

ILLINOIS POLLUTION CONTROL BOARD  
December 17, 2015

IN THE MATTER OF: )  
NATIONAL AMBIENT AIR QUALITY ) R16-2  
STANDARDS, USEPA AMENDMENTS ) (Identical-in-Substance Rulemaking - Air)  
(January 1, 2015 through June 30, 2015, )  
August 26, 2015, October 26, 2015, and )  
November 19, 2015) )

Proposed Rule. Proposal for Public Comment.

OPINION AND ORDER OF THE BOARD (by J.A. Burke):

This rulemaking updates the ambient air quality standards in the Board’s air pollution regulations (35 Ill. Adm. Code 243) to include revisions to the National Ambient Air Quality Standards (NAAQS)<sup>1</sup> adopted by the United States Environmental Protection Agency (USEPA) pursuant to section 109 of the Clean Air Act (CAA) (42 U.S.C. § 7409 (2013)) during the period January 1, 2015 through June 30, 2015, August 26, 2015, October 26, 2015, and November 19, 2015.

Today the Board adopts a proposal for public comment that would amend two segments of the Illinois ambient air quality standards to reflect revisions and USEPA actions that affect the federal NAAQS codified in 40 C.F.R. 50. As explained below, the Board intends the Illinois ambient air quality standards adopted in this proceeding to be identical-in-substance with their federal counterparts, as “identical-in-substance” is defined by Section 7.2(a) of the Environmental Protection Act (Act) (415 ILCS 5/7.2(a) (2014)).

Section 10(H) of the Act (415 ILCS 5/10(H) (2014)) mandates this rulemaking by requiring the Board to “adopt ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere; those standards shall be identical in substance to the national ambient air quality standards promulgated by . . . the United States Environmental Protection Agency in accordance with Section 109 of the Clean Air Act [(42 U.S.C. § 7409)].” 415 ILCS 5/10(H) (2014).

Section 10(H) of the Act (415 ILCS 5/10(H) (2014)) and Section 1-5(c)(1) of the Administrative Procedure Act (APA) (5 ILCS 100/1-5(c)(1) (2014)) also provide that Title VII of the Act and Section 5-35 of the APA (5 ILCS 100/5-35 (2014)) do not apply to this proceeding. Accordingly, the Board will not adopt a “First Notice” proposal, or a “Second Notice” proposal for review by the Joint Committee on Administrative Rules (JCAR). However, as provided in Section 10(H) of the Act, and as explained in the two following segments of this opinion and order, the Board, before adopting final rule amendments, will provide notice of this rulemaking proposal in the *Illinois Register*, hold one public hearing on the proposal as required by the federal Clean Air Act (33 U.S.C. § 7410(a) (2013)), and allow for public comment.

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<sup>1</sup> Throughout this opinion and in the regulatory text, the Board uses the abbreviation “NAAQS” to refer to a single standard and multiple standards.

The Board reserved this docket to accommodate amendments that are necessary to update the Illinois ambient air quality standards to reflect revisions and USEPA actions that affect the federal NAAQS during the period January 1, 2015 through June 30, 2015. Board action is necessary to amend the Illinois ambient air quality standards to conform with the NAAQS adopted and amended by USEPA. USEPA undertook two actions during the update period and three actions after the update period, as are described below in this opinion.

### **DISCUSSION**

The Board prefaces this opinion with procedural matters. First, the Board provides information on the public comment period. Second, the Board describes actions that occurred after the update period that the Board has included in this proceeding. Third, the Board describes a scheduled public hearing for this proceeding. Finally, the Board sets forth the timetable for completing this rulemaking. The substantive discussions follow the procedural matters.

### **PUBLIC COMMENTS**

The Board invites public comment on the proposed amendments. The Board will receive public comments until at least 45 days after a notice of these proposed amendments appears in the *Illinois Register*. Anyone may file a public comment with the Board at:

Office of the Clerk  
Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Alternatively, an interested person may file electronically using the Clerk's Office On-Line (COOL) system, linked on the Board's Web page, at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

All comments relating to this rulemaking, whether filed physically or electronically, should clearly refer to docket number R16-2.

All filings with the Clerk of the Board must be served on the hearing officer and on those persons on the Service List for this rulemaking. The service list is available on the Board's Web page. Before filing any document with the Clerk, please check with the Clerk's Office to confirm that you are using the most recent version of the Service List. The hearing officer assigned to this rulemaking is Michael J. McCambridge (312-814-6924), [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).

### **FEDERALLY REQUIRED PUBLIC HEARING**

The Board expects that the Illinois Environmental Protection Agency (Agency) will submit the present amendments to USEPA to be included in or to revise the Illinois SIP pertaining to one or more ambient air quality priority pollutants (carbon monoxide, lead nitrogen oxides, ozone, particulate matter, and sulfur dioxide) pursuant to section 110 of the federal Clean Air Act (42 U.S.C. § 7410(a)) (2013) and the implementing USEPA regulations. *See* 40 C.F.R. 51.102 and appendix V (2015).

The Board has scheduled a public hearing in this rulemaking for the purpose of allowing interested members of the public to comment on the proposed amendments and the anticipated SIP revision that will result from their adoption. The Board will conduct that hearing by videoconference between the Board's offices in Chicago and Springfield, as follows:

1:30 p.m., Thursday, February 18, 2016

James R. Thompson Center  
Illinois Pollution Control Board Hearing Room  
100 West Randolph Street, Room 11-512  
Chicago

and

Sangamo Building  
Illinois Pollution Control Board Hearing Room  
1021 North Grand Avenue East (north entrance)  
Springfield

The record in this docket will include all documents pertaining to this proceeding. All documents in the record are publicly available for inspection and copying as provided in 2 Ill. Adm. Code 2175. The documents are also freely available online at the Board's webpage: [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

The record will not include a copy of the following documents, which are all otherwise publicly available:

- Any *Federal Register* notices relating to this action (referenced elsewhere in this opinion and order);
- Federal statutes and regulations referenced in this opinion and order; and
- Illinois statutes and regulations referenced in this opinion and order.

The Board will cause publication of a Notice of Public Information on Proposed Rules in the *Illinois Register*. The Board has determined that the public has routine and ready access to the *Illinois Register*. In that Notice, the Board will describe the hearing date and time outlined above and set forth information to aid members of the community to obtain and review documents and participate in this proceeding. The Board will try to have that publication occur simultaneous with publication of the Notice of Proposed Amendments. The notices published relative to this proceeding will request that interested persons direct questions to the following person:

Michael McCambridge, Staff Attorney  
Pollution Control Board  
100 West Randolph Street, Room 11-500  
Chicago, Illinois 60601  
312-814-6924  
[michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov)

The notices published relative to this proceeding will direct interested persons to request documents from or submit documents to the following person:

John T. Therriault, Clerk of the Board  
 Pollution Control Board  
 100 West Randolph Street, Room 11-500  
 Chicago, Illinois 60601  
 312-814-3629  
 john.therriault@illinois.gov

After the hearing and public comment period, the Board will promptly issue an opinion and order adopting final rule amendments. The Board will then file the amendments with the Office of the Secretary of State, and a Notice of Adopted Amendments will appear in the *Illinois Register*. Any Agency submission of the associated SIP revision to USEPA would follow that Notice.

The Board has determined that the foregoing will satisfy the federal requirements for SIP revision, as set forth in 33 U.S.C. § 7410(a) (2013) and 40 C.F.R. 51.102, at least as to the subject matter that the Board has included in this proceeding.

#### **DUE DATE AND SCHEDULE FOR COMPLETION**

The Board must complete action to adopt amendments within one year of the date when USEPA revised the NAAQS. 415 ILCS 5/7.2(b) (2014). Since USEPA adopted the implementation rule on March 6, 2015 for the 2008 eight-hour NAAQS for ozone, which prompted Board action in this proceeding, the Board must complete corresponding amendments before March 6, 2016. The Board can meet that due date according to the following schedule:

<b>Due date:</b>	<b>March 6, 2016</b>
<b>Proposal adopted date:</b>	<b>December 17, 2015</b>
Publication submission deadline:	December 21, 2015
<i>Illinois Register</i> publication date:	January 4, 2016
Date of public hearing:	February 16, 2016
End of 45-day public comment period:	February 18, 2016
<b>Adoption date:</b>	<b>March 3, 2016</b>
Possible filing and <b>effective date:</b>	March 7, 2016
Possible <i>Illinois Register</i> publication date:	March 18, 2016

There is no added time to the above timetable to allow for unforeseen delays in finalizing the amendments. Should progress toward completion could occur more slowly due to presently unforeseen events, the Board will timely issue a reasons for delay order and extend the deadline.

