



Rep. Rita Mayfield

Adopted in House on Oct 30, 2019

10100HB3888ham002

LRB101 14210 CPF 64264 a

1 AMENDMENT TO HOUSE BILL 3888

2 AMENDMENT NO. _____. Amend House Bill 3888, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Environmental Protection Act is amended by
6 adding Section 9.18 as follows:

7 (415 ILCS 5/9.18 new)

8 Sec. 9.18. Ethylene oxide phase-out.

9 (a) In this Section:

10 "Densely populated location" means a location that does not
11 qualify as a remote location as defined in this subsection.

12 "Ethylene oxide emissions source" means a stationary
13 source that currently, or at any point in the previous 15
14 years, emits, emitted, or has the potential to emit ethylene
15 oxide into the atmosphere, regardless of the specific emissions
16 source. "Ethylene oxide emissions source" does not include an

1 ethylene oxide sterilization source, hospital, or natural
2 biological source such as the human body, plant, or animal.

3 "Ethylene oxide sterilization operation" means the process
4 of using ethylene oxide to make one or more items free from
5 microorganisms, pathogens, or both microorganisms and
6 pathogens.

7 "Ethylene oxide sterilization source" means a stationary
8 source where operations include ethylene oxide sterilization
9 operations and that currently, or at any point in the previous
10 15 years, emits, emitted, or has the potential to emit ethylene
11 oxide into the atmosphere, regardless of its emissions source.

12 "Ethylene oxide sterilization source" does not include a
13 hospital as defined in this subsection.

14 "Hospital" means a hospital licensed under the Hospital
15 Licensing Act or operated under the University of Illinois
16 Hospital Act.

17 "Remote location" means a location removed from
18 populations especially vulnerable to the emission of ethylene
19 oxide. "Remote location" only includes a location meeting the
20 requirements of the following paragraphs (1) or (2).

21 (1) In counties with an average population density of
22 less than 1,000 people per square mile, the location must
23 be:

24 (A) at the center of a 5 mile radius within which
25 there is a population density of 100 people or fewer
26 per square mile; and

1 (B) at least 5 miles from the nearest registered
2 day care or school serving students in grades preschool
3 through 12 and in existence before October 1, 2019.

4 (2) In counties with an average population density
5 equal to or greater than 1,000 people per square mile, the
6 location must be:

7 (A) at the center of a 10 mile radius within which
8 there is a population density of 100 people or fewer
9 per square mile; and

10 (B) at least 10 miles from the nearest registered
11 day care or school serving students in grades preschool
12 through 12 and in existence before October 1, 2019.

13 (b) Ethylene oxide sterilization sources are subject to the
14 following requirements:

15 (1) On and after January 1, 2021, no ethylene oxide
16 sterilization source in a densely populated location shall
17 conduct ethylene oxide sterilization operations that
18 result in the emission of ethylene oxide or propylene
19 oxide.

20 (2) On and after January 1, 2021, no ethylene oxide
21 sterilization source in a remote location shall emit more
22 than 30 pounds of ethylene oxide or 30 pounds of propylene
23 oxide annually.

24 (3) Within 90 days after the effective date of this
25 amendatory Act of the 101st General Assembly, each ethylene
26 oxide sterilization source shall submit a letter to the

1 Agency stating whether they intend to modify or phase out
2 the emissions of ethylene oxide consistent with their
3 obligations established under this Section. Upon receipt
4 by the Agency, the Agency shall make the letter publicly
5 available on the Agency's website.

6 (4) No ethylene oxide sterilization source shall
7 conduct ethylene oxide sterilization operations or other
8 activities that cause ethylene oxide or propylene oxide
9 emissions unless the owner or operator of the ethylene
10 oxide sterilization source submits for review and approval
11 by the Agency a plan describing how the owner or operator
12 will continuously collect emissions information. The plan
13 must also specify locations at the source from which
14 emissions will be collected and identify equipment used for
15 their collection and analysis, including the equipment's
16 individual system components. Emissions monitoring
17 equipment must be tested and validated at least once in any
18 12-month period and the results forwarded to the Agency.

19 (5) In issuing the applicable permits to ethylene oxide
20 sterilization sources, the Agency shall include
21 limitations, informed by each ethylene oxide sterilization
22 source's risk management plan, on the amount of ethylene
23 oxide that may be stored on-site to protect public health,
24 public safety, and the environment. Prior to issuing the
25 applicable permits, the Agency shall require the
26 submission of documentation demonstrating that the permit

1 applicant is in compliance, and will maintain compliance,
2 with local, State, and federal law governing the storage of
3 ethylene oxide. All permits issued by the Agency shall
4 grant the Agency the authority to modify the permit to
5 change limitations on the amount of ethylene oxide that can
6 be stored on-site at any time and to modify storage
7 practices or equipment requirements. All permits issued by
8 the Agency shall grant the Agency the right to conduct
9 unannounced inspections. The Agency shall conduct at least
10 one unannounced inspection annually of the ethylene oxide
11 storage system for each permit holder.

12 (6) Ethylene oxide sterilization sources shall be
13 required to submit or resubmit a risk management plan to
14 the Agency within 90 days of the effective date of this
15 amendatory Act of the 101st General Assembly, on or before
16 December 31, 2020, and on or before December 31 of every
17 fifth year thereafter.

18 (c) Hospitals are subject to the following requirements:

19 (1) On and after January 1, 2023, any hospital
20 designated as a critical access hospital by the Centers for
21 Medicare and Medicaid Services under the federal Balanced
22 Budget Act of 1997 shall not conduct ethylene oxide
23 sterilization operations.

24 (2) On and after January 1, 2022, any hospital not
25 designated as a critical access hospital by the Centers for
26 Medicare and Medicaid Services shall not conduct ethylene

1 oxide sterilization operations.

2 (3) Within 90 days after the effective date of this
3 amendatory Act of the 101st General Assembly, any hospital
4 conducting ethylene oxide sterilization operations shall
5 submit a letter to the Agency committing the hospital to
6 phase out the emissions of ethylene oxide by applicable
7 deadlines established under this Section.

8 (d) Ethylene oxide emissions sources are subject to the
9 following requirements:

10 (1) On and after January 1, 2021, no ethylene oxide
11 emissions source in a densely populated location shall
12 conduct operations or other activities that emit ethylene
13 oxide in excess of 30 pounds annually and 3 pounds monthly.

14 (2) Beginning 90 days after the effective date of this
15 amendatory Act of the 101st General Assembly, no ethylene
16 oxide emissions source shall conduct activities that cause
17 ethylene oxide emissions unless the owner or operator
18 submits for review and approval by the Agency a plan
19 describing how the ethylene oxide emissions source will
20 continuously collect emissions information. Each ethylene
21 oxide emissions source must specify in its plan all
22 locations at which ethylene oxide may enter the atmosphere
23 at each emissions source and shall install proper
24 monitoring equipment. The equipment for monitoring and
25 collecting emissions must be installed and the owner or
26 operator of the ethylene oxide emissions source must begin

1 reporting the results to the Agency within 120 days of the
2 effective date of this amendatory Act of the 101st General
3 Assembly. The plan must also specify locations at the
4 source from which emissions will be collected and identify
5 equipment used for collection and analysis, including the
6 equipment's individual system components. The emissions
7 monitoring equipment must be tested and validated at least
8 once in any 12-month period and the results forwarded to
9 the Agency.

10 (A) The owner or operator of an ethylene oxide
11 emissions source must provide a notice of acceptance of
12 any conditions added by the Agency to the plan, or
13 correct any deficiencies identified by the Agency in
14 the plan, within 10 business days after receiving the
15 Agency's conditional acceptance or denial of the plan.

16 (B) Upon the Agency's approval of the plan, the
17 owner or operator of the ethylene oxide emissions
18 source shall implement the plan in accordance with its
19 approved terms.

