

State of Illinois

90th General Assembly

Legislation

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90_HB1230

415 ILCS 130/30 new

Amends the Interstate Ozone Transport Oversight Act to provide for the review by the Illinois General Assembly of a State Implementation Plan for ozone attainment prepared by the Illinois Environmental Protection Agency at least 60 days before the Plan is submitted to the United States Environmental Protection Agency. Requires legislative hearings on a Plan's prospective economic and environmental impacts. Prohibits the Illinois Environmental Protection Agency from submitting a State Implementation Plan for ozone attainment to the United States Environmental Protection Agency if the Plan is more stringent than necessary to achieve attainment with the national ozone standard, except under specified circumstances.

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1 AN ACT to amend the Interstate Ozone Transport Oversight
 2 Act by adding Section 30.
 3 Be it enacted by the People of the State of Illinois,
 4 represented in the General Assembly:
 5 Section 5. The Interstate Ozone Transport Oversight Act
 6 is amended by adding Section 30 as follows:
 7 (415 ILCS 130/30 new)
 8 Sec. 30. Oversight of State Implementation Plan for
 9 ozone.
 10 (a) The General Assembly finds that:
 11 (1) The federal Clean Air Act (42 U.S.C. 7401), as
 12 amended, contains a comprehensive regulatory scheme for
 13 the control of emissions from mobile and stationary
 14 sources.
 15 (2) Ozone and other air pollutants have declined
 16 substantially during the past 25 years throughout the
 17 United States due to the implementation of the Clean Air
 18 Act. Additional air quality improvements will result from
 19 the implementation of the 1990 Clean Air Act Amendments.
 20 (3) Implementation of the Clean Air Act, as
 21 amended, together with other local emission control
 22 actions, will help states to attain the national ambient
 23 air quality standard for ozone.
 24 (4) In response to concerns raised by certain
 25 northeastern states about the interstate transport of
 26 ozone, the United States Environmental Protection Agency

27 has convened the Ozone Transport Assessment Group
28 ("OTAG"), involving representatives from 37 eastern
29 states, including Illinois, to consider means to reduce
30 the atmospheric transport of ozone.

31 (5) Ground-level ozone, a main ingredient of urban
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1 smog, is caused by the photochemical reaction of natural
2 and man-made emissions of nitrogen oxides and volatile
3 organic compounds by sunlight on hot days.

4 (6) Computer modeling studies prepared by OTAG
5 indicate that: ozone nonattainment is caused
6 predominantly by local emission sources in
7 densely-populated urbanized areas; emissions originating
8 in Illinois do not contribute significantly to ozone
9 nonattainment in other states or regions; and even
10 extreme emission controls imposed locally or in upwind
11 areas would not permit a few densely-populated urban
12 areas to demonstrate attainment of the national ozone
13 standard.

14 (7) OTAG recommendations for emission control
15 actions will form the basis for United States
16 Environmental Protection Agency enforcement actions under
17 the Clean Air Act, including the preparation and
18 submission of State Implementation Plans potentially
19 requiring emission control actions in Illinois that are
20 not specifically mandated by the Clean Air Act Amendments
21 of 1990.

22 (8) Emission controls for stationary and mobile
23 sources proposed by OTAG are more stringent and more
24 costly than those mandated by the Clean Air Act
25 Amendments of 1990, and could impair the competitiveness
26 of businesses and industries in Illinois, with negligible
27 environmental benefits and with adverse effects on
28 employment, economic development, and income in Illinois.

29 (9) Legislative oversight of proposed regulatory
30 actions relating to the control of ozone and precursor
31 emissions generated by sources in Illinois, including the
32 preparation and submission of State Implementation Plans
33 for ozone attainment, is in the public interest.

34 (b) Upon the issuance of a request by the United States
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1 Environmental Protection Agency for submission of a State
2 Implementation Plan for Illinois relating to ozone
3 attainment, the Director of the Illinois Environmental
4 Protection Agency shall notify the Chairperson of the Senate
5 Committee on Energy and Environment of the Illinois General
6 Assembly of the request, and shall provide the Chairperson
7 with copies of any State Implementation Plan prepared
8 pursuant to the request, not less than 60 days before the
9 submission of a State Implementation Plan to the United
10 States Environmental Protection Agency.

11 (c) Within a reasonable time following receipt of a
12 State Implementation Plan for Illinois relating to ozone
13 attainment, the Chairperson of the Senate Committee on Energy
14 and Environment of the Illinois General Assembly shall
15 convene public hearings to receive comments from agencies of
16 government and other interested parties on the prospective
17 economic and environmental impacts of the State
18 Implementation Plan, including impacts on energy use, the
19 environment, economic development, utility costs and rates,
20 transportation fuel costs, and industrial competitiveness.

21 (d) In the absence of a resolution or other act of the
22 Illinois General Assembly approving a State Implementation
23 Plan for Illinois relating to ozone, the Director of the
24 Illinois Environmental Protection Agency shall not submit to
25 the United States Environmental Protection Agency a State
26 Implementation Plan relating to ozone attainment that would
27 impose emission controls in Illinois more stringent than
28 necessary for Illinois to demonstrate attainment with a
29 national ambient air quality standard for ozone, unless it
30 can be shown (i) that man-made emissions from man-made
31 sources located within Illinois contribute significantly to
32 nonattainment or inability to maintain an ozone standard in
33 another nonattaining state and (ii) that feasible emission
34 reductions in the other nonattaining state, absent the more

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1 stringent emission controls in Illinois, would not permit
2 that state to demonstrate attainment and maintenance of the
3 national ambient air quality standard for ozone.

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