

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Air Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 243
- 3) Section Number: 243.108 Proposed Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 10, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of October 27, 2016, proposing amendment in docket R17-1 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the *Illinois Register* before proceeding to adopt amendment based on this proposal.



The R17-1 proceeding relates to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. This amendment would update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the United States Environmental Protection Agency (USEPA) adopted during the period January 1, 2016 through June 30, 2016. The Board added a USEPA action of July 3, 2016 for the purpose of administrative economy. The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended implementation of its NAAQSs as follows:

January 26, 2016 (81 Fed. Reg. 4294)	USEPA designated one new federal equivalent method (FEM) for particulates (PM10) in ambient air.
April 28, 2016 (81 Fed. Reg. 25397)	USEPA designated one new federal reference method (FRM) for PM10, one new FRM for coarse particulates (PM10-2.5), one new FRM for fine particulates (PM2.5), one new FRM for ozone (O3), and two new FEMs for PM2.5 in ambient air.
June 17, 2016	USEPA issued an updated version of its List of Designated Reference and Equivalent Methods (List of Designated Methods).

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July 18, 2016
(81 Fed. Reg. 45284)

USEPA designated one new FRM for PM10, one new FRM for sulfur dioxide (SO2), two new FEMs for PM2.5, one new FEM for PM10, and one new FEM for PM10-2.5 in ambient air.

The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than listing the designated methods. The Board further updated incorporations by reference to Code of Federal Regulations provisions to the latest version available.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R17-1 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal amendments underlying this amendment, as well as updates to incorporations by reference to the Code of Federal Regulations that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R17-1.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R17-1 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

The Board will conduct one public hearing on the proposed amendment because it will ultimately result in submission to the United States Environmental Protection Agency of an amendment to the state implementation plan (SIP). Section 110(a)(2) of the Federal Clean Air Act (42 U.S.C. § 7410(a)(2) (2014)) requires reasonable notice and hearing before a state undertakes an amendment to the SIP. The public hearing will occur by videoconference at the following time and between the following locations:

1:30 p.m., December 7, 2016
Room 11-512
James R. Thompson Center
100 W. Randolph St.
Chicago IL 60601

and

Sangamo Building
Illinois Pollution Control Board Hearing Room
1021 North Grand Avenue
Springfield IL 62702

Comments should reference docket R17-5 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R17-1:

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Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601
312/814-6924
email: michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that emit pollutants that could potentially affect ambient air quality in any area of Illinois. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including emissions monitoring, annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 14) Regulatory Agenda on which this rulemaking was summarized: 40 Ill. Reg. 8832; July 1, 2016

The full text of the Proposed Amendment begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER 1: AIR QUALITY STANDARDS AND EPISODES

PART 243
AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section

- 243.101 Definitions
- 243.102 Scope
- 243.103 Applicability
- 243.104 Nondegradation (Repealed)
- 243.105 Air Quality Monitoring Data Influenced by Exceptional Events
- 243.106 Monitoring (Repealed)
- 243.107 Reference Conditions
- 243.108 Incorporations by Reference

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section

- 243.120 PM10 and PM2.5
- 243.121 Particulates (Repealed)
- 243.122 Sulfur Oxides (Sulfur Dioxide)
- 243.123 Carbon Monoxide
- 243.124 Nitrogen Oxides (Nitrogen Dioxide as Indicator)
- 243.125 Ozone
- 243.126 Lead

- 243.APPENDIX A Rule into Section Table (Repealed)
- 243.APPENDIX B Section into Rule Table (Repealed)
- 243.APPENDIX C Past Compliance Dates (Repealed)
- 243.TABLE A Schedule for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations

AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10, and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, filed and effective April 14, 1972; amended in R80-11, at 6 Ill. Reg. 5804, effective April 22, 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18, 1983; codified at 7 Ill. Reg. 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992; amended in R09-19 at 35 Ill. Reg. 18857, effective October 25, 2011; amended in R13-11 at 37 Ill. Reg. 12882, effective July 29, 2013; amended in R14-6 at 37 Ill. Reg. 19848, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12900, effective June 9, 2014; amended in R15-4 at 39 Ill. Reg. 5434, effective March 24, 2015; amended in R16-2 at 40 Ill. Reg. 4906, effective March 3, 2016; amended in R17-1 at 41 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 243.108 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions:

Government Printing Office (GPO), 732 Capitol Street NW, Washington, DC 20401 (telephone: 202-512-1800 or 866-512-1800; website: www.gpo.gov). The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 (2016) (~~2015~~) (Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)), referenced in Section 243.122.

Appendix A-2 to 40 CFR 50 (2016) (~~2015~~) (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 (2016) (~~2015~~) (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

Appendix C to 40 CFR 50 (2016) (~~2015~~) (Reference Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in Section 243.123.

Appendix D to 40 CFR 50 (2016) (~~2015~~), ~~as amended at 80 Fed. Reg. 65453 (Oct. 26, 2015)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere), referenced in Section 243.125.

Appendix F to 40 CFR 50 (2016) (~~2015~~) (Reference Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)), referenced in Section 243.124.

Appendix G to 40 CFR 50 (2016) (~~2015~~) (Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air), referenced in Section 243.126.

Appendix H to 40 CFR 50 (2016) (~~2015~~) (Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix I to 40 CFR 50 (2016) ~~(2015)~~ (Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix J to 40 CFR 50 (2016) ~~(2015)~~ (Reference Method for the Determination of Particulate Matter as PM10 in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 (2016) ~~(2015)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix L to 40 CFR 50 (2016) ~~(2015)~~ (Reference Method for the Determination of Fine Particulate Matter as PM2.5 in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 (2016) ~~(2015)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix O to 40 CFR 50 (2016) ~~(2015)~~ (Reference Method for the Determination of Coarse Particulate Matter as PM10-2.5 in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 (2016) ~~(2015)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 (2016) ~~(2015)~~ (Reference Method for the Determination of Lead in Particulate Matter as PM10 Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 (2016) ~~(2015)~~ (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 (2016) ~~(2015)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)), referenced in Section 243.124.

Appendix T to 40 CFR 50 (2016) ~~(2015)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)), referenced in Section 243.122.

Appendix U to 40 CFR 50 (2016) ~~(2015), as added at 80 Fed. Reg. 65453 (Oct. 26, 2015)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Clean Air Act, 42 USC 7401 et seq. (2013) (for definitions of terms only), referenced in Section 243.102.

BOARD NOTE: Segments of the Code of Federal Regulations and the United States Code are available for free download as PDF documents from the GPO FDSys website: <http://www.gpo.gov/?fdsys/>.

USEPA, National Exposure Research Laboratory, Human Exposure & Atmospheric Sciences Division (MD-D205-03), Research Triangle Park, NC 27711. The following documents incorporated by reference are available from this source:

"List of Designated Reference and Equivalent Methods" (June 17, 2016) ~~(December 18, 2015)~~ (referred to as the "List of Designated Methods" and referenced in Sections 243.101, 243.120, 243.122, 243.123, 243.124, 243.125, and 243.126.

This incorporation by reference includes the following ~~does not include~~ USEPA methods designations that occurred after June 17, 2016: ~~December 18, 2015~~.

81 Fed. Reg. 45284 (July 13, 2016).

BOARD NOTE: The List of Designated Methods is available for free download as a PDF document from the USEPA, Technology Transfer, Ambient Monitoring Technology Information Center website: <http://www.epa.gov/ttn/amtic/criteria.html>.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

~~ILLINOIS REGISTER~~

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Input:	
Document 1 ID	file:///I:/Input/Agency Rulemakings - Files Received\2016\November 2016\35-243-Agency Proposed-(issue 46).docx
Description	35-243-Agency Proposed-(issue 46)
Document 2 ID	file:///I:/Input/Agency Rulemakings - Files Received\2016\November 2016\35-243-r01(issue 46).docx
Description	35-243-r01(issue 46)
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Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

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Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	32

TITLE 35: ENVIRONMENTAL PROTECTION
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PART 243
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Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline
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Appendix B to 40 CFR 50 (2016)(2015) (Reference Method for the
Determination of Suspended Particulate Matter in the Atmosphere (High-
Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

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Appendix C to 40 CFR 50 (2016)(2015) (Reference Measurement
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Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)),
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96 Primary and Secondary National Ambient Air Quality Standards for
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104 Determination of Particulate Matter as PM₁₀ in the Atmosphere),
105 referenced in Section 243.120.
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108 Secondary National Ambient Air Quality Standards for Particulate
109 Matter), referenced in Section 243.120.
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111 Appendix L to 40 CFR 50 ~~(2016)~~(2015) (Reference Method for the
112 Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere),
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131 Ambient Air), referenced in appendix R to 40 CFR 50.
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137 National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen
138 Dioxide)), referenced in Section 243.124.
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147

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