

## **Board Proceeds to Second Notice with Proposed NO<sub>x</sub> Emission Amendments**

On March 20, 2025, the Board issued an opinion and order proposing second-notice amendments to update its Part 217 air pollution rules (35 Ill. Adm. Code 217). The Board then submitted these amendments to the Joint Committee on Administrative Rules (JCAR) for its review. The amendments appear on JCAR's April 8, 2025 meeting agenda.

This rulemaking was initiated when the Illinois Environmental Protection Agency (IEPA) filed its proposal to amend Part 217, at which time the Board granted IEPA's motion for expedited review. The Board did so to avoid mandatory Clean Air Act sanctions against the State of Illinois by giving IEPA enough time to submit the final Part 217 amendments to the United States Environmental Protection Agency (USEPA) in a complete State Implementation Plan or "SIP." The Board therefore proceeded to first notice without commenting on the substantive merits of IEPA's proposal. Before proceeding to second notice, the Board held two public hearings and received ten public comments on IEPA's proposal.

The proposed amendments concern major stationary sources of nitrogen oxides (NO<sub>x</sub>) emissions in areas designated as nonattainment for the 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS). In October 2022, USEPA found that the Chicago and Metro East nonattainment areas—previously classified as Marginal nonattainment—did not attain the 2015 ozone NAAQS by the attainment date and reclassified the areas as Moderate nonattainment. Once these nonattainment areas were reclassified as Moderate nonattainment, Illinois was required to implement reasonably available control technology (RACT) standards for NO<sub>x</sub> emissions. In December 2024, USEPA found that these areas again did not attain the standard and reclassified them as Serious nonattainment.

To account for reclassification to Serious nonattainment, the Board's second-notice amendments first lower the applicability threshold for a major source from 100 tons per year (tpy) of NO<sub>x</sub> to 50 tpy. The amendments then impose the required NO<sub>x</sub> RACT standards, such as lower emission limits and applicability thresholds for specified emission units at major sources. These standards incorporate changes to optional emissions averaging plans or "EAPs", including switching from ozone seasons to 30-day averaging periods and requiring an additional 10% reduction for allowable emissions. Finally, the amendments include other compliance flexibilities, such as compliance date extensions and alternative calculations.

The rulemaking is captioned [Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions](#), docket R25-17. Here is a link to the Board's [second-notice opinion and order](#), which contains the text of the proposed amendments. For more information, please contact Anupama Paruchuri at 217-786-0280 or [anupama.paruchuri2@illinois.gov](mailto:anupama.paruchuri2@illinois.gov).