



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

January 25, 2019

**RECEIVED**  
JAN 29 2019

STATE OF ILLINOIS  
*Pollution Control Board*

POLLUTION CONTROL BOARD  
DON BROWN  
100 W RANDOLPH ST  
STE 11-500  
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 43, Issue 5 of the Illinois Register, dated 2/1/2019.

**NOTICE OF FAILURE TO REMEDY JCAR OBJECTIONS**

Emissions Reduction Market System

35 Ill. Adm. Code 205

1669

Point of Contact: Crystal Bockewicz

**OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER**

Notice of Public Information

Point of Contact: Mike McCambridge

1673

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

COPY

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 10(H) of the Environmental Protection Act (Act) (415 ILCS 5/10(H) (2018)) requires the Illinois Pollution Control Board (Board) to adopt regulations that are “identical in substance” to National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency (USEPA). These USEPA rules implement section 109 of the federal Clean Air Act (42 U.S.C. § 7409 (2017)). The federal NAAQS regulations are found at 40 C.F.R. 50.

Section 10(H) also provides that Title VII of the Act (415 ILCS 5/26 *et seq.* (2016)) and Section 5-35 of the Administrative Procedure Act (5 ILCS 100/5-35 (2018)) do not apply to the Board’s adoption of identical-in-substance regulations.

Section 7.2(a) of the Act (415 ILCS 5/7.2(a) (2018)) requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the adoption deadline by causing *Illinois Register* publication of a notice of the extension and reasons for delay.

On January 17, 2019, the Board adopted an order in docket R19-6 that set forth reasons for delay in updating 35 Ill. Adm. Code 243 and extended the due date for final Board action in this rulemaking. The Board stated as follows:

**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).

RECEIVED

JAN 22 2019

SOS-CODE DIV.

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

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.