



Sen. Sue Rezin

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09900SB1672sam002

LRB099 09565 MGM 34921 a

1 AMENDMENT TO SENATE BILL 1672

2 AMENDMENT NO. _____. Amend Senate Bill 1672 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 9.1 as follows:

6 (415 ILCS 5/9.1) (from Ch. 111 1/2, par. 1009.1)

7 Sec. 9.1. (a) The General Assembly finds that the federal
8 Clean Air Act, as amended, and regulations adopted pursuant
9 thereto establish complex and detailed provisions for
10 State-federal cooperation in the field of air pollution
11 control, provide for a Prevention of Significant Deterioration
12 program to regulate the issuance of preconstruction permits to
13 insure that economic growth will occur in a manner consistent
14 with the preservation of existing clean air resources, and also
15 provide for plan requirements for nonattainment areas to
16 regulate the construction, modification and operation of

1 sources of air pollution to insure that economic growth will
2 occur in a manner consistent with the goal of achieving the
3 national ambient air quality standards, and that the General
4 Assembly cannot conveniently or advantageously set forth in
5 this Act all the requirements of such federal Act or all
6 regulations which may be established thereunder.

7 It is the purpose of this Section to avoid the existence of
8 duplicative, overlapping or conflicting State and federal
9 regulatory systems.

10 (b) The provisions of Section 111 of the federal Clean Air
11 Act (42 USC 7411), as amended, relating to standards of
12 performance for new stationary sources, and Section 112 of the
13 federal Clean Air Act (42 USC 7412), as amended, relating to
14 the establishment of national emission standards for hazardous
15 air pollutants are applicable in this State and are enforceable
16 under this Act. Any such enforcement shall be stayed consistent
17 with any stay granted in any federal judicial action to review
18 such standards. Enforcement shall be consistent with the
19 results of any such judicial review.

20 (c) The Board shall ~~may~~ adopt regulations establishing
21 permit programs meeting the requirements of Sections 165 and
22 173 of the Clean Air Act (42 USC 7475 and 42 USC 7503) as
23 amended. The Agency may adopt procedures for the administration
24 of such programs.

25 The regulations adopted by the Board to establish a permit
26 program to meet the requirements of Section 165 of the federal

1 Clean Air Act shall incorporate, by reference, pursuant to
2 subsection (a) of Section 5-75 of the Illinois Administrative
3 Procedure Act, the provisions of 40 C.F.R. 52.21, except for
4 the following subparts: (a) Plan disapproval, (g) Public
5 participation, (s) Environmental impact statements, (t)
6 Disputed permits or redesignations, and (u) Delegation of
7 authority.

8 To the extent that the provisions of 40 C.F.R. 52.21
9 provide for the Administrator to make various determinations
10 and to take certain actions, those provisions shall be modified
11 to indicate that the Agency has that authority or duty, if
12 appropriate. Nothing in this subsection (c) shall be construed
13 to limit the right of any person to submit a proposal to the
14 Board or the authority of the Board to adopt an air permit
15 program required by this subsection (c) more stringent than the
16 standards promulgated by the United States Environmental
17 Protection Agency Administrator, pursuant to the rulemaking
18 requirements of Title VII of this Act and Section 5-35 of the
19 Illinois Administrative Procedure Act.

20 (d) No person shall:

21 (1) violate any provisions of Sections 111, 112, 165 or
22 173 of the Clean Air Act, as now or hereafter amended, or
23 federal regulations adopted pursuant thereto; or

24 (2) construct, install, modify or operate any
25 equipment, building, facility, source or installation
26 which is subject to regulation under Sections 111, 112, 165

1 or 173 of the Clean Air Act, as now or hereafter amended,
2 except in compliance with the requirements of such Sections
3 and federal regulations adopted pursuant thereto, and no
4 such action shall be undertaken (A) without a permit
5 granted by the Agency whenever a permit is required
6 pursuant to (i) this Act or Board regulations or (ii)
7 Section 111, 112, 165, or 173 of the Clean Air Act or
8 federal regulations adopted pursuant thereto or (B) in
9 violation of any conditions imposed by such permit. Any
10 denial of such a permit or any conditions imposed in such a
11 permit shall be reviewable by the Board in accordance with
12 Section 40 of this Act.

13 (e) The Board shall exempt from regulation under the State
14 Implementation Plan for ozone the volatile organic compounds
15 which have been determined by the U.S. Environmental Protection
16 Agency to be exempt from regulation under state implementation
17 plans for ozone due to negligible photochemical reactivity. In
18 accordance with subsection (b) of Section 7.2, the Board shall
19 adopt regulations identical in substance to the U.S.
20 Environmental Protection Agency exemptions or deletion of
21 exemptions published in policy statements on the control of
22 volatile organic compounds in the Federal Register by amending
23 the list of exemptions to the Board's definition of volatile
24 organic material found at 35 Ill. Adm. Code Part 211. The
25 provisions and requirements of Title VII of this Act shall not
26 apply to regulations adopted under this subsection. Section

1 5-35 of the Illinois Administrative Procedure Act, relating to
2 procedures for rulemaking, does not apply to regulations
3 adopted under this subsection. However, the Board shall provide
4 for notice, a hearing if required by the U.S. Environmental
5 Protection Agency, and public comment before adopted rules are
6 filed with the Secretary of State. The Board may consolidate
7 into a single rulemaking under this subsection all such federal
8 policy statements published in the Federal Register within a
9 period of time not to exceed 6 months.

10 (f) (Blank).

11 (Source: P.A. 97-95, eff. 7-12-11; 98-284, eff. 8-9-13.)".