

ILLINOIS POLLUTION CONTROL BOARD

January 4, 2024

IN THE MATTER OF: )  
)  
DEFINITION OF VOM, USEPA ) R24-8  
AMENDMENTS (January 1, 2023, through ) (Identical-in-Substance Rulemaking - Air)  
June 30, 2023) )

Adopted Rule. Final Order.

OPINION AND ORDER OF THE BOARD (by B.F. Currie):

The Board today adopts amendments to the Illinois definition of “volatile organic material” (VOM) that are identical in substance (IIS) to United States Environmental Protection Agency (USEPA) actions during the first half of 2023.

This is an IIS rulemaking under Sections 7.2 and 9.1(e) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/7.2 and 9.1(e) (2022)). Section 9.1(e) of the Act (415 ILCS 5/9.1(e) (2022)) requires the Board to expand the exclusion from ozone regulation “due to negligible photochemical reactivity.” 415 ILCS 5/9.1(e) (2022).

Section 9.1(e) of the Act and Section 1-5(c)(1) of the Administrative Procedure Act (APA) (5 ILCS 100/5-1-5(c)(1) (2022)) further provide that Title VII of the Act (415 ILCS 5/Tit. VII (2020)) and Section 5-35 of the APA (5 ILCS 100/5-35 (2020)) do not apply to IIS rulemaking. Accordingly, the Board does not adopt a “First Notice” proposal and then a “Second Notice” proposal for review by JCAR. However, Section 7.2 of the Act requires the Board to consider comments from USEPA, the Illinois Environmental Protection Agency (Agency), the Attorney General, and the public before adopting IIS rules.

During the update period of this docket, on February 8, 2023, the United States Environmental Protection Agency (USEPA) added a single exclusion from the federal definition of “volatile organic compound” (VOC) codified at 40 C.F.R. 51.100(s). The Board today proposes amendments to Illinois’ definition of VOM (35 Ill. Adm. Code 211.7150) that are identical in substance to the USEPA action.

Included are limited non-substantive corrections and revisions that the Board finds are needed. The Board adopted a proposal for public comment on October 19, 2023. A Notice of Proposed Amendments appeared in the *Illinois Register* on November 2, 2023 at 47 Ill. Reg. 15589. The 45-day public comment period ended December 18, 2023.

Notice of the public hearing was published in the following publications: the *Chicago Sun-Times* on October 21, 2023; the *Belleville News-Democrat* on October 22, 2023; the *Rockford Register Star* on October 22, 2023; the *State Journal Register* on October 22, 2023; the *Centralia & Mt. Vernon Morning Sentinels* on October 25, 2023; the *Metropolis Planet* on October 26, 2023; the *Peoria Journal Star* on October 22, 2023; the *Dispatch/Rock Island Argus*

on October 26, 2023; the *News-Gazette* on October 24, 2023; the *Galena Gazette* on October 25, 2023; and the *News Tribune* on October 23, 2023. The Board held a public hearing on the proposed amendments on December 7, 2023. No public comments were made during the hearing.

## **SUMMARY OF PROPOSED AMENDMENTS**

### **Federal Amendment Implemented**

USEPA took one action that affected the federal definition of VOC during the first half of 2023 and requires corresponding amendments to the Illinois definition of VOM.

#### **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 (O<sub>3</sub>) formation.

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

### **Requests for Comments**

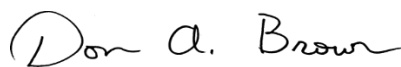
The Board requested that interested persons review this opinion and order and submit comments on the proposed amendments. The Board did not receive any comments on this proposal.

## **ORDER**

The Board directs the Clerk to file the adopted amendments with the Office of the Secretary of State and provide notice in the *Illinois Register* of the appended adopted amendments to the Illinois ambient air quality regulations at 35 Ill. Adm. Code 211.7150.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 4, 2024, by a vote of 4-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board