

IDENTICAL-IN-SUBSTANCE RULEMAKING ADDENDUM (PROPOSED)
TO THE JULY 6, 2017 OPINION AND ORDER OF THE BOARD

National Ambient Air Quality Standards Update,
USEPA Amendments (July 1, 2016 through December
31, 2016, March 20, 2017, May 11, 2017, and June 16,
2017), R17-10 (July 26, 2017)

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The tables included in this addendum supplement the Board’s July 26, 2017 opinion and order in the above-cited identical-in-substance rulemaking.

Table 1:
USEPA Amendments on Which the Board Has Not Acted

40 C.F.R. § 50, appendix N (amended at 81 Fed. Reg. 53097, 53097-98 (Aug. 11, 2016)):

USEPA subsequently withdrew this direct final rule at 81 Fed. Reg. 66823 (Sep. 29, 2016).

40 C.F.R. § 51, subpart A, appendix A table 1 (amended at 81 Fed. Reg. 68216, 58149-50 (Aug. 24, 2016)): This provision relates to state implementation plan requirements that are outside the scope of the Board’s identical-in-substance mandate.

40 C.F.R. § 51.165 (amended at 81 Fed. Reg. 68216, 58150-51 (Aug. 24, 2016)): See the explanation for 40 C.F.R. § 51, subpart A, appendix A table 1 above in this table.

40 C.F.R. § 51, subpart Z (§§ 51.1000-51.1016) (amended at 81 Fed. Reg. 68216, 58151-62 (Aug. 24, 2016)): See the explanation for 40 C.F.R. § 51, subpart A, appendix A table 1 above in this table.

40 C.F.R. § 51.930 (amended at 81 Fed. Reg. 58010, 68282 (Oct. 3, 2016)): See the explanation for 40 C.F.R. § 51, subpart A, appendix A table 1 above in this table.

40 C.F.R. § 53.153 (amended at 81 Fed. Reg. 68216, 58162 (Aug. 24, 2016): This provision relates to federal conformity to state and federal implementation plan requirements that are outside the scope of the Board’s identical-in-substance mandate.

Table 2:
Deviations from the Text of the Federal Amendments

35 Ill. Adm. Code 243.101, “exceptional event”; derived from 40 C.F.R. 50.1(j)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks; retained the format divided into several paragraphs; retained the singular “event” in place of “event(s)” (four times); retained the singular “affects” in place of “affect”; retained the singular “exceedance or violation” in place of “exceedance(s) or violation(s)”; capitalized “Air pollution” and changed the ending period to a semicolon; consolidated “do not directly cause pollutant emissions and are not exceptional events” and “also do not directly cause pollutant emissions and are not exceptional events” (removing “also,” prefaced it with “stagnation of air masses, meteorological inversions, and meteorological events involving high temperatures or lack of precipitation,” and moved it into a Board note; retained the singular “a meteorological event” in place of “meteorological events”; moved, “However, conditions involving high temperatures or lack of precipitation may promote occurrences of particular types of exceptional events, such as wildfires or high wind events, which do directly cause emissions” into a Board note.

35 Ill. Adm. Code 243.101, “exceptional event” Board note; derived from 40 C.F.R. 50.1(j)

Revised and moved text as described above into a Board note. See the entry for 35 Ill. Adm. Code 243.105, “exceptional event” directly above in this table.

NOTE: USEPA stated that it will not consider anthropogenic emissions as having a direct causal role when they are reasonably controlled. See 81 Fed. Reg. 68216, 68231 (Oct. 3, 2016).

35 Ill. Adm. Code 243.101, “federal land manager”; derived from 40 C.F.R. 50.1(r)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks; removed “consistent with the definition in 40 CFR 51.301,” placing the citation in a Board note; changed “Federal” to lower-case “federal”; removed “ or, with respect to Roosevelt-Campobello . . . International Park Commission.”

NOTE: There are no federal Class I areas in or immediately abutting Illinois. See 40 C.F.R. 81, subpart D (2016).

35 Ill. Adm. Code 243.101, “federal land manager” Board note; derived from 40 C.F.R. 50.1(r)

Added a citation to the corresponding federal definition, moving the citation to “40 CFR 51.301” into the Board note. Added explanation that there are no federal Class I areas in or abutting Illinois.

35 Ill. Adm. Code 243.101, “high wind dust event”; derived from 40 C.F.R. 50.1(p)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks.

35 Ill. Adm. Code 243.101, “high wind threshold”; derived from 40 C.F.R. 50.1(q)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks.

35 Ill. Adm. Code 243.101, “natural event”; derived from 40 C.F.R. 50.1(k)

Placed the definition in appropriate alphabetical order; changed “the definition of natural event” to “this definition”; changed “shall be considered to not play” to “are not human activity that plays”; changed “direct role” to “direct causal role” to repeat or “be consistent with” the phrase used in the prior sentence.

35 Ill. Adm. Code 243.101, “prescribed fire”; derived from 40 C.F.R. 50.1(m)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks.

35 Ill. Adm. Code 243.101, “wildfire”; derived from 40 C.F.R. 50.1(n)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks.

35 Ill. Adm. Code 243.101, “wildland”; derived from 40 C.F.R. 50.1(o)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks.

35 Ill. Adm. Code 243.105(a); derived from 40 C.F.R. 50.14(a)

Replaced the federal text with basic explanation of exclusion of data by a USEPA determination pursuant to 40 C.F.R. 50.14 that the data were affected by an exceptional event.

35 Ill. Adm. Code 243.105(b); derived from 40 C.F.R. 50.14(b)

Replaced the federal text with basic explanation that the Agency must seek a USEPA determination if the Agency determines that the data were affected by an exceptional event.

35 Ill. Adm. Code 243.105(c); derived from 40 C.F.R. 50.14(c)

Replaced the federal text with basic explanation that ambient air quality monitoring data excluded by a USEPA determination is excluded for the purposes of the Illinois ambient air quality standards.

35 Ill. Adm. Code 243.108, Government Printing Office, Appendix N to 40 C.F.R. 50; derived from appendix N to 40 C.F.R. 50

Incorporated the March 20, 2017 USEPA correction by updating the incorporation by reference.

35 Ill. Adm. Code 243.108, USEPA, National Exposure Research Laboratory, *List of Designated Reference and Equivalent Methods*; derived from *List of Designated Reference and Equivalent Methods*

Incorporated the July 13, 2016 and May 11, 2017 USEPA methods designations by updating the incorporation by reference, including deletion of a now-obsolete *Federal Register* citation.

35 Ill. Adm. Code 243.120(c)(4); derived from 40 C.F.R. § 50.13(d)

Deleted “until the effective date of . . . 40 CFR 51.1000 through 51.1016” and the offsetting comma because that effective date is past; changed “under § 50.18” to “in subsection (d)”; changed “set forth in this section” to “in this subsection (c)”; changed “will no longer apply upon the effective date of . . . State Implementation Plan Requirements rule” to “does not apply in any area of Illinois except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County”; changed the semicolon to a period and “except that for areas designated nonattainment . . . the 1997 annual PM_{2.5} NAAQS set forth in this section

. . . will apply until the effective date of an area’s redesignation to attainment for the 1997 annual PM_{2.5} NAAQS” to “The 1997 primary NAAQS for PM_{2.5} in subsection (c) will no longer apply in any area of Illinois after USEPA has redesignated that area as attainment for that standard.”; removed “pursuant to the requirements of section 107 of the Clean Air Act”; changed “changed “PM_{2.5} NAAQS” to “NAAQS for PM_{2.5} (three times); changed “shall remain in effect” to “remain applicable”; changed “the area designations and classifications with respect to the 1997 annual and 24-hour PM_{2.5} NAAQS has been revoked and to facilitate the implementation of the 1997 secondary annual PM_{2.5} NAAQS and the 1997 24-hour PM_{2.5} NAAQS” to “USEPA has codified the area designations for areas in Illinois in 40 CFR 81.314” and moved the text into a Board note.

Note: USEPA provides in 40 C.F.R. § 50.13(d) that the 1997 primary annual NAAQS for PM_{2.5} no longer applies in areas designated attainment for that standard after the October 24, 2016 effective date of amendments to the state implementation plan requirements in 40 C.F.R. 51.1000 through 51.1016. The primary annual NAAQS for PM_{2.5} will no longer apply in areas not yet designated as attainment after USEPA designates them as attainment for that standard. The 1997 24-hour primary NAAQS and secondary NAAQS for PM_{2.5} remain effective. All areas of Illinois were designated attainment or unclassifiable/attainment except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County. *See* 40 C.F.R. 81.314 (2016).

35 Ill. Adm. Code 243.120(c)(4) Board note; derived from 40 C.F.R. § 50.13(d)

Revised the last sentence of the federal provision as described immediately above and moved the text into a Board note.

35 Ill. Adm. Code 243.Table A; derived from table 2 to 40 C.F.R. 50.14

Omitted the table of notification deadlines.

Table 3: **Board Housekeeping Amendments**

35 Ill. Adm. Code 243 table of contents, 243.Table A heading (Board): Added “(Repealed)” to reflect removal of text of the Exceptional Event Rule.

35 Ill. Adm. Code 243.101 Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

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 243.120(a) 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(c) Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available., including adding a *Federal Register* citation to later amendments.

35 Ill. Adm. Code 243.120(d) Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

Illustration:
Text of 35 Ill. Adm. Code Table of Contents, 243.105, 243.Table A, and 243.Table B
If the Board Retains the Text of the Exceptional Events Rule

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 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	<u>Summary of Basic Smoke Management Practices, Benefit Achieved with the BSMP, and When It Is Applied</u>
243.TABLE B-A	Schedule for <u>Initial Notification Flaggering and Demonstration Documentation</u> -Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations

Section 243.105 Air Quality Monitoring Data Influenced by Exceptional Events

- a) Requirements.
 - 1) Scope.

A) This Section applies to the treatment of data showing exceedances or violations of any NAAQS for purposes of the following types of regulatory determinations by USEPA:

- i) An action to designate or redesignate an area for a particular NAAQS, pursuant to section 107(d)(1) or (d)(3) of the Clean Air Act (42 USC 7407(d)(1) or (d)(3));
- ii) The assignment or re-assignment of a classification category to a nonattainment area, where the classification is based on a comparison of pollutant design values that are calculated according to the specific data handling procedures in 40 CFR 50 for each NAAQS, to the level of the relevant NAAQS;
- iii) A determination regarding whether a nonattainment area has attained the level of the appropriate NAAQS by its specified deadline;
- iv) A determination that an area has data for the specific NAAQS that qualify the area for an attainment date extension under the CAA provisions for the applicable pollutant;
- v) A determination under Clean Air Act section 110(k)(5) (42 USC 7410(k)(5)), if based on an area violating a NAAQS, that the state implementation plan is inadequate under the requirements of Clean Air Act section 110 (42 USC 7410); and
- vi) Other actions on a case-by-case basis as determined by USEPA.

B4) The Agency, federal land manager, or other federal agency may request USEPA to exclude from use in determinations identified in subsection (a)(1)(A) data showing an exceedance or violation of a ~~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.

- i) For a federal land manager or other federal agency to be eligible to initiate such a request for data exclusion, the federal land manager or other federal agency must either operate a regulatory monitor that has been affected by an exceptional event or manage land on which an exceptional event occurred that influenced a monitored concentration at

a regulatory monitor. The federal land manager or other federal agency must initiate such a request only after the Agency has concurred with the federal land manager's or other federal agency's submittal.

ii) With regard to such a request, all provisions in this Section that are expressed as requirements applying to the State will, except as noted, be requirements applying to the federal land manager or other federal agency.

iii) Provided all provisions in this Section are met, USEPA will allow the State to submit demonstrations for any regulatory monitor within its jurisdictional bounds, including those operated by federal land managers, other federal agencies and delegated local agencies.

iv) Where multiple agencies within a state submit demonstrations for events that meet the requirements of this Section, an Agency submittal will have primacy for any regulatory monitor within its jurisdictional bounds.

2) A demonstration to justify data exclusion may include any reliable and accurate data, but must specifically address the elements in subsections demonstrate a clear causal relationship between the measured exceedance of an NAAQS and the event in accordance with subsection (c)(3)(D) and (c)(3)(E).

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

1) Generally. Exceptional Events.—USEPA has stated that it will exclude data from use in determinations of exceedance or violation identified in subsection (a)(1)(A) of this Section of an NAAQS 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 or violation of an NAAQS 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, that 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 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.~~

A) USEPA has stated that it will exclude data from use in determinations of exceedance or violation 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.

B) In addressing the requirements set forth in subsection (c)(3)(D)(iv) regarding the not reasonably controllable or preventable criterion:

i) With respect to the requirement that a prescribed fire be not reasonably controllable, the Agency must either certify to USEPA that it has adopted and is implementing a smoke management program or the Agency must demonstrate that the burn manager employed appropriate basic smoke management practices identified in Table 1 to § 50.14. Where a burn manager employs appropriate basic smoke management practices, the Agency may rely on a statement or other documentation provided by the burn manager that he or she employed those practices. If an exceedance or violation of a NAAQS occurs when a prescribed fire is employing an appropriate basic smoke management practices approach, the Agency and the burn manager must undertake a review of the subject fire, including a review of the basic smoke management practices applied during the subject fire to ensure the protection of air quality and public health and progress towards restoring or maintaining a sustainable and resilient wildland ecosystem. If the

prescribed fire becomes the subject of an exceptional events demonstration, documentation of the post-burn review must accompany the demonstration.

ii) If the Agency anticipates satisfying the requirements of subsection (c)(3)(D)(iv) by employing the appropriate basic smoke management practices identified in Table 1 to § 50.14, then the conditions of subsection (b)(3)(D) must be fulfilled.

iii) With respect to the requirement that a prescribed fire be not reasonably preventable, the Agency may rely upon and reference a multi-year land or resource management plan for a wildland area with a stated objective to establish, restore or maintain a sustainable and resilient wildland ecosystem or to preserve endangered or threatened species through a program of prescribed fire provided that USEPA determines that there is no compelling evidence to the contrary in the record and the use of prescribed fire in the area has not exceeded the frequency indicated in that plan.

C) Provided USEPA determines that there is no compelling evidence to the contrary in the record, in addressing the requirements set forth in subsection (c)(3)(D)(v) regarding the human activity unlikely to recur at a particular location criterion for demonstrations involving prescribed fires on wildland, the Agency must describe the actual frequency with which a burn was conducted, but may rely upon and reference an assessment of the natural fire return interval or the prescribed fire frequency needed to establish, restore and/or maintain a sustainable and resilient wildland ecosystem contained in a multi-year land or resource management plan with a stated objective to establish, restore or maintain a sustainable and resilient wildland ecosystem or to preserve endangered or threatened species through a program of prescribed fire.

D) Conditions for Exclusion of Data by Employing the Appropriate Basic Smoke Management Practices.

i) The Agency, federal land managers, and other entities as appropriate, must periodically collaborate with burn managers operating within Illinois to discuss and document the process by which the Agency and land managers will work together to protect public health and manage air quality impacts during the conduct of prescribed fires on wildland. Such discussions must include outreach and education regarding general expectations for the selection

and application of appropriate basic smoke management practices and goals for advancing strategies and increasing adoption and communication of the benefits of appropriate basic smoke management practices;

ii) The Agency, federal land managers and burn managers will have an initial implementation period, defined as being two years from September 30, 2016, to implement the collaboration and outreach effort identified in subsection (b)(3)(D)(i); and

iii) Except as provided in subsection (b)(3)(D)(ii), USEPA has stated that it will not place a concurrence flag in the appropriate field for the data record in the air quality system (AQS) database, as specified in subsection (c)(2)(B), if the data are associated with a prescribed fire on wildland unless the requirements of subsection (b)(3)(D)(i) have been met and associated documentation accompanies any applicable exceptional events demonstration. USEPA may nonconcur or defer action on such a demonstration.

4) Wildfires. USEPA has stated that it will exclude data from use in determinations of exceedances and violations where the Agency demonstrates to USEPA's satisfaction that emissions from wildfires caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location and otherwise satisfies the requirements of this section. Provided USEPA determines that there is no compelling evidence to the contrary in the record, USEPA will determine every wildfire occurring predominantly on wildland to have met the requirements identified in subsection (c)(3)(D)(iv) regarding the not reasonably controllable or preventable criterion.

5) High Wind Dust Events.

A) USEPA has stated that it will exclude data from use in determinations of exceedances and violations, where the Agency demonstrates to USEPA's satisfaction that emissions from a high wind dust event caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location and otherwise satisfies the requirements of this Section provided that such emissions are from high wind dust events.

B) USEPA has stated that it will consider high wind dust events to be natural events in cases where windblown dust is entirely from natural undisturbed lands in the area or where all anthropogenic

sources are reasonably controlled as determined in accordance with subsection (b)(8).

- C) The Agency can identify and use a USEPA-approved area-specific high wind threshold that is representative of local or regional conditions, if appropriate.
- D) In addressing the requirements set forth in subsection (c)(3)(D)(iv) regarding the not reasonably preventable criterion, the Agency will not be required to provide a case-specific justification for a high wind dust event.
- E) With respect to the not reasonably controllable criterion of subsection (c)(3)(D)(iv), dust controls on an anthropogenic source will be considered reasonable in any case in which the controls render the anthropogenic source as resistant to high winds as natural undisturbed lands in the area affected by the high wind dust event. USEPA has stated that it may determine lesser controls reasonable on a case-by-case basis.
- F) For large-scale and high-energy high wind dust events, USEPA has stated that it will generally consider a demonstration documenting the nature and extent of the event to be sufficient with respect to the not reasonably controllable criterion of subsection (c)(3)(D)(iv) provided the Agency provides evidence showing that the event satisfies the following:

- i) The event is associated with a dust storm and is the focus of a Dust Storm Warning.

BOARD NOTE: The National Oceanic and Atmospheric Administration, National Weather Service declares Dust Storm Warnings for areas or regions when these events occur. See <http://www.nws.noaa.gov/om/wind/ww.shtml>.

- ii) The event has sustained winds that are greater than or equal to 40 miles per hour.

- iii) The event has reduced visibility equal to or less than 0.5 miles.

6) Stratospheric Intrusions. Where the Agency demonstrates to USEPA's satisfaction that emissions from stratospheric intrusions caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location and otherwise satisfies the requirements of this section, USEPA has stated that it will determine stratospheric intrusions to have met the requirements identified in subsection (c)(3)(D)(iv) regarding the not reasonably controllable or

preventable criterion and will exclude data from use in determinations of exceedances and violations.

7) Determinations with Respect to Event Aggregation, Multiple NAAQS for the Same Pollutant, and Exclusion of 24-Hour Values for Particulate Matter.

A) Where the Agency demonstrates to USEPA's satisfaction that for NAAQS with averaging or cumulative periods less than or equal to 24 hours the aggregate effect of events occurring on the same day has caused an exceedance or violation, the USEPA has stated that it will determine such collective data to satisfy the requirements in subsection (c)(3)(D)(ii) regarding the clear causal relationship criterion. Where the Agency demonstrates to USEPA's satisfaction that for NAAQS with averaging or cumulative periods longer than 24 hours the aggregate effect of events occurring on different days has caused an exceedance or violation, USEPA has stated that it will determine such collective data to satisfy the requirements in subsection (c)(3)(D)(ii) regarding the clear causal relationship criterion.

B) The USEPA has stated that it will accept as part of a demonstration for the clear causal relationship in subsection (c)(3)(D)(ii) with respect to a 24-hour NAAQS, the Agency's comparison of a 24-hour concentration of any NAAQS pollutant to the level of a NAAQS for the same pollutant with a longer averaging period. USEPA has stated that it will also accept as part of a demonstration for the clear causal relationship in subsection (c)(3)(D)(ii) with respect to a NAAQS with a longer averaging period, the Agency's comparison of a 24-hour concentration of any NAAQS pollutant to the level of the NAAQS for the same pollutant with a longer averaging period, without the Agency having to demonstrate that the event caused the annual average concentration of the pollutant to exceed the level of the NAAQS with the longer averaging period.

C) Where the Agency operates a continuous analyzer that has been designated as a Federal Equivalent Method monitor as defined in 40 CFR 50.1(g) that complies with the monitoring requirements of 40 CFR part 58, Appendix C, and the Agency believes that collected data have been influenced by an event, in following the process outlined in subsection (c)(2), the Agency must create an initial event description and flag the associated event-influenced data that have been submitted to the AQS database for the affected monitor. Where the Agency demonstrates to USEPA's satisfaction that such data satisfy the requirements in subsection (c)(3)(D)(ii) regarding the clear causal relationship criterion and otherwise

satisfy the requirements of this section, USEPA has stated that it will agree to exclude all data within the affected calendar day(s).

- 8) Determinations with Respect to the Not Reasonably Controllable or Preventable Criterion.
 - A) The not reasonably controllable or preventable criterion has two prongs that the Agency must demonstrate: prevention and control.
 - B) The USEPA has stated that it will determine that an event is not reasonably preventable if the Agency shows that reasonable measures to prevent the event were applied at the time of the event.
 - C) The USEPA has stated that it will determine that an event is not reasonably controllable if the Agency shows that reasonable measures to control the impact of the event on air quality were applied at the time of the event.
 - D) The USEPA has stated that it will assess the reasonableness of available controls for anthropogenic sources based on information available as of the date of the event.
 - E) Except where USEPA obligates the Agency to revise the Illinois state implementation plan, the USEPA has stated that it will consider enforceable control measures implemented in accordance with a state implementation plan, approved by the USEPA within five years of the date of the event, that address the event-related pollutant and all sources necessary to fulfill the requirements of the Clean Air Act for the state implementation plan to be reasonable controls with respect to all anthropogenic sources that have or may have contributed to the monitored exceedance or violation.
 - F) Where USEPA obligates the Agency to revise the Illinois state implementation plan, the deference to enforceable control measures identified in subsection (b)(8)(E) must remain only until the due date of the required state implementation plan revisions. However, where USEPA obligates the Agency to revise the enforceable control measures identified in subsection (b)(8)(E) in its implementation plan pursuant to 42 USC 7410(k)(5), the deference, if any, to those enforceable control measures must be determined on a case-by-case basis.
 - G) USEPA has stated that it will not require the Agency to provide case-specific justification to support the not reasonably controllable or preventable criterion for emissions-generating activity that occurs outside of Illinois' jurisdictional boundaries within which the concentration at issue was monitored. In the case of a federal land manager or other federal agency submitting a

demonstration under the requirements of this section, the jurisdictional boundaries that apply are those of the State of Illinois.

H) In addition to the provisions that apply to specific event types identified in subsections (b)(3)(B) and (b)(5)(A) through (b)(5)(C) in addressing the requirements set forth in subsection (c)(3)(D)(iv) regarding the not reasonably controllable or preventable criterion, the Agency must include the following components:

- i) Identification of the natural and anthropogenic sources of emissions causing and contributing to the monitored exceedance or violation, including the contribution from local sources.
- ii) Identification of the relevant state implementation plan, tribal implementation plan, or federal implementation plan or other enforceable control measures in place for the sources identified in subsection (b)(8)(G)(i) and the implementation status of these controls.
- iii) Evidence of effective implementation and enforcement of the measures identified in subsection (b)(8)(G)(ii).
- iv) The provisions in this subsection do not apply if the provisions in subsection (b)(4), (b)(5)(F), or (b)(6) apply.

9) Mitigation Plans.

A) Except as provided for in subsection (b)(9)(B), where a State is subject to the requirements of 40 CFR 51.930(b) for development of mitigation plans for areas with historically documented or known events, USEPA has stated that it will not place a concurrence flag in the appropriate field for the data record in the AQS database, as specified in subsection (c)(2)(B), if the data are of the type and pollutant that are the focus of the mitigation plan until the Agency fulfills its obligations under the requirements of 40 CFR 51.930(b). USEPA may nonconcur or defer action on such a demonstration.

B) The prohibition in subsection (b)(9)(A) against placing a concurrence flag in the appropriate field for the data record in the AQS database by USEPA stated does not apply to data that are included in an exceptional events demonstration that fulfills both of the following conditions:

- i) The demonstration is submitted in accordance with subsection (c)(3) that is also of the type and pollutant that is the focus of the mitigation plan, and
- ii) The demonstration is submitted within the two-year period allowed for mitigation plan development required by 40 CFR 51.930(b)(3).

BOARD NOTE: In each of corresponding 40 CFR 50.14(b)(1), (b)(2), ~~(b)(3)(A), and (b)(3)(D)(iii) 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. In accordance with the mitigation requirement at 40 CFR 51.930(a)(1), 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 a NAAQS.
- 2) Initial Notification of Potential Exceptional Event Flagging of Data.
 - A) The Agency must notify USEPA of the State’s intent to request exclusion of ~~exclude~~ one or more measured exceedances of a ~~an~~ NAAQS as being due to an exceptional event creating an initial event description and flagging by placing a flag in the appropriate field for the associated data that have record of concern that has been submitted to the federal air quality system (AQS) database and by engaging in the Initial Notification of Potential Exceptional Event process as follows:-
 - i) The Agency and USEPA Region 5 must engage in regular communications to identify those data that have been potentially influenced by an exceptional event, to determine whether the identified data may affect a regulatory determination and to discuss whether the Agency should develop and submit an exceptional events demonstration according to the requirements in this Section;
 - ii) For data that may affect an anticipated regulatory determination or where circumstances otherwise compel USEPA to prioritize the resulting demonstration, USEPA shall respond to the Agency’s Initial Notification of Potential Exceptional Event with a due date for

demonstration submittal that considers the nature of the event and the anticipated timing of the associated regulatory decision;

iii) USEPA may waive the Initial Notification of Potential Exceptional Event process on a case-by-case basis.

B) ~~The 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 or violation of a~~ 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) by placing a concurrence flag in the appropriate field for the data record in the AQS database.

C) This subsection (c)(2)(C) corresponds with 40 CFR 51.14(c)(3)(iii), a provision removed and marked "reserved" by USEPA. This statement maintains structural consistency with the corresponding federal rule. ~~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).~~

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

F) Table ~~B~~ 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) Except as provided ~~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 according to the schedule established under subsection (c)(2)(A)(ii) 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.” This statement maintains structural consistency with the federal regulations.
- C) This subsection (c)(3)(C) corresponds with 40 CFR 50.14(b)(3)(iii), which USEPA has removed and marked “reserved.” This statement maintains structural consistency with the federal regulations.
- D) The demonstration to justify data exclusion must include ~~provide~~ the following evidence:
- i) A narrative conceptual model that describes the events causing the exceedance or violation and a discussion of how emissions from the events led to the exceedance or violation at the affected monitors~~That the event satisfies the definition of “exceptional event” set forth in Section 243.101;~~
 - ii) A demonstration that the event affected air quality in such a way that there exists~~That there is a clear causal relationship between the specific event measurement under consideration and the monitored exceedance or violation event that is claimed to have affected the air quality in the area;~~
 - iii) Analyses comparing the claimed event-influenced concentrations to concentrations at the same monitoring site at other times to support the requirement at subsection (c)(3)(D)(ii). USEPA has stated that it will not require the Agency to prove a specific percentile point in the distribution of data;~~That the event is associated with a measured concentration in excess of normal historical fluctuations, including background; and~~
 - iv) A demonstration that the event was both not reasonably controllable and not reasonably preventable; and~~That there would have been no exceedance or violation but for the event.~~

- v) A demonstration that the event was a human activity that is unlikely to recur at a particular location or was a natural event.
- E) With the submission of the demonstration containing the elements in subsection (c)(3)(D), the Agency must do the following: document that the public comment process was followed.
- i) Document that the Agency followed the public comment process and that the comment period was open for a minimum of 30 days, which could be concurrent with the beginning of USEPA’s initial review period of the associated demonstration provided the Agency can meet all requirements in this subsection (c);
- ii) Submit the public comments it received along with its demonstration to USEPA; and
- iii) Address in the submission to USEPA those comments disputing or contradicting factual evidence provided in the demonstration.
- F) Where the Agency has submitted a demonstration according to the requirements of this section after September 30, 2016 and USEPA has reviewed such demonstration and requested additional evidence to support one of the elements in subsection (c)(3)(D), the Agency has 12 months from the date of USEPA’s request to submit such evidence. At the conclusion of this time, if the Agency has not submitted the requested additional evidence, USEPA has stated that it will notify the Agency in writing that it considers the demonstration to be inactive and will not pursue additional review of the demonstration. After a 12-month period of inactivity by the Agency, if the Agency desires to pursue the inactive demonstration, it must reinitiate its request to exclude associated data by following the process beginning with subsection (c)(2)(A).

BOARD NOTE: Derived from 40 CFR 50.14 (2016)-(2012).

Section 243.TABLE A Summary of Basic Smoke Management Practices, Benefit Achieved with the BSMP, and When It Is Applied

<u>Basic Smoke Management Practice</u>	<u>Benefit Achieved with the BSMP</u>	<u>When the BSMP is Applied—Before/During/After the Burn</u>
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<u>Evaluate Smoke Dispersion Conditions</u>	<u>Minimize smoke impact</u>	<u>Before, During, After.</u>
<u>Monitor Effects on Air Quality</u>	<u>Be aware of where the smoke is going and degree it impacts air quality</u>	<u>Before, During, After.</u>
<u>Record-Keeping/Maintain a Burn/Smoke Journal</u>	<u>Retain information about the weather, burn and smoke. If air quality problems occur, documentation helps analyze and address air regulatory issues</u>	<u>Before, During, After.</u>
<u>Communication—Public Notification</u>	<u>Notify neighbors and those potentially impacted by smoke, especially sensitive receptors.</u>	<u>Before, During.</u>
<u>Consider Emission Reduction Techniques</u>	<u>Reducing emissions through mechanisms such as reducing fuel loading can reduce downwind impacts</u>	<u>Before, During, After.</u>
<u>Share the Airshed—Coordination of Area Burning</u>	<u>Coordinate multiple burns in the area to manage exposure of the public to smoke</u>	<u>Before, During, After.</u>

BOARD NOTE: USEPA has stated that it believes that elements of these basic smoke management practices (BSMP) could also be practical and beneficial to apply to wildfires for areas likely to experience recurring wildfires. USEPA stated that the listing of BSMP in this table is not intended to be all-inclusive. Not all BSMP are appropriate for all burns. Goals for applicability should retain flexibility to allow for onsite variation and site-specific conditions that can be variable on the day of the burn. Burn managers can consider other appropriate BSMP as they become available due to technological advancement or programmatic refinement.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 243. ~~TABLE B-A~~ Schedule for Initial Notification Flagger and Demonstration Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations

<u>Exceptional events/Regulatory Action</u> regulatory action	<u>Condition</u>	Exceptional events deadline schedule ^d
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<p><u>(A) Initial Notification Flagging and initial event description</u> deadline for data years one, two, and three.^a</p>	<p><u>If state and tribal initial designation recommendations for a new or revised national ambient air quality standard are due August through January,</u></p>	<p>If State initial designation recommendations for a new or revised NAAQS are due August through January, then the Initial Notification 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.</p>
<p><u>(B) Initial Notification</u> deadline for data years one, two, and three.^a</p>	<p><u>If state and tribal recommendations for a new or revised national ambient air quality standard are due February through July,</u></p>	<p><u>then the Initial Notification</u> deadline will be the January 1 prior to the recommendation deadline.</p>
<p><u>(C) Exceptional events demonstration submittal</u> deadline for data years <u>one</u>, <u>two</u>, and <u>three</u>.^a</p>	<p><u>None</u></p>	<p><u>no</u> No later than the <u>later of November 29, 2016 or the date that Agency State</u> recommendations are due to USEPA.</p>
<p><u>(D) Initial Notification and exceptional events demonstration submittal</u> deadline for data year <u>four</u>^b and, where applicable, data year <u>five</u>.^c</p>	<p><u>None</u></p>	<p><u>by the last day of the month that is one year and seven months after promulgation of a new or revised national ambient air quality standard, unless either paragraph (E) or paragraph (F) applies.</u></p>
<p><u>(E) Initial Notification and exceptional events demonstration submittal</u> deadline for data year <u>four</u>^b and, where applicable, data year <u>five</u>.^c</p>	<p><u>If USEPA follows a three-year designation schedule.</u></p>	<p><u>the deadline is two years and seven months after promulgation of a new or revised national ambient air quality standard.</u></p>

<p>(F) Initial Notification Flagging, initial event description and exceptional events demonstration submittal deadline for data year four^b and, where applicable, data year five.^c</p>	<p><u>If USEPA notifies the Agency that it intends to complete the initial area designations process according to a schedule between two and three years,</u></p>	<p><u>the deadline is five months prior to the date specified for final designations decisions in such USEPA notification.</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:</p> <p>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.</p> <p>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.</p>
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^a Where data years one, two, and three are those years expected to be considered in Agency State recommendations.

^b Where data year four is the additional year of data that USEPA may consider when making 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 making 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. Exceptional 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 2 1-to 40 CFR 50.14(c).

Table 1 to Illustration:
Deviations from the Text of the Federal Amendments
If the Board Retains the Text of the Exceptional Events Rule

35 Ill. Adm. Code 243.105(a)(1)(A); derived from 40 C.F.R. § 50.14(a)(1)(i)

Changed “national ambient air quality standard” to the define acronym “NAAQS”; changed “the Administrator” to “USEPA.”

35 Ill. Adm. Code 243.105(a)(1)(A)(i); derived from 40 C.F.R. § 50.14(a)(1)(i)(A)

Changed “action to designate an area, pursuant to Clean Air Act section 107(d)(1), or redesignate an area, pursuant to Clean Air Act section 107(d)(3), for a particular national ambient air quality standard” to “action to designate or redesignate an area for a particular NAAQS, pursuant to section 107(d)(1) or (d)(3) of the Clean Air Act (42 USC 7407(d)(1) or (d)(3)).”

35 Ill. Adm. Code 243.105(a)(1)(A)(ii); derived from 40 C.F.R. § 50.14(a)(1)(i)(B)

Added a comma before “where” to offset the parenthetical; changed “such classification” to “the classification”; replaced the comma before “calculated” to “that are”; changed “national ambient air quality standard” to “NAAQS” (twice).

NOTE: The Board retained the citation to 40 C.F.R. 50, rather than use 35 Ill. Adm. Code 243, because USPEA will make the determination under the federal regulation, not the Illinois provision.

35 Ill. Adm. Code 243.105(a)(1)(A)(iii); derived from 40 C.F.R. § 50.14(a)(1)(i)(C)

Changed “national ambient air quality standard” to “NAAQS” (twice).

35 Ill. Adm. Code 243.105(a)(1)(A)(iv); derived from 40 C.F.R. § 50.14(a)(1)(i)(D)

Removed the comma after “NAAQS” and changed “which” to “that” for a restrictive relative clause.

35 Ill. Adm. Code 243.105(a)(1)(A)(v); derived from 40 C.F.R. § 50.14(a)(1)(i)(E)

Added “(42 USC 7410(k)(5))”; changed “national ambient air quality standard” to “NAAQS”; added “(42 USC 7410).”

35 Ill. Adm. Code 243.105(a)(1)(A)(vi); derived from 40 C.F.R. § 50.14(a)(1)(i)(F)

Changed “the Administrator” to “USEPA.”

35 Ill. Adm. Code 243.105(a)(1)(B); derived from 40 C.F.R. § 50.14(a)(1)(ii)

Added a comma before “or other federal agency” to offset the final element of the series; retained “USEPA” in place of “the Administrator”; restored “or violation” previously omitted; retained “a NAAQS” in place of “any NAAQS”; changed “national ambient air quality standard” to “NAAQS”; kept “from use in determinations” in its previously moved position; retained the break in the run-on sentence and kept “the Agency must demonstrate to USEPA” in place of “by demonstrating to the Administrator’s satisfaction”; retained “the event” in place of “such event.” See the entry in Table 2 below.

35 Ill. Adm. Code 243.105(a)(1)(B)(i); derived from 40 C.F.R. § 50.14(a)(1)(ii)(A), (a)(1)(ii)(A)(1), and (a)(1)(ii)(A)(2)

Removed the colon after “either,” changed “Either” to lower-case “either,” and moved the text of federal paragraph (a)(1)(ii)(A)(1) into this subsection; changed the colon and conjunction “and” to a period; prefaced the language of federal paragraph (a)(1)(ii)(A)(2) with “the federal land manager or other federal agency must,” changed “Initiate” to lower-case “initiate,” and moved the text into the subsection, changing “the State concurs” to “the Agency has concurred.”

35 Ill. Adm. Code 243.105(a)(1)(B)(ii); derived from 40 C.F.R. § 50.14(a)(1)(ii)(B)

Changed “a State” to “the State”; changed “shall” to “will.”

35 Ill. Adm. Code 243.105(a)(1)(B)(iii); derived from 40 C.F.R. § 50.14(a)(1)(ii)(C)

Changed “the Administrator shall” to “USEPA will”; changed “a State” to “the State.”

35 Ill. Adm. Code 243.105(a)(1)(B)(iv); derived from 40 C.F.R. § 50.14(a)(1)(ii)(D)

Changed “the Exceptional Events Rule” to “this Section”; changed “a State” to “an Agency”; changed “shall” to “will.”

35 Ill. Adm. Code 243.105(b); derived from 40 C.F.R. § 50.14(b)

Retained “USEPA” in place of “Administrator.”

35 Ill. Adm. Code 243.105(b)(1); derived from 40 C.F.R. § 50.14(b)(1)

Retained “USEPA” in place of “the Administrator”; restored “or violation” previously omitted; omitted “the Administrator’s”; did not restore “satisfaction” before “that an exceptional event” previously omitted;

35 Ill. Adm. Code 243.105(b)(2); derived from 40 C.F.R. § 50.14(b)(2)

Retained “USEPA has stated that it will” in place of “the Administrator shall”; restored “or violation” previously omitted; omitted “the Administrator’s”; did not restore “satisfaction” before “that emissions” previously omitted.

35 Ill. Adm. Code 243.105(b)(3)(A); derived from 40 C.F.R. § 50.14(b)(3)(i)

Retained “USEPA” in place of “the Administrator”; restored “or violation” previously omitted; omitted “the Administrator’s”; did not restore “satisfaction” before “that emissions” previously omitted.

35 Ill. Adm. Code 243.105(b)(3)(B)(i); derived from 40 C.F.R. § 50.14(b)(3)(ii)(A)

Changed “State” to “Agency” (four times); changed “the Administrator” to “USEPA”; changed “and/or” to “or.”

35 Ill. Adm. Code 243.105(b)(3)(B)(ii); derived from 40 C.F.R. § 50.14(b)(3)(ii)(B)

Changed “State” to “Agency” (four times); changed “and/or” to “or”; changed “the Administrator” to “USEPA.”; added “the conditions of subsection (b)(3)(D) must be fulfilled” to accommodate movement of the texts of federal paragraphs (b)(3)(ii)(B)(1) through (b)(3)(ii)(B)(3) to subsections (b)(3)(D)(i) through (b)(3)(D)(iii); changed the ending colon to a period.

35 Ill. Adm. Code 243.105(b)(3)(B)(iii); derived from 40 C.F.R. § 50.14(b)(3)(ii)(C)

Changed “State” to “Agency”; changed “the Administrator” to “USEPA”; changed “and/or” to “or” (twice); added “the conditions of subsection (b)(3)(D) must be fulfilled.”

35 Ill. Adm. Code 243.105(b)(3)(C); derived from 40 C.F.R. § 50.14(b)(3)(iii)

Changed “the Administrator” to “USEPA”; changed “State” to “Agency”; changed “and/or” to “or” (twice).

35 Ill. Adm. Code 243.105(b)(3)(D); derived from 40 C.F.R. § 50.14(b)(3)(ii)(B)(1) and (b)(3)(ii)(B)(2)

Added the subsection and topical subheading to accommodate movement of the texts of federal paragraphs (b)(3)(ii)(B)(1) through (b)(3)(ii)(B)(3) to subsections (b)(3)(D)(i) through (b)(3)(D)(iii) to comport with codification requirements.

35 Ill. Adm. Code 243.105(b)(3)(D)(i); derived from 40 C.F.R. § 50.14(b)(3)(ii)(B)(1)

Moved the text of federal paragraph (b)(3)(ii)(B)(1) into this subsection to comport with codification requirements; changed “the State” to “the Agency”; changed “the jurisdiction of the State” to “Illinois”; changed “air agencies” to “the Agency.”

35 Ill. Adm. Code 243.105(b)(3)(D)(ii); derived from 40 C.F.R. § 50.14(b)(3)(ii)(B)(2)

Moved the text of federal paragraph (b)(3)(ii)(B)(2) into this subsection to comport with codification requirements; changed “the State” to “the Agency”; changed numeric “2 years” to written “two years.”

35 Ill. Adm. Code 243.105(b)(3)(D)(iii); derived from 40 C.F.R. § 50.14(b)(3)(ii)(B)(3)

Moved the text of federal paragraph (b)(3)(ii)(B)(3) into this subsection to comport with codification requirements; changed “the Administrator shall” to “USEPA has stated that it will”; changed “AQS” to “air quality system (AQS)”; changed “the Administrator” to “USEPA.”

35 Ill. Adm. Code 243.105(b)(4); derived from 40 C.F.R. § 50.14(b)(4)

Changed “the Administrator shall” to “USEPA has stated that it will”; changed “a State” to “the Agency”; changed “the Administrator’s” to “USEPA’s”; changed “national ambient air quality standard” to the defined acronym “NAAQS”; changed “the Administrator” to “USEPA” (twice).

35 Ill. Adm. Code 243.105(b)(5); derived from 40 C.F.R. § 50.14(b)(5)

Changed “high wind dust events” to capitalized “High Wind Dust Events” for the topical subheading.

35 Ill. Adm. Code 243.105(b)(5)(A); derived from 40 C.F.R. § 50.14(b)(5)(i)

Changed “the Administrator shall” to “USEPA has stated that it will”; changed “a State” to “the Agency”; changed “the Administrator’s” to “USEPA’s”; changed “national ambient air quality standard” to the defined acronym “NAAQS.”

35 Ill. Adm. Code 243.105(b)(5)(B); derived from 40 C.F.R. § 50.14(b)(5)(ii)

Changed “the Administrator will” to “USEPA has stated that it will”; changed “a State” to “the Agency”; changed “the Administrator’s” to “USEPA’s”; changed “national ambient air quality standard” to the defined acronym “NAAQS.”

35 Ill. Adm. Code 243.105(b)(5)(C); derived from 40 C.F.R. § 50.14(b)(5)(iii)

Omitted “the Administrator will accept a high wind threshold of a sustained wind of 25 mph for areas in the States of Arizona, California, Colorado, Kansas, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming provided this value is not contradicted by evidence in the record at the time the State submits a demonstration” as inapplicable to Illinois; omitted “in lieu of this threshold” and the

offsetting comma; changed “States” to “the Agency”; omitted “alternate” from before “area-specific high wind threshold”; omitted “more” from before “representative of local or regional conditions.”

35 Ill. Adm. Code 243.105(b)(5)(D); derived from 40 C.F.R. § 50.14(b)(5)(iv)

Changed “the State shall not” to “the Agency will not.”

35 Ill. Adm. Code 243.105(b)(5)(E); derived from 40 C.F.R. § 50.14(b)(5)(v)

Changed “shall be considered” to “will be considered”; changed “the Administrator may” to “USEPA has stated that it may.”

35 Ill. Adm. Code 243.105(b)(5)(F); derived from 40 C.F.R. § 50.14(b)(5)(vi)

Changed “the Administrator will” to “USEPA has stated that it will”; changed “the State” to “the Agency.”

35 Ill. Adm. Code 243.105(b)(5)(F)(i) Board note; derived from 40 C.F.R. § 50.14(b)(5)(vi)(A)

Added explanation that the National Weather Service is the source of a Dust Storm Warning.

35 Ill. Adm. Code 243.105(b)(6); derived from 40 C.F.R. § 50.14(b)(6)

Changed “a State” to “the Agency”; changed “Administrator’s” to “USEPA’s”; changed “national ambient air quality standard” to the define acronym “NAAQS”; changed “the Administrator will determine . . . and shall exclude” to “USEPA has stated that it will determine . . . and will exclude.”

35 Ill. Adm. Code 243.105(b)(7); derived from 40 C.F.R. § 50.14(b)(7)

Changed “national ambient air quality standards” to the define acronym “NAAQS”; changed “determinations with respect to event aggregation, multiple NAAQS for the same pollutant, and exclusion of 24-hour values for particulate matter” to capitalized “Determinations with Respect to Event Aggregation, Multiple NAAQS for the Same Pollutant, and Exclusion of 24-Hour Values for Particulate Matter” for the topical subheading.

35 Ill. Adm. Code 243.105(b)(7)(A); derived from 40 C.F.R. § 50.14(b)(7)(i)

Changed “a State” to “the Agency” (twice); changed “Administrator’s” to “USEPA’s” (twice); changed “national ambient air quality standards” to the defined acronym “NAAQS” (twice); changed “the Administrator shall” to “USEPA has stated that it will” (twice).

35 Ill. Adm. Code 243.105(b)(7)(B); derived from 40 C.F.R. § 50.14(b)(7)(ii)

Changed “the Administrator shall” to “USEPA has stated that it will” (twice); changed “a State’s” to “the Agency’s” (twice); changed “national ambient air quality standard” to the defined acronym “NAAQS” (four times); changed “a State” to “the Agency.”

35 Ill. Adm. Code 243.105(b)(7)(C); derived from 40 C.F.R. § 50.14(b)(7)(iii)

Changed “a State” to “the Agency” (three times); changed “a State shall” to “the Agency must”; changed “Administrator’s” to “USEPA’s”; changed “the Administrator shall” to “USEPA has stated that it will.”

35 Ill. Adm. Code 243.105(b)(8); derived from 40 C.F.R. § 50.14(b)(8)

Changed “determinations with respect to the not reasonably controllable or preventable criterion” to capitalized “Determinations with Respect to the Not Reasonably Controllable or Preventable Criterion” for the topical subheading.

35 Ill. Adm. Code 243.105(b)(8)(A); derived from 40 C.F.R. § 50.14(b)(8)(i)

Changed “a State” to “the Agency.”

35 Ill. Adm. Code 243.105(b)(8)(B); derived from 40 C.F.R. § 50.14(b)(8)(ii)

Changed “the Administrator shall” to “USEPA has stated that it will”; changed “a State” to “the Agency.”

35 Ill. Adm. Code 243.105(b)(8)(C); derived from 40 C.F.R. § 50.14(b)(8)(iii)

Changed “the Administrator shall” to “USEPA has stated that it will”; changed “a State” to “the Agency.”

35 Ill. Adm. Code 243.105(b)(8)(D); derived from 40 C.F.R. § 50.14(b)(8)(iv)

Changed “the Administrator shall” to “USEPA has stated that it will.”

35 Ill. Adm. Code 243.105(b)(8)(E); derived from 40 C.F.R. § 50.14(b)(8)(v)

Changed “a State, tribal or federal air agency is obligated” to active-voice “USEPA obligates the Agency”; changed “its” to “the Illinois”; changed “state implementation plan, tribal implementation plan, or federal implementation plan” to “state implementation plan” (three times); change “EPA” to “USEPA”; changed numeric “5 years” to “five years.”

Note: Although corresponding 40 C.F.R. § § 50.14(b)(8)(v) obliges a state to revise its federal implementation plan, only USEPA has authority to do so. *See* 42 U.S.C. § 7410(c)(1) (2015).

35 Ill. Adm. Code 243.105(b)(8)(F); derived from 40 C.F.R. § 50.14(b)(8)(vi)

Changed “a State, tribal or federal air agency is obligated” to active-voice “USEPA obligates the Agency”; changed “its” to “the Illinois”; changed “state implementation plan, tribal implementation plan, or federal implementation plan” to “state implementation plan” (twice); changed “an air agency is obligated” to “USEPA obligates the Agency”; removed “as a result of an action” from before “pursuant to”; changed “Clean Air Act section 110(k)(5)” to “42 USC 7410(k)(5).”

Note: See the entry for 35 Ill. Adm. Code 243.105(b)(8)(E) above in this table.

35 Ill. Adm. Code 243.105(b)(8)(G); derived from 40 C.F.R. § 50.14(b)(8)(vii)

Changed “the Administrator shall” to “USEPA has stated that it will”; changed “a State” to “the Agency”; changed “a State’s” to “Illinois”; removed “In the case of a tribe treated as a state under 40 CFR 49.2 . . . implementing emission controls apply”; changed “the State or the tribe depending on which has jurisdiction over the area where the event has occurred” to “the State of Illinois.”

35 Ill. Adm. Code 243.105(b)(8)(H); derived from 40 C.F.R. § 50.14(b)(8)(viii)

Changed “a State” to “the Agency.”

35 Ill. Adm. Code 243.105(b)(9); derived from 40 C.F.R. § 50.14(b)(9)

Changed “mitigation plans” to capitalized “Mitigation Plans” for the topical subheading.

35 Ill. Adm. Code 243.105(b)(9)(A); derived from 40 C.F.R. § 50.14(b)(9)(i)

Added “for development of mitigation plans for areas with historically documented or known events” after “requirements of 40 CFR 51.930(b)”; changed “the Administrator shall” to “USEPA has stated that it will”; changed “the State” to “the Agency” changed “the Administrator” to “USEPA.”

35 Ill. Adm. Code 243.105(b)(9)(B); derived from 40 C.F.R. § 50.14(b)(9)(ii)

Changed “the prohibition on placing a concurrence flag . . . stated in paragraph (b)(8)(i) does not apply” to “the prohibition in subsection (b)(9)(A) against placing a concurrence flag . . .

does not apply”; changed “the Administrator” to “USEPA”; changed “that is” to “that fulfills both of the following conditions.”

35 Ill. Adm. Code 243.105(b)(9)(B)(i); derived from 40 C.F.R. § 50.14(b)(9)(ii)(A)

Added “the demonstration is” before “submitted.”

35 Ill. Adm. Code 243.105(b)(9)(B)(ii); derived from 40 C.F.R. § 50.14(b)(9)(ii)(B)

Added “the demonstration is” before “submitted”; changed “2-year” to written “two-year”; changed “ as specified” to “required by.”

35 Ill. Adm. Code 243.105(c); derived from 40 C.F.R. § 50.14(c)

Did not change “Procedures” to lower-case “procedures” in the topical subheading.

35 Ill. Adm. Code 243.105(c)(1); derived from 40 C.F.R. § 50.14(c)(1)

Retained the structure that combined the text of federal paragraphs (c)(1) and (c)(1)(i) into a single subsection; retained “the Agency” in lieu of “all States.”

35 Ill. Adm. Code 243.105(c)(2); derived from 40 C.F.R. § 50.14(c)(2)

Changed “initial notification of potential exceptional event” to capitalized “Initial Notification of Potential Exceptional Event” for the topical subheading.

35 Ill. Adm. Code 243.105(c)(2)(A); derived from 40 C.F.R. § 50.14(c)(2)(i)

Retained “the Agency” in lieu of “the Administrator”; retained “a NAAQS” in lieu of “national ambient air quality standard.”

35 Ill. Adm. Code 243.105(c)(2)(A)(i); derived from 40 C.F.R. § 50.14(c)(2)(i)(A)

Changed “the State” to “the Agency” (twice); changed “the appropriate regional EPA office” to “USEPA Region 5”; changed “shall” to “must.”

35 Ill. Adm. Code 243.105(c)(2)(A)(ii); derived from 40 C.F.R. § 50.14(c)(2)(i)(B)

Changed “the Administrator” to “USEPA”; changed “a State” to “the Agency”; changed “a State’s” to “the Agency’s.”

35 Ill. Adm. Code 243.105(c)(2)(A)(iii); derived from 40 C.F.R. § 50.14(c)(2)(i)(C)

Changed “the Administrator” to “USEPA.”

35 Ill. Adm. Code 243.105(c)(2)(B); derived from 40 C.F.R. § 50.14(c)(2)(ii)

Retained the singular and restored “or violation” previously omitted after “an exceedance”; retained “USEPA” in lieu of “the Administrator” (twice); retained “a NAAQS” in lieu of “national ambient air quality standard.”

35 Ill. Adm. Code 243.105(c)(3)(A); derived from 40 C.F.R. § 50.14(c)(3)(i)

Retained “USEPA” in lieu of “the Administrator.”

35 Ill. Adm. Code 243.105(c)(3)(D); derived from 40 C.F.R. § 50.14(c)(3)(iv)

It was not necessary to change “shall” to “must.”

35 Ill. Adm. Code 243.105(c)(3)(D)(i); derived from 40 C.F.R. § 50.14(c)(3)(iv)(A)

Changed “event(s)” to “events” (twice); changed “monitor(s)” to “monitors.”

35 Ill. Adm. Code 243.105(c)(3)(D)(iii); derived from 40 C.F.R. § 50.14(c)(3)(iv)(C)

Changed “concentration(s)” to “concentrations”; changed “the Administrator shall not” to “USEPA has stated that it will not”; changed “a State” to “the Agency.”

35 Ill. Adm. Code 243.105(c)(3)(E); derived from 40 C.F.R. § 50.14(c)(3)(v)

Added “do the following.”

35 Ill. Adm. Code 243.105(c)(3)(E)(i); derived from 40 C.F.R. § 50.14(c)(3)(v)(A)

Changed “the State” to “the Agency” (twice); changed “the Administrator’s” to “USEPA’s.”

35 Ill. Adm. Code 243.105(c)(3)(E)(iii); derived from 40 C.F.R. § 50.14(c)(3)(v)(C)

Changed “the Administrator” to “USEPA.”

35 Ill. Adm. Code 243.105(c)(3)(F); derived from 40 C.F.R. § 50.14(c)(3)(vi)

Changed “the State” to “the Agency” (three times); changed “the Administrator” to “USEPA”; changed “shall have 12 months” to “has 12 months”; changed “the Administrator will notify” to “USEPA has stated that it will notify”; changed “a State” to “the State.”

35 Ill. Adm. Code 243.Table A title; derived from Table 1 to 40 C.F.R. § 50.14 title

Used title case in lieu of all-caps; added a comma before “When It Is Applied” as the final element of a series, removed the endnote marking “a.”

35 Ill. Adm. Code 243.Table A; derived from Table 1 to 40 C.F.R. § 50.14

Retained the table in a provision independent of the main body of the Exceptional Events Rule.

35 Ill. Adm. Code 243.Table A, row 1; derived from Table 1 to 40 C.F.R. § 50.14, row 1

Removed the endnote marking “b” in the first column; capitalized “Achieved” for title case in column 2; Capitalized “Applied—Before/During/After the Burn” in column 3.

35 Ill. Adm. Code 243.Table A Board note; derived from Table 1 to 40 C.F.R. § 50.14 endnotes a and b

Combined the text of endnotes a and b in a single Board note; changed “the EPA believes” to “USEPA has stated that it believes” changed “BSMP” to “basic smoke management practices (BSMP)” for an abbreviation not previously defined; changed “the listing” to “USEPA stated that the listing.”

35 Ill. Adm. Code 243.Table B title; derived from Table 2 to 40 C.F.R. § 50.14 title

Retained title case in lieu of all-caps.

35 Ill. Adm. Code 243.Table B, row 2; derived from Table 2 to 40 C.F.R. § 50.14, row 2

Changed “new/revised” to “new or revised” in the second column.

35 Ill. Adm. Code 243.Table B, row 3; derived from Table 2 to 40 C.F.R. § 50.14, row 3

Changed “1, 2, and 3” to written “one, two, or three” and removed the unnecessary ending period from after the endnote mark “a” in the first column; changed “new/revised” to “new or revised” in the second column.

35 Ill. Adm. Code 243.Table B, row 4; derived from Table 2 to 40 C.F.R. § 50.14, row 4

Changed “1, 2, and 3” to written “one, two, or three” and removed the unnecessary ending period from after the endnote mark “a” in the first column; changed “State” to “Agency” in the second column; retained “USEPA” in lieu of “the Administrator” in the third column.

35 Ill. Adm. Code 243.Table B, row 5; derived from Table 2 to 40 C.F.R. § 50.14, row 5

Changed “4” to written “four” and “5” to “five” and removed the unnecessary ending period from after the endnote mark “c” in the first column; changed “1” to written “one,” “7” to written “seven,” and “new/revised” to “new or revised” in the third column.

35 Ill. Adm. Code 243.Table B, row 6; derived from Table 2 to 40 C.F.R. § 50.14, row 6

Changed “4” to written “four” and “5” to “five” and removed the unnecessary ending period from after the endnote mark “c” in the first column; changed “the Administrator” to “USEPA” and “3-year” to written “three-year” in column 2; changed “2” to written “two,” “7” to written “seven,” and “new/revised” to “new or revised” in the third column.

35 Ill. Adm. Code 243.Table B, row 7; derived from Table 2 to 40 C.F.R. § 50.14, row 7

Changed “the State” to “the Agency,” “2” to written “two,” and “3” to written “three-year” in the second column; changed “5” to written “five” and “Administrator” to “USEPA” in the third column.

35 Ill. Adm. Code 243.Table B, endnote b; derived from Table 2 to 40 C.F.R. § 50.14, endnote b

Retained “USEPA” in lieu of “the Administrator”; retained the defined abbreviation “NAAQS” in lieu of “national ambient air quality standards.”

35 Ill. Adm. Code 243.Table B, endnote c; derived from Table 2 to 40 C.F.R. § 50.14, endnote c

Retained “USEPA” in lieu of “the Administrator”; retained the defined abbreviation “NAAQS” in lieu of “national ambient air quality standards.”

35 Ill. Adm. Code 243.Table B Board note; derived from Table 2 to 40 C.F.R. § 50.14

Changed “table 1 to 40 CFR 50.14(c)” to “table 2 to 40 CFR 50.14(c).”

Table 2 to Illustration:
Board Housekeeping Amendments
If the Board Retains the Text of the Exceptional Events Rule

35 Ill. Adm. Code 243.105(a)(1)(B) (Board): Removed the unnecessary comma after “the Agency’s delegatee”; changed “an NAAQS” to “a NAAQS.” See the entry in Table 1 above.

35 Ill. Adm. Code 243.105(b) Board note (Board): Changed “40 CFR § 50.14(b)(1), (b)(2), and (b)(3)” to “40 CFR § 50.14(b)(1), (b)(2), (b)(3)(A), and (b)(3)(D)(iii)” to accommodate the new USEPA amendments; removed “Further, the Board has relied on the defined term ‘exceedance of an NAAQS’” to accommodate the new USEPA amendments.

35 Ill. Adm. Code 243.105(c)(1) (Board): Removed the unnecessary comma after “the Agency’s delegatee”; changed “an NAAQS” to “a NAAQS.”

35 Ill. Adm. Code 243.105(c)(2) (Board): Changed “air quality system (AQS)” to “AQS” to accommodate that new definition of the abbreviation in subsection (b)(3)(D)(iii).

35 Ill. Adm. Code 243.105(c)(2)(A) (Board): Changed “an NAAQS” to “a NAAQS”; changed “air quality system (AQS)” to “AQS” to accommodate that new definition of the abbreviation in subsection (b)(3)(D)(iii).

35 Ill. Adm. Code 243.Table B, endnote a (Board): Changed “Administrator” to “USEPA” in the third column.

35 Ill. Adm. Code 243.Table B, row 7 (Board): Removed the unnecessary ending period from after the endnote mark “c” in the first column.