



Sen. John F. Curran

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10100SB1854sam001

LRB101 09540 CPF 59228 a

1 AMENDMENT TO SENATE BILL 1854

2 AMENDMENT NO. _____. Amend Senate Bill 1854 by replacing
3 everything after the enacting clause with the following:

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

1 to ensure that no sources of fugitive emissions of ethylene
2 oxide exist. Inspections shall be unannounced and conducted by
3 the Agency or, at the Agency's discretion, a qualified third
4 party chosen by the Agency.

5 (c) Each facility shall be subject to emissions testing on
6 all emission points at least once each calendar year, starting
7 in calendar year 2019, to demonstrate compliance with the
8 requirements of this Section and all applicable Illinois
9 Pollution Control Board and United States Environmental
10 Protection Agency control requirements regarding ethylene
11 oxide. Emissions tests must take place at least 6 months apart
12 from one another and shall be paid for by the facility.

13 (d) Each facility shall be subject to fence line ambient
14 air testing, at random, quarterly, and for a duration of
15 24-hour samples of no less than 6 consecutive days. Testing
16 shall be conducted by a third party chosen by the Agency and in
17 consultation with the municipality in which the facility
18 operates and shall be paid for by the facility.

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

25 (f) The Agency shall conduct a study of ambient levels of
26 ethylene oxide throughout the State. Air samples shall be taken

1 from a variety of urban, suburban, and rural sample sites to
2 gauge baseline levels of ethylene oxide. One hundred
3 sixty-eight one-hour samples shall be taken at each test site
4 for a period of at least 7 days.

5 (g) Fence line testing under subsection (d) shall begin no
6 sooner than the conclusion of the Agency's ambient air study
7 conducted under subsection (f) and after the Agency sets
8 acceptable naturally occurring levels of ethylene oxide that
9 the ambient air study may reveal.

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

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."