

ILLINOIS POLLUTION CONTROL BOARD

February 14, 2019

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) )

Adopted Rule. Final Order.

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

The Board today adopts amendments to Illinois ambient air quality standards in response to USEPA actions during the first half of 2018. USEPA took three actions related to the National Ambient Air Quality Standards (NAAQS) during the update period of this docket, on February 13, 2017; March 28, 2018; and June 1, 2018. USEPA subsequently issued an updated version of the *List of Designated Reference and Equivalent Methods* on June 15, 2018. USEPA's actions will require amendments to 35 Ill. Adm. Code 243.

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 (IIS) to the NAAQS adopted by the United States Environmental Protection Agency (USEPA). Section 10(H) of the Act also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2018)) do not apply to the Board's adoption of identical-in-substance regulations.

The Board will immediately file the adopted amendments with the Office of the Secretary of State. The text of the adopted amendments is appended to the order following this opinion.

**PROCEDURAL HISTORY AND RECORD**

The Board adopted a proposal for public comment on November 1, 2018. A Notice of Proposed Amendments appeared in the *Illinois Register* on November 26, 2018, at 42 Ill. Reg. 20601. The statutory public comment period ended 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). On January 10, 2019, the Board held a public hearing on the proposed amendments to satisfy the requirements of section 110 of the federal Clean Air Act (42 U.S.C. § 7410(a) (2017)) and implementing USEPA regulations. See 40 C.F.R. § 51.102 and appendix V (2018).

At the hearing, the hearing officer extended the public comment period until January 24, 2019. See Tr. at 9. As a result, on January 17, 2019, the Board adopted an order stating reasons for delay and extending the due date until March 1, 2019. The required Notice of Public Information on Proposed Amendments appeared in the *Illinois Register* on February 1, 2019, at 43 Ill. Reg. 1673.

The record includes three public comments, documents received from the Joint Committee on Administrative Rules (JCAR), and the transcript of the January 10, 2019 public hearing. The three public comments were the following:

- PC 1 Illinois Environmental Protection Agency's Comments Regarding the Illinois Pollution Control Board's Identical in Substance Rulemaking, by Annet Godiksen, Assistant Counsel, Illinois Environmental Protection Agency (Agency), submitted January 7, 2019.
- PC 2 Docket R19-6, Comments of the Adoption of Lead Air Quality Standards, by Cary Shepherd, Illinois Environmental Council (IEC), submitted January 10, 2019.
- PC 3 Illinois Environmental Protection Agency's Post-Hearing Comments Regarding the Illinois Pollution Control Board's Identical in Substance Rulemaking, by Annet Godiksen, Assistant Counsel, Illinois Environmental Protection Agency (Agency), submitted January 25, 2019.

The documents submitted by JCAR on November 26, 2018 included the as-published text of the Notice of Proposed Amendments, the line-numbered text of the rules, and a red-lined version of the text indicating differences between JCAR's text and the Board's text (corrections that JCAR made in the text).

## **SUMMARY OF AMENDMENTS**

### **Federal Regulations Implemented**

During the first half of 2018, USEPA undertook three actions regarding the NAAQS. The actions require amending Illinois regulations in this docket.

#### **February 13, 2018 (83 Fed. Reg. 6174)**

USEPA designated one new federal reference method (FRM) for nitrogen dioxide (NO<sub>2</sub>), in ambient air. On June 15, 2018 USEPA updated the *List of Designated Reference and Equivalent Methods* (described below). Updating the incorporation by reference to this latest version of the *List* will obviate separate action on the USEPA action on February 13, 2018.

#### **March 28, 2018 (83 Fed. Reg. 13198)**

USEPA redesignated the Chicago and Granite City areas to attainment for the 2008 NAAQS for lead in ambient air. USEPA further approved the Illinois State Implementation Plan (SIP) revisions for emissions inventories and regulatory emissions limits and controls in the areas. This USEPA action does not directly require Board action. Rather, USEPA's action prompts Board prompts review that results in removing the 1978 lead NAAQS from the Illinois rules.

**June 1, 2018 (83 Fed. Reg. 25451)**

USEPA designated one new FRM for nitrogen dioxide (NO<sub>2</sub>) in ambient air. Updating the incorporation by reference to the updated the *List of Designated Reference and Equivalent Methods* will obviate separate action.

**June 15, 2018**

USEPA updated the *List of Designated Reference and Equivalent Methods*. This update included the FRMs that USEPA designated on February 13, 2018 and June 1, 2018. Updating the version of the *List* incorporated by reference in the Illinois rules will embrace those newly designated FRMs.

**Board-Initiated Revisions**

The Board uses this opportunity to revise and update segments of the Illinois ambient air quality standards. Most significant are removing the 1971 NAAQS for sulfur dioxide (SO<sub>2</sub>) and the 1978 NAAQS for lead. The Board includes routine updates of incorporations by reference of *Code of Federal Regulations* provisions to the latest versions available and stylistic revisions of the kind routinely requested by Joint Committee on Administrative Rules (JCAR) staff.

