

ILLINOIS POLLUTION CONTROL BOARD  
December 18, 2008

IN THE MATTER OF: )  
)  
AIR QUALITY STANDARDS CLEAN-UP: ) R09-19  
AMENDMENTS TO 35 ILL. ADM. CODE ) (Rulemaking - Air)  
PART 243 )

ORDER OF THE BOARD (by A.S. Moore):

On December 1, 2008, the Illinois Environmental Protection Agency (Agency) filed a proposal under the general rulemaking provisions of Sections 27 and 28 of the Environmental Protection Act (Act) (415 ILCS 5/27, 28 (2006)). Generally, the Agency proposes to amend Part 243 of the Board's air pollution regulations (35 Ill. Adm. Code 243) to incorporate new federal air quality standards.

The Board today accepts the Agency's proposal for hearing and directs the hearing officer to expeditiously schedule and proceed to hearing in this matter.

**SUMMARY OF PROPOSAL**

In support of its proposal, the Agency submitted a Statement of Reasons (Statement), a Technical Support Document (TSD), and proposed amendments (Prop.) to Part 243 (35 Ill. Adm. Code 243). The Agency concluded that, because the proposal does not impose new requirements and merely reflects current federal law and standards, "an analysis of technical feasibility and economic reasonableness is not appropriate. These standards are well known to industry and have been thoroughly discussed by the U.S. EPA [United States Environmental Protection Agency]." Statement at 4; *see* TSD at 3.

The Agency states that the Board originally adopted Part 243 in order to satisfy requirements under the Clean Air Act (CAA). Statement at 1-2. The Agency further states that "[t]his proposed rulemaking simply updates the existing regulation and is a result of new National Ambient Air Quality Standards {"NAAQS"} adopted by the United States Environmental Protection Agency ("U.S. EPA")." *Id.* at 1.

First, the Agency proposes that the Board amend the existing Section 243.125 by incorporating the new eight-hour ozone standard and revoking the one-hour standard. Statement at 2, citing 73 Fed. Reg. 16436 (Mar. 27, 2008), Prop. at 7; *see* 35 Ill. Adm. Code 243.125(a). The Agency also proposes a measurement method for determining compliance with the updated ozone standard. Statement at 2, citing 40 C.F.R. Part 50, Section 50.1, 40 C.F.R. Appendix P, 73 Fed. Reg. 16436 (Mar. 27, 2008); *see* Prop. at 7 (proposed Section 243.125(b)).

Second, the Agency proposes to amend the existing Section 243.120, which addresses particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>). Statement at 3; *see* 35 Ill. Adm. Code 211.4770 (defining PM<sub>10</sub>), TSD at 2. Specifically

the Agency proposes to revoke the “annual PM<sub>10</sub> standard which had been calculated as the annual arithmetic mean concentration of 50 micrograms per cubic meter.” Statement at 3, citing 73 Fed. Reg. 61144 (Oct. 17, 2006). The Agency notes that USEPA maintained unchanged the maximum 24-hour PM<sub>10</sub> concentration of 150 microgram per cubic meter, which is not to be exceeded more than once per year. Statement at 3, citing 73 Fed. Reg. 61144 (Oct. 17, 2006); *see* 35 Ill. Adm. Code 243.120(a)(2).

Third, in response to recent action by USEPA, the Agency proposes to add a Section 243.120a addressing particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (PM<sub>2.5</sub>). Prop. at 5; *see* TSD at 2. The Agency notes that USEPA has set the annual arithmetic mean concentration of PM<sub>2.5</sub> at 15 micrograms per cubic meter. Statement at 2, citing 62 Fed. Reg. 38652 (July 18, 1997); *see* Prop. at a5 (proposed Section 243.120a(a)(1)). The Agency further notes that USEPA has established a maximum 24-hour concentration of 35 micrograms per cubic meter, including methods for its calculation and for the determination of fine particulate matter as PM<sub>2.5</sub>. Statement at 2, citing 40 C.F.R. Part 50, Appendices L, N; 73 Fed. Reg. 61144 (Oct. 17, 2006); *see* Prop. at 5 (proposed Section 243.120a).

Fourth, the Agency proposes to amend Section 243.107, which addresses reference conditions, “to reflect that PM<sub>2.5</sub> measurements should be based upon the actual ambient air volume measured at the actual temperature and pressure at the monitoring site during the measurement period.” Statement at 3, Prop. at 3 (proposed .Section 243.107). The Agency distinguishes this proposed provision from other air quality measurements, which provide for correction to a reference temperature and pressure. Statement at 3.

### CONCLUSION

The Board finds that the rulemaking proposal meets the content requirements of 35 Ill. Adm. Code 102. The Board accepts this proposal for hearing and directs the assigned hearing officer to proceed to hearing under the rulemaking provisions of the Act and the Board’s procedural rules. 415 ILCS 5/27, 28 (2006); 35 Ill. Adm. Code 102.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 18, 2008, by a vote of 5-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board