

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Air Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 243
- 3) Section Numbers: Proposed Actions:
 243.105 Amendment
 243.108 Amendment
 243.120 Amendment
 243.125 Amendment
 243.Table A 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 December 17, 2015, proposing amendments in docket R16-2 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 amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

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The R16-2 proceeding relates to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. These amendments would update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the United States Environmental Protection Agency (USEPA) adopted during the period January 1, 2015 through June 30, 2015, including later amendments adopted on August 26, 2015, October 26, 2015, and November 19, 2015. The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended its NAAQSs as follows:

March 6, 2015 (80 Fed. Reg. 12264)	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.
June 5, 2015 (80 Fed. Reg. 32114)	USEPA designated one new reference method (FRM) for fine particulates (PM _{2.5}), one new equivalent method (FEM) for PM _{2.5} , one new FEM for coarse particulates (PM _{10-2.5}), and two new FEMs for ozone (O ₃) in ambient air.

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June 18, 2015	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.
August 26, 2015 (at 80 Fed. Reg. 51802)	USEPA designated one new FEM for fine particulate matter (PM _{2.5}) and one for ozone in ambient air.
October 26, 2015 (at 80 Fed. Reg. 65292)	USEPA adopted a new primary and secondary NAAQS for O ₃ 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.
November 19, 2015 (at 80 Fed. Reg. 72432)	USEPA designated one new FRM for carbon monoxide and one new FEM for ozone in ambient air.

Tables appear in the Board's opinion and order of December 17, 2015 in docket R16-2 that list limited corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the December 17, 2015 opinion and order in docket R16-2.

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) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2014)].
- 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 R16-2 and be addressed to:

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

The Board will conduct one public hearing on the proposed amendments because they 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) (2013)) requires reasonable notice and hearing before a state undertakes an amendment to the SIP. The public hearing will occur videoconference at the following time and between the following locations:

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

Please direct inquiries to the following person and reference docket R16-2:

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

312/814-6924
email: michael.mccambridge@illinois.gov

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that emit pollutants that could potentially affect ambient air quality in any area of Illinois. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2014)].
 - 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) (2014)].
 - 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) (2014)].
- 14) Regulatory Agenda on which this rulemaking was summarized: July 5, 2015, 39 Ill Reg. 9013

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

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE B: AIR POLLUTION
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODES
5

6 PART 243
7 AIR QUALITY STANDARDS
8

9 SUBPART A: GENERAL PROVISIONS
10

11	Section	
12	243.101	Definitions
13	243.102	Scope
14	243.103	Applicability
15	243.104	Nondegradation (Repealed)
16	243.105	Air Quality Monitoring Data Influenced by Exceptional Events
17	243.106	Monitoring (Repealed)
18	243.107	Reference Conditions
19	243.108	Incorporations by Reference

20
21 SUBPART B: STANDARDS AND MEASUREMENT METHODS
22

23	Section	
24	243.120	PM ₁₀ and PM _{2.5}
25	243.121	Particulates (Repealed)
26	243.122	Sulfur Oxides (Sulfur Dioxide)
27	243.123	Carbon Monoxide
28	243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator)
29	243.125	Ozone
30	243.126	Lead
31		
32	243.APPENDIX A	Rule into Section Table (Repealed)
33	243.APPENDIX B	Section into Rule Table (Repealed)
34	243.APPENDIX C	Past Compliance Dates (Repealed)
35	243.TABLE A	Schedule for of Exceptional Event Flagging and Documentation
36		Submission for <u>Data Influenced by Exceptional Events for Use in Initial</u>
37		<u>Area Designations for New or Revised NAAQS</u>

38
39 AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the
40 Environmental Protection Act [415 ILCS 5/7.2, 10, and 27].
41

42 SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23,
43 filed and effective April 14, 1972; amended in R80-11, at 6 Ill. Reg. 5804, effective April 22,

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44 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18, 1983; codified at 7 Ill. Reg.
 45 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992; amended in R09-19 at
 46 35 Ill. Reg. 18857, effective October 25, 2011; amended in R13-11 at 37 Ill. Reg. 12882,
 47 effective July 29, 2013; amended in R14-6 at 37 Ill. Reg. 19848, effective November 27, 2013;
 48 amended in R14-16 at 38 Ill. Reg. 12900, effective June 9, 2014; amended in R15-4 at 39 Ill.
 49 Reg. 5434, effective March 24, 2015; amended in R16-2 at 40 Ill. Reg. _____, effective
 50 _____.

