

ILLINOIS POLLUTION CONTROL BOARD

July 11, 2024

IN THE MATTER OF:)
)
PROPOSED CLEAN CAR AND TRUCK) R 24-17
STANDARDS: PROPOSED 35 ILL. ADM.) (Rulemaking – Air)
CODE 242)

ORDER OF THE BOARD (by B.F. Currie and J. Van Wie):

On June 27, 2024, the Sierra Club, Natural Resources Defense Council, Environmental Defense Fund, Respiratory Health Association, Chicago Environmental Justice Network, and Center for Neighborhood Technology (collectively, proponents) proposed that the Board adopt a new Part 242 of its air pollution rules. The proposal included proponents’ Statement of Reasons, their proposed language for the proposed new Part 242, and other documents. *See* 35 Ill. Adm. Code 102.202.

The proponents request that the Board adopt three California motor vehicle emissions regulations addressing light-, medium-, and heavy-duty vehicles: the Advanced Clean Cars II (ACC II), Advanced Clean Trucks (ACT), and Heavy-Duty Low NO_x Omnibus (Low NO_x [Nitrogen Oxide]) regulations. Proponents state that ACC II rules apply to the sale of new light-duty vehicles and place obligations on vehicle manufacturers by setting pollution standards for conventional vehicles and sales requirements for zero-emission vehicles. SR at 11. They add that ACT rules set annual sales requirements for zero-emission and near zero-emission medium- and heavy-duty vehicles. *Id.* Proponents state that Low NO_x rules set standards on emission of smog-forming pollutants by medium- and heavy-duty combustion engines. *Id.* Proponents assert that 14 states have adopted the ACC II rules, 11 states have adopted the ACT rule, and 10 states have adopted the Low NO_x rule. *Id.* at 14.

Proponents argue that their proposal is “stronger than the otherwise-applicable federal vehicle emission standards,” including the most recent enactments in the spring of 2024. SR at 9, 12. Noting that these most recent federal rules may be vulnerable to legal challenge, Congressional action, or a change in administration, proponents argue that adopting their proposal would avoid backsliding if federal rules are not fully implemented. *Id.* at 9, 13. Proponents urge adoption of their proposal in calendar year 2024 so they can be enforced beginning in 2027 for model year 2028. *Id.* at 11, 21-22.

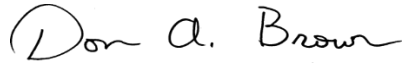
The Act and the Board’s procedural rules require a proponent other than the Illinois Environmental Protection Agency or Department of Natural Resources to submit with the rulemaking proposal “a petition signed by at least 200 persons.” 415 ILCS 5/28(a) (2022); 35 Ill. Adm. Code 102.202(g). Proponents submitted a petition supporting adoption of the proposal with more than 200 signers. SR at 251-57.

The Board finds that the proposal meets the requirements of the Board’s procedural rules and accepts the proposal for hearing. The Board directs its assigned hearing officer to schedule

and proceed to hearing under the rulemaking provisions of the Environmental Protection Act (415 ILCS 5/27, 28 (2022)) and the Board's procedural rules (35 Ill. Adm. Code 102).

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 11, 2024, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board