

ILLINOIS POLLUTION CONTROL BOARD
September 5, 2024

IN THE MATTER OF:)
)
NATIONAL AMBIENT AIR QUALITY) R25-7
STANDARDS (NAAQS), USEPA) (Identical-in-Substance Rulemaking - Air)
AMENDMENTS (January 1, 2024, through)
June 30, 2024))

Proposed Rule. Proposal for Public Comment.

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

The Board today proposes amendments to the Illinois ambient air quality standards, responding to United States Environmental Protection Agency (USEPA) actions during the first half of 2024.

This is an identical-in-substance (IIS) rulemaking under Sections 7.2 and 10(H) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/7.2 and 10(H) (2022)). Section 10(H) requires the Board to adopt standards that are identical in substance to the National Ambient Air Quality Standards (NAAQS) adopted by USEPA under section 109 of the Clean Air Act (CAA) (42 U.S.C. § 7409 (2023)).

Section 10(H) 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 (2022)) and Section 5-35 of the APA (5 ILCS 100/5-35 (2022)) 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 the Joint Committee on Administrative Rules (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.

The Board today revises the Illinois ambient air quality standards based on USEPA actions during the first half of 2024. The Board updates incorporations by reference to the Code of Federal Regulations in the Illinois rules.

The Board submits the proposed amendments for publication in the *Illinois Register* and receives public comments for at least 45 days after publication. The Board will also hold a public hearing on November 7, 2024. The Board expects to adopt final rules no later than December 15, 2024.

SUMMARY OF PROPOSED AMENDMENTS

Federal Actions Implemented

March 6, 2024 (89 Fed. Reg. 16202)

USEPA revised the NAAQS standard for primary annual PM_{2.5} from 12.0 µg/m³ to 9.0 µg/m³, which is 3.0 micrograms per cubic meter lower than the current annual standard. The USEPA retained the current standards for primary 24-hour PM_{2.5} (35 µg/m³), secondary annual PM_{2.5} (35 µg/m³), and secondary 24-hour PM_{2.5} (15 µg/m³). USEPA set the stronger standard due to human health effects associated with long and short-term exposures to PM_{2.5} in ambient air.

June 12, 2024 (89 Fed. Reg. 49874)

USEPA designated a new *Federal Equivalent Method (FEM)* for measuring concentrations of ozone (O₃) in ambient air on June 12, 2024, and modified existing method designations in its *List of Designated Reference and Equivalent Methods (List)* on June 15, 2024. The Board's rules incorporate the December 15, 2023 version of the List by reference. Updating the incorporation by reference to the June 15, 2024 List incorporates the new FEM for measuring concentrations of ozone (O₃) noticed in the June 12, 2024 Federal Register.

As there are two updates during this cycle, the Board uses the earliest due date for the schedule below:

Due date:	March 6, 2025
Proposal adopted date:	September 5, 2024
Publication submission deadline:	September 6, 2024
Expected <i>Illinois Register</i> publication date:	September 20, 2024
Expected Public Notice Publication Dates:	September 9-11, 2024
End of 45-day public comment period:	November 4, 2024
Public Hearing	November 7, 2024
Adoption date:	November 21, 2024
Possible filing and effective date:	November 22, 2024 – November 27, 2024
Possible <i>Illinois Register</i> publication date:	December 6, 2024 – December 13, 2024

Requests for Comments

The Board requests that interested persons review this opinion and order and submit comments on the proposed amendments. Address questions or written comments concerning this rulemaking, noting docket number R25-7, 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

PUBLIC HEARNG

The Board expects that the Agency will submit these amendments to USEPA to be included in the Illinois State Implementation Plan (SIP) under section 110 of the federal Clean Air Act (42 U.S.C. § 7410(a) (2024)) and the implementing USEPA regulations. *See* 40 C.F.R. § 51.102 and appendix V (2023).

USEPA requires the State to conduct a hearing on the amendments to the Illinois NAAQS rules involved in this proceeding. *See* 42 U.S.C. § 4210(a) (2024); 40 C.F.R. § 51.102 (2023).

The Board scheduled a public hearing to allow the public to comment on the proposed amendments and the anticipated SIP revision. The Board will conduct that hearing by videoconference between the Board's offices in Chicago and Springfield, as follows:

11:20 a.m., Thursday, November 7, 2024

Michael A. Bilandic Building
160 N. LaSalle St., Room N-505
Chicago

and

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

Persons wishing to testify on the record must be physically present at either of the two hearing locations given above. This does not limit the right of any person to submit public comments on the proposed amendments.

The Board invites public comment on the proposed amendments. The Board will receive public comments until at least 45 days after a notice of these proposed amendments appears in the *Illinois Register*. Anyone may file a public comment with the Board through the Clerk's Office On-Line (COOL) through the Board's website (pcb.illinois.gov). Public comments may also be addressed to the Clerk's office at the mailing address listed above.

After the hearing and public comment period, the Board will promptly issue an order adopting final rule amendments. The Board will then file the amendments with the Office of the Secretary of State, and a Notice of Adopted Amendments will appear in the *Illinois Register*. Any IEPA submission of the associated SIP revision to USEPA would follow that Notice.

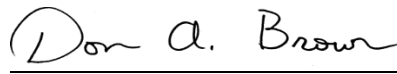
The Board finds that these measures will satisfy the federal requirements for SIP revision, in 42 U.S.C. § 7410(a) (2023) and 40 C.F.R. § 51.102, as to subjects included in this proceeding.

ORDER

The Board directs the Clerk to provide notice in the *Illinois Register* of the appended proposed amendments to the Illinois ambient air quality regulations at 35 Ill. Adm. Code 243.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 5, 2024, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board