



Sen. John F. Curran

## Adopted in Senate on Nov 13, 2019

10100HB3888sam001

LRB101 14210 LNS 64638 a

1 AMENDMENT TO HOUSE BILL 3888

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3888 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by  
5 changing Section 9.16 and by adding Section 9.18 as follows:

6 (415 ILCS 5/9.16)

7 Sec. 9.16. Control of ethylene oxide sterilization  
8 sources.

9 (a) As used in this Section:

10 "Ethylene oxide sterilization operations" means the  
11 process of using ethylene oxide at an ethylene oxide  
12 sterilization source to make one or more items free from  
13 microorganisms, pathogens, or both microorganisms and  
14 pathogens.

15 "Ethylene oxide sterilization source" means any stationary  
16 source with ethylene oxide usage that would subject it to the

1 emissions standards in 40 CFR 63.362. "Ethylene oxide  
2 sterilization source" does not include beehive fumigators,  
3 research or laboratory facilities, hospitals, doctors'  
4 offices, clinics, or other stationary sources for which the  
5 primary purpose is to provide medical services to humans or  
6 animals.

7 "Exhaust point" means any point through which ethylene  
8 oxide-laden air exits an ethylene oxide sterilization source.

9 "Stationary source" has the meaning set forth in subsection  
10 1 of Section 39.5.

11 (b) Beginning 180 days after June 21, 2019 (the effective  
12 date of Public Act 101-22) ~~this amendatory Act of the 101st~~  
13 ~~General Assembly~~, no person shall conduct ethylene oxide  
14 sterilization operations, unless the ethylene oxide  
15 sterilization source captures, and demonstrates that it  
16 captures, 100% of all ethylene oxide emissions and reduces  
17 ethylene oxide emissions to the atmosphere from each exhaust  
18 point at the ethylene oxide sterilization source by at least  
19 99.9% or to 0.2 parts per million.

20 (1) Within 180 days after June 21, 2019 (the effective  
21 date of Public Act 101-22) ~~this amendatory Act of the 101st~~  
22 ~~General Assembly~~ for any existing ethylene oxide  
23 sterilization source, or prior to any ethylene oxide  
24 sterilization operation for any source that first becomes  
25 subject to regulation after June 21, 2019 (the effective  
26 date of Public Act 101-22) ~~this amendatory Act of the 101st~~

1       ~~General Assembly~~ as an ethylene oxide sterilization source  
2       under this Section, the owner or operator of the ethylene  
3       oxide sterilization source shall conduct an initial  
4       emissions test in accordance with all of the requirements  
5       set forth in this paragraph (1) to verify that ethylene  
6       oxide emissions to the atmosphere from each exhaust point  
7       at the ethylene oxide sterilization source have been  
8       reduced by at least 99.9% or to 0.2 parts per million:

9               (A) At least 30 days prior to the scheduled  
10              emissions test date, the owner or operator of the  
11              ethylene oxide sterilization source shall submit a  
12              notification of the scheduled emissions test date and a  
13              copy of the proposed emissions test protocol to the  
14              Agency for review and written approval. Emissions test  
15              protocols submitted to the Agency shall address the  
16              manner in which testing will be conducted, including,  
17              but not limited to:

18                   (i) the name of the independent third party  
19                   company that will be performing sampling and  
20                   analysis and the company's experience with similar  
21                   emissions tests;

22                   (ii) the methodologies to be used;

23                   (iii) the conditions under which emissions  
24                   tests will be performed, including a discussion of  
25                   why these conditions will be representative of  
26                   maximum emissions from each of the 3 cycles of

1 operation (chamber evacuation, back vent, and  
2 aeration) and the means by which the operating  
3 parameters for the emission unit and any control  
4 equipment will be determined;

5 (iv) the specific determinations of emissions  
6 and operations that are intended to be made,  
7 including sampling and monitoring locations; and

8 (v) any changes to the test method or methods  
9 proposed to accommodate the specific circumstances  
10 of testing, with justification.

11 (B) The owner or operator of the ethylene oxide  
12 sterilization source shall perform emissions testing  
13 in accordance with an Agency-approved test protocol  
14 and at representative conditions to verify that  
15 ethylene oxide emissions to the atmosphere from each  
16 exhaust point at the ethylene oxide sterilization  
17 source have been reduced by at least 99.9% or to 0.2  
18 parts per million. The duration of the test must  
19 incorporate all 3 cycles of operation for  
20 determination of the emission reduction efficiency.

21 (C) Upon Agency approval of the test protocol, any  
22 source that first becomes subject to regulation after  
23 June 21, 2019 (the effective date of Public Act 101-22)  
24 ~~this amendatory Act of the 101st General Assembly~~ as an  
25 ethylene oxide sterilization source under this Section  
26 may undertake ethylene oxide sterilization operations

1 in accordance with the Agency-approved test protocol  
2 for the sole purpose of demonstrating compliance with  
3 this subsection (b).

4 (D) The owner or operator of the ethylene oxide  
5 sterilization source shall submit to the Agency the  
6 results of any and all emissions testing conducted  
7 after June 21, 2019 (the effective date of Public Act  
8 101-22) ~~this amendatory Act of the 101st General~~  
9 ~~Assembly~~, until the Agency accepts testing results  
10 under subparagraph (E) of paragraph (1) of this  
11 subsection (b), for any existing source or prior to any  
12 ethylene oxide sterilization operation for any source  
13 that first becomes subject to regulation after June 21,  
14 2019 (the effective date of Public Act 101-22) ~~this~~  
15 ~~amendatory Act of the 101st General Assembly~~ as an  
16 ethylene oxide sterilization source under this  
17 Section. The results documentation shall include at a  
18 minimum:

19 (i) a summary of results;

20 (ii) a description of test method or methods,  
21 including description of sample points, sampling  
22 train, analysis equipment, and test schedule;

23 (iii) a detailed description of test  
24 conditions, including process information and  
25 control equipment information; and

26 (iv) data and calculations, including copies

1 of all raw data sheets, opacity observation  
2 records and records of laboratory analyses, sample  
3 calculations, and equipment calibration.

4 (E) Within 30 days of receipt, the Agency shall  
5 accept, accept with conditions, or decline to accept a  
6 stack testing protocol and the testing results  
7 submitted to demonstrate compliance with paragraph (1)  
8 of this subsection (b). If the Agency accepts with  
9 conditions or declines to accept the results  
10 submitted, the owner or operator of the ethylene oxide  
11 sterilization source shall submit revised results of  
12 the emissions testing or conduct emissions testing  
13 again. If the owner or operator revises the results,  
14 the revised results shall be submitted within 15 days  
15 after the owner or operator of the ethylene oxide  
16 sterilization source receives written notice of the  
17 Agency's conditional acceptance or rejection of the  
18 emissions testing results. If the owner or operator  
19 conducts emissions testing again, such new emissions  
20 testing shall conform to the requirements of this  
21 subsection (b).

22 (2) The owner or operator of the ethylene oxide  
23 sterilization source shall conduct emissions testing on  
24 all exhaust points at the ethylene oxide sterilization  
25 source at least once each calendar year to demonstrate  
26 compliance with the requirements of this Section and any

1 applicable requirements concerning ethylene oxide that are  
2 set forth in either United States Environmental Protection  
3 Agency rules or Board rules. Annual emissions tests  
4 required under this paragraph (2) shall take place at least  
5 6 months apart. An initial emissions test conducted under  
6 paragraph (1) of this subsection (b) satisfies the testing  
7 requirement of this paragraph (2) for the calendar year in  
8 which the initial emissions test is conducted.

9 (3) At least 30 days before conducting the annual  
10 emissions test required under paragraph (2) of this  
11 subsection (b), the owner or operator shall submit a  
12 notification of the scheduled emissions test date and a  
13 copy of the proposed emissions test protocol to the Agency  
14 for review and written approval. Emissions test protocols  
15 submitted to the Agency under this paragraph (3) must  
16 address each item listed in subparagraph (A) of paragraph  
17 (1) of this subsection (b). Emissions testing shall be  
18 performed in accordance with an Agency-approved test  
19 protocol and at representative conditions. In addition, as  
20 soon as practicable, but no later than 30 days after the  
21 emissions test date, the owner or operator shall submit to  
22 the Agency the results of the emissions testing required  
23 under paragraph (2) of this subsection (b). Such results  
24 must include each item listed in subparagraph (D) of  
25 paragraph (1) of this subsection (b).

