

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
)  
NATIONAL AMBIENT AIR QUALITY ) R17-10  
STANDARDS, USEPA AMENDMENTS ) (Identical-in-  
(July 1, 2016 through December 31, 2016, ) Substance  
March 20, 2017, May 11, 2017, and June 16,) Rulemaking – Air)  
2017) )

**NOTICE OF FILING**

To: Don Brown, Clerk  
Michael J. McCambridge, Hearing Officer  
James R. Thompson Center  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
(VIA electronic mail)

**SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have filed electronically today with the hearing officer ILLNOIS ENVIRONMENTAL PROTECTION AGENCY'S COMMENTS REGARDING THE ILLINOIS POLLUTION CONTROL BOARD'S IDENTICAL IN SUBSTANCE RULEMAKING, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:/s/Annet Godiksen  
Annet Godiksen  
Assistant Counsel

Dated: September 19, 2017  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

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**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S COMMENTS REGARDING  
THE ILLINOIS POLLUTION CONTROL BOARD’S IDENTICAL IN SUBSTANCE  
RULEMAKING**

The Illinois Environmental Protection Agency (“Agency” or “Illinois EPA”) submits these comments for the above-titled matter to the Illinois Pollution Control Board (“Board”). The Board invited public comment on specific aspects of its proposed amendments in this rulemaking. The Illinois EPA’s responses are as follows:

1. Is ensuring that it is possible to exclude data affected by exceptional events the objective when considering the USEPA amendments to the Exceptional Events Rule?

USEPA amendments to the Exceptional Events Rule apply to states, not to sources or citizens, immediately upon becoming effective. State rules regarding exceptional events are therefore unnecessary, and in fact, the Illinois EPA does not use the exceptional events provisions in Part 243. The Illinois EPA recommends against making any additional amendments to these provisions, as they should instead be repealed in their entirety. The Illinois EPA, however, questions whether such amendments would fall under the umbrella of an identical in substance rulemaking; as they would not involve revisions to an air quality standard, they appear to exceed the scope of Section 10(H) of the Environmental Protection Act. Section 7.2(a)(1) of the Act may also be implicated, as these rules do not apply to “persons or facilities in Illinois.”

2. Is the Board correct that retaining the entire text of the Exceptional Events Rule is not necessary for the Illinois ambient air quality standards to remain consistent with the federal NAAQS?

See the Agency’s response to No. 1 above.

3. Is replacing federal text of 40 C.F.R. § 50.14 with the three statements added by the Board adequate to fulfill federal NAAQS requirements and ensure that excluding data is possible in Illinois? Or is there some alternative that would better serve those purposes?

See the Agency's response to No. 1 above.

4. Is it necessary to retain the definitions of the Exceptional Events Rule to allow exclusion of data affected by exceptional events in Illinois?

See the Agency's response to No. 1 above.

5. Is the Board correct in concluding that the 1997 annual NAAQS for PM<sub>2.5</sub> does not apply in any area of Illinois except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County?

The 1997 annual PM<sub>2.5</sub> NAAQS will continue to be in effect for those areas of the state that are not currently meeting the standard, until such a time as those areas have been redesignated as attainment by USEPA. The areas in Illinois that have not achieved redesignation to attainment are Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County.

The Agency recommends that the Board use the language from 40 CFR 51.13(d) and not reference any specific areas that are meeting or not meeting each standard, since designations are subject to change.

6. Does the language used by the Board in 35 Ill. Adm. Code 243.120(c)(4) fully and accurately reflect the status of the 1997 primary and secondary annual and 24-hour NAAQS for PM<sub>2.5</sub> in Illinois?

It does not appear that most other portions of Part 243 discuss the transition between NAAQS standards or set forth the specific nonattainment areas in the State. Also, nonattainment areas can change, which may render these provisions in Part 243 inaccurate. Therefore, the Agency recommends revising any transition language to be more generic and to omit references to specific nonattainment areas. Also, the Illinois EPA believes the Board's additional language regarding the 1997 PM<sub>2.5</sub> standard should be included in Section 243.120(b) with the rest of the 1997 standard, and not in 243.120(c) which addresses the 2006 PM<sub>2.5</sub> standard.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Annet Godiksen  
Assistant Counsel

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**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, affirm that I have served the attached ILLNOIS ENVIRONMENTAL PROTECTION AGENCY'S COMMENTS REGARDING THE ILLINOIS POLLUTION CONTROL BOARD'S IDENTICAL IN SUBSTANCE RULEMAKING upon the following person(s) by e-mailing it to the e-mail address(es) indicated below:

TO: Michael J. McCambridge  
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I affirm that my e-mail address is [annet.godiksen@illinois.gov](mailto:annet.godiksen@illinois.gov); the number of pages in the e-mail transmission is 6; and the e-mail transmission took place today before 5:00 p.m. If you prefer service by mail, please contact me and a copy will be mailed to you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Annet Godiksen  
Assistant Counsel

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