

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 Section 10 as follows:

6 (415 ILCS 5/10) (from Ch. 111 1/2, par. 1010)

7 Sec. 10. Regulations.

8 (A) The Board, pursuant to procedures prescribed in Title
9 VII of this Act, may adopt regulations to promote the purposes
10 of this Title. Without limiting the generality of this
11 authority, such regulations may among other things prescribe:

12 (a) Ambient air quality standards specifying the
13 maximum permissible short-term and long-term
14 concentrations of various contaminants in the atmosphere;

15 (b) Emission standards specifying the maximum amounts
16 or concentrations of various contaminants that may be
17 discharged into the atmosphere;

18 (c) Standards for the issuance of permits for
19 construction, installation, or operation of any equipment,
20 facility, vehicle, vessel, or aircraft capable of causing
21 or contributing to air pollution or designed to prevent air
22 pollution;

23 (d) Standards and conditions regarding the sale,
24 offer, or use of any fuel, vehicle, or other article
25 determined by the Board to constitute an air-pollution
26 hazard;

27 (e) Alert and abatement standards relative to
28 air-pollution episodes or emergencies constituting an
29 acute danger to health or to the environment;

30 (f) Requirements and procedures for the inspection of
31 any equipment, facility, vehicle, vessel, or aircraft that
32 may cause or contribute to air pollution;

1 (g) Requirements and standards for equipment and
2 procedures for monitoring contaminant discharges at their
3 sources, the collection of samples and the collection,
4 reporting and retention of data resulting from such
5 monitoring.

6 (B) The Board shall adopt sulfur dioxide regulations and
7 emission standards for existing fuel combustion stationary
8 emission sources located in all areas of the State of Illinois,
9 except the Chicago, St. Louis (Illinois) and Peoria major
10 metropolitan areas, in accordance with the following
11 requirements:

12 (1) Such regulations shall not be more restrictive than
13 necessary to attain and maintain the "Primary National
14 Ambient Air Quality Standards for Sulfur Dioxide" and
15 within a reasonable time attain and maintain the "Secondary
16 National Ambient Air Quality Standards for Sulfur
17 Dioxide."

18 (2) Such regulations shall be based upon ambient air
19 quality monitoring data insofar as possible, consistent
20 with regulations of the United States Environmental
21 Protection Agency. To the extent that air quality modeling
22 techniques are used for setting standards, such techniques
23 shall be fully described and documented in the record of
24 the Board's rulemaking proceeding.

25 (3) Such regulations shall provide a mechanism for the
26 establishment of emission standards applicable to a
27 specific site as an alternative to a more restrictive
28 general emission standard. The Board shall delegate
29 authority to the Agency to determine such specific site
30 emission standards, pursuant to regulations adopted by the
31 Board.

32 (4) Such regulations and standards shall allow all
33 available alternative air quality control methods
34 consistent with federal law and regulations.

35 (C) The Board may not adopt any regulation banning the
36 burning of landscape waste throughout the State generally. The

1 Board may, by regulation, restrict or prohibit the burning of
2 landscape waste within any geographical area of the State if it
3 determines based on medical and biological evidence generally
4 accepted by the scientific community that such burning will
5 produce in the atmosphere of that geographical area
6 contaminants in sufficient quantities and of such
7 characteristics and duration as to be injurious to humans,
8 plant, or animal life, or health.

9 (D) The Board shall adopt regulations requiring the owner
10 or operator of a gasoline dispensing system that dispenses more
11 than 10,000 gallons of gasoline per month to install and
12 operate a system for the recovery of gasoline vapor emissions
13 arising from the fueling of motor vehicles that meets the
14 requirements of Section 182 of the federal Clean Air Act (42
15 USC 7511a). These regulations shall apply only in areas of the
16 State that are classified as moderate, serious, severe or
17 extreme nonattainment areas for ozone pursuant to Section 181
18 of the federal Clean Air Act (42 USC 7511), but shall not apply
19 in such areas classified as moderate nonattainment areas for
20 ozone if the Administrator of the U.S. Environmental Protection
21 Agency promulgates standards for vehicle-based (onboard)
22 systems for the control of vehicle refueling emissions pursuant
23 to Section 202(a)(6) of the federal Clean Air Act (42 USC
24 7521(a)(6)) by November 15, 1992.

25 (E) The Board shall not adopt or enforce any regulation
26 requiring the use of a tarpaulin or other covering on a truck,
27 trailer, or other vehicle that is stricter than the
28 requirements of Section 15-109.1 of the Illinois Vehicle Code.
29 To the extent that it is in conflict with this subsection, the
30 Board's rule codified as 35 Ill. Admin. Code, Section 212.315
31 is hereby superseded.

32 (F) Any person who prior to June 8, 1988, has filed a
33 timely Notice of Intent to Petition for an Adjusted RACT
34 Emissions Limitation and who subsequently timely files a
35 completed petition for an adjusted RACT emissions limitation
36 pursuant to 35 Ill. Adm. Code, Part 215, Subpart I, shall be

1 subject to the procedures contained in Subpart I but shall be
2 excluded by operation of law from 35 Ill. Adm. Code, Part 215,
3 Subparts PP, QQ and RR, including the applicable definitions in
4 35 Ill. Adm. Code, Part 211. Such persons shall instead be
5 subject to a separate regulation which the Board is hereby
6 authorized to adopt pursuant to the adjusted RACT emissions
7 limitation procedure in 35 Ill. Adm. Code, Part 215, Subpart I.
8 In its final action on the petition, the Board shall create a
9 separate rule which establishes Reasonably Available Control
10 Technology (RACT) for such person. The purpose of this
11 procedure is to create separate and independent regulations for
12 purposes of SIP submittal, review, and approval by USEPA.

13 (G) Subpart FF of Subtitle B, Title 35 Ill. Adm. Code,
14 Sections 218.720 through 218.730 and Sections 219.720 through
15 219.730, are hereby repealed by operation of law and are
16 rendered null and void and of no force and effect.

17 (H) Notwithstanding anything to the contrary in Title 35 of
18 the Illinois Administrative Code, Subtitle B, Section 212.206,
19 the limits of the federal Standards of Performance for Small
20 Industrial-Commercial-Institutional Steam Generating Units (40
21 CFR 60, Subpart Dc) establish the emissions limits for
22 non-hazardous air pollutants applicable to greenhouse boilers
23 in existence prior to January 1, 2004, located in counties with
24 a population of 16,500 to 17,500, provided that nothing in this
25 Section alters any emission limits established pursuant to the
26 federal Prevention of Significant Deterioration Program (40
27 CFR 52.21).

28 (Source: P.A. 88-381; 89-79, eff. 6-30-95.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.