51
 52 **SUBPART A: GENERAL PROVISIONS**

53
 54 **Section 243.105 Air Quality Monitoring Data Influenced by Exceptional Events**

55
 56 a) Requirements;

- 57
 58 1) The Agency may request USEPA to exclude from use in determinations
 59 data showing an exceedance of an NAAQS that is directly due to an
 60 exceptional event. The Agency must demonstrate to USEPA that the
 61 event caused a specific air pollution concentration at a particular air
 62 quality monitoring location.
 63
 64 2) A demonstration to justify data exclusion may include any reliable and
 65 accurate data, but must demonstrate a clear causal relationship between
 66 the measured exceedance of an NAAQS and the event in accordance with
 67 subsection (c)(3)(D) of this Section.
 68

69 b) Determinations by USEPA. USEPA has stated the criteria for making a
 70 determination to exclude data as follow:

- 71
 72 1) Exceptional Events. USEPA has stated that it will exclude data from use
 73 in determinations of exceedance of an NAAQS ~~when~~where the Agency
 74 has demonstrated that an exceptional event caused a specific air pollution
 75 concentration in excess of one or more NAAQS at a particular air quality
 76 monitoring location, and the Agency otherwise satisfies the requirements
 77 of 40 CFR 50.14.
 78
 79 2) Fireworks Displays. USEPA has stated that it will exclude data from use
 80 in determinations of exceedance of an NAAQS ~~when~~where the Agency
 81 has demonstrated that emissions from fireworks displays caused a specific
 82 air pollution concentration in excess of one or more NAAQS at a
 83 particular air quality monitoring location, and the State otherwise satisfies
 84 the requirements of 40 CFR 50.14. USEPA has stated that these data will
 85 be treated in the same manner as exceptional events under this Section,
 86 provided the Agency has demonstrated that the use of fireworks is

87 significantly integral to traditional national, ethnic, or other cultural
 88 events, including, but not limited to, July Fourth celebrations, ~~that~~^{which}
 89 satisfy the requirements of 40 CFR 50.14.
 90

- 91 3) Prescribed Fires. USEPA has stated that it will exclude data from use in
 92 determinations of exceedance of an NAAQS ~~when~~^{where} the Agency has
 93 demonstrated that emissions from prescribed fires caused a specific air
 94 pollution concentration in excess of one or more NAAQS at a particular
 95 air quality monitoring location, and the Agency otherwise satisfies the
 96 requirements of 40 CFR 50.14, provided that the emissions are from
 97 prescribed fires that USEPA determines meets the definition of
 98 "exceptional event" in Section 243.101, and provided that the Agency has
 99 certified to USEPA that the State has adopted and is implementing a
 100 Smoke Management Program (SMP) or the State has ensured that the
 101 burner employed basic smoke management practices. If an exceptional
 102 event occurs using the basic smoke management practices approach, the
 103 Agency must undertake a review of the State's approach to ensure public
 104 health is being protected and must include consideration of development
 105 of an SMP.
 106

107 BOARD NOTE: In each of corresponding 40 CFR 50.14(b)(1), (b)(2), and (b)(3),
 108 USEPA stated "EPA shall exclude data from use in determinations of
 109 exceedances and NAAQS violations." In the first person, "shall" is used more to
 110 express present intent or to commit to future action. The Board has changed
 111 "EPA shall" to "USEPA has stated that it will." Further, the Board has relied on
 112 the defined term "exceedance of an NAAQS".
 113

114 c) Schedules and Procedures:

- 115
 116 1) Public ~~Notification~~^{notification}. The Agency or, ~~when~~^{where} the Agency
 117 has delegated authority pursuant to Section 4(g) or (r) of the Act, the
 118 Agency's delegatee, must notify the public promptly whenever an event
 119 occurs or is reasonably anticipated to occur that may result in the
 120 exceedance of an NAAQS.
 121
 122 2) Flagging of Data.
 123
 124 A) The Agency must notify USEPA of the State's intent to exclude
 125 one or more measured exceedances of an NAAQS as being due to
 126 an exceptional event by placing a flag in the appropriate field for
 127 the data record of concern that has been submitted to the federal air
 128 quality system (AQS) database.
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- 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 ~~(c)(2)(F)(e)(2)(D) or (e)(2)(E) of this Section.~~

- D) This subsection (c)(2)(D) corresponds with 40 CFR 50.14(c)(2)(iv), which USEPA has removed and marked "reserved". ~~has expired by its own terms.~~ 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 USEPA has removed and marked "reserved". ~~has expired by its own terms.~~ This statement maintains structural consistency with the federal regulations.

- 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.

- 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.~~

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- 3) Submission of Demonstrations~~demonstrations~~.
 - A) Except as allowed under subsection (c)(2)(F), ~~when~~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 USEPA has removed and marked "reserved", ~~pertains only to a reporting period and opportunity to demonstrate exceptions that has passed~~. This statement maintains structural consistency with the federal regulations.
 - C) This subsection (c)(3)(~~CB~~) corresponds with 40 CFR 50.14(b)(3)(ii), which USEPA has removed and marked "reserved", ~~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~~. 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.

- 216
217 E) With the submission of the demonstration, the Agency must
218 document that the public comment process was followed.
219

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

221
222 (Source: Amended at 40 Ill. Reg. _____, effective _____)
223

224 **Section 243.108 Incorporations by Reference**
225

226 The following materials are incorporated by reference. These incorporations do not include any
227 later amendments or editions:
228

229 Government Printing Office (GPO), 732 Capitol Street NW, Washington, DC
230 20401 (telephone: 202-512-1800 or 866-512-1800; website: www.gpo.gov).

231 The following documents incorporated by reference are available from this
232 source:
233

234 Appendix A-1 to 40 CFR 50 (2015)~~(2013)~~ (Reference Measurement
235 Principle and Calibration Procedure for the Measurement of Sulfur
236 Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)),
237 referenced in Section 243.122.
238

239 Appendix A-2 to 40 CFR 50 (2015)~~(2013)~~ (Reference Method for the
240 Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline
241 Method)), referenced in Section 243.122.
242

243 Appendix B to 40 CFR 50 (2015)~~(2013)~~ (Reference Method for the
244 Determination of Suspended Particulate Matter in the Atmosphere (High-
245 Volume Method)), referenced in appendix G to 40 CFR 50 (see below).
246

247 Appendix C to 40 CFR 50 (2015)~~(2013)~~ (Reference Measurement
248 Principle and Calibration Procedure for the Measurement of Carbon
249 Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)),
250 referenced in Section 243.123.
251

252 Appendix D to 40 CFR 50 (2015), as amended at 80 Fed. Reg. 65453
253 (Oct. 26, 2015)~~(2013)~~ (Reference Measurement Principle and Calibration
254 Procedure for the Measurement of Ozone in the Atmosphere), referenced
255 in Section 243.125.
256

257 Appendix F to 40 CFR 50 (2015)~~(2013)~~ (Reference Measurement
258 Principle and Calibration Procedure for the Measurement of Nitrogen

259 Dioxide in the Atmosphere (Gas Phase Chemiluminescence)), referenced
260 in Section 243.124.
261
262 Appendix G to 40 CFR 50 ~~(2015)(2013)~~, as amended at 78 Fed. Reg.
263 40000 (July 3, 2013) (Reference Method for the Determination of Lead in
264 Suspended Particulate Matter Collected from Ambient Air), referenced in
265 Section 243.126.
266
267 Appendix H to 40 CFR 50 ~~(2015)(2013)~~ (Interpretation of the 1-Hour
268 Primary and Secondary National Ambient Air Quality Standards for
269 Ozone), referenced in Section 243.125.
270
271 Appendix I to 40 CFR 50 ~~(2015)(2013)~~ (Interpretation of the 8-Hour
272 Primary and Secondary National Ambient Air Quality Standards for
273 Ozone), referenced in Section 243.125.
274
275 Appendix J to 40 CFR 50 ~~(2015)(2013)~~ (Reference Method for the
276 Determination of Particulate Matter as PM₁₀ in the Atmosphere),
277 referenced in Section 243.120.
278
279 Appendix K to 40 CFR 50 ~~(2015)(2013)~~ (Interpretation of the Primary and
280 Secondary National Ambient Air Quality Standards for Particulate
281 Matter), referenced in Section 243.120.
282
283 Appendix L to 40 CFR 50 ~~(2015)(2013)~~ (Reference Method for the
284 Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere),
285 referenced in Section 243.120.
286
287 Appendix N to 40 CFR 50 ~~(2015)(2013)~~, as amended at 78 Fed. Reg.
288 47191 (August 5, 2013) (Interpretation of the Primary and Secondary
289 National Ambient Air Quality Standards for Particulate Matter),
290 referenced in Section 243.120.
291
292 Appendix O to 40 CFR 50 ~~(2015)(2013)~~ (Reference Method for the
293 Determination of Coarse Particulate Matter as PM_{10-2.5} in the
294 Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in
295 federally required monitoring by the NCore system pursuant to 40 CFR
296 58.
297
298 Appendix P to 40 CFR 50 ~~(2015)(2013)~~ (Interpretation of the Primary and
299 Secondary National Ambient Air Quality Standards for Ozone),
300 referenced in Section 243.125.
301

302 Appendix Q to 40 CFR 50 ~~(2015)(2013)~~ (Reference Method for the
303 Determination of Lead in Particulate Matter as PM₁₀ Collected from
304 Ambient Air), referenced in appendix R to 40 CFR 50.
305

306 Appendix R to 40 CFR 50 ~~(2015)(2013)~~ (Interpretation of the National
307 Ambient Air Quality Standards for Lead), referenced in Section 243.126.
308

309 Appendix S to 40 CFR 50 ~~(2015)(2013)~~ (Interpretation of the Primary
310 National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen
311 Dioxide)), referenced in Section 243.124.
312

313 Appendix T to 40 CFR 50 ~~(2015)(2013)~~ (Interpretation of the Primary
314 National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur
315 Dioxide)), referenced in Section 243.122.
316

317 Appendix U to 40 CFR 50 (2015), as added at 80 Fed. Reg. 65453 (Oct.
318 26, 2015) (Interpretation of the Primary National Ambient Air Quality
319 Standards for Ozone), referenced in Section 243.125.
320

321 Clean Air Act, 42 USC 7401 et seq. ~~(2013)(2011)~~(for definitions of terms
322 only), referenced in Section 243.102.
323

324 BOARD NOTE: Segments of the Code of Federal Regulations and the United
325 States Code are available for free download as PDF documents from the GPO
326 FDSys website: <http://www.gpo.gov/fdsys/>.
327

328 USEPA, National Exposure Research Laboratory, Human Exposure &
329 Atmospheric Sciences Division (MD-D205-03), Research Triangle Park, NC
330 27711. The following documents incorporated by reference are available from
331 this source:
332

333 "List of Designated Reference and Equivalent Methods" ~~(June 18,~~
334 ~~2015)(December 18, 2014)~~ (referred to as the "List of Designated
335 Methods" and referenced in Sections 243.101, 243.120, 243.122, 243.123,
336 243.124, 243.125, and 243.126).
337

338 This incorporation by reference ~~includes the following~~ ~~does not include~~
339 ~~USEPA methods approval~~ ~~approvals~~ that occurred after June 18,
340 2015 ~~December 18, 2014.~~
341

342 80 Fed. Reg. 51802 (Aug. 26, 2015).
343

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 PM₁₀ and PM_{2.5}

- a) 1987 Primary and Secondary 24-Hour NAAQS for PM₁₀.
 - 1) The level of the 1987 primary and secondary 24-hour NAAQS for PM₁₀ is 150 µg/m³, 24-hour average concentration. The 1987 primary and secondary NAAQS for PM₁₀ is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³, 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 ~~50.6(b)~~^{51.6(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 PM₁₀, particulate matter must be measured in the ambient air as PM₁₀ 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 the List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.6 (2015)(2013). USEPA adopted 1997 primary NAAQS for PM₁₀ 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 PM₁₀ are included in this subsection (a).

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- b) 1997 Primary and Secondary Annual Average and 24-Hour NAAQS for PM_{2.5}.
 - 1) The 1997 primary and secondary annual average NAAQS for PM_{2.5} is 15.0 µg/m³, annual arithmetic mean concentration, and the 1997 primary and secondary 24-hour NAAQS for PM_{2.5} is 65 µg/m³, 24-hour average concentration, measured in the ambient air as PM_{2.5} 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_{2.5} 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/m³.
 - 3) The 1997 primary and secondary 24-hour NAAQS for PM_{2.5} 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/m³.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.7 (2015)(2013). The 2006 primary and secondary annual average and 24-hour NAAQS for PM_{2.5} 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_{2.5}.
 - 1) The 2006 primary and secondary annual average NAAQS for PM_{2.5} is 15.0 µg/m³, annual arithmetic mean concentration, and the 2006 primary and secondary 24-hour NAAQS for PM_{2.5} is 35 µg/m³, 24-hour average concentration, measured in the ambient air as PM_{2.5} by a method that fulfills either of the following requirements:

- 429 A) An FRM based on appendix L of 40 CFR 50, incorporated by
 430 reference in Section 243.108, and designated by USEPA and listed
 431 in the List of Designated Methods, incorporated by reference in
 432 Section 243.108; or
 433
 434 B) An FEM designated by USEPA and listed in the List of Designated
 435 Methods, incorporated by reference in Section 243.108.
 436
 437 2) The 2006 primary and secondary annual average NAAQS for PM_{2.5} is met
 438 when the annual arithmetic mean concentration, as determined in
 439 accordance with appendix N of 40 CFR 50, incorporated by reference in
 440 Section 243.108, is less than or equal to 15.0 µg/m³.
 441
 442 3) The 2006 primary and secondary 24-hour NAAQS for PM_{2.5} is met when
 443 the 98th percentile 24-hour concentration, as determined in accordance
 444 with appendix N of 40 CFR 50, incorporated by reference in Section
 445 243.108, is less than or equal to 35 µg/m³.
 446

447 BOARD NOTE: This subsection (c) is derived from 40 CFR 50.13 (2015)~~(2013)~~.
 448

449 d) 2012 Primary Annual Average and 24-Hour NAAQS for PM_{2.5}
 450

- 451 1) The 2012 primary annual average NAAQS for PM_{2.5} is 12.0 µg/m³ annual
 452 arithmetic mean concentration, and the 2012 primary 24-hour NAAQS for
 453 PM_{2.5} is 35 µg/m³ 24-hour average concentration, measured in the ambient
 454 air as PM_{2.5} by a method that fulfills either of the following requirements:
 455
 456 A) An FRM based on appendix L of 40 CFR 50, incorporated by
 457 reference in Section 243.108, and designated by USEPA and listed
 458 in List of Designated Methods, incorporated by reference in
 459 Section 243.108; or
 460
 461 B) An FEM designated by USEPA and listed in List of Designated
 462 Methods, incorporated by reference in Section 243.108.
 463
 464 2) The 2012 primary annual NAAQS for PM_{2.5} is met when the annual
 465 arithmetic mean concentration, as determined in accordance with appendix
 466 N of 40 CFR 50, incorporated by reference in Section 243.108, is less than
 467 or equal to 12.0 µg/m³.
 468
 469 3) The 2012 primary 24-hour NAAQS for PM_{2.5} is met when the 98th
 470 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/m³.

