



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

September 28, 2020

POLLUTION CONTROL BOARD  
DON BROWN  
100 W RANDOLPH ST  
STE 11-500  
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 44, Issue 40 of the Illinois Register, dated 10/2/2020.

### **OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER**

Notice of Public Information

Point of Contact: Michael McCambridge 16378

### **PROPOSED RULES**

Air Quality Standards

35 Ill. Adm. Code 243 16081

Point of Contact: Michael McCambridge

Pretreatment Programs

35 Ill. Adm. Code 310 16097

Point of Contact: Michael McCambridge

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Air Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 243
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
243.101	Amendment
243.102	Amendment
243.105	Amendment
243.107	Amendment
243.108	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 September 17, 2020, proposing amendment in docket R21-1 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 docket R21-1 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 first half of 2020.

The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended implementation of its NAAQSs as follows:

February 3, 2020 (85 Fed. Reg. 5958)	USEPA designated a new federal reference method (FRM) for sulfur dioxide (SO <sub>2</sub> ) in ambient air. The Board must incorporate this FRM into the Illinois rules.
May 7, 2020 (85 Fed. Reg. 27221)	USEPA designated a new federal equivalent (FEM) for nitrogen dioxide (NO <sub>2</sub> ). The Board must incorporate this FEM into the Illinois rules.
May 26, 2020 (85 Fed. Reg. 31378)	USEPA redesignated the Lemont and Pekin areas from nonattainment to attainment for the 2010

RECEIVED

SEP 17 2020

SOS-CODE DIV.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NAAQS for SO<sub>2</sub>. This action does not change applicability of any NAAQS in Illinois. The Board takes note, but this USEPA action requires no Board response.

June 15, 2020

USEPA released an updated version of the *List of Designated Reference and Equivalent Methods*. The update incorporates the new FRM designated on February 3, 2020 and new FEM designated on May 7, 2020. Updating the incorporation by reference for the *List* to this latest version incorporates that FRM and FEM into the Illinois rules.

The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than listing the designated methods. The further Board removed two obsolete incorporations by reference, updated incorporations by reference to *Code of Federal Regulations* provisions to the latest version available, and made limited grammatical and stylistic corrections.

Tables appear in a document entitled "Identical-in -Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R21-1 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 actions 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 R21-1.

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 proposed rule replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does the proposed rule contain incorporations by reference? Yes

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other rules pending on this Part? No
- 11) Statement of Statewide Policy Objectives: 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)].
- 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 R21-1 and be addressed to:

Don A. Brown, 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) (2018)) 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:

11:45 a.m., November 19, 2020  
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

Comments should reference docket R21-1 and be addressed to:

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Don A. Brown, 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 R21-1:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601

312-814-6924  
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.pcb.illinois.gov>.

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)].

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory agenda on which this rulemaking was summarized: January 2020

The full text of the proposed amendments begins on the next page: