

SB1672



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1672

Introduced 2/20/2015, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

415 ILCS 5/9.1

from Ch. 111 1/2, par. 1009.1

Amends the Environmental Protection Act. Provides that the Pollution Control Board shall adopt rules establishing permit programs meeting specified requirements. Provides that the permit programs shall satisfy the requirements of, and may not impose restrictions greater than, the provisions of specified federal regulations.

LRB099 09565 MGM 29774 b

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 may not impose restrictions greater than, the
18 provisions of 40 C.F.R. 51.165 and 51.166, as now or hereafter
19 amended. The Agency may adopt procedures for the administration
20 of such 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 (A) without a permit
6 granted by the Agency whenever a permit is required
7 pursuant to (i) this Act or Board regulations or (ii)
8 Section 111, 112, 165, or 173 of the Clean Air Act or
9 federal regulations adopted pursuant thereto or (B) in
10 violation of any conditions imposed by such permit. Any
11 denial of such a permit or any conditions imposed in such a
12 permit shall be reviewable by the Board in accordance with
13 Section 40 of this Act.

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

1 apply to regulations adopted under this subsection. Section
2 5-35 of the Illinois Administrative Procedure Act, relating to
3 procedures for rulemaking, does not apply to regulations
4 adopted under this subsection. However, the Board shall provide
5 for notice, a hearing if required by the U.S. Environmental
6 Protection Agency, and public comment before adopted rules are
7 filed with the Secretary of State. The Board may consolidate
8 into a single rulemaking under this subsection all such federal
9 policy statements published in the Federal Register within a
10 period of time not to exceed 6 months.

11 (f) (Blank).

12 (Source: P.A. 97-95, eff. 7-12-11; 98-284, eff. 8-9-13.)