



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5168

Introduced 2/8/2012, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

415 ILCS 5/10

from Ch. 111 1/2, par. 1010

Amends the Environmental Protection Act. Suspends the portion of the Illinois Pollution Control Board's Multi-Pollutant Standard (MPS) rules that limits the sale or transfer of sulfur dioxide allowances under certain circumstances. Prohibits the Board or the Environmental Protection Agency from requiring the surrender or limiting the transfer of sulfur dioxide allowances issued by either the Agency or the USEPA. Effective immediately.

LRB097 19184 JDS 64426 b

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:

19 (1) that are required by federal law;

20 (2) that are otherwise part of the State's attainment
21 plan and are necessary to attain the national ambient air
22 quality standards; or

23 (3) that are necessary to comply with the requirements
24 of the federal Clean Air Act.

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 (H) 35 Ill. Adm. Code 225.233(f)(2) is hereby suspended by
2 operation of law to comport with the intention and
3 implementation of the federal Cross-State Air Pollution Rules
4 or any substitute rule. Notwithstanding any law or regulation
5 to the contrary, the Agency and the Board are prohibited from
6 requiring the surrender of allowances or otherwise limiting or
7 prohibiting the sale or transfer of allowances issued by either
8 the Agency or USEPA that authorize the emission of SO₂ under
9 any federal trading program.

10 (Source: P.A. 95-460, eff. 8-27-07.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.