



Sen. Sue Rezin

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09900SB1672sam001

LRB099 09565 MGM 34194 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. The regulations adopted by the Board to
25 establish a permit program to meet the requirements of Section
26 165 of the federal Clean Air Act shall incorporate, by

1 reference, pursuant to subsection (a) of Section 5-75 of the
2 Illinois Administrative Procedure Act, the provisions of 40
3 C.F.R. 52.21 and any subsequent amendments thereto.

4 (d) No person shall:

5 (1) violate any provisions of Sections 111, 112, 165 or
6 173 of the Clean Air Act, as now or hereafter amended, or
7 federal regulations adopted pursuant thereto; or

8 (2) construct, install, modify or operate any
9 equipment, building, facility, source or installation
10 which is subject to regulation under Sections 111, 112, 165
11 or 173 of the Clean Air Act, as now or hereafter amended,
12 except in compliance with the requirements of such Sections
13 and federal regulations adopted pursuant thereto, and no
14 such action shall be undertaken (A) without a permit
15 granted by the Agency whenever a permit is required
16 pursuant to (i) this Act or Board regulations or (ii)
17 Section 111, 112, 165, or 173 of the Clean Air Act or
18 federal regulations adopted pursuant thereto or (B) in
19 violation of any conditions imposed by such permit. Any
20 denial of such a permit or any conditions imposed in such a
21 permit shall be reviewable by the Board in accordance with
22 Section 40 of this Act.

23 (e) The Board shall exempt from regulation under the State
24 Implementation Plan for ozone the volatile organic compounds
25 which have been determined by the U.S. Environmental Protection
26 Agency to be exempt from regulation under state implementation

1 plans for ozone due to negligible photochemical reactivity. In
2 accordance with subsection (b) of Section 7.2, the Board shall
3 adopt regulations identical in substance to the U.S.
4 Environmental Protection Agency exemptions or deletion of
5 exemptions published in policy statements on the control of
6 volatile organic compounds in the Federal Register by amending
7 the list of exemptions to the Board's definition of volatile
8 organic material found at 35 Ill. Adm. Code Part 211. The
9 provisions and requirements of Title VII of this Act shall not
10 apply to regulations adopted under this subsection. Section
11 5-35 of the Illinois Administrative Procedure Act, relating to
12 procedures for rulemaking, does not apply to regulations
13 adopted under this subsection. However, the Board shall provide
14 for notice, a hearing if required by the U.S. Environmental
15 Protection Agency, and public comment before adopted rules are
16 filed with the Secretary of State. The Board may consolidate
17 into a single rulemaking under this subsection all such federal
18 policy statements published in the Federal Register within a
19 period of time not to exceed 6 months.

20 (f) (Blank).

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