## **OVERVIEW OF THE FEDERAL NAAQS AND THIS PROCEEDING**

The amendments proposed today are intended to make the Illinois ambient air quality standards identical-in-substance to the NAAQS adopted by USEPA. Today's proposal includes one primary<sup>2</sup> action that occurred in the period January 1, 2015 through June 30, 2015: USEPA adopted an implementation rule for the 2008 NAAQS for ozone, which caused the 1997 NAAQS for ozone to no longer apply in Illinois upon the effective date of the implementation rule for the 2008 NAAQS. This proposal further includes two secondary<sup>3</sup> USEPA actions that occurred during the period January 1, 2015 through June 30, 2015: USEPA designated one new federal reference method (FRM) and four new federal equivalent methods (FEMs) on June 5, 2015 and issued an update to its *List of Designated Reference and Equivalent Methods* on June 18, 2018, which included the June 5, 2015 methods designations. Board action on the June 5, 2015 designations is not necessary because the June 18, 2015 update to the *List of Designated Methods* subsumes the June 5, 2015 designations.

The Board added two USEPA actions that occurred after the nominal timeframe of this docket. One primary USEPA action occurred after the June 30, 2015: USEPA adopted new 2015 primary and secondary NAAQS for O<sub>3</sub> on October 26, 2015. Two secondary USEPA actions occurred after July 1, 2015: USEPA designated two new FEMs on August 26, 2015 and one new FRM and one new FEM on November 19, 2015.

### **Docket R16-2: January 1, 2015 through June 30, 2015 Amendments**

USEPA did not amend the federal NAAQS during the period January 1, 2015 through June 30, 2015. Instead, USEPA undertook one primary and two secondary actions during the period. The primary action, described below, related to sunset of the 1997 primary and secondary NAAQS for O<sub>3</sub>. The two secondary actions, also described below, related to approval of new analytical methods for demonstrating compliance.

Board action is required on only two of the USEPA actions, as is summarized below:

#### **March 6, 2015 (80 Fed. Reg. 12264)**

Description of the USEPA action: USEPA adopted an implementation rule for the 2008 ozone National Ambient Air Quality Standard (NAAQS). One segment of the implementation rule revised the sunset and anti-backsliding provisions of the 1997 ozone NAAQS.

Prospective necessary Board action in response: The Board must incorporate the changes to ensure that 35 Ill. Adm. Code 243.125(a)(3) is consistent with the USEPA revisions to 40 C.F.R. 50.10(c).

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<sup>2</sup> As used in this opinion, "primary action" is a USEPA action that directly establishes, revises, or affects the applicability of a NAAQS.

<sup>3</sup> As used in this opinion, "secondary action" is a USEPA action that affects implementation of a NAAQS, but which does not establish or revise a NAAQS.

### **June 5, 2015 (80 Fed. Reg. 32114)**

Description of the USEPA action: USEPA designated one new reference method (FRM) for fine particulates (PM<sub>2.5</sub>), one new equivalent method (FEM) for PM<sub>2.5</sub>, one new FEM for coarse particulates (PM<sub>10-2.5</sub>), and two new FEMs for ozone (O<sub>3</sub>) in ambient air.

Prospective necessary Board action in response: The Board must incorporate the new FRM and new FRMs into the Illinois regulations. Specific action on the June 5, 2015 USEPA designations is not necessary because the USEPA action of June 18, 2015 subsumes the June 5, 2015 designations.

### **June 18, 2015**

Description of the USEPA action: USEPA issued an updated version of its *List of Designated Reference and Equivalent Methods (List of Designated Methods)*. The update included the one new FRM and four new FEMs included in the June 5, 2015 *Federal Register* notice.

Prospective necessary Board action in response: The Board must update the incorporation by reference in 35 Ill. Adm. Code 243.108 to the June 18, 2015 version of the *List of Designated Methods*.

### **Included USEPA Actions That Occurred After the Update Period**

After the end of the update period, USEPA took two additional actions. The first was a secondary action, and the second was a primary action. The Board has included both in this docket for the purpose of administrative convenience and efficiency. The Board hopes to obviate undertaking action in the next NAAQS update docket for the period July 1, 2015 through December 31, 2015 and spare the added use of State resources.

The later actions are described as follows:

### **August 26, 2015 (at 80 Fed. Reg. 51802)**

Description of the USEPA action: USEPA designated one new FEM for fine particulate matter (PM<sub>2.5</sub>) and one for ozone in ambient air.

Prospective necessary Board action in response: The Board must update the incorporation by reference to the List of Designated Methods to include this *Federal Register* notice to include the two new FEMs.

### **October 26, 2015 (at 80 Fed. Reg. 65292)**

Description of the USEPA action: USEPA adopted a new primary and secondary NAAQS for O<sub>3</sub> in ambient air, lowering the NAAQS to 70 parts per billion (ppb) from the 2008 primary and secondary NAAQS for ozone, which was 75 ppb. USEPA included amendments relating to implementation of the 2015 NAAQS.

Prospective necessary Board action in response: The Board must update the O<sub>3</sub> provision in 35 Ill. Adm. Code 243.125 to add the new 2015 NAAQS, including the ancillary implementation amendments.

**November 19, 2015 (at 80 Fed. Reg. 72432)**

Description of the USEPA action: USEPA designated one new FRM for carbon monoxide and one new FEM for ozone in ambient air.

Prospective necessary Board action in response: The Board must update the incorporation by reference to the List of Designated Methods to include this *Federal Register* notice to include the new FRM and new FEM.

**Summary Listing of the Federal Action  
Upon Which Action is Required in This Docket**

Based on the foregoing, the federal action that forms the basis for Board action in this update docket is the following:

Federal Action Date (citation)	Description of the Action
March 6, 2015, 80 Fed. Reg. 12264	Adoption of an implementation rule for the 2008 NAAQS for O <sub>3</sub> , which will cause the 1997 NAAQS for O <sub>3</sub> to sunset.
June 5, 2015, 80 Fed. Reg. 32114	Designation of one new FRM for PM <sub>2.5</sub> , and four new FEMs for PM <sub>2.5</sub> , PM <sub>2.5-10</sub> , and O <sub>3</sub> . (No Board action is necessary.)
June 18, 2015	Update to the List of Designated Methods.
August 26, 2015, 80 Fed. Reg. 12264	Designation of one new FEM for PM <sub>2.5</sub> and one new FEM for O <sub>3</sub> .
October 26, 2015, 80 Fed. Reg. 65292	Adoption of new 2015 primary and secondary NAAQS for O <sub>3</sub> .
November 19, 2015, 80 Fed. Reg. 72432	Designation of one new FRM for carbon monoxide and one new FEM for O <sub>3</sub> .

**The Context of This Identical-in-Substance Proceeding**

The Board does not engage in substantive review of federal standards in the context of an identical-in-substance proceeding. Rather, the Board reviews federal standards only to the extent necessary to make a “best fit” for those standards in the context of the Illinois regulatory scheme.

The Board tries to follow the structure and content of federal regulations where possible. This ensures the full incorporation of all necessary elements of the present federal standards, and it makes updating the regulations easier when future federal amendments occur.

Departures from the federal structure may occur for a variety of reasons and will be noted as needed below. Where more stringent pre-existing State standards exist that will continue in effect after incorporation of federal elements, the Board will incorporate a structure that retains those State standards. *See, e.g., RCRA Subtitle D Amendments (Amendments to 35 Ill. Adm. Code 810, 811, and 814)*, R93-10 (Sept. 15, 1993), slip op. at 3-5 (adding required federal elements into existing State regulations); *Safe Drinking Water Act Regulations*, R88-26 (Aug. 9, 1990), slip op. at 6-7 (retaining more stringent pre-existing State regulations within the body of new federal requirements).