26 (4) If the owner or operator of an ethylene oxide

1 sterilization source conducts any emissions testing in  
2 addition to tests required by Public Act 101-22 ~~this~~  
3 ~~amendatory Act of the 101st General Assembly~~, the owner or  
4 operator shall submit to the Agency the results of such  
5 emissions testing within 30 days after the emissions test  
6 date.

7 (5) The Agency shall accept, accept with conditions, or  
8 decline to accept testing results submitted to demonstrate  
9 compliance with paragraph (2) of this subsection (b). If  
10 the Agency accepts with conditions or declines to accept  
11 the results submitted, the owner or operator of the  
12 ethylene oxide sterilization source shall submit revised  
13 results of the emissions testing or conduct emissions  
14 testing again. If the owner or operator revises the  
15 results, the revised results shall be submitted within 15  
16 days after the owner or operator of the ethylene oxide  
17 sterilization source receives written notice of the  
18 Agency's conditional acceptance or rejection of the  
19 emissions testing results. If the owner or operator  
20 conducts emissions testing again, such new emissions  
21 testing shall conform to the requirements of this  
22 subsection (b).

23 (c) If any emissions test conducted more than 180 days  
24 after June 21, 2019 (the effective date of Public Act 101-22)  
25 ~~this amendatory Act of the 101st General Assembly~~ fails to  
26 demonstrate that ethylene oxide emissions to the atmosphere



1 from each exhaust point at the ethylene oxide sterilization  
2 source have been reduced by at least 99.9% or to 0.2 parts per  
3 million, the owner or operator of the ethylene oxide  
4 sterilization source shall immediately cease ethylene oxide  
5 sterilization operations and notify the Agency within 24 hours  
6 of becoming aware of the failed emissions test. Within 60 days  
7 after the date of the test, the owner or operator of the  
8 ethylene oxide sterilization source shall:

9 (1) complete an analysis to determine the root cause of  
10 the failed emissions test;

11 (2) take any actions necessary to address that root  
12 cause;

13 (3) submit a report to the Agency describing the  
14 findings of the root cause analysis, any work undertaken to  
15 address findings of the root cause analysis, and  
16 identifying any feasible best management practices to  
17 enhance capture and further reduce ethylene oxide levels  
18 within the ethylene oxide sterilization source, including  
19 a schedule for implementing such practices; and

20 (4) upon approval by the Agency of the report required  
21 by paragraph (3) of this subsection, restart ethylene oxide  
22 sterilization operations only to the extent necessary to  
23 conduct additional emissions test or tests. The ethylene  
24 oxide sterilization source shall conduct such emissions  
25 test or tests under the same requirements as the annual  
26 test described in paragraphs (2) and (3) of subsection (b).

1 The ethylene oxide sterilization source may restart  
2 operations once an emissions test successfully  
3 demonstrates that ethylene oxide emissions to the  
4 atmosphere from each exhaust point at the ethylene oxide  
5 sterilization source have been reduced by at least 99.9% or  
6 to 0.2 parts per million, the source has submitted the  
7 results of all emissions testing conducted under this  
8 subsection to the Agency, and the Agency has approved the  
9 results demonstrating compliance.

10 (d) Beginning 180 days after June 21, 2019 (the effective  
11 date of Public Act 101-22) this amendatory Act of the 101st  
12 General Assembly for any existing source or prior to any  
13 ethylene oxide sterilization operation for any source that  
14 first becomes subject to regulation after June 21, 2019 (the  
15 effective date of Public Act 101-22) ~~this amendatory Act of the~~  
16 ~~101st General Assembly~~ as an ethylene oxide sterilization  
17 source under this Section, no person shall conduct ethylene  
18 oxide sterilization operations unless the owner or operator of  
19 the ethylene oxide sterilization source submits for review and  
20 approval by the Agency a plan describing how the owner or  
21 operator will continuously collect emissions information at  
22 the ethylene oxide sterilization source. This plan must also  
23 specify locations at the ethylene oxide sterilization source  
24 from which emissions will be collected and identify equipment  
25 used for collection and analysis, including the individual  
26 system components.

1           (1) The owner or operator of the ethylene oxide  
2 sterilization source must provide a notice of acceptance of  
3 any conditions added by the Agency to the plan, or correct  
4 any deficiencies identified by the Agency in the plan,  
5 within 3 business days after receiving the Agency's  
6 conditional acceptance or denial of the plan.

