



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

November 2, 2023

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 47, Issue 44 of the Illinois Register, dated 11/3/2023.

PROPOSED RULES

Definitions and General Provisions

35 Ill. Adm. Code 211

15589

Point of Contact: Shannon Bilbruck

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Number: 211.7150 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 7.2 and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9, 9.1, 9.9, 10, and 27].
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of October 19, 2023, proposing amendment in docket R24-8 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the Illinois Register before proceeding to adopt amendment based on this proposal.

The R24-8 proceeding relates to the listings of compounds exempted from the State definition of "volatile organic material" (VOM) or "volatile organic compound" (VOC) in 35 Ill. Adm. Code 211.7150 of the Illinois air pollution control rules. This amendment would update the definition of to correspond with an amendment to the corresponding definition of VOC at 40 C.F.R. 51.100(s) that the United States Environmental Protection Agency (USEPA) adopted during the first half of 2023:

February 8, 2023 (88 Fed. Reg. 8226)

USEPA was asked to review the regulatory definition of volatile organic compounds (VOC) to exempt *trans*-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO-1336mzz(E); CAS number 66711-86-2). USEPA took final action to revise the regulatory definition of VOC under the Clean Air Act (CAA). This final action adds HFO-1336mzz(E) to the list of compounds excluded from the regulatory definition of VOC on the basis that this compound makes a negligible contribution to tropospheric ozone (O₃) formation. USEPA's final rule was effective on April 10, 2023.

The Board must add this compound to the list of compounds excluded from the definition of VOM in 35 Ill. Adm. Code 211.7150.

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Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace emergency amendment currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does the proposed rule contain incorporations by reference? No
- 10) Are there any other rules pending on this Part? No
- 11) Statement of Statewide Policy Objectives: 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(b)].
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R24-8 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, IL 60605

312-814-3461
don.brown@illinois.gov

The Board will conduct one public hearing on the proposed amendments because they will ultimately result in submission to the United States Environmental Protection Agency of an amendment to the state implementation plan (SIP). Section 110(a)(2) of the Federal Clean Air Act (42 U.S.C. §7410(a)(2) (2018)) requires reasonable notice and hearing before a state undertakes an amendment to the SIP. The public hearing will occur by videoconference at the following time and between the following locations:

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11:30 a.m., Thursday, December 7, 2023

Michael A. Bilandic Building
Room N505
160 N. LaSalle Street
Chicago

and

Illinois Environmental Protection Agency Building
Illinois Pollution Control Board Hearing Room, Room 1244N, First Floor
1021 North Grand Avenue East
Springfield

Comments should reference docket R24-8 and be addressed to:

Don A. Brown, Clerk
Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, Illinois 60605

312-814-3461
don.brown@illinois.gov

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://pcb.illinois.gov>.

13) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that use or emit the affected chemicals that are proposed for deletion from the definition of VOM. 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(b)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including emissions monitoring, annual reports, and maintenance of operating records. These proposed amendments do not create or

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enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. 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(b)].
- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory agenda on which this rulemaking was summarized: July 2023

The full text of the proposed amendment begins on the next page: