

ILLINOIS POLLUTION CONTROL BOARD  
December 17, 2015

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STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
NATIONAL AMBIENT AIR QUALITY ) R16-2  
STANDARDS, USEPA AMENDMENTS ) (Identical-in-Substance Rulemaking - Air)  
(January 1, 2015 through June 30, 2015, )  
August 26, 2015, October 26, 2015, and )  
November 19, 2015) )

**NOTICE OF HEARINGS**

**TYPE OF HEARING:** Merit hearing

 ORIGINAL

**DATE AND LOCATION:**

By videoconference between two locations, as follows:

1:30 p.m., Thursday, February 18, 2016

James R. Thompson Center  
Illinois Pollution Control Board Hearing Room  
100 West Randolph Street, Room 11-512  
Chicago

and

Sangamo Building  
Illinois Pollution Control Board Hearing Room  
1021 North Grand Avenue East (north entrance)  
Springfield

**ATTENDING BOARD MEMBER:** Jennifer A. Burke

**HEARING OFFICER:** Michael J. McCambridge  
312-814-6924

**DATED:** December 17, 2015

For the sake of expedience, the Hearing Officer encourages the pre-submission of testimony and exhibits, but will not require such pre-submission. **Any person wishing to testify should notify the Hearing Officer no later than February 11, 2015.**

## HEARING OFFICER ORDER

### Scope of the Hearing<sup>1</sup>

The Board reserved this docket pursuant to Sections 7.2 and 10(H) of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 10(H) (2014)) to update the Illinois ambient air quality regulations to include all current federal NAAQSs adopted and amended by the United States Environmental Protection Agency (USEPA) during the period January 1, 2015 through June 30, 2015.

Section 10(H) mandates that the Board adopt ambient air quality standards that are identical-in-substance with National Ambient Air Quality Standards (NAAQS) adopted by USEPA pursuant to 42 U.S.C. § 7409 (2013). NAAQSs apply to ambient air, and each constitutes a determination of the maximum level of a criteria pollutant that is allowable consistent with human health (a primary standard) and public welfare (a secondary standard). 42 U.S.C. § 7409(b) (2013). As of June 30, 2015, the federal regulations included 20 NAAQS for six criteria pollutants: carbon monoxide, lead, nitrogen oxides, ozone, particulate matter, and sulfur oxides. *See generally* 40 C.F.R. 50 (2015). USEPA has codified those NAAQS in 40 C.F.R. 50.

This proceeding updates the Illinois ambient air quality standards to accommodate amendments and other relevant USEPA actions with regard to NAAQS that occurred during the period January 1, 2015 through June 30, 2015. During this period, USEPA took the following actions:

March 6, 2015 (80 Fed. Reg. 12264): USEPA adopted an implementation rule for the 2008 ozone National Ambient Air Quality Standard (NAAQS). One segment of the implementation rule revised the sunset and anti-backsliding provisions of the 1997 ozone NAAQS.

June 5, 2015 (80 Fed. Reg. 32114): USEPA designated one new reference method (FRM) for fine particulates (PM<sub>2.5</sub>), one new equivalent method (FEM) for PM<sub>2.5</sub>, one new FEM for coarse particulates (PM<sub>10-2.5</sub>), and two new FEMs for ozone (O<sub>3</sub>) in ambient air.

June 18, 2015: USEPA issued an updated version of its *List of Designated Reference and Equivalent Methods (List of Designated Methods)*. The update included the one new FRM and four new FEMs included in the June 5, 2015 *Federal Register* notice.

For the purposes of administrative convenience and conservation of Board and State resources, the Board included USEPA actions on the same subject matters that occurred after June 30, 2015. This proceeding updates the Illinois ambient air quality standards to accommodate the following additional USEPA actions:

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<sup>1</sup> The Board does not usually hold public hearings on identical-in-substance rules. This hearing is held as required by Section 110 of the federal Clean Air Act (42 U.S.C. § 7410 (2013)), because this proceeding would entail a SIP revision.

August 26, 2015 (at 80 Fed. Reg. 51802): USEPA designated one new FEM for fine particulate matter (PM<sub>2.5</sub>) and one for ozone in ambient air.

October 26, 2015 (at 80 Fed. Reg. 65292): USEPA adopted a new primary and secondary NAAQS for O<sub>3</sub> in ambient air, lowering the NAAQS to 70 parts per billion (ppb) from the 2008 primary and secondary NAAQS for ozone, which was 75 ppb. USEPA included amendments relating to implementation of the 2015 NAAQS.

November 19, 2015 (at 80 Fed. Reg. 72432): USEPA designated one new FRM for carbon monoxide and one new FEM for ozone in ambient air.

Sections 7.2 and 10(H) of the Act (415 ILCS 5/7.2 and 10(H) (2014)) provide the Board little discretion but to adopt amendments that are identical-in-substance to the federal NAAQS. Section 10(H) states in pertinent part as follows:

In accordance with subsection (b) of Section 7.2, the Board shall adopt ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere; those standards shall be identical in substance to the national ambient air quality standards promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 109 of the Clean Air Act. 415 ILCS 5/10(H) (2014).

Section 7.2 adds the following limitations relative to the scope of the Board's discretion:

In the context of a mandate that the Board adopt regulations to secure federal authorization of a program, regulations that are "identical in substance" means State regulations which require the same actions with respect to protection of the environment, by the same group of affected persons, as would federal regulations if USEPA administered the subject program in Illinois . . . [T]he Board shall adopt the verbatim text of such USEPA regulations as are necessary and appropriate for authorization of the program. In adopting "identical in substance" regulations, the only changes that may be made by the Board to the federal regulations are those changes that are necessary for compliance with the Illinois Administrative Code, and technical changes that in no way change the scope or meaning of any portion of the regulations. 415 ILCS 5/7.2 (2014).

For these reasons, the Board lacks the discretion to address the technical merits of any of the federal NAAQSs involved in this proceeding. The Board has discretion only how best to incorporate the NAAQSs into the Illinois ambient air quality regulations.

#### **Notice and Service Lists**

Pursuant to 35 Ill. Adm. Code 102.422, a service list will be established. The following persons are on the service list:

Charles Matoesian, Attorney  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Michael J. McCambridge, Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph St., Suite 11-500  
Chicago, Illinois 60601

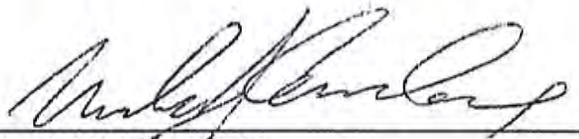
**Pre-filing of Testimony**

The Hearing Officer will allow the submission of pre-filed testimony for the hearing. In the discretion of the Hearing Officer, pre-filed testimony will be entered into the record as if read upon request of the testifying party, after that person has been sworn on the record. Pre-filed testimony for the hearing must be served upon all persons on the service list as of 4:30 p.m., February 3, 2016. Persons may receive a copy of the service list either from the COOL system through the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)) or by contacting the Hearing Officer or the Clerk of the Board (312-814-3629) after 9:30 a.m. on February 4, 2016. All testimony must be submitted to the Board and all persons on the service list no later than February 11, 2016.

**Availability of Documents**

The proposed rules, prefiled testimony, public comments, transcripts, and other filings are available for viewing and downloading on the Board's website.

IT IS SO ORDERED.



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Illinois Pollution Control Board  
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Chicago, Illinois 60601  
(312) 814-6924  
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