

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 adding Section 9.16 as follows:

6 (415 ILCS 5/9.16 new)

7 Sec. 9.16. Fugitive emissions of ethylene oxide ban.

8 (a) Beginning 6 months after the effective date of this
9 amendatory Act of the 101st General Assembly, no facility shall
10 produce fugitive emissions of ethylene oxide. In order to
11 prevent fugitive emissions, facilities must have negative
12 pressure systems that do not allow the escape of fugitive
13 emissions in the following areas: sterilization chambers,
14 aeration or off-gassing rooms, or warehouse areas where the
15 post-sterilization product is stored.

16 (b) Each facility shall be subject to quarterly inspections
17 to ensure that no sources of fugitive emissions of ethylene
18 oxide exist. Inspections shall be unannounced and conducted by
19 the Agency or, at the Agency's discretion, a qualified third
20 party chosen by the Agency.

21 (c) Each facility shall be subject to emissions testing on
22 all emission points at least once each calendar year, starting
23 in calendar year 2019, to demonstrate compliance with the

1 requirements of this Section and all applicable Illinois
2 Pollution Control Board and United States Environmental
3 Protection Agency control requirements regarding ethylene
4 oxide. Emissions tests must take place at least 6 months apart
5 from one another and shall be paid for by the facility.

6 (d) Each facility shall be subject to fence line ambient
7 air testing, at random, quarterly, and for a duration of
8 24-hour samples of no less than 6 consecutive days. Testing
9 shall be conducted by a third party chosen by the Agency and in
10 consultation with the municipality in which the facility
11 operates and shall be paid for by the facility.

12 (e) If, at any time, a facility emits ethylene oxide at a
13 level higher than the standards set forth by Section 112 of the
14 federal Clean Air Act or the Agency, then the facility shall
15 immediately cease operations until sufficient changes are made
16 to reduce the level of the emissions below both federal and
17 State standards.

18 (f) The Agency shall conduct a study of ambient levels of
19 ethylene oxide throughout the State. Air samples shall be taken
20 from a variety of urban, suburban, and rural sample sites to
21 gauge baseline levels of ethylene oxide. One hundred
22 sixty-eight one-hour samples shall be taken at each test site
23 for a period of at least 7 days.

24 (g) Fence line testing under subsection (d) shall begin no
25 sooner than the conclusion of the Agency's ambient air study
26 conducted under subsection (f) and after the Agency sets

1 acceptable naturally occurring levels of ethylene oxide that
2 the ambient air study may reveal.

3 (h) The provisions of this Section apply only to an owner
4 or operator of a sterilization source using one ton or more of
5 ethylene oxide in a rolling 12-month period of sterilization or
6 fumigation operations. This Section does not apply to: beehive
7 fumigators; research or laboratory facilities, as defined in
8 Section 112(c) (7) of Title III of the federal Clean Air Act; or
9 sources such as hospitals, doctors' offices, clinics, or other
10 facilities for which the primary purpose is to provide medical
11 services to humans or animals.

12 (i) For purposes of this Section, "fugitive emissions"
13 means leaks from parts of a facility through which ethylene
14 oxide-laden air is present, or those emissions which could not
15 reasonably pass through a stack, chimney, or vent.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.