**DISCUSSION**

The Board summarized the federal actions during the first half of 2018 above, indicating any Board action needed for each. USEPA issuing an updated version of the *List of Designated Reference and Equivalent Methods* on June 15, 2018 subsumes USEPA's methods designations of February 13, 2018 and June 1, 2018. The USEPA area redesignations of March 28, 2018 will not now require Board action. 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.

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).

**Incorporating Federal Actions in This Rulemaking****Newly Designated FRMs (February 13, 2018 and June 1, 2018), Update to *List of Designated Reference and Equivalent Methods* (June 15, 2018)**

On February 13, 2018, USEPA designated the following FRM for NO<sub>2</sub> in ambient air:

NO<sub>2</sub>: Automated Reference Method RNFA-0118-249 "Environment S.A. Model AC32e Chemiluminescent NO, NO<sub>x</sub>, NO<sub>2</sub> Analyzer."

On June 1, 2018, USEPA designated the following FRM for NO<sub>2</sub> in ambient air:

NO<sub>2</sub>: Automated Reference Method RNFA-0418-250 “Sabio Model 6040 Oxides of Nitrogen (NO/NO<sub>2</sub>/NO<sub>x</sub>) Analyzer.”

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

Incorporating the USEPA methods designations by reference is necessary to include the federal reference methods (FRMs) and federal equivalent methods (FEMs) in the Illinois rules. *See* 5 ILCS/100/5-75(a) (2016). Incorporation by reference deviates from verbatim federal rule text. 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)).

### **Redesignating the Chicago and Granite City Areas as Attainment for the 2008 Lead NAAQS (March 28, 2018)**

On March 28, 2018, USEPA redesignated the Chicago and Granite City areas as attainment for the 2008 NAAQS for lead, effective March 28, 2018. 83 Fed. Reg. 13198, 13203 (Mar. 28, 2019). USEPA further approved associated Illinois SIP revisions: (1) for maintaining the 2008 lead NAAQS for 10 years; (2) the emissions inventories for the areas; and (3) regulatory emission limits and control measures for sources in the areas. 83 Fed. Reg. at 13200.

The Board proposed revoking the 1978 NO<sub>2</sub> NAAQS effective March 28, 2019. The Agency pointed out that the Board misinterpreted the revocation provision in 40 C.F.R. § 50.12(b). The Agency recommended that the Board remove the 1978 lead NAAQS in its entirety, retaining the heading to avoid confusion. Discussion of revoking the 1978 lead NAAQS appears below.

### **Board-Initiated Revisions Included in This Rulemaking**

#### **Partially Revoking the 1971 Sulfur Dioxide NAAQS**

The 1971 primary 24-hour and annual average and secondary three-hour NAAQS for SO<sub>2</sub> no longer apply in areas of Illinois. The Board believes that the revocation conditions provided in the federal NAAQS are fulfilled for those areas, so that the 1971 standards no longer apply to those areas.

Total inapplicability of a standard in Illinois requires removing the standard. *See* 415 ILCS 5/7.2(a)(1) (2016). Although the 1971 NAAQS does not apply to some areas of Illinois, it applies in other areas. The following paragraphs describe the applicability/inapplicability of the 1971 NAAQS and consider Board options for responding to the situation.

The 1971 NAAQS for SO<sub>2</sub> continues to apply to an area notwithstanding the 2010 SO<sub>2</sub> NAAQS until the area meets specified conditions. Unless USEPA designated the area as nonattainment for the 1971 standard on August 23, 2010, the 1971 NAAQS ceased to apply to

the area until one year after USEPA designated the area for the 2010 primary SO<sub>2</sub> NAAQS. 40 C.F.R. § 50.5(e) (2018); *see* 75 Fed. Reg. 35520 (June 22, 2010) (adopting the 2010 NAAQS effective August 23, 2010). No area of Illinois was nonattainment with either the primary or secondary NAAQS on August 23, 2010. *See* 40 C.F.R. § 81.314 (2010). Thus, the 1971 standards ceased to apply to areas one year after USEPA designates those areas.

USEPA has been designating areas in stages. USEPA adopted Round 1 area designations for the 2010 SO<sub>2</sub> NAAQS effective October 4, 2013. USEPA designated the Lemont and Pekin areas as nonattainment for the 2010 standard. 78 Fed. Reg. 47191 (Aug. 5, 2013). USEPA adopted Round 2 designations effective September 12, 2016. 81 Fed. Reg. 45039 (July 12, 2016). USEPA designated Alton Township in Madison County and Williamson County nonattainment. USEPA designated Bureau, Jasper, Massac, and Putnam Counties and Wood River Township and an area of Chouteau Township in Madison County as unclassifiable/attainment. Although USEPA has not designated the rest of Illinois, the deadline for Round 3 designations was December 31, 2017, and the deadline for Round 4 designations is December 31, 2020. 81 Fed. Reg. 45039, 45042 (July 12, 2016).

As of today, the 1971 primary 24-hour and annual average and secondary three-hour NAAQS for SO<sub>2</sub> no longer applied in the following areas of Illinois after the indicated dates:

October 4, 2014	Cook County (Lemont Township only) Peoria County (Hollis Township only) Tazewell County (Cincinnati and Pekin Townships only) Will County (DuPage and Lockport Townships only)
September 12, 2017	Bureau County Jasper County Madison County (Wood River Township, an area of southeastern Alton Township, and an area of northern Chouteau Township only) Massac County Putnam County Williamson County

The 1971 standards continue to apply throughout all other areas of Illinois until a year after USEPA designates them also.

The Board cannot remove the 1971 standards from the Illinois rules until they no longer apply to any area of the State. The question until that time is whether the Board should annotate the partial inapplicability in the rule.

A Board note appended to 35 Ill. Adm. Code 243.122(a)(5) extensively describes the inapplicability to the Lemont and Pekin areas after October 4, 2014. The Board could add additional description of the inapplicability in specified areas after September 12, 2017. Alternatively, the Board could remove the existing Board note and add a simple statement in the Board note appended to subsection (a) listing the areas where the 1971 NAAQS no longer apply.

As past dates, stating the effective dates is not necessary. The Board has proposed this second alternative.

### **Completely Revoking the 1978 Lead NAAQS**

The Board revokes the 1978 primary and secondary quarterly average NAAQS for lead. The Agency has convinced the Board that the 1978 primary and secondary quarterly average NAAQS for lead no longer apply in any area of Illinois. The Board believes that the revocation conditions provided in the federal NAAQS are fulfilled for all of Illinois, so that the 1978 standards no longer apply.

Total inapplicability of a standard in Illinois requires removing the standard. *See* 415 ILCS 5/7.2(a)(1) (2016). The following paragraphs describe the applicability/inapplicability of the 1978 NAAQS and consider Board options for responding to the situation.

The Board proposed that the 1978 primary and secondary NAAQS for lead would not apply to any area in Illinois effective March 28, 2019. As observed by the Agency (PC 1), the Board can immediately remove the 1978 NAAQS for lead from 35 Ill. Adm. Code 243.126(a). The Board erred interpreting the federal rule to conclude that revocation will occur on March 28, 2019—one year after the effective date of area designation and approval of the State Implementation Plan (SIP) for maintenance under the 2008 lead NAAQS. *See* 83 Fed. Reg. 13198 (Mar. 28, 2018). The 1978 lead NAAQS no longer applies to any area of Illinois based on USEPA area designations for the 2008 lead NAAQS.

The “except that” clause in 40 C.F.R. § 50.12(b) never was a factor in revocation of the 1978 NAAQS for lead. A designation of nonattainment with the 1978 NAAQS for lead before January 12, 2009 was required for the “except that” clause to apply. January 12, 2009 was effective date of the 2008 NAAQS for lead. 73 Fed. Reg. 66964 (Nov. 12, 2008). USEPA never designated any area of Illinois under the 1978 standard.<sup>1</sup> *See* 76 Fed. Reg. 72097, 72099 (Nov. 22, 2011) (designating only two areas outside Illinois as nonattainment).

The Agency is correct that the 1978 NAAQS for lead no longer applied one year after the effective date of USEPA’s designating an area under the 2008 lead NAAQS. 40 C.F.R. § 50.12(b) (2018). Thus, the 1978 NAAQS for lead was revoked as to the Granite City area on December 31, 2011. The 1978 NAAQS was revoked as to the rest of the State on December 31, 2012. USEPA designated the Granite City area as nonattainment for the 2008 NAAQS effective December 31, 2010. *See* 75 Fed. Reg. 71033, 71041-42 (Nov. 22, 2010). USEPA designated a portion of the Chicago area as nonattainment and the rest of the State as “unclassifiable/attainment” for the 2008 NAAQS effective December 31, 2011. *See* 76 Fed. Reg. 72097, 72108 (Nov. 22, 2011).

---

<sup>1</sup> USEPA designated Granite City “unclassifiable/attainment” for the 1978 NAAQS effective November 6, 1991, when it designated that area nonattainment for the 2008 NAAQS effective December 31, 2010. *See* 75 Fed. Reg. 71033, 71041-42 (Nov. 22, 2010). USEPA later removed the area designation for the 1978 NAAQS, observing that the designation for the 1978 NAAQS was inadvertent. *See* 76 Fed. Reg. 72097, 72099 (Nov. 22, 2011).

The Agency requests that the Board replace the 1978 lead NAAQS in 35 Ill. Adm. Code 243.126(a) with a statement explaining removal of the provision. The Agency requests retaining the subsection heading to avoid possible confusion that renumbering could cause.

The reason for following this Agency suggestion is not to avoid confusion through renumbering. There are no references to the 1978 NAAQS (35 Ill. Adm. Code 243.126(a)) in Part 243. Only two cross-references to the 2008 NAAQS for lead (35 Ill. Adm. Code 243.126(b)) in Section 243.107 would require change. There are no specific references to the 1978 lead NAAQS in any Board or Agency rule.<sup>2</sup>

The more significant reason for avoiding renumbering Section 243.126 is the structural revision needed. The Board structured the Illinois ambient air quality standards in six Sections, one for each priority pollutant. *See* 35 Ill. Adm. Code 243.120 and 243.122 through 243.126. Each Section includes all federal NAAQS for the pertinent priority pollutant. For example, 35 Ill. Adm. Code 243.126 (a) and (b) include the 1978 and 2008 NAAQS for lead from 40 C.F.R. §§ 50.12 and 50.16. The Board omits the federal NAAQS that do not apply to any area in Illinois. *E.g.*, 40 C.F.R. §§ 50.9 and 50.10 (2017) (one-hour and eight-hour NAAQS for ozone).

Removal of the 1978 NAAQS in subsection (a) would impermissibly leave the 2008 NAAQS as the only subsection. *See* 1 Ill. Adm. Code 100.340(f) (2018) (disallowing a subsection (a) without also having a subsection (b)). It is possible to move the text of subsection (b) up one level, so that subsection (a)(1) would become subsection (a), subsection (a)(1)(A) would become subsection (a)(1), etc. This, however, would require eliminating the topical subheading of subsection (a) or using it as the Section heading. Then the Board would need to revert these changes when USEPA reviews and revises the NAAQS for lead in the future. *E.g.*, 73 Fed. Reg. 66964, 66965-66 (Nov. 12, 2008).

The Board retains the topical subheading of subsection (a). To minimize the possibility of confusion that could result from retaining the topical subheading without related text, the Board adds Board note explaining revocation of the 1978 NAAQS.

**Issues Raised by IEC.** IEC submitted comments at hearing and in writing (PC 2). IEC points out that the Board has authority to impose standards more stringent than the minimum federal standards. IEC requests that the Board require the Agency to continue to reduce lead emissions in the Pilsen-Chicago and Granite City areas that USEPA has designated as attainment for the 2008 lead NAAQS. IEC asserts “Baseline compliance . . . should not prevent us from continuing to take aggressive measures to control lead . . .” PC2 at 1.

---

<sup>2</sup> There are general references that prohibit violating NAAQS in Sections 212.100(c), 214.100(c), 214.601(c), 216.100(c), 217.100(c), and 226.105(b). Other references state that NAAQS may apply in Sections 215.100(b)(2), 218.100(b)(2), and 218.100(b)(2). There are references to the NAAQS for coarse particulate matter (35 Ill. Adm. Code 243.120(a)), sulfur oxides (35 Ill. Adm. Code 243.122), carbon monoxide (35 Ill. Adm. Code 243.123), and ozone (35 Ill. Adm. Code 243.125) in Sections 212.702(a), 214.562(b), and 215.263(b)(2). The Agency rules include general references to Part 243 in 35 Ill. Adm. Code 271.100, 271.105, and 271.110(a)(2).

Citing section 7.2(a) of the Act, the Agency responded that what IEC requested is outside the scope of IIS rulemaking. The Agency further cited that the Board must use general rulemaking to establish more stringent standards. PC 3 at 1 (citing 415 ILCS 5/7.2(a) and (a)(6) and 10(H) (2018)).

The Board cannot act as requested by IEC in this rulemaking. There are three reasons. First, the Agency is correct, the Board cannot establish standards that are more stringent than federal standards by IIS rulemaking. Second, the Board has no record on which to base any more stringent standards. *See* 415 ILCS 5/27(a) and (a)(2) (2018). Finally, the Act prohibits the Board on its own motion from proposing rule relating to Clean Air Act Amendments of 1990 (Pub. L. 101-549, 104 Stat. 2399 (Nov. 15, 1990)). 415 ILCS 5/28(b) (2018). The Agency or some interested person must file a petition for rulemaking before the Board could conduct a substantive rulemaking.

### **Other Board Revisions**

The Board included other revisions to the text. The Board updates incorporations by reference to the *Code of Federal Regulations* to the latest version available. This is the 2018 edition. The Board further removes the version date from Board note statements of derivation because incorporation by reference is involved and the date is not needed. The Board makes stylistic revisions, including revisions of the sort routinely requested by JCAR staff.

### **Identical-in-Substance Rulemaking Addendum**

A document entitled, “Identical-in-Substance Rulemaking Addendum (Final)” (IIS-RA(F)) lists the differences between the text of the USEPA amendments and the Board’s language in this rulemaking. All revisions not directly derived from current federal actions are listed as “Board Housekeeping Amendments” in the IIS-RA(F). The IIS-RA(F) also indicates revisions to the proposed text on final adoption and suggested revisions that the Board has not incorporated into the final rule. The IIS-RA(F) is available for review and download in the docket for this rulemaking, available on the Board’s website through the Clerk’s Office On-Line (COOL) system.

### **ORDER**

The Board directs the Clerk to file the adopted amendments to the Illinois ambient air quality regulations at 35 Ill. Adm. Code 243 with the Office of the Secretary of State and cause them to appear in the *Illinois Register*.

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 14, 2019, by a vote of 5-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board

TEXT OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODES

PART 243  
AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section	
243.101	Definitions
243.102	Scope
243.103	Applicability
243.104	Nondegradation (Repealed)
243.105	Air Quality Monitoring Data Influenced by Exceptional Events
243.106	Monitoring (Repealed)
243.107	Reference Conditions
243.108	Incorporations by Reference

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section	
243.120	PM <sub>10</sub> and PM <sub>2.5</sub>
243.121	Particulates (Repealed)
243.122	Sulfur Oxides (Sulfur Dioxide)
243.123	Carbon Monoxide
243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator)
243.125	Ozone
243.126	Lead
243.APPENDIX A	Rule into Section Table (Repealed)
243.APPENDIX B	Section into Rule Table (Repealed)
243.APPENDIX C	Past Compliance Dates (Repealed)
243.TABLE A	Schedule 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 R17-10 at 41 Ill. Reg. 13413, effective October 23, 2017; amended in R18-15 at 42 Ill. Reg. 9308, effective May 29, 2018; amended in R19-6 at 43 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](http://www.gpo.gov)). The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 ~~(2018)~~(2017) (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 ~~(2018)~~(2017) (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 ~~(2018)~~(2017) (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 ~~(2018)~~(2017) (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 ~~(2018)~~(2017) (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 ~~(2018)~~(2017) (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 ~~(2018)~~(2017) (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 ~~(2018)~~(2017) (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 ~~(2018)~~(2017) (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 ~~(2018)~~(2017) (Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 ~~(2018)~~(2017) (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 ~~(2018)~~(2017) (Reference Method for the Determination of Fine Particulate Matter as PM<sub>2.5</sub> in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 ~~(2018)~~(2017), 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 ~~(2018)~~(2017) (Reference Method for the Determination of Coarse Particulate Matter as PM<sub>10-2.5</sub> in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 ~~(2018)~~(2017) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 ~~(2018)~~(2017) (Reference Method for the Determination of Lead in Particulate Matter as PM<sub>10</sub> Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 ~~(2018)~~(2017) (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 ~~(2018)~~(2017) (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 ~~(2018)~~(2017) (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 ~~(2018)~~(2017) (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) (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” (~~June December 15, 2018-2017~~) (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 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: STANDARDS AND MEASUREMENT METHODS

### Section 243.120 PM<sub>10</sub> and PM<sub>2.5</sub>

- a) 1987 Primary and Secondary 24-Hour NAAQS for PM<sub>10</sub>:
  - 1) The level of the 1987 primary and secondary 24-hour NAAQS for PM<sub>10</sub> is 150 µg/m<sup>3</sup>, 24-hour average concentration. The 1987 primary and secondary NAAQS for PM<sub>10</sub> is attained when the expected number of

days per calendar year with a 24-hour average concentration above 150  $\mu\text{g}/\text{m}^3$ , as determined in accordance with appendix K to 40 CFR 50, incorporated by reference in Section 243.108, is equal to or less than one.

- 2) This subsection (a)(2) corresponds with 40 CFR 50.6(b), a provision marked “reserved” by USEPA. This statement maintains structural consistency with the corresponding federal regulation.
- 3) For the purpose of determining attainment of the 1987 primary and secondary 24-hour NAAQS for  $\text{PM}_{10}$ , particulate matter must be measured in the ambient air as  $\text{PM}_{10}$  by a method that fulfills either of the following requirements:
  - A) An FRM based on appendix J to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108; or
  - B) An FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.6 (2016). USEPA adopted 1997 primary NAAQS for  $\text{PM}_{10}$  at 62 Fed. Reg. 38652 (July 18, 1997). As a result of a judicial vacatur, USEPA later removed the transitional provision relative to the 1987 NAAQS at 65 Fed. Reg. 80776 (Dec. 22, 2000) and the 1997 NAAQS at 69 Fed. Reg. 45595 (July 30, 2004). Thus, the 1987 primary and secondary NAAQS for  $\text{PM}_{10}$  are included in this subsection (a).

- b) 1997 Primary and Secondary Annual Average and 24-Hour NAAQS for  $\text{PM}_{2.5}$ :
  - 1) The 1997 primary and secondary annual average NAAQS for  $\text{PM}_{2.5}$  is 15.0  $\mu\text{g}/\text{m}^3$ , annual arithmetic mean concentration, and the 1997 primary and secondary 24-hour NAAQS for  $\text{PM}_{2.5}$  is 65  $\mu\text{g}/\text{m}^3$ , 24-hour average concentration, measured in the ambient air as  $\text{PM}_{2.5}$  by a method that fulfills either of the following requirements:
    - A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or
    - B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.

- 2) The 1997 primary and secondary annual average NAAQS for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 µg/m<sup>3</sup>.
- 3) The 1997 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 65 µg/m<sup>3</sup>.
- 4) The 1997 primary annual PM<sub>2.5</sub> NAAQS in this subsection (b) does not apply in any area of Illinois except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County. The primary NAAQS for PM<sub>2.5</sub> in this subsection (b) will no longer apply in any area of Illinois after USEPA has redesignated that area as attainment for that standard. The 1997 secondary annual NAAQS for PM<sub>2.5</sub> and the 1997 24-hour PM<sub>2.5</sub> NAAQS in this subsection (b) remain applicable.

BOARD NOTE: USEPA has codified the area designations for Illinois in 40 CFR 81.314. 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.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.7-(2016) and 40 CFR 50.13(d), as added at 82 Fed. Reg. 14325 (Mar. 20, 2017). The Board added the revocation clause of 40 CFR 50.13(d) as both this subsections (b)(4) and (c)(4), even though USEPA did not add the text to corresponding 40 CFR 50.7.

- c) 2006 Primary and Secondary Annual Average and 24-Hour NAAQS for PM<sub>2.5</sub>:
  - 1) The 2006 primary and secondary annual average NAAQS for PM<sub>2.5</sub> is 15.0 µg/m<sup>3</sup>, annual arithmetic mean concentration, and the 2006 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is 35 µg/m<sup>3</sup>, 24-hour average concentration, measured in the ambient air as PM<sub>2.5</sub> by a method that fulfills either of the following requirements:
    - A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or
    - B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.

- 2) The 2006 primary and secondary annual average NAAQS for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 µg/m<sup>3</sup>.
- 3) The 2006 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 35 µg/m<sup>3</sup>.
- 4) The primary annual PM<sub>2.5</sub> NAAQS in this subsection (c) does not apply in any area of Illinois except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County. The primary annual PM<sub>2.5</sub> NAAQS in this subsection (c) will no longer apply in any area of Illinois after USEPA has redesignated that area as attainment for that standard. The secondary annual PM<sub>2.5</sub> NAAQS in this subsection (c) remains applicable.

BOARD NOTE: USEPA has codified the area designations for Illinois in 40 CFR 81.314. 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.

BOARD NOTE: The primary and secondary annual average NAAQS for PM<sub>2.5</sub> in this subsection (c) is the 1997 primary annual average NAAQS for PM<sub>2.5</sub>. USEPA retained the standard and included it with the 2006 standard in corresponding 40 CFR 50.13. *See* 71 Fed. Reg. 61144, 61176 (Oct. 17, 2006). This subsection (c) is derived from 40 CFR 50.13-(2016).

- d) 2012 Primary Annual Average and 24-Hour NAAQS for PM<sub>2.5</sub>
  - 1) The 2012 primary annual average NAAQS for PM<sub>2.5</sub> is 12.0 µg/m<sup>3</sup> annual arithmetic mean concentration, and the 2012 primary 24-hour NAAQS for PM<sub>2.5</sub> is 35 µg/m<sup>3</sup> 24-hour average concentration, measured in the ambient air as PM<sub>2.5</sub> by a method that fulfills either of the following requirements:
    - A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108; or
    - B) An FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

- 2) The 2012 primary annual NAAQS for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 12.0 µg/m<sup>3</sup>.
- 3) The 2012 primary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 35 µg/m<sup>3</sup>.

BOARD NOTE: This subsection (d) is derived from 40 CFR 50.18-(2016).

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 243.122 Sulfur Oxides (Sulfur Dioxide)**

- a) 1971 Primary Annual Average and 24-Hour NAAQS for Sulfur Oxides (as Sulfur Dioxide (SO<sub>2</sub>)):
  - 1) The level of the 1971 primary annual average NAAQS for sulfur oxides is 0.030 ppm, not to be exceeded in a calendar year. The annual arithmetic mean must be rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up).
  - 2) The level of the 1971 primary 24-hour NAAQS for sulfur oxides is 0.14 ppm, not to be exceeded more than once per calendar year. The 24-hour averages must be determined from successive non-overlapping 24-hour blocks starting at midnight each calendar day and must be rounded to two decimal places (fractional parts equal to or greater than 0.005 ppm must be rounded up).
  - 3) Sulfur oxides must be measured in the ambient air as SO<sub>2</sub> by the FRM described in appendix A-2 to 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
  - 4) To demonstrate attainment, the annual arithmetic mean and the second-highest 24-hour averages must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A 24-hour block average must be considered valid if at least 75 percent of the hourly averages for the 24-hour period are available. In the event that only 18-, 19-, 20-, 21-, 22-, or 23-hour averages are available, the 24-hour block average must be computed as the sum of the available hourly averages using the number of hours (i.e., 18, 19, etc.) as the divisor. If less than 18-hour averages are available, but the 24-hour average would exceed the level of the standard

