

# HB0995



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0995

Introduced 2/10/2009, by Rep. Thomas Holbrook

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/9.1

from Ch. 111 1/2, par. 1009.1

Amends the Environmental Protection Act. Requires the Illinois Pollution Control Board to adopt Non-attainment New Source Review and Prevention of Significant Deterioration programs, and requires those programs to be no more stringent than the federal program requirements under 40 C.F.R. 51.165 and 51.166. Effective immediately.

LRB096 08638 JDS 18761 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 9.1 as follows:

6 (415 ILCS 5/9.1) (from Ch. 111 1/2, par. 1009.1)

7 Sec. 9.1. (a) The General Assembly finds that the federal  
8 Clean Air Act, as amended, and regulations adopted pursuant  
9 thereto establish complex and detailed provisions for  
10 State-federal cooperation in the field of air pollution  
11 control, provide for a Prevention of Significant Deterioration  
12 program to regulate the issuance of preconstruction permits to  
13 insure that economic growth will occur in a manner consistent  
14 with the preservation of existing clean air resources, and also  
15 provide for plan requirements for nonattainment areas to  
16 regulate the construction, modification and operation of  
17 sources of air pollution to insure that economic growth will  
18 occur in a manner consistent with the goal of achieving the  
19 national ambient air quality standards, and that the General  
20 Assembly cannot conveniently or advantageously set forth in  
21 this Act all the requirements of such federal Act or all  
22 regulations which may be established thereunder.

23 It is the purpose of this Section to avoid the existence of

1 duplicative, overlapping or conflicting State and federal  
2 regulatory systems.

3 (b) The provisions of Section 111 of the federal Clean Air  
4 Act (42 USC 7411), as amended, relating to standards of  
5 performance for new stationary sources, and Section 112 of the  
6 federal Clean Air Act (42 USC 7412), as amended, relating to  
7 the establishment of national emission standards for hazardous  
8 air pollutants are applicable in this State and are enforceable  
9 under this Act. Any such enforcement shall be stayed consistent  
10 with any stay granted in any federal judicial action to review  
11 such standards. Enforcement shall be consistent with the  
12 results of any such judicial review.

13 (c) The Board shall ~~may~~ adopt regulations establishing  
14 permit programs meeting the requirements of Sections 165 and  
15 173 of the Clean Air Act (42 USC 7475 and 42 USC 7503) as  
16 amended. Such permit programs shall satisfy the requirements  
17 of, and shall be no more stringent than, the provisions of 40  
18 C.F.R. 51.165 and 51.166, as now or hereafter amended. The  
19 Agency may adopt procedures for the administration of such  
20 programs.

21 (d) No person shall:

22 (1) violate any provisions of Sections 111, 112, 165 or  
23 173 of the Clean Air Act, as now or hereafter amended, or  
24 federal regulations adopted pursuant thereto; or

25 (2) construct, install, modify or operate any  
26 equipment, building, facility, source or installation

1           which is subject to regulation under Sections 111, 112, 165  
2           or 173 of the Clean Air Act, as now or hereafter amended,  
3           except in compliance with the requirements of such Sections  
4           and federal regulations adopted pursuant thereto, and no  
5           such action shall be undertaken without a permit granted by  
6           the Agency or in violation of any conditions imposed by  
7           such permit. Any denial of such a permit or any conditions  
8           imposed in such a permit shall be reviewable by the Board  
9           in accordance with Section 40 of this Act.

10          (e) The Board shall exempt from regulation under the State  
11          Implementation Plan for ozone the volatile organic compounds  
12          which have been determined by the U.S. Environmental Protection  
13          Agency to be exempt from regulation under state implementation  
14          plans for ozone due to negligible photochemical reactivity. In  
15          accordance with subsection (b) of Section 7.2, the Board shall  
16          adopt regulations identical in substance to the U.S.  
17          Environmental Protection Agency exemptions or deletion of  
18          exemptions published in policy statements on the control of  
19          volatile organic compounds in the Federal Register by amending  
20          the list of exemptions to the Board's definition of volatile  
21          organic material found at 35 Ill. Adm. Code Part 211. The  
22          provisions and requirements of Title VII of this Act shall not  
23          apply to regulations adopted under this subsection. Section  
24          5-35 of the Illinois Administrative Procedure Act, relating to  
25          procedures for rulemaking, does not apply to regulations  
26          adopted under this subsection. However, the Board shall provide

1 for notice, a hearing if required by the U.S. Environmental  
2 Protection Agency, and public comment before adopted rules are  
3 filed with the Secretary of State. The Board may consolidate  
4 into a single rulemaking under this subsection all such federal  
5 policy statements published in the Federal Register within a  
6 period of time not to exceed 6 months.

7 (f) If a complete application for a permit renewal is  
8 submitted to the Agency at least 90 days prior to expiration of  
9 the permit, all of the terms and conditions of the permit shall  
10 remain in effect until final administrative action has been  
11 taken on the application.

12 (Source: P.A. 87-555; 87-1213; 88-45.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.