BOARD NOTE: This subsection (d) is derived from 40 CFR ~~50.1850-13~~ (2015)(2013).

(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 no longer 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).

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

515
516 ab) 2008 Primary and Secondary Eight-Hour NAAQS for Ozone.

- 517
518 1) The 2008 primary and secondary eight-hour NAAQS for ozone is 0.075
519 ppm, daily maximum eight-hour average, measured by an FRM based on
520 appendix D to 40 CFR 50, incorporated by reference in Section 243.108,
521 and designated by USEPA and listed in the List of Designated Methods,
522 incorporated by reference in Section 243.108, or an FEM designated by
523 USEPA and listed in the List of Designated Methods, incorporated by
524 reference in Section 243.108.
525
526 2) The 2008 primary and secondary eight-hour NAAQS for ozone ambient
527 air quality standards are met at an ambient air quality monitoring site
528 when the three-year average of the annual fourth-highest daily maximum
529 eight-hour average ozone concentration is less than or equal to 0.075 ppm,
530 as determined in accordance with appendix P to 40 CFR 50, incorporated
531 by reference in Section 243.108.
532

533 BOARD NOTE: This subsection (b) is derived from 40 CFR 50.15
534 (2015)~~(2012)~~.

535
536 b) 2015 Primary and Secondary Eight-Hour NAAQS for Ozone.

- 537
538 1) The level of the eight-hour primary NAAQS for ozone is 0.070 ppm, daily
539 maximum eight-hour average, measured by a reference method based on
540 appendix D to 40 CFR 50, incorporated by reference in Section 243.108,
541 or an equivalent method designated by USEPA and listed in the List of
542 Designated Methods or a Federal Register notice incorporated by
543 reference in Section 243.108.
544
545 2) The eight-hour primary NAAQS for ozone is met at an ambient air quality
546 monitoring site when the three-year average of the annual fourth-highest
547 daily maximum eight-hour average ozone concentration is less than or
548 equal to 0.070 ppm, as determined in accordance with appendix U to 40
549 CFR 50, incorporated by reference in Section 243.108.
550
551 3) The level of the secondary NAAQS for ozone is 0.070 ppm, daily
552 maximum eight-hour average ozone concentration, measured by a
553 reference method based on appendix D to 40 CFR 50, incorporated by
554 reference in Section 243.108, and designated in accordance with 35 Ill.
555 Adm. Code 53 or an equivalent method designated by USEPA and listed

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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 _____)

569 **Section 243. TABLE A Schedule of Exceptional Event Flagging and Documentation**
 570 **Submission for Data Influence by Exceptional Events for Use in Initial Area**
 571 **Designations for New or Revised NAAQS**
 572

Exceptional events/regulatory action

Exceptional events deadline schedule^d

Flagging and initial event description deadline for data years one, two, and three.^a

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.

Exceptional events demonstration submittal deadline for data years one, two, and three.^a

No later than the date that State recommendations are due to USEPA.

Flagging, initial event description and exceptional events demonstration submittal deadline for data year four^b and, where applicable, data year five.^c

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.

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.

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 that USEPA notification.

573 a. Where data years one, two, and three are those years expected to be considered in State
 574 recommendations.

575
 576 b. Where data year four is the additional year of data that USEPA may consider when it
 577 makes final area designations for a new or revised NAAQS under the standard
 578 designations schedule.
 579

- 580 c. Where data year five is the additional year of data that USEPA may consider when it
 581 makes final area designations for a new or revised NAAQS under an extended
 582 designations schedule.
 583
 584 d. The date by which air agencies must certify their ambient air quality monitoring data in
 585 AQS is annually on May 1 of the year following the year of data collection, as specified
 586 in 40 CFR 58.15(a)(2). In some cases, however, the State may choose to certify a prior
 587 year's data in advance of May 1 of the following year, particularly if USEPA has
 588 indicated its intent to promulgate final designations in the first eight months of the
 589 calendar year. Data flagging, initial event description and exceptional events
 590 demonstration deadlines for "early certified" data will follow the deadlines for "year
 591 four" and "year five" data.
 592

NAAQS (Level) Regulatory Citations	Air quality data collected for calendar year	Event flagging & initial description deadline	Detailed documentation submission deadline
2006 24-hour PM _{2.5} (35 µg/m ³) 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 ₂) (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 ₂) (75 ppb) Section 243.122(e)(1) 40 CFR 17(a)	2008 2009 2010 2011	October 1, 2010 October 1, 2010 June 1, 2011 60 days after the end of the calendar quarter	June 1, 2011 June 1, 2011 June 1, 2011 60 days after the end of the calendar quarter

75 Fed. Reg. 35520 (June 22, 2010)		in which the event occurred or March 31, 2012, whichever date occurred first	in which the event occurred or March 31, 2012, whichever date occurred first
2012 annual PM _{2.5} (12 µg/m ³) 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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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_{2.5} 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_{2.5} 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 _____)

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

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JAN 13 2016

STATE OF ILLINOIS
Pollution Control Board

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 ₁₀ and PM _{2.5}
243.121	Particulates (Repealed)
243.122	Sulfur Oxides (Sulfur Dioxide)
243.123	Carbon Monoxide
243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator)
243.125	Ozone
243.126	Lead

243.APPENDIX A	Rule into Section Table (Repealed)
243.APPENDIX B	Section into Rule Table (Repealed)
243.APPENDIX C	Past Compliance Dates (Repealed)
243.TABLE A	Schedule of Exceptional Event for Flagging and Documentation Submission for <u>Data Influenced by Exceptional Events for Use in Initial Area Designations</u> for New or Revised NAAQS

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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~~when 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

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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~~when 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~~that 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~~when 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."

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- c) Schedules and Procedures:
- 1) Public ~~notification~~ Notification. The Agency or, ~~where~~ when 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 (c)(2) ~~(D) or (e)(2)(E) (e)(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

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marked "reserved".²² 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~~ 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

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marked ~~"reserved"~~.^{??} This statement maintains structural consistency with the federal regulations.

- C) This subsection (c)(3)(~~BC~~) 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: Amended 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:

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

Appendix A-1 to 40 CFR 50 (~~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

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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 PM₁₀ 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_{2.5} 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_{10-2.5} in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 ~~(2013)~~ (2015) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

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Appendix Q to 40 CFR 50-~~(2013)~~ (2015) (Reference Method for the Determination of Lead in Particulate Matter as PM₁₀ Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50-~~(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.~~[243.126](#)).

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and listed in 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.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.6-~~(2013)~~ (2015). USEPA adopted 1997 primary NAAQS for PM₁₀ 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 PM₁₀ are included in this subsection (a).

- b) 1997 Primary and Secondary Annual Average and 24-Hour NAAQS for PM_{2.5}.
 - 1) The 1997 primary and secondary annual average NAAQS for PM_{2.5} is 15.0 $\mu\text{g}/\text{m}^3$, annual arithmetic mean concentration, and the 1997 primary and secondary 24-hour NAAQS for PM_{2.5} is 65 $\mu\text{g}/\text{m}^3$, 24-hour average concentration, measured in the ambient air as PM_{2.5} 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_{2.5} 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 $\mu\text{g}/\text{m}^3$.
 - 3) The 1997 primary and secondary 24-hour NAAQS for PM_{2.5} 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 $\mu\text{g}/\text{m}^3$.

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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_{2.5} 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_{2.5}.
- 1) The 2006 primary and secondary annual average NAAQS for PM_{2.5} is 15.0 µg/m³, annual arithmetic mean concentration, and the 2006 primary and secondary 24-hour NAAQS for PM_{2.5} is 35 µg/m³, 24-hour average concentration, measured in the ambient air as PM_{2.5} 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_{2.5} 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/m³.
 - 3) The 2006 primary and secondary 24-hour NAAQS for PM_{2.5} 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/m³.

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_{2.5}

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- 1) The 2012 primary annual average NAAQS for PM_{2.5} is 12.0 µg/m³ annual arithmetic mean concentration, and the 2012 primary 24-hour NAAQS for PM_{2.5} is 35 µg/m³ 24-hour average concentration, measured in the ambient air as PM_{2.5} 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_{2.5} 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/m³.
- 3) The 2012 primary 24-hour NAAQS for PM_{2.5} 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/m³.

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~~[2008](#) 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~~

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~~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~~

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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 35 Ill. Adm. Code 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

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Section 243. TABLE A Schedule of Exceptional Event ~~for~~ Flagging and Documentation Submission for Data ~~Influenced~~ Influence 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 _{2.5} (35 µg/m ³) 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 ₂) (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 ₂) (75 ppb) Section 243.122(e)(1) 40 CFR 17(a)	2008 2009 2010 2011	October 1, 2010 October 1, 2010 June 1, 2011 60 days after the end of the calendar quarter	June 1, 2011 June 1, 2011 June 1, 2011 60 days after the end of the calendar quarter

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75 Fed. Reg. 35520 (June 22, 2010)		in which the event occurred or March 31, 2012, whichever date occurred first	in which the event occurred or March 31, 2012, whichever date occurred first
2012 annual PM_{2.5} (12 µg/m³)	2010 and 2011	July 1, 2013	December 12, 2013
Section 243.120(d)(1)	2012	July 1, 2013	December 12, 2013
40 CFR 50.18(a)	2013	July 1, 2014	August 1, 2014
78 Fed. Reg. 3086 (Jan. 15, 2013)			

Exceptional events/regulatory action

Exceptional events deadline schedule^d

Flagging and initial event description deadline for data years one, two, and three.^a

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.

Exceptional events demonstration submittal deadline for data years one, two, and three.^a

No later than the date that State recommendations are due to USEPA.

Flagging, initial event description and exceptional events demonstration submittal deadline for data year four^b and, where applicable, data year five.^c

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.

- 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.
- 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

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specified for final designations decisions in ~~such that~~ USEPA notification.

- a. Where data years one, two, and three are those years expected to be considered in State recommendations.
- b. 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.
- c. 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.
- d. 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(c)(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_{2.5} are the same as those prescribed by 40 CFR 50.14 (corresponding with Section 243.105). The Board omitted these footnotes as unnecessary in the Illinois rules. Corresponding federal table 1 states that the 2012 primary~~

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Document 2 ID	file:///I:/Input/Agency Rulemakings - Files Received\2015\12Dec2015\35-243-JCARr01(issue1).docx
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Legend:	
<u>Insertion</u>	
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Moved cell	
Split/Merged cell	
Padding cell	

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	Count
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Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	259

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 106
PROCEEDINGS PURSUANT TO SPECIFIC RULES OR STATUTORY PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
106.100	Applicability
106.102	Severability
106.104	Definitions
106.106	Petitions and Hearings

SUBPART B: HEATED EFFLUENT, ARTIFICIAL COOLING LAKE,
AND SULFUR DIOXIDE DEMONSTRATIONS

Section	
106.200	General
106.202	Petition Requirements
106.204	Additional Petition Requirements in Sulfur Dioxide Demonstrations
106.206	Notice
106.208	Recommendation and Response
106.210	Burden of Proof

SUBPART C: WATER WELL SETBACK EXCEPTION PROCEDURES

Section	
106.300	General
106.302	Initiation of Proceeding
106.304	Petition Content Requirements
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106.308	Hearing
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SUBPART D: REVOCATION AND REOPENING OF CLEAN AIR ACT
PERMIT PROGRAM (CAAPP) PERMITS