when zeros are substituted for the missing values, subject to the rounding rule of subsection (b) of this Section, this must be considered a valid 24-hour average. In this case, the 24-hour block average must be computed as the sum of the available hourly averages divided by 24.

- 5) The 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) remains applicable to all areas notwithstanding the promulgation of the 2010 primary one-hour NAAQS for sulfur oxides in subsection (c) of this Section. The Board will delete the 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) after fulfillment of the conditions recited by USEPA in corresponding 40 CFR 50.4(e).

~~BOARD NOTE: Corresponding 40 CFR 50.4(e) recites that the 1971 primary NAAQS for sulfur oxides remains effective in two types of areas for which USEPA has not yet approved an implementation plan for attainment with the 2010 primary one-hour NAAQS for sulfur oxides. The first type of area is one that USEPA had designated as non-attainment for that standard as of the effective date of the 2010 primary one-hour NAAQS for the 1971 primary NAAQS for sulfur oxides as of the effective date of the 2010 NAAQS. That date was August 23, 2010. See 75 Fed. Reg. 35520 (June 22, 2010). As of that date, USEPA had not designated any area in Illinois as non-attainment. See 40 CFR 81.314 (2010). The Board is unaware of any USEPA SIP call for any area of Illinois relative to the 1971 primary NAAQS for sulfur oxides. USEPA designated the attainment status of two areas in Illinois for the 2010 primary one-hour NAAQS for sulfur oxides on August 5, 2013, effective October 4, 2013. See 40 CFR 81.314 (2013), as amended at 78 Fed. Reg. 47191 (Aug. 5, 2013) (Lemont and Pekin areas). The 1971 primary annual average and 24-hour NAAQS for sulfur oxides will no longer apply to those two designated areas effective October 4, 2014; although the NAAQS will continue to apply to all other areas of Illinois after that date. When the conditions of this subsection (a)(5) have been fulfilled as to all areas of Illinois, or USEPA has removed 40 CFR 50.4, the Board will remove the standard of this subsection (a) as obsolete.~~

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.4. This subsection (a) no longer applies in the following areas in Illinois: Cook County (Lemont Township only), Peoria County (Hollis Township only), Tazewell County (Cincinnati and Pekin Townships only), Will County (DuPage and Lockport Townships only), Bureau County, Jasper County, Madison County (Wood River Township, an area of southeastern Alton Township, and an area of northern Chouteau Township only), Massac County, Putnam County, and Williamson County.

- b) 1971 Secondary Three-Hour NAAQS for Sulfur Oxides (as SO<sub>2</sub>)-
- 1) The level of the 1971 secondary three-hour NAAQS for sulfur oxides is 0.5 ppm, not to be exceeded more than once per calendar year. The three-hour averages must be determined from successive non-overlapping three-hour blocks starting at midnight each calendar day and must be rounded to one decimal place (fractional parts equal to or greater than 0.05 ppm must be rounded up).
  - 2) Sulfur oxides must be measured in the ambient air as SO<sub>2</sub> by the FRM described in appendix A-2 to 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.
  - 3) To demonstrate attainment, the second-highest three-hour average must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A three-hour block average must be considered valid only if all three hourly averages for the three-hour period are available. If only one or two hourly averages are available, but the three-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of subsection (b)(1) ~~of this Section~~, this must be considered a valid three-hour average. In all cases, the three-hour block average must be computed as the sum of the hourly averages divided by three.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.5.

- c) 2010 Primary One-Hour NAAQS for Sulfur Oxides (as SO<sub>2</sub>)-
- 1) The level of the 2010 primary one-hour NAAQS for sulfur oxides is 75 ppb, measured in the ambient air as SO<sub>2</sub>.
  - 2) The 2010 one-hour primary NAAQS for sulfur oxides is met at an ambient air quality monitoring site when the three-year average of the annual (99th percentile) of the daily maximum one-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with appendix T of 40 CFR 50, incorporated by reference in Section 243.108.
  - 3) The level of the 2010 one-hour primary NAAQS for sulfur oxides must be measured by an FRM based on appendix A-1 or A-2 of 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (c) is derived from 40 CFR 50.17. The 1971 primary NAAQS for SO<sub>2</sub> remains in effect until the federal conditions of 40 CFR 50.4(e) have been fulfilled, as outlined in subsection (a)(5) ~~of this Section~~ and the appended Board note.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 243.125 Ozone

- a) 2008 Primary and Secondary Eight-Hour NAAQS for Ozone-
- 1) The 2008 primary and secondary eight-hour NAAQS for ozone is 0.075 ppm, daily maximum eight-hour average, measured by an FRM based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108, or an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
  - 2) The 2008 primary and secondary eight-hour NAAQS for ozone ambient air quality standards are met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.075 ppm, as determined in accordance with appendix P to 40 CFR 50, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.15 ~~(2015)~~.

