

ILLINOIS POLLUTION CONTROL BOARD

February 8, 2018

IN THE MATTER OF:)
NATIONAL AMBIENT AIR QUALITY) R18-15
STANDARDS, USEPA AMENDMENTS) (Identical-in-Substance Rulemaking - Air)
(July 1, 2017 through December 31, 2017))

Proposed Rule. Proposal for Public Comment.

OPINION AND ORDER OF THE BOARD (by G.M. Keenan):

Section 10(H) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/10(H) (2016)) requires the Board to adopt ambient air quality standards that are identical in substance to the National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency (USEPA). To meet this requirement, the Board today proposes amendments to Illinois regulations at 35 Ill. Adm. Code 243. USEPA took two actions related to the NAAQS during the update period of this docket, on September 25, 2017 and October 2, 2017. USEPA subsequently issued an updated version of the *List of Designated Reference and Equivalent Methods* on December 15, 2017.

The Board will cause the proposed amendments to be published in the *Illinois Register* and will receive public comments for at least 45 days after publication. The Board will also hold a public hearing on April 12, 2018. The Board expects to adopt final rules no later than the statutory due date of September 25, 2017.

This opinion has five main segments. First, the Board summarizes the proposed amendments. Second, the Board provides its timetable for completing this rulemaking. Third, the Board describes the scheduled public hearing and what will make up the contents of the rulemaking record. Fourth, the Board identifies USEPA's actions that resulted in this rulemaking. Fifth, the Board invites public comment on the proposed amendments. The text of the Board's proposed amendments is appended to the order following this opinion.

SUMMARY OF PROPOSED AMENDMENTS

Federal Regulations Implemented

During the second half of 2017, USEPA undertook three actions regarding the NAAQS. Three of the USEPA actions require amending Illinois regulations in this docket.

September 25, 2017 (82 Fed. Reg. 44612)

USEPA designated three new federal reference methods (FRMs) for particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), and coarse particulate matter (PM_{10-2.5}) in ambient air. Board action on the December 15, 2017 updated version of USEPA's *List of Designated Reference and Equivalent Methods* (described below) will obviate separate action on this USEPA action.

October 2, 2017 (82 Fed. Reg. 45842)

USEPA designated one new FRM for carbon monoxide (CO) in ambient air. Board action on the December 15, 2017 updated version of USEPA's List of Designated Reference and Equivalent Methods will obviate separate action on this USEPA action.

December 15, 2017

USEPA updated the *List of Designated Reference and Equivalent Methods*. This update included the FRMs that USEPA designated on September 25, 2017 and October 2, 2017. Updating the version of the *List* incorporated by reference in the Illinois rules will embrace those newly designated FRMs.

TIMETABLE TO COMPLETE RULEMAKING

The statutory due date for this proceeding is September 25, 2018 (one year after the earliest USEPA action in this docket requiring Board action). To complete this proceeding by September 25, 2018, the Board needs to adopt this proposal for public comment by June 21, 2018 and final amendments by September 6, 2018.

Acting to propose the amendments today will allow the Board to follow the projected schedule below:

Board order proposing amendments:	February 8, 2018
Submission for <i>Illinois Register</i> publication:	February 20, 2018
Estimated <i>Illinois Register</i> publication:	March 2, 2018
Public hearing:	April 12, 2018
Estimated end of 45-day public comment period:	April 16, 2018
Board order adopting amendments:	April 26, 2018
Estimate of when rules take effect:	May 7, 2018
Estimated <i>Illinois Register</i> publication:	May 18, 2018

This timetable includes a slight amount of extra time to allow for unforeseen delays. Thus, the Board may adopt these amendments as final rules well ahead of the statutory due date.

PUBLIC HEARING & RULEMAKING RECORD

The Board expects that the Illinois Environmental Protection Agency (Illinois EPA) will submit these amendments to USEPA to be included in the Illinois state implementation plan (SIP) under section 110 of the federal Clean Air Act (42 U.S.C. § 7410(a) (2016)) and the implementing USEPA regulations. *See* 40 C.F.R. § 51.102 and appendix V (2017).

The Board scheduled a public hearing to allow the public to comment on the proposed amendments and the anticipated SIP revision. The Board will conduct that hearing by videoconference between the Board's offices in Chicago and Springfield, as follows:

1:30 p.m., Thursday, April 12, 2018

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

and

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

The record in this docket will include all documents pertaining to this proceeding. All documents in the record are publicly available online at the Board's website, as provided in 2 Ill. Adm. Code 2175.

The record will not include a copy of the following documents, which are publicly available from other sources:

- *Federal Register* notices;
- Federal statutes and regulations; and
- Illinois statutes and regulations.

Together with the Notice of Proposed Amendment, the Board will submit a Notice of Public Information on Proposed Rules for concurrent publication in the *Illinois Register*. In that Notice, the Board provides the hearing date and information on how to obtain documents and participate in this proceeding. Please direct any questions to:

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

Interested persons may request documents from or file documents with:

Don A. Brown, Clerk of the Board
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601
312-814-3629
don.brown@illinois.gov

After the hearing and public comment period, the Board will promptly issue an order adopting final rule amendments. The Board will then file the amendments with the Office of the

Secretary of State, and a Notice of Adopted Amendments will appear in the *Illinois Register*. Any Illinois EPA submission of the associated SIP revision to USEPA would follow that Notice.

The Board finds that these measures will satisfy the federal requirements for SIP revision, in 33 U.S.C. § 7410(a) (2016) and 40 C.F.R. § 51.102, as to subjects included in this proceeding.

DISCUSSION

Federal Actions in This Rulemaking

The Board summarized the federal actions during the second half of 2017 above, indicating any Board action needed for each. USEPA issuing an updated version of the *List of Designated Reference and Equivalent Methods* on December 15, 2017 subsumes USEPA's methods designations of September 25, 2017 and October 2, 2017. Updating the version of the *List* incorporated by reference in 35 Ill. Adm. Code 243.108 is the sole USEPA-driven action in this proceeding.

Newly Designated FRMs (September 25, 2017 and October 2, 2017), Update to *List of Designated Reference and Equivalent Methods* (December 15, 2017)

On September 25, 2017, USEPA designated the following FRMs for particulate matter in ambient air:

- PM_{2.5}: Manual Reference Method EQPM–1215–226 “Met One Instruments, Inc. E-SEQ-FRM.”
- PM₁₀: Manual Reference Method RFPS–0717–246 “Met One Instruments, Inc. E-SEQ-FRM.”
- PM_{10-2.5}: Manual Reference Method RFPS–0717–247 “Met One Instruments, Inc. E-SEQ-FRM PM₁₀ and E-SEQ-FRM PM_{2.5} Sampler Pair.”

On October 2, 2017, USEPA designated the following FRM for CO in ambient air:

- CO: Automated Reference Method RFCA–0817–248 “Sabio Model 6050 Ambient CO Analyzer.”

Updating the version of the *List of Designated Reference and Equivalent Methods* incorporated by reference in 35 Ill. Adm. Code 243.108 will complete Board action and incorporate all four FRMs into the Illinois rules.

PUBLIC COMMENTS

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

Revisions

In an identical-in-substance proceeding, the Board must adopt the verbatim text of federal regulations except for (1) changes needed to comply with the Illinois Administrative Code; (2) technical changes that do not change the scope or meaning of the regulations; and (3) typographical and grammatical errors. In addition, the Board must not adopt USEPA rules that are inapplicable to Illinois or “things which are outside the Board’s normal functions.” *See* 415 ILCS 5/7.2(a), (a)(1), (a)(2), and (a)(7) (2016).

Incorporations by Reference to the *List of Designated Reference and Equivalent Methods*

The Board’s proposed rule s\deviate from verbatim federal rule text where the Board proposes incorporating federal rules by reference. Using USEPA-designated FRMs and FEMs is required to demonstrate compliance with the NAAQS. *See* 40 C.F.R. §§ 50.4(c), 50.5(b), 50.6(c), 50.7(a), 50.8(a), 50.11(d), 50.12(a), 50.13(a), 50.15(a), 50.16(a), 50.17(c), 50.18(a), and 50.19(a) (2017) corresponding with 35 Ill. Adm. Code 243.120(a)(3), (b)(1), (c)(1), and (d)(1); 243.122(a)(3), (b)(2), and (c)(3); 243.122(b); 243.124(d); and 243.125(a)(1) and (b)(1); and 243.126(a)(1) and (b)(1)). Incorporating the USEPA methods designations by reference is necessary to include the FRMs and FEMs in the Illinois rules. *See* 5 ILCS/100/5-75(a) (2016).

Routine Updates to Federal Statutes and Regulations Incorporated by Reference

In identical-in-substance proceedings, the Board routinely updates incorporations by reference to federal statutes and regulations. This keeps later revisions to federal statutes and regulations from creating differences between the Illinois rules and the USEPA rules on which they are based.

The Government Printing Office updates documents annually. At present, the most recent version of *Code of Federal Regulations* for the provisions incorporated by reference in 35 Ill. Adm. Code 243.108 is the 2017 edition. Similarly, the most recent *United States Code* provisions are in the 2016 edition. The Board updates all incorporations by reference to these editions.

The IIS-RA(P) for this proceeding lists the differences between the text of the USEPA amendments and the Board’s language in this rulemaking. The IIS-RA(P) is in the docket for this rulemaking, available to review and download on the Board’s website through the Clerk’s Office On-Line (COOL).

ORDER

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

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on February 8, 2018, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don A. Brown, Clerk
Illinois Pollution Control Board

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	Schedule for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations (Repealed)

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. 4906, effective March 3, 2016; amended in R17-1 at 41 Ill. Reg. 1121, effective January 23, 2017; amended in R17-01 at 41 Ill. Reg. 13413, effective October 23, 2017; amended in R18-15 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

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). The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 ~~(2017)~~ ~~(2016)~~ (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 ~~(2017)~~ ~~(2016)~~ (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 ~~(2017)~~ ~~(2016)~~ (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 ~~(2017)~~ ~~(2016)~~ (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 ~~(2017)~~ ~~(2016)~~ (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 ~~(2017)~~ ~~(2016)~~ (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 ~~(2017)~~-(2016) (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 ~~(2017)~~-(2016) (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 ~~(2017)~~-(2016) (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 ~~(2017)~~-(2016) (Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 ~~(2017)~~-(2016) (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 ~~(2017)~~-(2016) (Reference Method for the Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 ~~(2017)~~-(2016), as amended at 82 Fed. Reg. 14325 (Mar. 20, 2017) (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 ~~(2017)~~-(2016) (Reference Method for the Determination of Coarse Particulate Matter as PM_{10-2.5} in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 ~~(2017)~~-(2016) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 ~~(2017)~~-(2016) (Reference Method for the Determination of Lead in Particulate Matter as PM₁₀ Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 ~~(2017)~~-(2016) (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 ~~(2017)~~-(2016) (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 ~~(2017)~~-(2016) (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 ~~(2017)~~-(2016) (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Clean Air Act, 42 USC 7401 et seq. ~~(2016)~~-(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 15 16, 2017)~~-(~~June 16, 2017~~) (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.

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 42 Ill. Reg. _____, effective _____)