## **DISCUSSION**

The following discussion begins with substantive discussion of the four USEPA actions that requires Board action in this docket. The discussion concludes with a description of the types of deviations that the Board makes from the literal text of federal regulations in adopting identical-in-substance rules.

### **Discussion of the Particular Federal Action Involved in This Docket**

#### **SIP Requirements Rule for the 2008 O<sub>3</sub> NAAQS/Sunset of the 1997 O<sub>3</sub> NAAQS—Section 243.125**

On March 6, 2015 (at 80 Fed. Reg. 12264), USEPA adopted the State Implementation Plan (SIP) Requirements Rule for the 2008 primary and secondary eight-hour NAAQS for ozone. The SIP Requirements Rule addresses requirements for areas designated nonattainment with the 2008 NAAQS for ozone. USEPA has designated the Chicago-Naperville and Metro East areas in Illinois as marginal nonattainment for the 2008 NAAQS for ozone. *See* 40 C.F.R. 81.314 (2015). The SIP Requirements Rule includes several requirements for these nonattainment areas, including requirements for attainment demonstrations, reasonable further progress (RFP), reasonably available control measures (RACM), major new source review (NSR), emission inventories, and state implementation plans (SIPs). USEPA intended that the SIP Requirements Rule would aid implementation of future revisions to the NAAQS.

Two other provisions accompanied the SIP Requirements Rule. The first provision was revocation of the 1997 eight-hour NAAQS for ozone. USEPA revised the 1997 NAAQS so that it no longer applied after the April 6, 2015 effective date of the SIP Requirements Rule. 40 C.F.R. 50.10(c) (2015) (corresponding with 35 Ill. Adm. Code 243.125(a)(3)); *see* 80 Fed. Reg. 12264, 12296-97. The second provision was anti-backsliding requirements, which define the SIP requirements that continue to apply after the revocation of the 1997 NAAQS. The attainment/nonattainment status of an area with regard to the 1997 and 2008 NAAQS determine the SIP requirements that apply. *See* 40 C.F.R. 51.1105(a) (2015).

The only segment of the March 6, 2015 USEPA amendments of interest in this proceeding is the revocation of the 1997 primary and secondary NAAQS for ozone. The SIP

Requirements Rule and the anti-backsliding provisions are outside the scope of the Board's identical-in-substance mandate.

The Board has incorporated the USEPA revocation of the 1997 primary and secondary eight-hour NAAQS for ozone by removing 35 Ill. Adm. Code 243.125(a) from the regulations. This included removal of the appended Board note, which stated the derivation of the former subsection (a). This removal involved renumbering former subsection (b) (the 2008 primary and secondary eight-hour NAAQS for ozone) to new subsection (a).<sup>4</sup>

The Board invites comment on removal of the now-revoked 1997 primary and secondary NAAQS for ozone from the Illinois ambient air quality regulations.

### **Designation of New Analytical Methods—Section 243.108**

On June 5, 2015 (at 80 Fed. Reg. 32114), USEPA designated new methods for ambient air quality monitoring. USEPA designated a FRM for fine particulate matter (PM<sub>2.5</sub>) in ambient air, one new FEM for PM<sub>2.5</sub> in ambient air, one new FEM for coarse particulates (PM<sub>10-2.5</sub>) in ambient air, and two new FEMs for ozone in ambient air. The methods are described as follows:

#### **PM<sub>2.5</sub>:**

Manual Reference Method RFPS-0315-221 “Met One Instruments, Inc. e-FRM,” configured for filter sampling of ambient particles using the USEPA PM<sub>10</sub> inlet specified in figures L-2 through L-19 in appendix L to 40 C.F.R. 50, equipped with either a BGI VSCCTM cyclone or WINS PM<sub>2.5</sub> fractionator, with a flow rate of 16.67 ℓ/min, using 47 mm PTFE membrane filter media, and operating with firmware version R1.1.0 and later, and operated in accordance with the Met One e-FRM PM<sub>2.5</sub> operating manual. Designated at 80 Fed. Reg. 32114 (June 5, 2015).

Automated Equivalent Method EQPS-0415-223 “Tisch Environmental Model TE-Wilbur2.5 PM<sub>2.5</sub> Low-Volume Air Particulate Sampler,” configured as a PM<sub>2.5</sub> equivalent method, with firmware version 1.70 or later and a TE-PM10-D PM10 size-selective inlet specified in figures L-2 through L-19 in appendix L to 40 C.F.R. 50, configured with a Tisch TE-PM2.5C particle size separator, and operated for 24-hour continuous sample periods at a flow rate of 16.67 ℓ/min, using 47 mm PTFE membrane filter media, operated with or without the optional TE-W-600 Solar Panel Power Supply kit, and in accordance with the Tisch Environmental Model TE-Wilbur2.5 PM<sub>2.5</sub> Low-Volume Air Particulate Sampler instruction manual and with the requirements and sample collection filters specified in appendix L to 40 C.F.R. 50. Designated at 80 Fed. Reg. 32114 (June 5, 2015).

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<sup>4</sup> As is discussed below, the 2015 primary and secondary eight-hour NAAQS for ozone became a new subsection (b).

**PM<sub>10-2.5</sub>:**

Manual Equivalent Method EQPS-0415-224, “Tisch Environmental Model TE–Wilbur Low-Volume Air Particulate Sampler Pair” for the determination of coarse particulate matter as PM”, consisting of a pair of Tisch Environmental Model TE–Wilbur samplers, with one being the TE–Wilbur2.5 PM<sub>2.5</sub> sampler with TE–PM2.5C particle size separator (EQPS-0415–223) and the other being a TE–Wilbur10 PM<sub>10</sub> sampler (RFPS–0714–216), and operated in accordance with the associated TE–Wilbur instruction manual. This designation applies to PM<sub>10-2.5</sub> measurements only. Designated at 80 Fed. Reg. 32114 (June 5, 2015).

**Ozone:**

Automated Equivalent Method EQOA–0515–225 “Environnement S.A. Model O3 42e UV Photometric Ozone Analyzer,” operated in a range of 0–0.5 ppm in an environment of 0–35°C, with a Teflon sample inlet filter, with automatic temperature and pressure compensation, with zero/span external solenoid valve, with automatic or fixed response time, and with or without the following options: ESTEL Analog Input/Output Board, LCD color touch screen, and internal ozone generator. Designated at 80 Fed. Reg. 32114 (June 5, 2015).

Automated Equivalent Method EQOA–0415–222, “Sutron Model 6030 Ozone Analyzer,” operated at any of the following measurement ranges: 0–0.05 ppm, 0–0.5 ppm and 0–1.0 ppm, at any ambient temperature in the range of 5°C–45°C, with an averaging time of 1 to 99 analyzer cycles (0 to 396 seconds), with sample flow rate of 0.5 to 1 lpm and in accordance with the Model 6030 Ozone Analyzer Operation Manual and with or without the following options: Internal ozone generator, zero/span ports for external calibration. Designated at 80 Fed. Reg. 32114 (June 5, 2015).

The ordinary Board action based on uncodified methods designations is to add incorporation by reference to the *Federal Register* notice of the designations. Adding an incorporation by reference to the June 5, 2015 *Federal Register* notice will not be necessary in this instance. USEPA released an updated version of its *List of Designated Reference and Equivalent Methods* on June 18, 2015. USEPA added the one new FRM and four new FEMs included in the June 5, 2015 *Federal Register* notice to this new version of the *List of Designated Methods*. Thus, the appropriate Board action to add the newly designated methods is to update the incorporation by reference to this latest version of the *List of Designated Methods*.

On August 26, 2015 (at 80 Fed. Reg. 51802), USEPA designated new methods for ambient air quality monitoring. USEPA designated one new FEM for PM<sub>2.5</sub> and one new FEM for ozone in ambient air. The methods are described as follows:

**PM<sub>2.5</sub>:**

Manual Equivalent Method EQPM–0715–266, “Met One Instruments, Inc. BAM–1020 Beta Attenuation Mass Monitor—PM<sub>2.5</sub> FEM Configuration,” configured for 24 one-hour average measurements of PM<sub>2.5</sub> by beta attenuation,

using a glass fiber filter tape roll (460130 or 460180) and a sample flow rate of 16.67  $\ell$ /min and with the standard (BX-802) EPA PM<sub>10</sub> inlet (meeting the specifications of appendix L to 40 C.F.R. 50) and with an URG-2000-30EGN PM<sub>2.5</sub> (BX-809) cyclonic separator, BX-596 combo T/RH sensor, BX-827(110V) or BX-830(230V). Instrument must be operated in accordance with the BAM 1020 Particulate Monitor operation manual, revision k or later. This PM<sub>2.5</sub> equivalent method designation only applies to the BAM-1020 configured with the URG-2000-30EGN cyclone. Designated at 80 Fed. Reg. 51082 (August 26, 2015).

### **Ozone:**

Automated Equivalent Method EQOA-0815-227, “2B Technologies Model Personal Ozone Monitor (POM),” operated in a range of 0–0.5 ppm in an environment of 20–30°C, temperature and pressure compensation, using a 10 second averaging time, with a 12V DC source supplied by a 100–240V AC power adapter, operated according to the POM Operation Manual and with or without the following: Cigarette lighter adapter or a 12V DC battery or a 7–24 V battery for portable operation, USB data port with computer cable. Designated at 80 Fed. Reg. 51082 (August 26, 2015).

This is an uncodified methods designation. The Board will add incorporation by reference to the August 26, 2015 *Federal Register* notice of the designations. It is possible that USEPA will release an updated version of its *List of Designated Reference and Equivalent Methods* during the pendency of this rulemaking. If USEPA updates the *List of Equivalent Methods* to include the two new FEMs before final adoption of the present amendments, the Board will drop the incorporation by reference to the August 26, 2015 *Federal Register* notice in favor of updating the incorporation by reference to the updated version of the *List of Designated Methods*.

On November 19, 2015 (at 80 Fed. Reg. 72432), USEPA designated new methods for ambient air quality monitoring. USEPA designated one new FRM for carbon monoxide and one new FEM for ozone in ambient air. The methods are described as follows:

### **Carbon Monoxide:**

Automated Reference Method RFCA-0915-228, “Environnement S.A. Model CO12e Carbon Monoxide Analyzer,” an infrared absorption spectroscopy technique operated on a full scale range of 0 - 50 ppm, at any temperature in the range of 10°C to 35°C, with a teflon sample particulate filter with the following software settings: Automatic response time ON; Automatic “ZERO-REF” cycle either ON or OFF and with or without the following options: ESTEL Analog Input/Output Board, LCD color touch screen and Carbon Dioxide CO<sub>2</sub> sensor. Designated at 80 Fed. Reg. 72432 (November 19, 2015).

**Ozone:**

Automated Equivalent Method EQOA-1015-229, “Teledyne Advanced Pollution Instrumentation, Model 430 Ozone Analyzer,” operated with a full scale range between 0-500 ppb, at any operating temperature from 5°C to 40°C, with a sample particulate filter, with a 100-240V AC to DC power adapter or a 12V DC source capable of providing 9 watts of power, in accordance with the associated instrument manual, and with or without any of the following options: internal long-life pump, external long-life pump, external portable battery pack, external communication and data monitoring interfaces. Designated at 80 Fed. Reg. 72432 (November 19, 2015).

This is an uncodified methods designation. The Board will add incorporation by reference to the November 19, 2015 *Federal Register* notice of the designations. If USEPA updates the *List of Equivalent Methods* to include the two new FEMs before final adoption of the present amendments, the Board will drop the incorporation by reference to the November 19, 2015 *Federal Register* notice in favor of updating the incorporation by reference to the updated version of the *List of Designated Methods*.

The Board invites comments on the incorporation of the new USEPA methods designations of June 5, 2015; August 26, 2015; and November 19, 2015 into the Illinois ambient air quality regulations.

**Adoption of the New 2015 O<sub>3</sub> NAAQS—Section 243.125**

On October 26, 2015 (at 80 Fed. Reg. 65292), USEPA adopted new primary and secondary eight-hour NAAQS for ozone. The new 2015 NAAQS has the same format (fourth-highest daily average maximum ozone content averaged over three consecutive years) as the 2008 NAAQS. The new 2015 NAAQS are lowered from 75 parts per billion (ppb)<sup>5</sup> to 70 ppb. USEPA also established a new FRM and revised data handling requirements for the 2015 NAAQS. Accompanying the new 2015 NAAQS for ozone were revisions to various related rules, such as the Air Quality Index (AQI), prevention of significant deterioration (PSD) program, transitional provisions; exceptional event schedules, analytical methods performance standards, and Photochemical Assessment Monitoring Stations (PAMS) network provisions. USEPA also extended the ozone monitoring season for the new standard.

The Board’s action today is limited by the scope of the identical-in-substance mandate in section 10(H) of the Act. That mandate is limited to the standards that specify the maximum permissible concentration of a contaminant in the atmosphere as determined by USEPA. 415 ILCS 5/10(H) (2014). The Board has included the numerical standard, the exceptional events schedule, the FRM, and the data handling provisions as part of the standard. All of these elements of 40 C.F.R. 50 go into the determination whether monitoring data from a particular monitoring site has demonstrated compliance with the federal standard. The Board has excluded

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<sup>5</sup> The 2008 and 2015 NAAQS are both prescribed 0.075 and 0.070 parts per million (ppm), respectively. This is equal to the 75 and 70 parts per billion used in this discussion.

federal revisions of 40 C.F.R. 51, 52, 53, and 58 relating to the AQI, PSD, transitional provisions, analytical methods performance standards, and the PAMS network.

The Board notes the more salient changes made by USEPA that are outside the scope of this identical-in-substance proceeding. First, USEPA has changed the ozone monitoring season in Illinois from April through October to March through October. *Compare* Table D-3 in appendix D to 40 C.F.R. 58 (2014) *with* Table D-3 in appendix D to 40 C.F.R. 58 as amended at 80 Fed. Reg. at 65466-67. Monitoring for the 2015 NAAQS for ozone is to begin at the start of the 2017 ozone season. *See* 40 C.F.R. 58.10(a)(9), as added at 80 Fed. Reg. at 65466. States must propose a PAMS plan for monitoring ozone before July 1, 2018. *See* 40 C.F.R. 58.10(a)(10), as added at 80 Fed. Reg. at 65466. States with any area designated moderate nonattainment or higher or which is in an ozone transport area (which would include Illinois) must submit an Enhanced Monitoring Plan to USEPA before October 1, 2019, which includes more extensive and elaborate monitoring for ozone, nitrogen oxides, and volatile organic material.

USEPA changed the AQI breakpoints for eight-hour ozone as follows:

2008 Ozone	2015 Ozone	AQI Category
0.000-0.059 ppm	0.000-0.054 ppm	Good
0.060-0.075 ppm	0.055-0.070 ppm	Moderate
0.076-0.095 ppm	0.071-0.085 ppm	Unhealthy for Sensitive Groups
0.096-0.115 ppm	0.086-0.105 ppm	Unhealthy
0.116-0.374 ppm	0.106-0.200 ppm	Very Unhealthy
note 1	0.201+ppm note 2	Hazardous

note 1: Where the eight-hour ozone equals or exceeds 0.375 ppm, the one-hour ozone is used for the AQI.

note 2: Where the eight-hour ozone equals or exceeds 0.201 ppm, the one-hour ozone is used for the AQI.

USEPA has not yet adopted an implementation rule for the 2015 eight-hour ozone NAAQS. For this reason, it is not yet possible to determine what level of pollution will determine “marginal,” “moderate,” or “severe” area designations under the new standard. USEPA anticipates proposing an implementation rule for the 2015 NAAQS by October 2016 and adopting the rule by October 2017. 80 Fed. Reg. at 65437. USEPA anticipates making initial area designations by October 2017. 80 Fed. Reg. at 65413.

Board action is required on elements of the October 26, 2015 USEPA amendments. This includes the following actions: (1) incorporating the revisions to the Exceptional Events Rule in 40 C.F.R. 50.14(c)(2) and table 1 into 35 Ill. Adm. Code 243.105(c)(2) and Table A to 35 Ill. Adm. Code 243; (2) incorporating the 2015 primary and secondary eight-hour NAAQS for ozone of new 40 C.F.R. 50.19 into 35 Ill. Adm. Code 243.125; (3) incorporating the revisions to appendix D to 40 C.F.R. 50 (FRM and calibration procedure for ozone) by updating the

incorporation by reference in 35 Ill. Adm. Code 243.108; and (4) adding new appendix U to 40 C.F.R. 50 (interpretation of the ozone NAAQS setting forth the data handling requirements for ozone) by adding an incorporation by reference in 35 Ill. Adm. Code 243.108. The Board has made these revisions without substantive deviation from the federal provisions. The primary revisions made by the Board relate primarily to differences in structure between the federal and Illinois regulations. For example, the Illinois rules codify all still-enforceable NAAQS for ozone in the single provision, 35 Ill. Adm. Code 243.125. Further, rather than set forth the full text of appendices D and U to 40 C.F.R. 50, the Board has incorporated by reference to the two federal rules documents. The several minor edits made when adapting the federal text are listed and described in Tables 1 and 2 towards the end of this opinion. The Board will not further discuss those edits in this discussion.

The Board invites comments on the incorporation of the new USEPA 2015 eight-hour NAAQS for ozone and accompanying USEPA amendments into the Illinois ambient air quality regulations.

### **Deviations from the Literal Text of the Federal Amendments and Non-Federally Derived Corrections and Clarifications**

The Board routinely examines federal amendments and the base text of rules open for amendments to find any areas that need correction or clarification. JCAR and the Office of the Secretary of State also routinely examine the text and suggest corrections and clarifications. Sometimes suggestions arise from the Agency, USEPA, or members of the regulated community. The Board often makes revisions as a result. The revisions thus made are not directly derived from federal amendments. The Board is ever mindful of the limited discretion authorized in the context of an identical-in-substance proceeding. The Board is limited to “those changes that are necessary for compliance with the Illinois Administrative Code,” “technical changes that in no way change the scope or meaning of any portion of the regulations,” and “apparent typographical and grammatical errors.” *See* 415 ILCS 5/7.2(a) and (a)(7) (2014). Thus, the Board will only make minor, non-substantive corrections and clarifications in this context. These corrections are non-substantive in effect.

### **Tabulations of Deviations from the Literal Text of the Federal Amendments and Miscellaneous Board Housekeeping Amendments**

The tables below list numerous corrections and amendments that are not based on current federal amendments. Table 1 lists a number of federal amendments that the Board has not included in this docket. Table 1 gives a brief explanation why the Board has declined to make each. Table 2 includes deviations made in this proposal for public comment from the verbatim text of the federal amendments. Table 3 contains corrections and clarifications that the Board made in the base text involved in this proposal. The amendments listed in Table 3 are not directly derived from the current federal amendments. Some of the entries in these tables are discussed further in appropriate segments of the general discussion above in this opinion.

**Table 1:  
Federal Amendments That Are  
Not Necessary in This Docket**

Provision Citations 40 C.F.R./ 35 Ill. Adm. Code	USEPA Amendment/ Explanation Why Not Made in This Docket
50.10(c)/ 243.105(a)(3)	The conditions for inapplicability of the 1997 primary and secondary NAAQS for ozone have been fulfilled. Removal of the 1997 NAAQS obviates adding this sunset provision.
50.14(c)(3)(i)/ 243.105(c)(3)(A)	There was no need to remove the commas from after “the sooner of” and before “12 months prior to the date,” since the Board had removed them when initially adopting this Section in <u>National Ambient Air Quality Standards, USEPA Regulations (through December 31, 2012)</u> , R13-11 (July 25, 2013).

**Table 2:  
Deviations from the Text of the Federal Amendments**

Illinois Section	40 C.F.R. Section	Revision(s)
243 table of contents, 243.Table A heading	50.14(c)(2)(vi), table 1 heading	Restored “Data,” “in Initial,” and “Designations” previously omitted.
243.105(c)(2)(D)	50.14(c)(2)(iv)	Retained the explanatory phrase to maintain structural consistency, changing “has expired by its own terms” to “USEPA has removed and marked ‘reserved.’”
243.105(c)(2)(E)	50.14(c)(2)(v)	Retained the explanatory phrase to maintain structural consistency, changing “has expired by its own terms” to “USEPA has removed and marked ‘reserved.’”
243.105(c)(2)(F)	50.14(c)(2)(vi)	Changed “Table 1” to “Table A of this Part”; changed “this process shall apply” to “USEPA will apply this process.”
243.105(c)(3)(A)	50.14(c)(3)(i)	Retained the conditional word “when.”

243.105(c)(3)(B)	50.14(c)(3)(ii)	Retained the explanatory phrase to maintain structural consistency, changing “pertains only to a reporting period and opportunity to demonstrate exceptions that has passed” to “USEPA has removed and marked ‘reserved.’”
243.105(c)(3)(C)	50.14(c)(3)(iii)	Retained the explanatory phrase to maintain structural consistency, changing “pertains only to a reporting period and opportunity to demonstrate exceptional events that has passed in a provision that has expired by its own terms” to “USEPA has removed and marked ‘reserved.’”
243.108, Government Printing Office, Appendix D to 40 CFR 50	50, appendix D	Updated the incorporation by reference to include the October 26, 2015 amendments.
243.108, Government Printing Office, Appendix U to 40 CFR 50	50, appendix D	Added the incorporation by reference to the appendix added in the October 26, 2015 amendments.
243.108, USEPA, List of Designated Methods	List of Designated Methods	Updated the incorporation by reference to June 18, 2015 version; added a reference to the <i>Federal Register</i> notice for the August 26, 2015 designations.
243.108	50.19(b)	Added incorporation by reference to appendix U to 40 C.F.R. 50.
243.125(b)(2), 243.108	50.19(b)	Added incorporation by reference to appendix U to 40 C.F.R. 50.
243.125(b)(4), 243.108	50.19(d)	Added incorporation by reference to appendix U to 40 C.F.R. 50.
243.125(a)	50.10	Removed the now-obsolete 1997 eight-hour ozone NAAQS. See the discussion in the above segment of the opinion re the March 6, 2015 USEPA amendments.
243.125(a)	50.15	Renumbered subsection (b) to subsection (a).

243.125(a) Board note	50.15	Changed “this subsection (b)” to “this subsection (a).”
243.125(b) heading	50.19 heading	Changed “national primary and secondary air quality standards for ozone” to “Primary and Secondary Eight-Hour NAAQS for Ozone.”
243.125(b)(1)	50.19(a)	Changed “national 8-hour primary ambient air quality standard” to “eight-hour NAAQS”; omitted the parenthetical “(O <sub>3</sub> )”; changed “parts per million (ppm)” to “ppm” for the defined abbreviation; changed “8-hour average” to “eight-hour average”; changed “to this part” to “40 CFR 51”; added “incorporated by reference in Section 243.109” as a parenthetical offset by commas; changed “designated in accordance with part 53 of this chapter or an equivalent method designated in accordance with part 53 of this chapter” to “designated by USEPA and listed in the List of Designated Methods or a Federal Register notice incorporated by reference in Section 243.108.”
243.125(b)(2)	50.19(b)	Changed “8-hour primary O <sub>3</sub> ambient air quality standard” to “eight-hour primary NAAQS for ozone”; changed “8-hour average O <sub>3</sub> concentration” to “eight-hour average ozone concentration”; changed “appendix U to this part” to “appendix U to 40 CFR 50”; added “incorporated by reference in Section 243.108” as a parenthetical offset by a comma.

243.125(b)(3)	50.19(c)	Changed “national secondary ambient air quality standard for O <sub>3</sub> ” to “secondary NAAQS for ozone”; changed “8-hour average” to “eight-hour average ozone concentration”; changed “appendix D to this part” to “appendix D to 40 CFR 50”; added “incorporated by reference in Section 243.108” as a parenthetical offset by commas; changed “designated in accordance with part 53 of this chapter or an equivalent method designated in accordance with part 53 of this chapter” to “designated by USEPA and listed in the List of Designated Methods or a Federal Register notice incorporated by reference in Section 243.108.”
243.125(b)(4)	50.19(d)	Changed “8-hour secondary O <sub>3</sub> ambient air quality standard” to “eight-hour secondary NAAQS for ozone”; changed “3-year average” to “three-year average”; changed “8-hour average O <sub>3</sub> concentration” to “eight-hour average ozone concentration”; changed “appendix U to this part” to “appendix U to 40 CFR 50”; added “incorporated by reference in Section 243.108” as a parenthetical offset by a comma.
243.125(b) Board note	50.19	Added note regarding derivation of subsection (b).
243.Table A heading	50.14(c)(2)(vi) table 1 title	Restored the previously omitted words “data,” “in initial,” and “designations.”
243.Table A	50.14(c)(2)(vi) table 1	Changed “1, 2 and 3” to (one, two, and three) (three times); changed “state and tribal” to “State” (four times); changed “new/revised” to “new or revised” (six times); changed “the EPA” to “USEPA” (five times); changed “state/tribe” to “State”; changed “air agencies” to “the State.”

243.Table A Board note	50.14(c)(2)(vi) table 1	Removed the entire former explanatory text after the statement of derivation; USEPA removed the note appended to table 1 and the rest of the explanation added by the Board is now obsolete.
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**Table 3:  
Board Housekeeping Amendments**

Section	Source	Revision(s)
243.105 Board note	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix A-1 to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix A-2 to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix B to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix C to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix D to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix F to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.

243.108, Government Printing Office, Appendix G to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available, including deletion of a now-obsolete <i>Federal Register</i> citation.
243.108, Government Printing Office, Appendix H to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix I to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix J to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix K to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix L to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix N to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available, including deletion of a now-obsolete <i>Federal Register</i> citation.
243.108, Government Printing Office, Appendix O to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix P to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.

243.108, Government Printing Office, Appendix Q to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix R to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix S to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Appendix T to 40 CFR 50	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, Government Printing Office, Clean Air Act	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.108, USEPA, List of Designated Methods	Board	Updated the <i>List of Designated Methods</i> citation to the latest version available, including adding a <i>Federal Register</i> citation to later methods designations.
243.120(a)(2)	Board	Corrected the citation “40 CFR 51.6(b)” to “40 CFR 50.6(b).”
243.120(a) Board note	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.120(b) Board note	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.120(a) Board note	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.120(d) Board note	Board	Corrected the citation “40 CFR 51.6(b)” to “40 CFR 50.6(b)”; updated the <i>Code of Federal Regulations</i> citation to the latest version available.
243.125(a) Board note	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.

**ORDER**

The Board directs the Clerk to provide notice in the *Illinois Register* of the following proposed amendments to the Illinois ambient air quality regulations at 35 Ill. Adm. Code 243:

TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE B: AIR POLLUTION  
 CHAPTER I: POLLUTION CONTROL BOARD  
 SUBCHAPTER I: 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	PM <sub>10</sub> and PM <sub>2.5</sub>
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	<b><u>Schedule of Exceptional Event for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations for New or Revised NAAQS</u></b>

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. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

### **Section 243.105 Air Quality Monitoring Data Influenced by Exceptional Events**

- a) Requirements.
  - 1) The Agency may request USEPA to exclude from use in determinations data showing an exceedance of an NAAQS that is directly due to an exceptional event. The Agency must demonstrate to USEPA that the event caused a specific air pollution concentration at a particular air quality monitoring location.
  - 2) A demonstration to justify data exclusion may include any reliable and accurate data, but must demonstrate a clear causal relationship between the measured exceedance of an NAAQS and the event in accordance with subsection (c)(3)(D) of this Section.
- b) Determinations by USEPA. USEPA has stated the criteria for making a determination to exclude data as follow:
  - 1) Exceptional Events. USEPA has stated that it will exclude data from use in determinations of exceedance of an NAAQS where the Agency has demonstrated that an exceptional event caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location, and the Agency otherwise satisfies the requirements of 40 CFR 50.14.
  - 2) Fireworks Displays. USEPA has stated that it will exclude data from use in determinations of exceedance of an NAAQS where the Agency has demonstrated that emissions from fireworks displays caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location, and the State otherwise satisfies the requirements of 40 CFR 50.14. USEPA has stated that these data will be treated in the same manner as exceptional events under this Section, provided the Agency has demonstrated that the use of fireworks is significantly integral to traditional national, ethnic, or other cultural events, including, but not limited to July Fourth celebrations, which satisfy the requirements of 40 CFR 50.14.
  - 3) Prescribed Fires. USEPA has stated that it will exclude data from use in determinations of exceedance of an NAAQS where the Agency has demonstrated that emissions from prescribed fires caused a specific air

pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location, and the Agency otherwise satisfies the requirements of 40 CFR 50.14, provided that the emissions are from prescribed fires that USEPA determines meets the definition of “exceptional event” in Section 243.101, and provided that the Agency has certified to USEPA that the State has adopted and is implementing a Smoke Management Program (SMP) or the State has ensured that the burner employed basic smoke management practices. If an exceptional event occurs using the basic smoke management practices approach, the Agency must undertake a review of the State’s approach to ensure public health is being protected and must include consideration of development of an SMP.

BOARD NOTE: In each of corresponding 40 CFR 50.14(b)(1), (b)(2), and (b)(3), USEPA stated “EPA shall exclude data from use in determinations of exceedances and NAAQS violations.” In the first person, “shall” is used more to express present intent or to commit to future action. The Board has changed “EPA shall” to “USEPA has stated that it will.” Further, the Board has relied on the defined term “exceedance of an NAAQS.”

- c) Schedules and Procedures.
  - 1) Public notification. The Agency or, where the Agency has delegated authority pursuant to Section 4(g) or (r) of the Act, the Agency’s delegatee, must notify the public promptly whenever an event occurs or is reasonably anticipated to occur that may result in the exceedance of an NAAQS.
  - 2) Flagging of Data.
    - A) The Agency must notify USEPA of the State’s intent to exclude one or more measured exceedances of an NAAQS as being due to an exceptional event by placing a flag in the appropriate field for the data record of concern that has been submitted to the federal air quality system (AQS) database.
    - B) Flags placed on data in accordance with this Section must be deemed informational only, and the data must not be excluded from determinations with respect to an exceedance of an NAAQS unless and until USEPA notifies the Agency of USEPA concurrence following the Agency’s submittal of a demonstration pursuant to subsection (c)(3) of this Section by placing a concurrence flag in the appropriate field for the data record in the AQS database.
    - C) Flags placed on data as being due to an exceptional event, together with an initial description of the event, must be submitted to

USEPA not later than July 1 of the calendar year following the year in which the flagged measurement occurred, except as allowed under subsection ~~(e)(2)(D) or (e)(2)(E)-(c)(2)(F)~~ of this Section.

- D) This subsection (c)(2)(D) corresponds with 40 CFR 50.14(c)(2)(iv), which ~~has expired by its own terms~~ USEPA has removed and marked “reserved.” This statement maintains structural consistency with the federal regulations.
- E) This subsection (c)(2)(E) corresponds with 40 CFR 50.14(c)(2)(v), which ~~has expired by its own terms~~ USEPA has removed and marked “reserved.” This statement maintains structural consistency with the federal regulations.
- ~~F) USEPA has stated that when USEPA sets a NAAQS for a new pollutant or revises the NAAQS for an existing pollutant, USEPA may revise or set a new schedule for flagging exceptional event data, providing initial data descriptions, and providing detailed data documentation in AQS for the initial designations of areas for those NAAQS. Table A for this Part provides the existing schedule for submission of flags with initial descriptions in AQS and detailed documentation. These schedules apply for those data that will or may influence the initial designation of areas for those NAAQS. USEPA has stated that it will revise the table upon which Table A is based as necessary to accommodate revised data submission schedules for new or revised NAAQS.~~
- F) Table A of this Part identifies the data submission process for a new or revised NAAQS. USEPA will apply this process to those data that will or may influence the initial designation of areas for any new or revised NAAQS.

3) Submission of demonstrations.

- A) ~~When~~ Except as allowed under subsection (c)(2)(F) of this Section, when the Agency has flagged data as being due to an exceptional event and is requesting exclusion of the affected measurement data, the Agency must, after notice and opportunity for public comment, submit a demonstration to USEPA to justify data exclusion not later than the sooner of three years following the end of the calendar quarter in which the flagged concentration was recorded or 12 months prior to the date that a regulatory decision must be made by USEPA. The Agency must submit to USEPA the public comments it received, along with its demonstration.

- B) This subsection (c)(3)(B) corresponds with 40 CFR 50.14(b)(3)(ii), which ~~pertains only to a reporting period and opportunity to demonstrate exceptions that has passed~~ USEPA has removed and marked “reserved.” This statement maintains structural consistency with the federal regulations.
- C) This subsection (c)(3)(B) corresponds with 40 CFR 50.14(b)(3)(ii), which ~~pertains only to a reporting period and opportunity to demonstrate exceptional events that has passed in a provision that has expired by its own terms~~ USEPA has removed and marked “reserved.” This statement maintains structural consistency with the federal regulations.
- D) The demonstration to justify data exclusion must provide the following evidence:
- i) That the event satisfies the definition of “exceptional event” set forth in Section 243.101;
  - ii) That there is a clear causal relationship between the measurement under consideration and the event that is claimed to have affected the air quality in the area;
  - iii) That the event is associated with a measured concentration in excess of normal historical fluctuations, including background; and
  - iv) That there would have been no exceedance or violation but for the event.
- E) With the submission of the demonstration, the Agency must document that the public comment process was followed.

BOARD NOTE: Derived from 40 CFR 50.14 ~~(2012)~~ (2015).

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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](http://www.gpo.gov)).  
The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50-~~(2013)~~ (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-~~(2013)~~ (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-~~(2013)~~ (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-~~(2013)~~ (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-~~(2013)~~ (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-~~(2013)~~ (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-~~(2013)~~, as amended at 78 Fed. Reg. 40000 ~~(July 3, 2013)~~ (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-~~(2013)~~ (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-~~(2013)~~ (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-~~(2013)~~ (2015) (Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50-~~(2013)~~ (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-~~(2013)~~ (2015) (Reference Method for the Determination of Fine Particulate Matter as PM<sub>2.5</sub> in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50-~~(2013)~~, as amended at 78 Fed. Reg. 47191 (~~August 5, 2013~~) (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-~~(2013)~~ (2015) (Reference Method for the Determination of Coarse Particulate Matter as PM<sub>10-2.5</sub> 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-~~(2013)~~ (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-~~(2013)~~ (2015) (Reference Method for the Determination of Lead in Particulate Matter as PM<sub>10</sub> Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50-~~(2013)~~ (2015) (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50-~~(2013)~~ (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-~~(2013)~~ (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 (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.-~~(2011)~~ (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” (~~December 18, 2014~~)(June 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 ~~does not include~~ includes the following USEPA methods ~~approvals~~ approval that occurred after ~~December 18, 2014~~. June 18, 2015:

80 Fed. Reg. 51802 (Aug. 26, 2015).

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 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: STANDARDS AND MEASUREMENT METHODS

### Section 243.120 PM<sub>10</sub> and PM<sub>2.5</sub>

- a) 1987 Primary and Secondary 24-Hour NAAQS for PM<sub>10</sub>.
  - 1) The level of the 1987 primary and secondary 24-hour NAAQS for PM<sub>10</sub> is 150 µg/m<sup>3</sup>, 24-hour average concentration. The 1987 primary and secondary NAAQS for PM<sub>10</sub> is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup>, as determined in accordance with appendix K to 40 CFR 50, incorporated by reference in Section 243.108, is equal to or less than one.
  - 2) This subsection (a)(2) corresponds with 40 CFR ~~51.6(b)~~ 50.6(b), a provision marked “reserved” by USEPA. This statement maintains structural consistency with the corresponding federal regulation.
  - 3) For the purpose of determining attainment of the 1987 primary and secondary 24-hour NAAQS for PM<sub>10</sub>, particulate matter must be measured in the ambient air as PM<sub>10</sub> by a method that fulfills either of the following requirements:
    - A) An FRM based on appendix J to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108; or

- B) An FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.6-~~(2013)~~ (2015). USEPA adopted 1997 primary NAAQS for PM<sub>10</sub> at 62 Fed. Reg. 38652 (July 18, 1997). As a result of a judicial vacatur, USEPA later removed the transitional provision relative to the 1987 NAAQS at 65 Fed. Reg. 80776 (Dec. 22, 2000) and the 1997 NAAQS at 69 Fed. Reg. 45595 (July 30, 2004). Thus, the 1987 primary and secondary NAAQS for PM<sub>10</sub> are included in this subsection (a).

- b) 1997 Primary and Secondary Annual Average and 24-Hour NAAQS for PM<sub>2.5</sub>.
- 1) The 1997 primary and secondary annual average NAAQS for PM<sub>2.5</sub> is 15.0 µg/m<sup>3</sup>, annual arithmetic mean concentration, and the 1997 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is 65 µg/m<sup>3</sup>, 24-hour average concentration, measured in the ambient air as PM<sub>2.5</sub> by a method that fulfills either of the following requirements:
    - A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or
    - B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
  - 2) The 1997 primary and secondary annual average NAAQS for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 µg/m<sup>3</sup>.
  - 3) The 1997 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 65 µg/m<sup>3</sup>.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.7-~~(2013)~~ (2015). The 2006 primary and secondary annual average and 24-hour NAAQS for PM<sub>2.5</sub> differs from the 1997 standards in that the 24-hour average concentration required by the 2006 standard is substantially lower (more stringent) than that for the 1997 standard. The Board has retained the 1997 standard in this subsection (b) because USEPA has retained the 1997 standard in 40 CFR 50.6.

- c) 2006 Primary and Secondary Annual Average and 24-Hour NAAQS for PM<sub>2.5</sub>.
- 1) The 2006 primary and secondary annual average NAAQS for PM<sub>2.5</sub> is 15.0 µg/m<sup>3</sup>, annual arithmetic mean concentration, and the 2006 primary

and secondary 24-hour NAAQS for PM<sub>2.5</sub> is 35 µg/m<sup>3</sup>, 24-hour average concentration, measured in the ambient air as PM<sub>2.5</sub> by a method that fulfills either of the following requirements:

- A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or
  - B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 2006 primary and secondary annual average NAAQS for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 µg/m<sup>3</sup>.
  - 3) The 2006 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 35 µg/m<sup>3</sup>.

BOARD NOTE: This subsection (c) is derived from 40 CFR 50.13-(2013) (2015).

d) 2012 Primary Annual Average and 24-Hour NAAQS for PM<sub>2.5</sub>

- 1) The 2012 primary annual average NAAQS for PM<sub>2.5</sub> is 12.0 µg/m<sup>3</sup> annual arithmetic mean concentration, and the 2012 primary 24-hour NAAQS for PM<sub>2.5</sub> is 35 µg/m<sup>3</sup> 24-hour average concentration, measured in the ambient air as PM<sub>2.5</sub> by a method that fulfills either of the following requirements:
  - A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108; or
  - B) An FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 2012 primary annual NAAQS for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 12.0 µg/m<sup>3</sup>.
- 3) The 2012 primary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98th percentile 24-hour concentration, as determined in accordance with

appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to  $35 \mu\text{g}/\text{m}^3$ .

BOARD NOTE: This subsection (d) is derived from 40 CFR ~~50.13 (2013)~~ 50.18 (2015).