20 (3) Each ethylene oxide emissions source shall report
21 to the Agency the amount of ethylene oxide used and the
22 ethylene oxide emissions created at the ethylene oxide
23 emissions source annually. All reports submitted to the
24 Agency shall include documentation necessary to verify the
25 quantity used and purchased by the ethylene oxide emissions
26 source.

1 (4) In issuing the applicable permits to ethylene oxide
2 emissions sources, the Agency shall include limitations,
3 informed by each ethylene oxide emissions source's risk
4 management plan, on the amount of ethylene oxide that may
5 be stored on-site to protect public health, public safety,
6 and the environment. The unit of local government in which
7 the ethylene oxide emissions source is located may regulate
8 the storage of ethylene oxide in a manner that is more
9 restrictive or matches the standards established by the
10 Agency. Prior to issuing the applicable permits, the Agency
11 shall require the submission of documentation
12 demonstrating that the permit applicant is in compliance,
13 and will maintain compliance, with local, State, and
14 federal law governing the storage of ethylene oxide. All
15 permits issued by the Agency shall grant the Agency the
16 authority to modify the permit to change limitations on the
17 amount of ethylene oxide that can be stored on-site at any
18 time and to modify storage practices or equipment
19 requirements. All permits issued by the Agency shall grant
20 the Agency the right to conduct unannounced inspections.
21 The Agency shall conduct at least one unannounced
22 inspection annually of the ethylene oxide storage system
23 for each permit holder.

24 (5) The Agency shall set annual emissions limitations
25 on ethylene oxide emissions that are equal to or lesser
26 than the maximums established under this Section for all

1 ethylene oxide emissions sources. The limitations shall be
2 set to provide maximum protection for public health without
3 consideration of financial cost. No ethylene oxide
4 emissions source shall conduct operations or other
5 activities that emit ethylene oxide in excess of 150 pounds
6 annually.

7 (6) In establishing the annual emissions limitation on
8 ethylene oxide emissions sources in remote locations, the
9 Agency shall consider the health and safety of children in
10 rural schools. On and after January 1, 2021, no ethylene
11 oxide emissions source in a remote location shall conduct
12 operations or other activities that emit ethylene oxide in
13 excess of 30 pounds annually and 3 pounds monthly if the
14 emissions source is within 5 miles of the nearest
15 registered day care or school serving students in grades
16 preschool through 12 and in existence before October 1,
17 2019.

18 (7) Ethylene oxide emissions sources shall be required
19 to submit or resubmit a risk management plan to the Agency
20 within 90 days of the effective date of this amendatory Act
21 of the 101st General Assembly, on or before December 31,
22 2020, and on or before December 31 of every fifth year
23 thereafter.

24 (e) On and after January 1, 2022, the maximum cumulative
25 emissions in a densely populated location from any sum of
26 ethylene oxide emissions sources, hospitals, and ethylene

1 oxide sterilization sources located within 3 and one half miles
2 of each other shall not exceed 35 pounds annually, inclusive of
3 any emissions not emanating from any stack. The Agency shall
4 set emissions limitations for individual ethylene oxide
5 emissions sources to comply with this requirement. If multiple
6 applicants request to emit ethylene oxide in a collective sum
7 that is greater than the annual collective maximum regional
8 emissions established under this subsection, the Agency shall
9 prioritize applicants seeking to provide medical services,
10 such as hospitals and ethylene oxide sterilization sources that
11 sterilize medical products.

12 (f) The Agency shall conduct a comprehensive review of
13 ethylene oxide use and emissions within the State of Illinois.
14 The Agency shall submit its findings in a report to the General
15 Assembly and make the report publicly available on the Agency's
16 website on or before June 30, 2021. At a minimum, the report
17 shall include the following:

18 (1) A comprehensive assessment of where ethylene oxide
19 is used at levels that may cause measurable emissions.

20 (2) The Agency's recommendations for future
21 administrative actions, regulations, or legislation
22 pertaining to ethylene oxide, designed to provide maximum
23 protection to public health.

24 (3) The Agency's assessment of the risk to human health
25 and environmental damage that can be caused by exposure to
26 ethylene oxide.

1 Section 97. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes."