

ILLINOIS POLLUTION CONTROL BOARD

January 17, 2018

IN THE MATTER OF:)
NATIONAL AMBIENT AIR QUALITY) R19-6
STANDARDS, USEPA AMENDMENTS) (Identical-in-Substance Rulemaking - Air)
(January 1, 2018 through June 30, 2018))

Proposed Rule. Deadline Extension.

OPINION AND ORDER OF THE BOARD (by U. Choe):

The Board finds that it is necessary to extend—until March 1, 2019—the deadline for completing the rulemakings.

Section 10(H) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/10(H) (2018)) 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). The Board proposed amendments to Illinois regulations at 35 Ill. Adm. Code 243 on November 1, 2016. The Notice of Proposed Amendments appeared in the November 26, 2018 issue of the *Illinois Register*, at 42 Ill. Reg. 20601. The 45-day public comment period ended on January 10, 2019. See 415 ILCS 5/10(H) (2018) (requiring notice and comment).

ORIGINAL DEADLINE FOR FINAL BOARD ACTION

Under Section 7.2(b) of the Environmental Protection Act (Act) (415 ILCS 5/7.2(b) (2016)), the deadline for the Board to complete this NAAQS update is based on a USEPA action on February 13, 2018. This was the earliest federal amendment included in R19-6. As the Board’s deadline is one year from that date, the Board must file its final amendments with the Office of the Secretary of State by February 13, 2019.

REASONS FOR DELAY AND EXTENSION OF DEADLINE

The Board held a public hearing on the proposed amendments on January 10, 2019. 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 the federal Clean Air Act (42 U.S.C. § 7401 *et seq.* (2017) and implementing USEPA regulations. The Clean Air Act and implementing regulations require Illinois to offer opportunity for public hearing before submitting a SIP revision. 42 U.S.C. § 7410(a) (2017); 40 C.F.R. § 51.102 and appendix V (2018).

At hearing, the hearing officer extended the comment period until January 31, 2019 to ensure reasonable opportunity for additional comments after hearing. It is not possible for the Board to adopt amendments before the due date. The next regularly scheduled Board meeting after the end of the extended comment period is on February 14, 2019. The Board cannot meet the February 13, 2019 due date.

For the above reasons, the Board extends the due date for final Board action until March 1, 2019. This will allow the Board the added time needed to adopt amendments and file them with the Office of the Secretary of State.

ORDER

The Board directs the Clerk to provide notice in the *Illinois Register* of the extended due date until March 1, 2019 for final Board action on the proposed amendments.

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 January 17, 2019, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style.

Don A. Brown, Clerk
Illinois Pollution Control Board