

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,

1 offer, or use of any fuel, vehicle, or other article  
2 determined by the Board to constitute an air-pollution  
3 hazard;

4 (e) Alert and abatement standards relative to  
5 air-pollution episodes or emergencies constituting an  
6 acute danger to health or to the environment;

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

10 (g) Requirements and standards for equipment and  
11 procedures for monitoring contaminant discharges at their  
12 sources, the collection of samples and the collection,  
13 reporting and retention of data resulting from such  
14 monitoring.

15 (B) The Board may adopt regulations and emission standards  
16 that are applicable or that may become applicable to stationary  
17 emission sources located in all areas of the State in  
18 accordance with any of the following ~~The Board shall adopt~~  
19 ~~sulfur dioxide regulations and emission standards for existing~~  
20 ~~fuel combustion stationary emission sources located in all~~  
21 ~~areas of the State of Illinois, except the Chicago, St. Louis~~  
22 ~~(Illinois) and Peoria major metropolitan areas, in accordance~~  
23 ~~with the following requirements:~~

24 (1) that are required by federal law; ~~Such regulations~~  
25 ~~shall not be more restrictive than necessary to attain and~~  
26 ~~maintain the "Primary National Ambient Air Quality~~

1 ~~Standards for Sulfur Dioxide" and within a reasonable time~~  
2 ~~attain and maintain the "Secondary National Ambient Air~~  
3 ~~Quality Standards for Sulfur Dioxide."~~

4 (2) that are otherwise part of the State's attainment  
5 plan and are necessary to attain the national ambient air  
6 quality standards; or ~~Such regulations shall be based upon~~  
7 ~~ambient air quality monitoring data insofar as possible,~~  
8 ~~consistent with regulations of the United States~~  
9 ~~Environmental Protection Agency. To the extent that air~~  
10 ~~quality modeling techniques are used for setting~~  
11 ~~standards, such techniques shall be fully described and~~  
12 ~~documented in the record of the Board's rulemaking~~  
13 ~~proceeding.~~

14 (3) that are necessary to comply with the requirements  
15 of the federal Clean Air Act. ~~Such regulations shall~~  
16 ~~provide a mechanism for the establishment of emission~~  
17 ~~standards applicable to a specific site as an alternative~~  
18 ~~to a more restrictive general emission standard. The Board~~  
19 ~~shall delegate authority to the Agency to determine such~~  
20 ~~specific site emission standards, pursuant to regulations~~  
21 ~~adopted by the Board.~~

22 ~~(4) Such regulations and standards shall allow all~~  
23 ~~available alternative air quality control methods~~  
24 ~~consistent with federal law and regulations.~~

25 (C) The Board may not adopt any regulation banning the  
26 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,

1 trailer, or other vehicle that is stricter than the  
2 requirements of Section 15-109.1 of the Illinois Vehicle Code.  
3 To the extent that it is in conflict with this subsection, the  
4 Board's rule codified as 35 Ill. Admin. Code, Section 212.315  
5 is hereby superseded.

6 (F) Any person who prior to June 8, 1988, has filed a  
7 timely Notice of Intent to Petition for an Adjusted RACT  
8 Emissions Limitation and who subsequently timely files a  
9 completed petition for an adjusted RACT emissions limitation  
10 pursuant to 35 Ill. Adm. Code, Part 215, Subpart I, shall be  
11 subject to the procedures contained in Subpart I but shall be  
12 excluded by operation of law from 35 Ill. Adm. Code, Part 215,  
13 Subparts PP, QQ and RR, including the applicable definitions in  
14 35 Ill. Adm. Code, Part 211. Such persons shall instead be  
15 subject to a separate regulation which the Board is hereby  
16 authorized to adopt pursuant to the adjusted RACT emissions  
17 limitation procedure in 35 Ill. Adm. Code, Part 215, Subpart I.  
18 In its final action on the petition, the Board shall create a  
19 separate rule which establishes Reasonably Available Control  
20 Technology (RACT) for such person. The purpose of this  
21 procedure is to create separate and independent regulations for  
22 purposes of SIP submittal, review, and approval by USEPA.

23 (G) Subpart FF of Subtitle B, Title 35 Ill. Adm. Code,  
24 Sections 218.720 through 218.730 and Sections 219.720 through  
25 219.730, are hereby repealed by operation of law and are  
26 rendered null and void and of no force and effect.

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

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.