

1 AMENDMENT TO SENATE BILL 152

2 AMENDMENT NO. _____. Amend Senate Bill 152 by replacing
3 the title with the following:

4 "AN ACT in relation to environmental protection."; and
5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Environmental Protection Act is amended
8 by adding Section 9.11 as follows:

9 (415 ILCS 5/9.11 new)

10 Sec. 9.11. Great Lakes Areas of Concern; mercury.

11 (a) The General Assembly finds that:

12 (1) The government of the United States of America
13 and the government of Canada have entered into agreements
14 on Great Lakes water quality by signature of the Great
15 Lakes Water Quality Agreement of 1978, which was amended
16 by Protocol signed on November 18, 1987.

17 (2) The government of the United States of America
18 and the government of Canada, in cooperation with the
19 state and provincial governments, were required to
20 designate geographic areas, called Areas of Concern, that
21 fail to meet the general or specific objectives of the

1 Great Lakes Water Quality Agreement, and where such
2 failure has caused or is likely to cause impairment of
3 beneficial use or failure of the ability of the area to
4 support aquatic life.

5 (3) The government of the United States of America
6 and the government of Canada have identified 43 Areas of
7 Concern, 26 of which are in waters of the United States
8 of America and 17 of which are in the waters of Canada.

9 (4) Waukegan Harbor in Illinois was designated an
10 Area of Concern in 1981 by the International Joint
11 Commission, the United States Environmental Protection
12 Agency, and the Illinois Environmental Protection Agency
13 as a result of the discovery of 5 beneficial use
14 impairments, as defined in Annex 2 of the Great Lakes
15 Water Quality Agreement. Beneficial use impairments at
16 the Waukegan Harbor Area of Concern were identified as
17 the restrictions on fish consumption, degradation of
18 benthos, restrictions on dredging activities, degradation
19 of phytoplankton and zooplankton populations, and loss of
20 fish and wildlife habitat.

21 (5) The government of the United States of America
22 and the government of Canada cooperate with the state and
23 provincial governments to ensure that remedial action
24 plans are developed to restore all impaired uses to the
25 Areas of Concern.

26 (6) Mercury has been identified as a persistent
27 bioaccumulative contaminant of concern throughout the
28 Great Lakes, including Lake Michigan, resulting in health
29 advisories and restrictions on fish consumption.

30 (7) The State of Illinois has a compelling interest
31 in protecting and restoring the waters of Lake Michigan
32 for all of its beneficial uses and protecting it from
33 further degradation.

34 (b) No person shall construct, and the Agency shall not

1 issue any permit to construct, within one mile of any portion
2 of Lake Michigan that has been designated an Area of Concern
3 under the Great Lakes Water Quality Agreement as of the
4 effective date of this Section, any new source or new process
5 unit that emits or has the potential to emit more than 2.00
6 pounds of mercury per year; except that this prohibition may
7 be waived by the Agency if it finds that the mercury
8 emissions of a new process unit at such a site will be offset
9 by reductions in mercury emissions from existing process
10 units at the site, resulting in a net reduction in annual
11 mercury emissions from the site."