

Challenges Facing the Illinois Environmental Protection Agency

**Air & Waste Management Association
Lake Michigan States Section**



Chicago, Illinois – June 20, 2017



Alec Messina, Director
Illinois Environmental Protection Agency

Illinois EPA - Personnel

- Associate Director – Heather Nifong
- Bureau of Land Chief – Todd Rettig
- EJ Officer – Chris Pressnall
- New hiring/recruiting

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Regulatory Reform

- Executive Order 2016-13
- Illinois Competitiveness Council
- *Cutting the Red Tape* website
- Regulatory review with Illinois Pollution Control Board

Regulatory Reform

- Review criteria for regulations:
 - Up to date/reflective of current functions and programs
 - Drafted in clear, understandable terms
 - Consistent with other Agencies' rules
 - Do not create undue delay or backlog in processing paperwork
 - Not unduly burdensome on business, no negative effect on job growth
 - Clear need and statutory authority

Enforcement Referrals

- Annual numbers dipped
- Review of Illinois EPA enforcement practices
 - New emphasis on education/assistance
 - Consideration of most effective means of achieving compliance
 - Need full staffing and resource commitment
- Continue strong working relationship with Illinois Attorney General's Office, USEPA

Permit by Rule

- Rule/regulation that takes place of permit
- Section 39.12(c) of Illinois Environmental Protection Act requires consultation with regulated community on possible Permits by Rule (PBRs)

Permit by Rule

- Illinois EPA's first PBR
 - Changes construction permit process for small gas-fired package boilers at CAAPP sources, effective March 24, 2017
- Projected to remove need for 8 to 12 construction permits per year

Permit by Rule

- PBR will reduce Illinois EPA resources directed towards the permit process
- Owners/operators of affected boilers will reduce resources spent on preparing and obtaining construction permit

Volkswagen Settlement

- July 2016: Illinois and other states reached a settlement against Volkswagen related to sales of cars (2.0L) sold as environmentally compliant but containing software to defeat test requirements
- Three components to settlement
 - Buyback or emissions modification on at least 85% of subject vehicles
 - \$2.7 billion to fully remediate excess nitrogen oxide emissions
 - Investment of \$2 billion to promote use of zero emission vehicles and infrastructure

Volkswagen Settlement

- Illinois to receive 3.62%, or approximately \$97.7 million, of the \$2.7 billion to remediate excess NOx emissions
- Illinois preparing to serve as the beneficiary of the environmental settlement, Illinois EPA to be the lead agency
- Beneficiary mitigation plan (high level) being drafted, outreach will follow
- Second settlement (3.0L) will yield \$11 million

CCDD- Clean Construction Demolition Debris

- Uncontaminated soil and rubble (e.g., concrete, rock, bricks) from construction and demolition activities - commonly used to fill quarries
- Pollution Control Board Rules do not include a groundwater monitoring requirement

CCDD- Clean Construction Demolition Debris

- Will County and Attorney General have appealed lack of groundwater monitoring in rules
- Oral arguments heard in Third District Appellate Court on June 7
- Legislation introduced this session to require groundwater monitoring

Brownfields Cleanup Revolving Loan Program

- Low interest loans to support cleanup of brownfield sites where contamination already assessed
- For costs of hazardous substance cleanup and environmental consultant oversight
- Sites cleaned up under the Illinois EPA Site Remediation Program

Brownfields Cleanup Revolving Loan Program

- Loan repayments are used to make new loans
- Helps local governments put brownfield sites back into productive use

E-Waste

- Certain common electronic devices are banned from landfill disposal (e.g., TVs, computers, printers/fax/scanners)
- Electronic manufacturers are required to recycle devices retired from residences



E-Waste

- Current e-waste program is based on manufacturers meeting annual collection goals, but manufacturer supported collections have been shut down for the year once goals are met
- Legislation is being negotiated that would require manufacturers to support collections year-round

Drycleaner Environmental Response Trust Fund

- Fund created to help pay for the costs of remediating contaminated drycleaning sites
- Fund revenue is based in part on a perchloroethylene tax
- Use of perchloroethylene has reduced over time due to more efficient equipment and alternative cleaning methods

Drycleaner Environmental Response Trust Fund

- Contaminated sites cleaned up under the Illinois EPA Site Remediation Program
- Legislation introduced to streamline program and move Fund oversight to Illinois EPA

Transfer of Office of Energy and Recycling

- Executive Order 17-03 by Governor Rauner transfers the Office of Energy and Recycling from the Department of Commerce and Economic Opportunity to the Illinois EPA, effective July 1, 2017
- Reducing energy consumption and promoting clean and renewable energy complement Illinois EPA's mission to safeguard the environment and achieve air quality goals

Transfer of Office of Energy and Recycling

- Illinois EPA will administer the State Energy Plan funded by the U.S. Department of Energy and the following state funds:
 - Illinois Clean Energy Investment Fund
 - Renewable Energy Trust Fund
 - Energy Efficiency Trust

Future Energy Jobs Act and Environmental Justice (EJ)

- Illinois Power Agency (IPA) required to define “environmental justice community” for purposes of new Solar For All Program
- Solar For All specifically allocates resources to support low-income solar projects with goal of 25⁰% in EJ Communities

Future Energy Jobs Act and Environmental Justice (EJ)

- Illinois EJ Commission assisting IPA in crafting definition
 - May 9 letter to IPA outlining resources available
 - Illinois EPA definition
 - USEPA EJ SCREEN
 - CalEnviroScreen
 - Dialogue ongoing as IPA develops its draft plan
- IPA to release Draft Long-Term Renewable Energy Resources Plan August or September 2017



QUESTIONS?



Illinois Environmental Protection Agency

www.epa.illinois.gov