

ILLINOIS POLLUTION CONTROL BOARD

March 3, 2016

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, )  
November 19, 2015, December 18, 2015) )

Adopted Rule. Final Order.

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 amendments to 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, 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. As discussed below, the Board completed these requirements.

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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.

This docket includes 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 and on August 26, 2015; October 26, 2015; November 19, 2015; and December 18 2015. Board action is necessary to amend the Illinois ambient air quality standards to conform with NAAQS adopted and amended by USEPA.

### **PUBLIC COMMENTS**

The Board adopted a proposal for public comment in this matter on December 17, 2015. A Notice of Proposed Amendments appeared in the January 2, 2016 issue of the *Illinois Register*, at 40 Ill. Reg. 152. The public comment period ended on February 18, 2016. The only public comments submitted for the record during the public comment period are the following:

- PC 1 E-mail exchange between Michael McCambridge, Board hearing officer, and Charles Matoesian, Assistant Counsel, Illinois Environmental Protection Agency (Agency), February 18, 2016.
- PC 2 E-mail from Michael McCambridge, Board hearing officer, to Charles Matoesian, Assistant Counsel, Illinois Environmental Protection Agency (Agency), February 23, 2016.

The Board hearing officer submitted PC 1 to the docket as a supporting document relating to changes made in this rulemaking and discussed at the public hearing, as well as to memorialize communications about a document whose incorporation by reference the Board updates in this proceeding. PC 2 memorializes a telephone conversation during which the Agency disclosed three errors in the text of two provisions. The Board hearing officer submitted PC 1 and PC 2 to ensure compliance with the provision of the State Officials and Employees Ethics Act that prohibits *ex parte* communication about a pending rulemaking. *See* 5 ILCS 430/5-50 (2014).

### **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 held a public hearing in this rulemaking on February 18, 2016 by videoconference between Chicago and Springfield. The hearing was 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. Agency personnel attended the hearing, but did not add to the substantive record at hearing. Rather, the Agency's statement on the record inquired about the document that became the subject of PC 1.

In the December 17, 2015 opinion and order, the Board 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.

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

The amendments adopted today are intended to make the Illinois ambient air quality standards identical-in-substance to the NAAQS adopted by USEPA. Today's adopted amendments include 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. The adopted amendments 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.

#### **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 three 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 three secondary actions, also described below, related to designations of new analytical methods for demonstrating compliance. USEPA issued an update to its *List of Designated Reference and Equivalent Methods* on December 18, 2018, which obviates action on the individual methods designations.

Board action is required on only three 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

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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.

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).

#### **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: Specific action on the June 5, 2015 USEPA designations is not necessary because the December 18, 2015 updates to the *List of Designated Methods* subsume 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: Specific action on the June 18, 2015 update to the *List of Designated Methods* is not necessary because the December 18, 2015 update subsumes the June 18, 2015 update.

#### **Included USEPA Actions That Occurred after December 31, 2015**

After the end of the update period, USEPA took four additional actions. The first was a secondary action, and the second was a primary action. The Board has included all four in this docket for the purpose of administrative convenience and efficiency. The four later USEPA actions that the Board has included in this docket are all of the USEPA actions relating to the NAAQS during the second half of 2015. Including these later actions allowed the Board to dismiss reserved docket R16-10 on February 4, 2016.

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: Specific action on the August 26, 2015 USEPA designations is not necessary because the December 18, 2015

updates to the *List of Designated Methods* subsume the August 26, 2015 designations.

**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 for ozone in 40 C.F.R. 50.19, 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: Specific action on the November 19, 2015 USEPA designations is not necessary because the December 18, 2015 updates to the *List of Designated Methods* subsume the November 19, 2015 designations.

**December 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 three new FEMs included in the August 26, 2015 and November 19, 2015 *Federal Register* notices.

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

**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> .  |
| December 18, 2015                     | Update to the List of Designated Methods.  |

### **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.

### **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 invited comment on removal of the now-revoked 1997 primary and secondary NAAQS for ozone from the Illinois ambient air quality regulations. The Board received no comments in this regard.

### **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:

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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>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).

**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 “Environment 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).

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 l/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).

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, “Environment 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).

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; August 26, 2015; and November 19, 2015 *Federal Register* notices will not be necessary in this instance. USEPA released updated versions of its *List of Designated Reference and Equivalent Methods* on June 18, 2015 and December 18, 2015. The December 18, 2015 version of the *List* included the one new FRM and four new FEMs in the June 5, 2015 *Federal Register* notice, the two new FEMs in the August 26, 2015 *Federal Register* notice, and two new FEMs in the November 19, 2015 *Federal Register* notice in 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*.

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, as USEPA incorporated them into the December 18, 2015 update to the *List of Designated Methods*.

**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

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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.

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 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 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 opinion.

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. The tables are briefly described as follows:

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 the adopted rule from the verbatim text of the federal amendments.

Table 3 contains corrections and clarifications that the Board made in the base text involved in the adopted amendments. 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 4 is a listing of revisions made to the text of the amendments from that proposed and set forth in the Board's opinion and order of December 17, 2015. Table 4 indicates the changes made, as well as the source that suggested each of the changes.

Table 5 indicates suggested revisions that the Board has not made in adopting these amendments. Each entry gives a brief explanation why the Board did not incorporate the suggested change.

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

40 C.F.R. 50.10(c), corresponding with 35 Ill. Adm. Code 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.

40 C.F.R. 50.14(c)(3)(i), corresponding with 35 Ill. Adm. Code 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 National Ambient Air Quality Standards, USEPA Regulations (through December 31, 2012), R13-11 (July 25, 2013).

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

35 Ill. Adm. Code 243 table of contents, Section 243.Table A heading, derived from 40 C.F.R. 50.14(c)(2)(vi), table 1 heading

Restored "Data," "in Initial," and "Designations" previously omitted.

35 Ill. Adm. Code 243.105(c)(2)(D), derived from 40 C.F.R. 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.'"

35 Ill. Adm. Code 243.105(c)(2)(E), derived from 40 C.F.R. 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.’”

- 35 Ill. Adm. Code 243.105(c)(2)(F), derived from 40 C.F.R. 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.”
- 35 Ill. Adm. Code 243.105(c)(3)(A), derived from 40 C.F.R. 50.14(c)(3)(i)  
 Retained the conditional word “when.”
- 35 Ill. Adm. Code 243.105(c)(3)(B), derived from 40 C.F.R. 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.’”
- 35 Ill. Adm. Code 243.105(c)(3)(C), derived from 40 C.F.R. 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.’”
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix D to 40 CFR 50, derived from 40 C.F.R. 50, appendix D  
 Updated the incorporation by reference to include the October 26, 2015 amendments.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix U to 40 CFR 50, derived from 40 C.F.R. 50, appendix D  
 Added the incorporation by reference to the appendix added in the October 26, 2015 amendments.
- 35 Ill. Adm. Code 243.108, USEPA, List of Designated Methods, derived from 40 C.F.R. List of Designated Methods  
 Updated the incorporation by reference to December 18, 2015 version.
- 35 Ill. Adm. Code 243.108, derived from 40 C.F.R. 50.19(b)  
 Added incorporation by reference to appendix U to 40 C.F.R. 50.
- 35 Ill. Adm. Code 243.125(b)(2), 243.108, derived from 40 C.F.R. 50.19(b)  
 Added incorporation by reference to appendix U to 40 C.F.R. 50.
- 35 Ill. Adm. Code 243.125(b)(4), 243.108, derived from 40 C.F.R. 50.19(d)  
 Added incorporation by reference to appendix U to 40 C.F.R. 50.
- 35 Ill. Adm. Code 243.125(a), derived from 40 C.F.R. 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.
- 35 Ill. Adm. Code 243.125(a), derived from 40 C.F.R. 50.15  
 Renumbered subsection (b) to subsection (a).
- 35 Ill. Adm. Code 243.125(a) Board note, derived from 40 C.F.R. 50.15  
 Changed “this subsection (b)” to “this subsection (a).”
- 35 Ill. Adm. Code 243.125(b) heading, derived from 40 C.F.R. 50.19 heading

Changed “national primary and secondary air quality standards for ozone” to “Primary and Secondary Eight-Hour NAAQS for Ozone.”

- 35 Ill. Adm. Code 243.125(b)(1), derived from 40 C.F.R. 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.”
- 35 Ill. Adm. Code 243.125(b)(2), derived from 40 C.F.R. 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.
- 35 Ill. Adm. Code 243.125(b)(3), derived from 40 C.F.R. 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.”
- 35 Ill. Adm. Code 243.125(b)(4), derived from 40 C.F.R. 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.
- 35 Ill. Adm. Code 243.125(b) Board note, derived from 40 C.F.R. 50.19  
 Added note regarding derivation of subsection (b).
- 35 Ill. Adm. Code 243.Table A heading, derived from 40 C.F.R. 50.14(c)(2)(vi) table 1 title  
 Restored the previously omitted words “data,” “in initial,” and “designations.”
- 35 Ill. Adm. Code 243.Table A, derived from 40 C.F.R. 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.”
- 35 Ill. Adm. Code 243.Table A Board note, derived from 40 C.F.R. 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.

**Table 3:  
Board Housekeeping Amendments**

- 35 Ill. Adm. Code 243.105 Board note (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.105(a)(2) (JCAR)  
Changed “subsection (c)(3)(D) of this Section” to “subsection (c)(3)(D).”
- 35 Ill. Adm. Code 243.105(b)(1) (JCAR)  
Changed “where the Agency has demonstrated” to “when the Agency has demonstrated” for the occasion or circumstance of determination, rather than situation.
- 35 Ill. Adm. Code 243.105(b)(2) (JCAR)  
Changed “where the Agency has demonstrated” to “when the Agency has demonstrated” for the occasion or circumstance of determination, rather than situation.
- 35 Ill. Adm. Code 243.105(b)(3) (JCAR)  
Changed “where the Agency has demonstrated” to “when the Agency has demonstrated” for the occasion or circumstance of determination, rather than situation.
- 35 Ill. Adm. Code 243.105(c)(1) (JCAR)  
Changed “Public notification” to capitalized “Public Notification.”
- 35 Ill. Adm. Code 243.105(c)(2)(B) (JCAR)  
Changed “subsection (c)(3) of this Section” to “subsection (c)(3).”
- 35 Ill. Adm. Code 243.105(c)(2)(C) (JCAR)  
Changed “subsection (c)(2)(F) of this Section” to “subsection (c)(2)(F).”
- 35 Ill. Adm. Code 243.105(c)(3)(A) (JCAR)  
Changed “subsection (c)(2)(F) of this Section” to “subsection (c)(2)(F).”
- 35 Ill. Adm. Code 243.105(c)(3)(B) (Agency)  
Corrected “40 CFR 50.14(b)(3)(ii)” to “40 CFR 50.14(c)(3)(ii).”
- 35 Ill. Adm. Code 243.105(c)(3)(C) (JCAR, Board, Agency)  
Corrected “this subsection (c)(3)(B)” to “this subsection (c)(3)(C)”; corrected “40 CFR 50.14(b)(3)(ii)” to “40 CFR 50.14(c)(3)(iii).”
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix A-1 to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix A-2 to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix B to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix C to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix D to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix F to 40 CFR 50 (Board)

- Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix G to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available, including deletion of a now-obsolete *Federal Register* citation.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix H to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix I to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix J to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix K to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix L to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix N to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available, including deletion of a now-obsolete *Federal Register* citation.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix O to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix P to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix Q to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix R to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix S to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Appendix T to 40 CFR 50 (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, Government Printing Office, Clean Air Act (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, USEPA, List of Designated Methods (Board)  
Updated the *List of Designated Methods* citation to the latest version available.
- 35 Ill. Adm. Code 243.108, limiting statement (Board)  
Changed “includes the following USEPA methods approvals” to “does not include USEPA methods designations”; changed “June 18, 2015 to “December 18, 2015”; removed the now-unnecessary *Federal Register* citation.
- 35 Ill. Adm. Code 243.120(a)(2) (Board)  
Corrected the citation “40 CFR 51.6(b)” to “40 CFR 50.6(b).”

- 35 Ill. Adm. Code 243.120(a) Board note (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.120(b) Board note (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.120(a) Board note (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.120(d) Board note (Board)  
Corrected the citation “40 CFR 51.6(b)” to “40 CFR 50.6(b)”; updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.125(a) Board note (Board)  
Updated the *Code of Federal Regulations* citation to the latest version available.

**Table 4:**  
**Revisions to the Text of the Proposed Amendments in Final Adoption**

- 35 Ill. Adm. Code 243.105(a)(2) (JCAR)  
Changed “subsection (c)(3)(D) of this Section” to “subsection (c)(3)(D).”
- 35 Ill. Adm. Code 243.105(b)(1) (JCAR)  
Changed “where the Agency has demonstrated” to “when the Agency has demonstrated” for the occasion or circumstance of determination, rather than situation.
- 35 Ill. Adm. Code 243.105(b)(2) (JCAR)  
Changed “where the Agency has demonstrated” to “when the Agency has demonstrated” for the occasion or circumstance of determination, rather than situation.
- 35 Ill. Adm. Code 243.105(b)(3) (JCAR)  
Changed “where the Agency has demonstrated” to “when the Agency has demonstrated” for the occasion or circumstance of determination, rather than situation.
- 35 Ill. Adm. Code 243.105(c)(1) (JCAR)  
Changed “Public notification” to capitalized “Public Notification.”
- 35 Ill. Adm. Code 243.105(c)(2)(B) (JCAR)  
Changed “subsection (c)(3) of this Section” to “subsection (c)(3).”
- 35 Ill. Adm. Code 243.105(c)(2)(C) (JCAR)  
Changed “subsection (c)(2)(F) of this Section” to “subsection (c)(2)(F).”
- 35 Ill. Adm. Code 243.105(c)(3)(A) (JCAR)  
Changed “subsection (c)(2)(F) of this Section” to “subsection (c)(2)(F).”
- 35 Ill. Adm. Code 243.105(c)(3)(C) (JCAR, Board)  
Corrected “this subsection (c)(3)(B)” to “this subsection (c)(3)(C)”; corrected “40 CFR 50.14(b)(3)(ii)” to “40 CFR 50.14(b)(3)(iii).”
- 35 Ill. Adm. Code 243.108, USEPA, “List of Designated Reference and Equivalent Methods” (Board)  
Changed “June 18, 2015: to “December 18, 2015.”

## 35 Ill. Adm. Code 243.108, limiting statement (Board)

Changed “includes the following USEPA methods approvals” to “does not include USEPA methods designations”; changed “June 18, 2015: to “December 18, 2015”; removed the now-unnecessary *Federal Register* citation.

**Table 5**  
**Requested Revisions to the Text of the Proposed Amendments Not Made in Final Adoption**

## 35 Ill. Adm. Code 243.105(a)

JCAR: Remove the ending period from the topical subheading.

Board response: The Board prefers to punctuate topical subheadings as text.

## 35 Ill. Adm. Code 243.105(b)(2)

JCAR: Change “which” to “that” in “demonstrated that the use of fireworks significantly integral . . . to events, including, but not limited to . . . celebrations, which satisfy the requirements . . . .”

Board response: The Board prefers use of “which” for a restrictive relative clause nested within another restrictive relative clause, unless use of “which” could cause the clause to be read in a nonrestrictive sense. Here the usage does not cause “which satisfy the requirements . . . .” to acquire a nonrestrictive sense.

## 35 Ill. Adm. Code 243.105(c)(1)

JCAR: Change “where the Agency has delegated authority” to “when the Agency has delegated authority.”

Board response: The Board prefers to use “where” for the situation or circumstances that the Agency has made the delegation, rather than the occasion or circumstance of the delegation. The delegation might have occurred long before the notice is required—*i.e.*, the delegation determines who provides the notice, and does not make the notice necessary.

## 35 Ill. Adm. Code 243.105(c)(2)(D)

JCAR: Place the ending period outside the ending quotation mark.

Board response: The Board uses the American, rather than the British, convention for placement of commas and periods, which requires placement inside quotation marks.

## 35 Ill. Adm. Code 243.105(c)(2)(E)

JCAR: Place the ending period outside the ending quotation mark.

Board response: See the entry for 243.105(c)(2)(D) above.

## 35 Ill. Adm. Code 243.105(c)(3)(B)

JCAR: Place the ending period outside the ending quotation mark.

Board response: See the entry for 243.105(c)(2)(D) above.

## 35 Ill. Adm. Code 243.105(c)(3)(C)

JCAR: Place the ending period outside the ending quotation mark.

Board response: See the entry for 243.105(c)(2)(D) above.

## 35 Ill. Adm. Code 243.120(a)(3)(B)

JCAR: Change “listed in List of Designated Methods” to “listed in List of Designated Methods.”

Board response: “List of Designated Methods” is a short-form title for the document. Using the definite article is not necessary, and use could cause “List” to be read as a plain noun.

### **ORDER**

The Board adopts the following amendments to the Illinois ambient air quality regulations at 35 Ill. Adm. Code 243 and direct the Clerk of the Board to file them with the Office of the Secretary of State to make them final and effective:

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    | Schedule of <del>Exceptional Event</del> for Flagging and Documentation<br>Submission for <u>Data Influenced by Exceptional Events for Use in Initial<br/>Area Designations for New or Revised NAAQS</u> |

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 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 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.”

- c) Schedules and Procedures.
- 1) ~~Public notification~~ 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 ~~(c)(2)(D) or (c)(2)(E) of this Section~~ (c)(2)(F).
- 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), 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 ~~(e)(3)(B)-(c)(3)(C)~~ corresponds with 40 CFR ~~50.14(b)(3)(ii) 50.14(c)(3)(iii)~~, 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:

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~~ 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 USEPA methods ~~approvals~~ designations that occurred after December 18, ~~2014~~ 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 µg/m<sup>3</sup>.

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)<br>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> )<br>Section 243.120(e)(1)<br>40 CFR 50.13(a)<br>71 Fed. Reg. 61144 (Oct. 17, 2006)   | 2004-2006                                    | October 1, 2007  | April 15, 2008   |
| 2008 eight-hour ozone (0.075 ppm)<br>Section 243.125(e)(1)<br>40 CFR 50.15(a)<br>73 Fed. Reg. 16436 (Mar. 27, 2008)                        | 2005-2007<br>2008<br>2009                    | June 18, 2009<br>June 18, 2009<br>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<br>June 18, 2009<br>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)<br>Section 243.124(b)<br>40 CFR 50.11(b)<br>75 Fed. Reg. 6474 (Feb. 9, 2010) | 2008<br>2009<br>2010                         | July 1, 2010<br>July 1, 2010<br>April 1, 2011  | January 22, 2011<br>January 22, 2011<br>July 1, 2010   |
| 2010 one-hour sulfur oxides (as SO <sub>2</sub> ) (75 ppb)<br>Section 243.122(e)(1)<br>40 CFR 17(a)<br>75 Fed. Reg. 35520 (June 22, 2010)  | 2008<br>2009<br>2010<br>2011                 | October 1, 2010<br>October 1, 2010<br>June 1, 2011<br>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<br>June 1, 2011<br>June 1, 2011<br>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><br>(12 µg/m <sup>3</sup> )<br>Section 243.120(d)(1)<br>40 CFR 50.18(a)<br>78 Fed. Reg. 3086<br>(Jan. 15, 2013) | 2010 and 2011<br>2012<br>2013 | July 1, 2013<br>July 1, 2013<br>July 1, 2014 | December 12, 2013<br>December 12, 2013<br>August 1, 2014 |
|--|-------------------------------|--|--|

| <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><br><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><br><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, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 3, 2016, by a vote of 5-0.



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Don A. Brown, Assistant Clerk  
Illinois Pollution Control Board