- b) 2015 Primary and Secondary Eight-Hour NAAQS for Ozone-
- 1) The level of the eight-hour primary NAAQS for ozone is 0.070 ppm, daily maximum eight-hour average, measured by a reference method based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, or an equivalent method designated by USEPA and listed in the List of Designated Methods or a Federal Register notice incorporated by reference in Section 243.108.
  - 2) The eight-hour primary NAAQS for ozone is met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.070 ppm, as determined in accordance with appendix U to 40 CFR 50, incorporated by reference in Section 243.108.
  - 3) The level of the secondary NAAQS for ozone is 0.070 ppm, daily maximum eight-hour average ozone concentration, measured by a

reference method based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, and designated in accordance with part 53 of this chapter or an equivalent method designated by USEPA and listed in the List of Designated Methods or a Federal Register notice incorporated by reference in Section 243.108.

- 4) The eight-hour secondary NAAQS for ozone is met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.070 ppm, as determined in accordance with appendix U to 40 CFR 50, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.19-(2015).

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 243.126 Lead

- a) 1978 Primary and Secondary Quarterly Average NAAQS for Lead:
  - 1) ~~The 1978 primary and secondary quarterly average NAAQS for lead and its compounds, measured as elemental lead by an FRM based on appendix G to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108, is 1.5  $\mu\text{g}/\text{m}^3$ , maximum arithmetic mean averaged over a calendar quarter.~~
  - 2) ~~The 1978 primary and secondary quarterly average NAAQS for lead set forth in this subsection (a) will remain applicable to all areas notwithstanding the 2008 primary and secondary quarterly average NAAQS for lead in subsection (b) of this Section. The 1978 primary and secondary quarterly average NAAQS for lead set forth in this subsection (a) will no longer apply to an area one year after the effective date of the designation of that area by USEPA pursuant to 42 USC 7407 for the 2008 primary and secondary three-month average NAAQS for lead set forth in subsection (b) of this Section; except that for areas designated nonattainment for the 1978 primary and secondary quarterly average NAAQS for lead set forth in this subsection (a) as of January 12, 2009, the 1978 primary and secondary NAAQS for lead set forth in this subsection (a) will apply until USEPA has approved an implementation plan for that area pursuant to 42 USC 7514 providing for attainment or maintenance of~~

the 2008 primary and secondary three-month average NAAQS for lead set forth in subsection (b) of this Section.

BOARD NOTE: The Board substituted “January 12, 2009” for the open-ended language in corresponding 40 CFR 50.12(b) relative to the effective date of 40 CFR 50.16. January 12, 2009 is the effective date recited at 73 Fed. Reg. 66964 (Nov. 12, 2008). USEPA designated Granite City as nonattainment with the 2008 primary and secondary three-month average NAAQS for lead in 2010 and an area of Chicago in 2011. USEPA designated all other areas of Illinois for the 2008 primary and secondary three-month average NAAQS for lead in 2012. See 40 CFR 81.314 (area designations in Illinois); 76 Fed. Reg. 72097, 108 (Nov. 22, 2011) (effective December 31, 2011); 75 Fed. Reg. 71033, 42 (Nov. 22, 2010) (effective December 31, 2010). Thus, this subsection (a) has been obsolete since December 31, 2012.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.12-(2012). USEPA designated Granite City as nonattainment with the 2008 primary and secondary three-month average NAAQS for lead effective December 31, 2011 and an area of Chicago effective December 31, 2012. See 76 Fed. Reg. 72097, 79108 (Nov. 22, 2011); 75 Fed. Reg. 71033, 71042 (Nov. 22, 2010). Thus, this subsection (a) was obsolete on December 31, 2012, and the Board removed it.

- b) 2008 Primary and Secondary Three-Month Average NAAQS for Lead-
- 1) The 2008 primary and secondary three-month average NAAQS for lead and its compounds is  $0.15 \mu\text{g}/\text{m}^3$ , arithmetic mean concentration over a three-month period, measured in the ambient air as lead by either of the following:
    - A) An FRM based on appendix G of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or;
    - B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
  - 2) The 2008 primary and secondary three-month average NAAQS for lead are met when the maximum arithmetic three-month mean concentration for a three-year period, as determined in accordance with appendix R of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to  $0.15 \mu\text{g}/\text{m}^3$ .

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.16-(2012).

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)