

ILLINOIS POLLUTION CONTROL BOARD

May 10, 2018

IN THE MATTER OF:)
NATIONAL AMBIENT AIR QUALITY) R18-15
STANDARDS, USEPA AMENDMENTS) (Identical-in-Substance Rulemaking - Air)
(July 1, 2017 through December 31, 2017))

Adopted Rule. Final Order.

OPINION AND ORDER OF THE BOARD (by U. Choe):

Section 10(H) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/10(H) (2016)) requires the Board to adopt ambient air quality standards that are identical in substance to the National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency (USEPA). The Board today adopts amendments to Illinois regulations at 35 Ill. Adm. Code 243. USEPA took two actions related to the NAAQS during the update period of this docket, on September 25, 2017 and October 2, 2017. USEPA subsequently issued an updated version of the *List of Designated Reference and Equivalent Methods* on December 15, 2017.

The Board adopted a proposal for public comment on February 8, 2018. The proposed amendments appeared in the *Illinois Register* on February 23, 2018, at 42 Ill. Reg. 3514. The Board held a public hearing on the proposal on April 12, 2018. The customary 45-day public comment period ended on April 9, 2018, but the Board kept the record open to receive comments. The Board now adopts final rules.

This opinion identifies USEPA's actions that resulted in this rulemaking and discusses the adopted amendments. Brief discussion of minor revisions and corrections in the text follows consideration of the federally driven amendments. The text of the Board's adopted amendments is appended to the order following this opinion.

DISCUSSION

Federal Actions in This Rulemaking

During the second half of 2017, USEPA undertook three actions regarding the NAAQS. Three of the USEPA actions require amending Illinois regulations in this docket.

September 25, 2017 (82 Fed. Reg. 44612)

USEPA designated three new federal reference methods (FRMs) for particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), and coarse particulate matter (PM_{10-2.5}) in ambient air. The following are the new FRMs for particulate matter:

- PM_{2.5}: Manual Reference Method EQPM–1215–226 “Met One Instruments, Inc. E-SEQ-FRM.”
- PM₁₀: Manual Reference Method RFPS–0717–246 “Met One Instruments, Inc. E-SEQ-FRM.”
- PM_{10-2.5}: Manual Reference Method RFPS–0717–247 “Met One Instruments, Inc. E-SEQ-FRM PM₁₀ and E-SEQ-FRM PM_{2.5} Sampler Pair.”

October 2, 2017 (82 Fed. Reg. 45842)

USEPA designated one new FRM for carbon monoxide (CO) in ambient air. The following are the new FRM for CO in ambient air:

- CO: Automated Reference Method RFCA–0817–248 “Sabio Model 6050 Ambient CO Analyzer.”

December 15, 2017

USEPA updated the *List of Designated Reference and Equivalent Methods*. This update included the FRMs that USEPA designated on September 25, 2017 and October 2, 2017. Updating the version of the *List* incorporated by reference in the Illinois rules will embrace those newly designated FRMs.

USEPA issuing an updated version of the *List of Designated Reference and Equivalent Methods* on December 15, 2017 subsumes USEPA’s methods designations of September 25, 2017 and October 2, 2017 and obviates separate Board attention to those USEPA actions. Updating the version of the *List of Designated Reference and Equivalent Methods* incorporated by reference in 35 Ill. Adm. Code 243.108 will complete Board action and incorporate all four FRMs into the Illinois rules. Updating the incorporation by reference the sole USEPA-driven action in this proceeding.

Revisions

In an identical-in-substance proceeding, the Board must adopt the verbatim text of federal regulations except for (1) changes needed to comply with the Illinois Administrative Code; (2) technical changes that do not change the scope or meaning of the regulations; and (3) typographical and grammatical errors. In addition, the Board must not adopt USEPA rules that are inapplicable to Illinois or “things which are outside the Board’s normal functions.” See 415 ILCS 5/7.2(a), (a)(1), (a)(2), and (a)(7) (2016).

Incorporations by Reference to the List of Designated Reference and Equivalent Methods

The Board’s proposed rules deviate from verbatim federal rule text where the Board proposes incorporating federal rules by reference. Using USEPA-designated FRMs and FEMs is required to demonstrate compliance with the NAAQS. See 40 C.F.R. §§ 50.4(c), 50.5(b), 50.6(c), 50.7(a), 50.8(a), 50.11(d), 50.12(a), 50.13(a), 50.15(a), 50.16(a), 50.17(c), 50.18(a), and 50.19(a) (2017) corresponding with 35 Ill. Adm. Code 243.120(a)(3), (b)(1), (c)(1), and (d)(1);

243.122(a)(3), (b)(2), and (c)(3); 243.122(b); 243.124(d); and 243.125(a)(1) and (b)(1); and 243.126(a)(1) and (b)(1)). Incorporating the USEPA methods designations by reference is necessary to include the FRMs and FEMs in the Illinois rules. *See* 5 ILCS/100/5-75(a) (2016).

Routine Updates to Federal Statutes and Regulations Incorporated by Reference

In identical-in-substance proceedings, the Board routinely updates incorporations by reference to federal statutes and regulations. This keeps later revisions to federal statutes and regulations from creating differences between the Illinois rules and the USEPA rules on which they are based.

The Government Printing Office updates documents annually. At present, the most recent version of *Code of Federal Regulations* for the provisions incorporated by reference in 35 Ill. Adm. Code 243.108 is the 2017 edition. Similarly, the most recent *United States Code* provisions are in the 2016 edition. The Board updates all incorporations by reference to these editions.

The Identical-in-Substance Rulemaking Addendum (Final) (IIS-RA(F)) for this proceeding lists the differences between the text of the USEPA amendments and the Board's language in this rulemaking. The IIS-RA(F) is in the docket for this rulemaking, available to review and download on the Board's website through the Clerk's Office On-Line (COOL).

PUBLIC COMMENTS

The Board invited public comment on the proposed amendments. The Board held a public hearing on the proposal on April 12, 2018 and held the docket open beyond the required 45 days to receive public comments on the proposed amendments. The Board received no comments.

The Board did receive a copy of the text of the proposed amendments with a single revision marked as made by staff of the Joint Committee on Administrative Rules (JCAR). The Board makes the revision to the text in response to the JCAR suggestions. That is the only change in the text since the proposal. Table 3 of the IIS-RA(F) lists and describes the single change in the text since the proposal.

ORDER

The Board adopts the appended amendments to the Illinois ambient air quality regulations at 35 Ill. Adm. Code 243. The Board directs the Clerk to file the amendments with the Office of the Secretary of State and cause them to be published in the *Illinois Register*.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2016); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The

Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 10, 2018, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style.

Don A. Brown, Clerk
Illinois Pollution Control Board

TEXT OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODES

PART 243
AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section	
243.101	Definitions
243.102	Scope
243.103	Applicability
243.104	Nondegradation (Repealed)
243.105	Air Quality Monitoring Data Influenced by Exceptional Events
243.106	Monitoring (Repealed)
243.107	Reference Conditions
243.108	Incorporations by Reference

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section	
243.120	PM ₁₀ and PM _{2.5}
243.121	Particulates (Repealed)
243.122	Sulfur Oxides (Sulfur Dioxide)
243.123	Carbon Monoxide
243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator)
243.125	Ozone
243.126	Lead
243.APPENDIX A	Rule into Section Table (Repealed)
243.APPENDIX B	Section into Rule Table (Repealed)
243.APPENDIX C	Past Compliance Dates (Repealed)
243.TABLE A	Schedule for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations (Repealed)

AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10, and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, filed and effective April 14, 1972; amended in R80-11, at 6 Ill. Reg. 5804, effective April 22, 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18, 1983; codified at 7 Ill. Reg. 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992; amended in R09-19 at 35 Ill. Reg. 18857, effective October 25, 2011; amended in R13-11 at 37 Ill. Reg. 12882, effective July

29, 2013; amended in R14-6 at 37 Ill. Reg. 19848, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12900, effective June 9, 2014; amended in R15-4 at 39 Ill. Reg. 5434, effective March 24, 2015; amended in R16-2 at 40 Ill. Reg. 4906, effective March 3, 2016; amended in R17-1 at 41 Ill. Reg. 1121, effective January 23, 2017; amended in R17-10 at 41 Ill. Reg. 13413, effective October 23, 2017; amended in R18-15 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 243.108 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions:

Government Printing Office (GPO), 732 Capitol Street NW, Washington, DC 20401 (telephone: 202-512-1800 or 866-512-1800; website: www.gpo.gov). The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 ~~(2017)~~~~(2016)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)), referenced in Section 243.122.

Appendix A-2 to 40 CFR 50 ~~(2017)~~~~(2016)~~ (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 ~~(2017)~~~~(2016)~~ (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

Appendix C to 40 CFR 50 ~~(2017)~~~~(2016)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in Section 243.123.

Appendix D to 40 CFR 50 ~~(2017)~~~~(2016)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere), referenced in Section 243.125.

Appendix F to 40 CFR 50 ~~(2017)~~~~(2016)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)), referenced in Section 243.124.

Appendix G to 40 CFR 50 ~~(2017)~~-(2016) (Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air), referenced in Section 243.126.

Appendix H to 40 CFR 50 ~~(2017)~~-(2016) (Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix I to 40 CFR 50 ~~(2017)~~-(2016) (Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix J to 40 CFR 50 ~~(2017)~~-(2016) (Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 ~~(2017)~~-(2016) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix L to 40 CFR 50 ~~(2017)~~-(2016) (Reference Method for the Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 ~~(2017)~~-(2016), as amended at 82 Fed. Reg. 14325 (Mar. 20, 2017) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix O to 40 CFR 50 ~~(2017)~~-(2016) (Reference Method for the Determination of Coarse Particulate Matter as PM_{10-2.5} in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 ~~(2017)~~-(2016) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 ~~(2017)~~-(2016) (Reference Method for the Determination of Lead in Particulate Matter as PM₁₀ Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 ~~(2017)~~-(2016) (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 ~~(2017)~~-(2016) (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)), referenced in Section 243.124.

Appendix T to 40 CFR 50 ~~(2017)~~-(2016) (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)), referenced in Section 243.122.

Appendix U to 40 CFR 50 ~~(2017)~~-(2016) (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Clean Air Act, 42 USC 7401 et seq. ~~(2016)~~-(2013) (for definitions of terms only), referenced in Section 243.102.

BOARD NOTE: Segments of the Code of Federal Regulations and the United States Code are available for free download as PDF documents from the GPO FDsys website: <http://www.gpo.gov/fdsys/>.

USEPA, National Exposure Research Laboratory, Human Exposure & Atmospheric Sciences Division (MD-D205-03), Research Triangle Park, NC 27711. The following documents incorporated by reference are available from this source:

“List of Designated Reference and Equivalent Methods” ~~(December 15 16, 2017)~~-(~~June 16, 2017~~) (referred to as the “List of Designated Methods” and referenced in Sections 243.101, 243.120, 243.122, 243.123, 243.124, 243.125, and 243.126.

BOARD NOTE: The List of Designated Methods is available for free download as a PDF document from the USEPA, Technology Transfer, Ambient Monitoring Technology Information Center website: <http://www.epa.gov/ttn/amtic/criteria.html>.

(Source: Amended at 42 Ill. Reg. _____, effective _____)