7           (2) Upon the Agency's approval of the plan, the owner  
8 or operator of the ethylene oxide sterilization source  
9 shall implement the plan in accordance with its approved  
10 terms.

11           (e) Beginning 180 days after June 21, 2019 (the effective  
12 date of Public Act 101-22) ~~this amendatory Act of the 101st~~  
13 ~~General Assembly~~ for any existing source or prior to any  
14 ethylene oxide sterilization operation for any source that  
15 first becomes subject to regulation after June 21, 2019 (the  
16 effective date of Public Act 101-22) ~~this amendatory Act of the~~  
17 ~~101st General Assembly~~ as an ethylene oxide sterilization  
18 source under this Section, no person shall conduct ethylene  
19 oxide sterilization operations unless the owner or operator of  
20 the ethylene oxide sterilization source submits for review and  
21 approval by the Agency an Ambient Air Monitoring Plan.

22           (1) The Ambient Air Monitoring Plan shall include, at a  
23 minimum, the following:

24           (A) Detailed plans to collect and analyze air  
25 samples for ethylene oxide on at least a quarterly  
26 basis near the property boundaries of the ethylene

1 oxide sterilization source and at community locations  
2 with the highest modeled impact pursuant to the  
3 modeling conducted under subsection (f). Each  
4 quarterly sampling under this subsection shall be  
5 conducted over a multiple-day sampling period.

6 (B) A schedule for implementation.

7 (C) The name of the independent third party company  
8 that will be performing sampling and analysis and the  
9 company's experience with similar testing.

10 (2) The owner or operator of the ethylene oxide  
11 sterilization source must provide a notice of acceptance of  
12 any conditions added by the Agency to the Ambient Air  
13 Monitoring Plan, or correct any deficiencies identified by  
14 the Agency in the Ambient Air Monitoring Plan, within 3  
15 business days after receiving the Agency's conditional  
16 acceptance or denial of the plan.

17 (3) Upon the Agency's approval of the plan, the owner  
18 or operator of the ethylene oxide sterilization source  
19 shall implement the Ambient Air Monitoring Plan in  
20 accordance with its approved terms.

21 (f) Beginning 180 days after June 21, 2019 (the effective  
22 date of Public Act 101-22) ~~this amendatory Act of the 101st~~  
23 ~~General Assembly~~ for any existing source or prior to any  
24 ethylene oxide sterilization operation for any source that  
25 first becomes subject to regulation after June 21, 2019 (the  
26 effective date of Public Act 101-22) ~~this amendatory Act of the~~

1 ~~101st General Assembly~~ as an ethylene oxide sterilization  
2 source under this Section, no person shall conduct ethylene  
3 oxide sterilization operations unless the owner or operator of  
4 the ethylene oxide sterilization source has performed  
5 dispersion modeling and the Agency approves such modeling.

6 (1) Dispersion modeling must:

7 (A) be conducted using accepted United States  
8 Environmental Protection Agency methodologies,  
9 including 40 CFR Part 51, Appendix W, except that no  
10 background ambient levels of ethylene oxide shall be  
11 used;

12 (B) use emissions and stack parameter data from the  
13 emissions test conducted in accordance with paragraph  
14 (1) of subsection (b), and use 5 years of hourly  
15 meteorological data that is representative of the  
16 source's location; and

17 (C) use a receptor grid that extends to at least  
18 one kilometer around the source and ensure the modeling  
19 domain includes the area of maximum impact, with  
20 receptor spacing no greater than every 50 meters  
21 starting from the building walls of the source  
22 extending out to a distance of at least one-half  
23 kilometer, then every 100 meters extending out to a  
24 distance of at least one kilometer.

25 (2) The owner or operator of the ethylene oxide  
26 sterilization source shall submit revised results of all

1 modeling if the Agency accepts with conditions or declines  
2 to accept the results submitted.

3 (g) A facility permitted to emit ethylene oxide that has  
4 been subject to a seal order under Section 34 is prohibited  
5 from using ethylene oxide for sterilization or fumigation  
6 purposes, unless (i) the facility can provide a certification  
7 to the Agency by the supplier of a product to be sterilized or  
8 fumigated that ethylene oxide sterilization or fumigation is  
9 the only available method to completely sterilize or fumigate  
10 the product and (ii) the Agency has certified that the  
11 facility's emission control system uses technology that  
12 produces the greatest reduction in ethylene oxide emissions  
13 currently available. The certification shall be made by a  
14 company representative with knowledge of the sterilization  
15 requirements of the product. The certification requirements of  
16 this Section shall apply to any group of products packaged  
17 together and sterilized as a single product if sterilization or  
18 fumigation is the only available method to completely sterilize  
19 or fumigate more than half of the individual products contained  
20 in the package.

