

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

June 13, 2014



JUN 1 9 2014

STATE OF ILLINOIS Pollution Control Board

POLLUTION CONTROL BOARD JOHN THERRIAULT ASSISTANT CLERK 100 W RANDOLPH ST, STE 11-500 CHICAGO, IL 60601

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 38, Issue 25 of the Illinois Register, dated 6/20/2014.

ADOPTED RULES

Definitions and General Provisions	
35 Ill. Adm. Code 211	12876
Point of Contact: Mike McCambridge	12070
I only of Contact. Mike McCanolluge	
Air Quality Standards	
35 Ill. Adm. Code 243	12900
Point of Contact: Mike McCambridge	
PROPOSED RULES	
General Rules	
35 Ill. Adm. Code 101	12685
Point of Contact: Nancy Miller	
Regulatory and Informational Hearings and Proceedings	
35 Ill. Adm. Code 102	12740
Point of Contact: Nancy Miller	
Enforcement	
35 Ill. Adm. Code 103	12757
Point of Contact: Nancy Miller	
Regulatory Relief Mechanisms	
35 Ill. Adm. Code 104	12766
Point of Contact: Nancy Miller	

Appeals of Final Decisions of State Agencies

Index Department - Administrative Code Division - 111 East Monroe Springfield, IL 62756



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

35 Ill. Adm. Code 105 Point of Contact: Nancy Miller	12779
Proceedings Pursuant to Specific Rules or Statutory Provisions 35 Ill. Adm. Code 106 Point of Contact: Nancy Miller	12785
Petition to Review Pollution Control Facility Siting Decisions 35 Ill. Adm. Code 107 Point of Contact: Nancy Miller	12802
Administrative Citations 35 Ill. Adm. Code 108 Point of Contact: Nancy Miller	12809
Tax Certifications 35 Ill. Adm. Code 125 Point of Contact: Nancy Miller	12814
Identification and Protection of Trade Secrets and Other Non-Disclosable Informa 35 Ill. Adm. Code 130 Point of Contact: Nancy Miller	ation 12821

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.



POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) <u>Heading of the Part:</u> Air Quality Standards
- 2) <u>Code citation:</u> 35 Ill. Adm. Code 243
- 3) <u>Section numbers:</u> 243.108

Adopted action: Amend

- 4) <u>Statutory authority:</u> 415 ILCS 5/7.2, 10, and 27.
- 5) Effective date of amendment: JUN 9 2014
- 6) <u>Does this rulemaking contain an automatic repeal date?</u> No.
- 7) <u>Does this amendment contain incorporations by reference?</u> Yes.
- 8) <u>Statement of availability:</u> The adopted amendments, a copy of the Board's opinion and order adopted June 5, 2014 in docket R14-17, 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: April 11, 2014, 38 Ill. Reg. 7774
- 10) <u>Has JCAR issued a statement of objections to these rules?</u> No. 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) <u>Differences between the proposal and the final version</u>: A table that appears in the Board's opinion and order of June 5, 2014 in docket R14-17 summarizes the difference between the amendment adopted in that order and those proposed by the Board in an opinion and order dated March 20, 2014, in docket R14-17. The difference is summarily explained in a table appended to the Board's opinion and order adopting the amendment.

The difference is limited to a correction in punctuation. The change is are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

12) <u>Have all the changes agreed upon by the board and JCAR been made as indicated in the agreements issued by JCAR?</u> Section 10(H) of the Environmental Protection Act [415

RECEIVED

JUN 9 2014

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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.

Since the Notice of Proposed Amendment appeared in the April 11, 2014 issue of the *Illinois Register*, the Board received a single suggestion for revisions from JCAR. The Board evaluated the suggestion and incorporated a change into the text as a result, as detailed in the opinion and order of June 5, 2014 in docket R14-17, as indicated in item 11 above. See the June 5, 2014 opinion and order in docket R14-17 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) <u>Will this amendment replace an emergency amendment currently in effect?</u> No
- 14) Are there any other amendments pending on this Part? No.
- 15) <u>Summary and purpose of amendment:</u> 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 March 20, 2014, adopting amendment in docket R14-17, which opinion and order is available from the address below.

The R14-17 proceeding relates to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. This amendment would update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the United States Environmental Protection Agency (USEPA) adopted during the period July 1, 2013 through December 31, 2013. The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended its NAAQSs as follows:

July 3, 2013 (78 Fed. Reg. 40000)	USEPA amended appendix G to 40 C.F.R. 50 to establish a new FRM for measuring lead in total suspended particulate matter for the purposes of the lead NAAQS.
August 5, 2013 (78 Fed. Reg. 47191)	USEPA made area designations for the 2010 NAAQS for sulfur dioxide.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

November 12, 2013 (78 Fed. Reg. 67360)	USEPA designated five new equivalent methods: one for particulate matter (PM_{10}), one for coarse particulate matter ($PM_{10-2.5}$), two for fine particulate matter ($PM_{2.5}$), and one for nitrogen oxides (NO_X).
December 17, 2013	USEPA issued an updated version of its List of Designated Reference and Equivalent Methods.

For the reasons explained in the Board's opinion and order of June 5, 2014, no Board action was required on the federal amendments of July 3, 2013, August 5, 2013, and November 12, 2013. The only federal action that required attention was the December 17, 2013 update.

Tables appear in the Board's opinion and order of June 5, 2014 in docket R14-17 that list the difference between the literal text of federal amendments and the Board's amendment and the single amendment that is not based on current federal amendments, which is also a revision to the text since the Board's March 20, 2014 proposal for public comment. The tables contain deviations from the literal text of the federal amendments underlying this amendment, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and clarifications should refer to the June 5, 2014 opinion and order in docket R14-17.

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).

16) Information and questions regarding this adopted amendment shall be directed to: Please reference consolidated docket <u>R14-17</u> and direct inquiries to the following person:

Michael J. McCambridge Staff Attorney Illinois Pollution Control Board 100 W. Randolph 11-500 Chicago, IL 60601

312-814-6924 michael.mccambridge@illinois.gov

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

.

Request copies of the Board's opinion and order of June 5, 2014 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <u>http://www.ipcb.state.il.us</u>.

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