

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Ethylene Oxide Ambient Air Monitoring
- 2) Code Citation: 35 Ill. Adm. Code 249
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
249.100	New Section
249.105	New Section
249.110	New Section
249.115	New Section
249.120	New Section
- 4) Statutory Authority: Implementing Section 9.16, P.A. 101-22, and authorized b Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.16, PA 101-22; 27; and 28].
- 5) A Complete Description of the Subjects and Issues Involved: New Section 9.16(n) of the Environmental Protection Act (Act) [415 ILCS 5/9.16(n)] amended in PA 101-22, eff. June 21, 2019) requires the IEPA to develop a system to ascertain ambient baseline levels of ethylene oxide (EtO) across Illinois. EtO is a flammable gas that is used in two ways: 1) it can be combined with other chemicals, resulting in a wide array of consumer products, including detergents, solvents, plastics, antifreeze, textiles, and adhesives; and 2) it is used as a sterilizing agent for medical equipment and a fumigating agent for food products. EtO is also an unintended byproduct of certain processes, including combustion. Sources of EtO emissions include plants, microbes, human exhalation, cigarette smoke, automobile exhaust, and industrial sources (e.g. commercial sterilizers and chemical facilities). EtO is one of 187 Hazardous Air Pollutants (HAPs) regulated under Section 112 of the Clean Air Act (42 USC 7412). This rule is proposed for the specific purpose of satisfying the statutory mandate to collect ambient monitoring data for EtO in order to supplement the monitoring being conducted by the United States Environmental Protection Agency (USEPA). The proposal provides a mechanism to collect ambient air samples to determine the background levels of EtO throughout the State. Id.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R19-18 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
JRTC 100 W. Randolph St., Suite 11-500
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at pcb.illinois.gov.

Interested persons may request copies of the Board's opinion and order in R20-18 by calling the Clerk's office at 312/814-3620 or may download copies from the Board's Web site at pcb.illinois.gov.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No small businesses will be impacted by this rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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The full text of the Proposed Amendments begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER m: MONITORING REQUIREMENTS

PART 249
ETHYLENE OXIDE AMBIENT AIR MONITORING

Section

- 249.100 Purpose
- 249.105 Monitoring Locations
- 249.110 Ethylene Oxide Ambient Air Monitoring Requirements
- 249.115 Monitoring Results
- 249.120 Sunset Provisions

AUTHORITY: Implementing Section 9.16, and authorized by Sections 27 and 28, of the Environmental Protection Act [415 ILCS 5/9.16, 27, and 28].

SOURCE: Adopted in R20-18 at 44 Ill. Reg. _____, effective _____.

Section 249.100 Purpose

The purpose of this Part is to set forth the manner in which the Agency shall conduct ambient air monitoring of ethylene oxide in accordance with the requirements in Section 9.16 of the Environmental Protection Act [415 ILCS 5/9.16].

Section 249.105 Monitoring Locations

The Agency shall monitor levels of ethylene oxide in the ambient air in or around the following locations in Illinois in accordance with the requirements set forth in Section 249.110:

- a) Northbrook;
- b) Schiller Park;
- c) Nilwood;
- d) Alton; and
- e) Bondville.

Section 249.110 Ethylene Oxide Ambient Air Monitoring Requirements

- 44 a) The Agency shall conduct ambient air monitoring for ethylene oxide in or around
45 each location specified in Section 249.105 for a period of six consecutive calendar
46 months. During that time frame, the Agency shall collect a sample every 12 days.
47 Each sample shall be collected over a period of approximately 24 hours.
48
- 49 b) The six-month monitoring period shall commence no later than one year after the
50 effective date of this Part.
51
- 52 c) The Agency shall comply with all applicable USEPA guidelines for ambient air
53 monitoring.
54

55 **Section 249.115 Monitoring Results**

56
57 The Agency shall make the ambient air monitoring results publicly available on the Agency's
58 website within 30 days after receipt of each set of quality assured data.
59

60 **Section 249.120 Sunset Provisions**

61
62 The provisions of this Part shall no longer apply 24 months after the effective date of this Part.

TITLE 35: ENVIRONMENTAL PROTECTION
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SOURCE: Adopted in R20-18 at 44 Ill. Reg. _____, effective _____.

Section 249.100 Purpose

The purpose of this Part is to set forth the manner in which the Agency shall conduct ambient air monitoring of ethylene oxide in accordance with the requirements in Section 9.16 ~~(text from P.A. 101-22)~~ of the Environmental Protection Act ~~([415 ILCS 5/9.16, P.A. 101-22])~~9.16.

Section 249.105 Monitoring Locations

The Agency shall monitor levels of ethylene oxide in the ambient air in or around the following locations in Illinois in accordance with the requirements set forth in ~~section 250.110~~Section 249.110:

- a) Northbrook;
- b) Schiller Park;
- c) Nilwood;
- d) Alton; and
- e) Bondville.

Section 249.110 Ethylene Oxide Ambient Air Monitoring Requirements

a) The Agency shall conduct ambient air monitoring for ethylene oxide in or around each location specified in Section ~~250.105~~249.105 for a period of six consecutive calendar months. During that time frame, the

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