



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

January 17, 2024

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 48, Issue 3 of the Illinois Register, dated 1/19/2024.

ADOPTED RULES

Definitions and General Provisions

35 Ill. Adm. Code 211

1144

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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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Number: 211.7150 Adopted 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) Effective date of rule: JAN - 4 2024
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of availability: The adopted rulemaking, a copy of the Board's opinion and order adopted January 4, 2024, in docket R24-8, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in the Illinois Register: 47 Ill. Reg. 15589, November 3, 2023
- 10) Has JCAR issued a Statement of Objections to these rules? Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] 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 to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the proposal and the final version: None
- 12) Have all the changes agreed upon by the board and JCAR been made as indicated in the agreements issued by JCAR? Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] 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 to Second Notice review by JCAR.

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- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and purpose of rulemaking: 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 received public comment on the proposed amendment for 45 days from the date it appeared 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.

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).

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- 16) Information and questions regarding this adopted rulemaking shall be directed to: Please reference docket R24-8 and direct inquiries to the following person:

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://www.pcb.illinois.gov>.

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