21 A facility is not subject to the requirements of this  
22 subsection if the supporting findings of the seal order under  
23 Section 34 are found to be without merit by a court of  
24 competent jurisdiction.

25 (h) If an entity, or any parent or subsidiary of an entity,  
26 that owns or operates a facility permitted by the Agency to

1 emit ethylene oxide acquires by purchase, license, or any other  
2 method of acquisition any intellectual property right in a  
3 sterilization technology that does not involve the use of  
4 ethylene oxide, or by purchase, merger, or any other method of  
5 acquisition of any entity that holds an intellectual property  
6 right in a sterilization technology that does not involve the  
7 use of ethylene oxide, that entity, parent, or subsidiary shall  
8 notify the Agency of the acquisition within 30 days of  
9 acquiring it. If that entity, parent, or subsidiary has not  
10 used the sterilization technology within 3 years of its  
11 acquisition, the entity shall notify the Agency within 30 days  
12 of the 3-year period elapsing.

13 An entity, or any parent or subsidiary of an entity, that  
14 owns or operates a facility permitted by the Agency to emit  
15 ethylene oxide that has any intellectual property right in any  
16 sterilization technology that does not involve the use of  
17 ethylene oxide shall notify the Agency of any offers that it  
18 makes to license or otherwise allow the technology to be used  
19 by third parties within 30 days of making the offer.

20 An entity, or any parent or subsidiary of an entity, that  
21 owns or operates a facility permitted by the Agency to emit  
22 ethylene oxide shall provide the Agency with a list of all U.S.  
23 patent registrations for sterilization technology that the  
24 entity, parent, or subsidiary has any property right in. The  
25 list shall include the following:

26 (1) The patent number assigned by the United States

1 Patent and Trademark Office for each patent.

2 (2) The date each patent was filed.

3 (3) The names and addresses of all owners or assignees  
4 of each patent.

5 (4) The names and addresses of all inventors of each  
6 patent.

7 (i) If a ~~CAAPP~~ permit applicant applies to use ethylene  
8 oxide as a sterilant or fumigant at a facility not in existence  
9 prior to January 1, 2020, the Agency shall issue a ~~CAAPP~~ permit  
10 for emission of ethylene oxide only if:

11 (1) the nearest school or park is at least 10 miles  
12 from the permit applicant in counties with populations  
13 greater than 700,000 based on 2010 census information  
14 ~~50,000;~~

15 (2) (blank); and ~~the nearest school or park is at least~~  
16 ~~15 miles from the permit applicant in counties with~~  
17 ~~populations less than or equal to 50,000; and~~

18 (3) within 7 days after the application for a CAAPP  
19 permit, the permit applicant has published its permit  
20 request on its website, published notice in a local  
21 newspaper of general circulation, and provided notice to:

22 (A) the State Representative for the  
23 representative district in which the facility is  
24 located;

25 (B) the State Senator for the legislative district  
26 in which the facility is located;



1 (C) the members of the county board for the county  
2 in which the facility is located; and

3 (D) the local municipal board members and  
4 executives.

5 (j) The owner or operator of an ethylene oxide  
6 sterilization source must apply for and obtain a construction  
7 permit from the Agency for any modifications made to the source  
8 to comply with the requirements of Public Act 101-22 ~~this~~  
9 ~~amendatory Act of the 101st General Assembly~~, including, but  
10 not limited to, installation of a permanent total enclosure,  
11 modification of airflow to create negative pressure within the  
12 source, and addition of one or more control devices.  
13 Additionally, the owner or operator of the ethylene oxide  
14 sterilization source must apply for and obtain from the Agency  
15 a modification of the source's operating permit to incorporate  
16 such modifications made to the source. Both the construction  
17 permit and operating permit must include a limit on ethylene  
18 oxide usage at the source.

19 (k) Nothing in this Section shall be interpreted to excuse  
20 the ethylene oxide sterilization source from complying with any  
21 applicable local requirements.

22 (l) The owner or operator of an ethylene oxide  
23 sterilization source must notify the Agency within 5 days after  
24 discovering any deviation from any of the requirements in this  
25 Section or deviations from any applicable requirements  
26 concerning ethylene oxide that are set forth in this Act,

1 United States Environmental Protection Agency rules, or Board  
2 rules. As soon as practicable, but no later than 5 business  
3 days, after the Agency receives such notification, the Agency  
4 must post a notice on its website and notify the members of the  
5 General Assembly from the Legislative and Representative  
6 Districts in which the source in question is located, the  
7 county board members of the county in which the source in  
8 question is located, the corporate authorities of the  
9 municipality in which the source in question is located, and  
10 the Illinois Department of Public Health.

11 (m) The Agency must conduct at least one unannounced  
12 inspection of all ethylene oxide sterilization sources subject  
13 to this Section per year. Nothing in this Section shall limit  
14 the Agency's authority under other provisions of this Act to  
15 conduct inspections of ethylene oxide sterilization sources.

16 (n) The Agency shall conduct air testing to determine the  
17 ambient levels of ethylene oxide throughout the State. The  
18 Agency shall, within 180 days after June 21, 2019 (the  
19 effective date of Public Act 101-22) ~~this amendatory Act of the~~  
20 ~~101st General Assembly~~, submit rules for ambient air testing of  
21 ethylene oxide to the Board.

22 (Source: P.A. 101-22, eff. 6-21-19; revised 8-9-19.)

23 (415 ILCS 5/9.18 new)

24 Sec. 9.18. Ethylene oxide phase-out.

25 (a) In this Section:

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

3       "Emissions of ethylene oxide" and "emit ethylene oxide"  
4 means all ethylene oxide that enters the atmosphere from a  
5 source, including, but not limited to, stack emissions and  
6 fugitive emissions.

7       "Ethylene oxide emissions source" means a stationary  
8 source that currently, or at any point in the previous 15  
9 years, emits, emitted, or has the potential to emit ethylene  
10 oxide into the atmosphere, regardless of the specific emissions  
11 source. "Ethylene oxide emissions source" does not include an  
12 ethylene oxide sterilization source, hospital, or natural  
13 biological source such as the human body, plant, or animal.

14       "Ethylene oxide sterilization operation" means the process  
15 of using ethylene oxide to make one or more items free from  
16 microorganisms, pathogens, or both microorganisms and  
17 pathogens.

18       "Ethylene oxide sterilization source" means a stationary  
19 source where operations include ethylene oxide sterilization  
20 operations and that currently, or at any point in the previous  
21 15 years, emits, emitted, or has the potential to emit ethylene  
22 oxide into the atmosphere, regardless of its emissions source.  
23 "Ethylene oxide sterilization source" does not include a  
24 hospital as defined in this subsection.

25       "Hospital" means a hospital licensed under the Hospital  
26 Licensing Act or operated under the University of Illinois

1 Hospital Act.

2 "Remote location" means a location removed from  
3 populations especially vulnerable to the emission of ethylene  
4 oxide. "Remote location" only includes a location meeting the  
5 requirements of the following paragraphs (1) and (2). A "remote  
6 location" is:

7 (1) at the center of a 5 mile radius within which there  
8 is a population density of 100 people or fewer per square  
9 mile; and

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

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

15 (1) Beginning 730 days after the effective date of this  
16 amendatory Act of the 101st General Assembly, no ethylene  
17 oxide sterilization source in a densely populated location  
18 shall conduct ethylene oxide sterilization operations that  
19 result in the emission of ethylene oxide or propylene  
20 oxide.

21 (2) Beginning 730 days after the effective date of this  
22 amendatory Act of the 101st General Assembly, no ethylene  
23 oxide sterilization source in a remote location shall emit  
24 more than 50 pounds of ethylene oxide or 50 pounds of  
25 propylene oxide annually. The Agency shall set annual  
26 emissions limitations on ethylene oxide emissions that are

1       equal to or lesser than the limits established under this  
2       Section for all ethylene oxide sterilization sources. The  
3       limitations shall provide maximum protection for public  
4       health without consideration of financial cost.

5           (3) Within 90 days after the effective date of this  
6       amendatory Act of the 101st General Assembly, each ethylene  
7       oxide sterilization source shall submit a letter to the  
8       Agency stating whether they intend to modify or phase out  
9       the emissions of ethylene oxide consistent with their  
10       obligations established under this Section. Upon receipt  
11       by the Agency, the Agency shall make the letter publicly  
12       available on the Agency's website.

13           (4) No ethylene oxide sterilization source shall  
14       conduct ethylene oxide sterilization operations or other  
15       activities that cause ethylene oxide or propylene oxide  
16       emissions unless the owner or operator of the ethylene  
17       oxide sterilization source submits for review and approval  
18       by the Agency a plan describing how the owner or operator  
19       will continuously collect emissions information. The plan  
20       must also specify locations at the source from which  
21       emissions will be collected and identify equipment used for  
22       their collection and analysis, including the equipment's  
23       individual system components. Emissions monitoring  
24       equipment must be tested and validated at least once in any  
25       12-month period and the results forwarded to the Agency.

26           (5) In issuing the applicable permits to ethylene oxide

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

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

25 (c) Hospitals are subject to the following requirements in  
26 this subsection:

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

6           (2) On and after January 1, 2022, any hospital not  
7           designated as a critical access hospital by the Centers for  
8           Medicare and Medicaid Services shall not conduct ethylene  
9           oxide sterilization operations.

10           (3) Within 90 days after the effective date of this  
11           amendatory Act of the 101st General Assembly, any hospital  
12           conducting ethylene oxide sterilization operations shall  
13           submit a letter to the Agency committing the hospital to  
14           phase out the emissions of ethylene oxide by applicable  
15           deadlines established under this Section.

16           (d) Ethylene oxide emissions sources that are located in  
17           (i) counties with a population of at least 700,000, based on  
18           2010 census data, or (ii) not in existence prior to January 1,  
19           2020 are subject to the following requirements in this  
20           subsection:

21           (1) Beginning 30 days after the effective date of this  
22           amendatory Act of the 101st General Assembly, no ethylene  
23           oxide emissions source in a densely populated location  
24           shall conduct operations or other activities that emit  
25           ethylene oxide in excess of 110 pounds annually.

26           (2) Beginning 730 days after the effective date of this

1 amendatory Act of the 101st General Assembly, no ethylene  
2 oxide emissions source in a densely populated location  
3 shall conduct operations or other activities that emit  
4 ethylene oxide in excess of 50 pounds annually.

5 (3) Beginning 180 days after the effective date of this  
6 amendatory Act of the 101st General Assembly, no ethylene  
7 oxide emissions source shall conduct activities that cause  
8 ethylene oxide emissions unless the owner or operator  
9 conducts air monitoring around the facility to measure  
10 ethylene oxide levels on a quarterly basis and submits the  
11 results to the Agency. Air monitoring shall be conducted by  
12 a third party approved by the Agency.

13 (4) Beginning 90 days after the effective date of this  
14 amendatory Act of the 101st General Assembly, no ethylene  
15 oxide emissions source shall conduct activities that cause  
16 ethylene oxide emissions unless the owner or operator  
17 submits for review and approval by the Agency a plan  
18 describing how the ethylene oxide emissions source will  
19 continuously collect emissions information. Each ethylene  
20 oxide emissions source must specify in its plan all  
21 locations at which ethylene oxide may enter the atmosphere  
22 at each emissions source and shall install proper  
23 monitoring equipment. The equipment for monitoring and  
24 collecting emissions must be installed and the owner or  
25 operator of the ethylene oxide emissions source must begin  
26 reporting the results to the Agency within 120 days of the



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

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

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

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

26 (6) In issuing the applicable permits to ethylene oxide

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

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

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

6 (8) In establishing the annual emissions limitation on  
7 ethylene oxide emissions sources in remote locations, the  
8 Agency shall consider the health and safety of children in  
9 rural schools. On and after January 1, 2021, no ethylene  
10 oxide emissions source in a remote location shall conduct  
11 operations or other activities that emit ethylene oxide in  
12 excess of 50 pounds annually if the emissions source is  
13 within 5 miles of the nearest registered day care or school  
14 serving students in grades preschool through 12 and in  
15 existence before October 1, 2019.

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

22 (e) Beginning 730 days after the effective date of this  
23 amendatory Act of the 101st General Assembly, the maximum  
24 cumulative emissions in a densely populated location from any  
25 sum of ethylene oxide sterilization sources located within 3  
26 and one-half miles of each other shall not exceed 55 pounds

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

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

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

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

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

25 Section 97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes."