the 97th General Assembly, the Agency shall,
15 in consultation with the regulated community, develop general
16 permits for the types of permits identified pursuant to this
17 subsection (b).

18 (b-5) A request for coverage under the provisions of a
19 general permit shall be considered an application for a permit,
20 and coverage under the terms of a general permit shall be
21 considered a construction permit, operating permit, or both as
22 the circumstances of the general permit dictate.

23 (b-10) If the Agency determines it requires additional
24 rules to implement the provisions of the general permits
25 identified in subsection (b) of this Section, the Agency shall
26 propose to the Board the necessary rules no later than October

1 1, 2014. Within 120 days after the Agency proposes these rules,
2 the Board shall adopt the rules which may be amended from time
3 to time under a proposal filed with the Board by any person,
4 and any necessary amendments shall be adopted by the Board
5 within 120 days after the proposal.

6 (c) Persons obtaining coverage under a general permit shall
7 be subject to the same permitting fees that apply to persons
8 obtaining individual permits.

9 (d) No person obtaining coverage under a general permit
10 shall violate this Act, rules adopted under this Act, or the
11 terms or conditions of the general permit.

12 (e) This Section does not apply to sources subject to
13 Section 39.5 of this Act.

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

15 (415 ILCS 5/39.12)

16 Sec. 39.12. Permits by rule.

17 (a) Except as otherwise prohibited by federal law or
18 regulation, the Board may adopt rules providing for permits by
19 rule for classes of facilities or equipment, provided that the
20 permits by rule are consistent with federal and State laws and
21 regulations. Proposals for permits by rule authorized under
22 this Section may be filed by any person in accordance with
23 Title VII of this Act.

24 (b) Board rules adopted under this Section shall include,
25 but not be limited to, standards as may be necessary to

1 accomplish the intent of this Act and rules adopted under this
2 Act and the terms and conditions for obtaining a permit by rule
3 under this Section, which shall include, but not be limited to,
4 the following as prerequisites to obtaining a permit by rule:
5 (i) the submittal of a notice of intent to be subject to the
6 permit by rule and (ii) the payment of applicable permitting
7 fees.

8 (c) Within one year after the effective date of this
9 amendatory Act of the 97th General Assembly, the Agency shall,
10 in consultation with the regulated community, identify types of
11 permits for which permits by rule would be appropriate and
12 consistent with State and federal law and regulations. The
13 types of permits may include, but shall not be limited to,
14 permits for open burning, certain package boilers and heaters
15 using only natural gas or refinery gas, and certain internal
16 combustion engines.

17 (c-5) The Agency shall propose to the Board one or more of
18 the permit by rule it has identified in subsection (c) of this
19 Section no later than October 1, 2014. Within 120 days after
20 the Agency proposes these rules, the Board shall adopt these
21 rules which may be amended from time to time under a proposal
22 filed with the Board by any person, and any necessary
23 amendments shall be adopted by the Board within 120 days after
24 the proposal.

25 (d) Persons obtaining a permit by rule shall be subject to
26 the same permitting fees that apply to persons obtaining

1 individual permits.

2 (e) No person that has obtained a permit by rule shall
3 violate this Act, rules adopted under this Act, or the terms
4 and conditions of the permit by rule.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.