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 243.125 Ozone

~~a) — 1997 Primary and Secondary Eight-Hour NAAQS for Ozone.~~

~~1) — The 1997 hour primary and secondary eight hour NAAQS for ozone, measured by an FRM based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108, is 0.08 ppm, daily maximum eight hour average.~~

~~2) — The 1997 primary and secondary eight hour NAAQS for ozone is met at an ambient air quality monitoring site when the average of the annual fourth highest daily maximum eight hour average ozone concentration is less than or equal to 0.08 ppm, as determined in accordance with appendix I to 40 CFR 50, incorporated by reference in Section 243.108.~~

~~3) — USEPA has stated in corresponding 40 CFR 50.10(c) that the 1997 primary and secondary eight hour NAAQS for ozone set forth in subsection (b)(1) of this Section will apply to an area for transportation conformity purposes one year after the effective date of USEPA designation of that area pursuant to 42 USC 7407 for the 2008 primary and secondary eight hour NAAQS set forth for ozone in subsection (c)(1) of this Section. The 1997 primary and secondary eight hour NAAQS for ozone set forth in this subsection (b) will remain applicable to all areas for all other purposes notwithstanding the 2008 primary and secondary eight hour NAAQS for ozone set forth in subsection (c) of this Section or the USEPA designation of areas for that 2008 primary and secondary eight hour NAAQS for ozone. BOARD NOTE: USEPA has codified area designations and classifications with respect to the 2008 primary and secondary NAAQS for ozone in 40 CFR 81.314. When USEPA has taken action and the conditions of subsection (b)(3) have been fulfilled, or USEPA has removed 40 CFR 50.10, the Board will remove obsolete 1997 primary and secondary one hour or eight hour NAAQS for ozone from this subsection (a).~~

~~BOARD NOTE: This subsection (a) is derived from 40 CFR 50.10 (2012).~~

~~ba) 2008 Primary and Secondary Eight-Hour NAAQS for Ozone.~~

- 1) The 2008 primary and secondary eight-hour NAAQS for ozone is 0.075 ppm, daily maximum eight-hour average, measured by an FRM based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108, or an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 2008 primary and secondary eight-hour NAAQS for ozone ambient air quality standards are met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.075 ppm, as determined in accordance with appendix P to 40 CFR 50, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection ~~(b)-(a)~~ is derived from 40 CFR 50.15 ~~(2012)~~ (2015).

b) 2015 Primary and Secondary Eight-Hour NAAQS for Ozone.

- 1) The level of the eight-hour primary NAAQS for ozone is 0.070 ppm, daily maximum eight-hour average, measured by a reference method based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, or an equivalent method designated by USEPA and listed in the List of Designated Methods or a Federal Register notice incorporated by reference in Section 243.108.
- 2) The eight-hour primary NAAQS for ozone is met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.070 ppm, as determined in accordance with appendix U to 40 CFR 50, incorporated by reference in Section 243.108.
- 3) The level of the secondary NAAQS for ozone is 0.070 ppm, daily maximum eight-hour average ozone concentration, measured by a reference method based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, and designated in accordance with part 53 of this chapter or an equivalent method designated by USEPA and listed in the List of Designated Methods or a Federal Register notice incorporated by reference in Section 243.108.
- 4) The eight-hour secondary NAAQS for ozone is met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.070 ppm, as determined in accordance with appendix U to 40 CFR 50, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.19 (2015).

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 243. TABLE A Schedule of Exceptional Event for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations for New or Revised NAAQS**

NAAQS (Level) Regulatory Citations	Air quality data collected for calendar year	Event flagging & initial description deadline	Detailed documentation submission deadline
2006 24-hour PM <sub>2.5</sub> (35 µg/m <sup>3</sup> ) Section 243.120(e)(1) 40 CFR 50.13(a) 71 Fed. Reg. 61144 (Oct. 17, 2006)	2004-2006	October 1, 2007	April 15, 2008
2008 eight-hour ozone (0.075 ppm) Section 243.125(e)(1) 40 CFR 50.15(a) 73 Fed. Reg. 16436 (Mar. 27, 2008)	2005-2007 2008 2009	June 18, 2009 June 18, 2009 60 days after the end of the calendar quarter in which the event occurred or February 5, 2010, whichever date occurred first	June 18, 2009 June 18, 2009 60 days after the end of the calendar quarter in which the event occurred or February 5, 2010, whichever date occurred first
2010 one-hour nitrogen oxides (as NO <sub>2</sub> ) (100 ppb) Section 243.124(b) 40 CFR 50.11(b) 75 Fed. Reg. 6474 (Feb. 9, 2010)	2008 2009 2010	July 1, 2010 July 1, 2010 April 1, 2011	January 22, 2011 January 22, 2011 July 1, 2010
2010 one-hour sulfur oxides (as SO <sub>2</sub> ) (75 ppb) Section 243.122(e)(1) 40 CFR 17(a) 75 Fed. Reg. 35520 (June 22, 2010)	2008 2009 2010 2011	October 1, 2010 October 1, 2010 June 1, 2011 60 days after the end of the calendar quarter in which the event occurred or March 31, 2012, whichever date occurred first	June 1, 2011 June 1, 2011 June 1, 2011 60 days after the end of the calendar quarter in which the event occurred or March 31, 2012, whichever date occurred first

2012 annual PM <sub>2.5</sub> (12 µg/m <sup>3</sup> ) Section 243.120(d)(1) 40 CFR 50.18(a) 78 Fed. Reg. 3086 (Jan. 15, 2013)	2010 and 2011 2012 2013	July 1, 2013 July 1, 2013 July 1, 2014	December 12, 2013 December 12, 2013 August 1, 2014
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<u>Exceptional events/regulatory action</u>	<u>Exceptional events deadline schedule<sup>d</sup></u>
<u>Flagging and initial event description deadline for data years one, two, and three.<sup>a</sup></u>	<u>If State initial designation recommendations for a new or revised NAAQS are due August through January, then the flagging and initial event description deadline will be the July 1 prior to the recommendation deadline. If State recommendations for a new or revised NAAQS are due February through July, then the flagging and initial event description deadline will be the January 1 prior to the recommendation deadline.</u>
<u>Exceptional events demonstration submittal deadline for data years one, two, and three.<sup>a</sup></u>	<u>No later than the date that State recommendations are due to USEPA.</u>
<u>Flagging, initial event description and exceptional events demonstration submittal deadline for data year four<sup>b</sup> and, where applicable, data year five.<sup>c</sup></u>	<u>By the last day of the month that is one year and seven months after promulgation of a new or revised NAAQS, unless either option a or b applies.</u> <u>a. If USEPA follows a three-year designation schedule, the deadline is two years and seven months after promulgation of a new or revised NAAQS.</u> <u>b. If USEPA notifies the State that it intends to complete the initial area designations process according to a schedule between two and three years, the deadline is five months prior to the date specified for final designations decisions in such USEPA notification.</u>

<sup>a</sup> Where data years one, two, and three are those years expected to be considered in State recommendations.

<sup>b</sup> Where data year four is the additional year of data that USEPA may consider when it makes final area designations for a new or revised NAAQS under the standard designations schedule.

<sup>c</sup> Where data year five is the additional year of data that USEPA may consider when it makes final area designations for a new or revised NAAQS under an extended designations schedule.

<sup>d</sup> The date by which air agencies must certify their ambient air quality monitoring data in AQS is annually on May 1 of the year following the year of data collection, as specified in 40 CFR 58.15(a)(2). In some cases, however, the State may choose to certify a prior year's data in advance of May 1 of the following year, particularly if USEPA has indicated its intent to promulgate final designations in the first eight months of the calendar year. Data flagging, initial event description and exceptional events demonstration deadlines for "early certified" data will follow the deadlines for "year four" and "year five" data.

~~BOARD NOTE: Derived from table 1 to 40 CFR 50.14(c). USEPA noted that the information in this table of revised deadlines only applies to data that USEPA will use to establish the initial area designations for new or revised NAAQS. USEPA stated that the general schedule in this table applies for all other purposes, most notably, for data that USEPA will use for redesignations to attainment. Corresponding table 1 to 40 CFR 50.14(e)(2) includes a footnote "a," which indicates that the tabulated deadlines for event flagging and initial description for 2012 and 2013 data under the 2012 primary annual average NAAQS for PM<sub>2.5</sub> are the same as those prescribed by 40 CFR 50.14 (corresponding with Section 243.105). The Board omitted those footnotes as unnecessary in the Illinois rules. Corresponding federal table 1 states that the 2012 primary annual average NAAQS for PM<sub>2.5</sub> was "Promulgated December 14, 2012." Although the Administrator of USEPA signed adopted rule on that date, publication did not occur until January 15, 2013. See 78 Fed. Reg. 3086, 3276 (Jan. 15, 2013). The Board has used the Federal Register citation and date.~~

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on December 17, 2015, by a vote of 5-0.




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John T. Therriault, Clerk  
Illinois Pollution Control Board