



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

December 28, 2020

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 45, Issue 1 of the Illinois Register, dated 1/4/2021.

ADOPTED RULES

Air Quality Standards
35 Ill. Adm. Code 243 337
Point of Contact: Shannon Bilbruck

REGULATORY AGENDA

Definitions and General Provisions
35 Ill. Adm. Code 211 560
Point of Contact: Shannon Bilbruck

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

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Air Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 243
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
243.101	Amendment
243.102	Amendment
243.105	Amendment
243.107	Amendment
243.108	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 10, and 27.
- 5) Effective date of rule: **DEC 17 2020**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Statement of availability: The adopted rulemaking, a copy of the Board's opinion and order adopted December 17, 2020 in docket R21-1, 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: 44 Ill. Reg. 16081; October 2, 2020
- 10) Has JCAR issued a Statement of Objections to these rules? 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) Differences between the proposal and the final version: The differences between the amendment adopted on December 17, 2020 in docket R21-1 and those proposed by the Board in an opinion and order dated September 17, 2020, are limited to minor corrections that have no substantive effect. The Board listed the changes in a document entitled, "Identical-in-Substance Rulemaking Addendum (Final) to the December 17, 2020 Opinion and Order of the Board" (IIS-RA(P)) that the Board added to docket R21-1.
- 12) Have all the changes agreed upon by the board and JCAR been made as indicated in the agreements issued by JCAR? Section 10(H) of the Environmental Protection Act [415

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- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and purpose of rulemaking: 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 December 17, 2020, adopting amendments in docket R21-1, which opinion and order is available from the address below.

The docket R21-1 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 first half of 2020.

The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended implementation of its NAAQSs as follows:

February 3, 2020 (85 Fed. Reg. 5958)	USEPA designated a new federal reference method (FRM) for sulfur dioxide (SO ₂) in ambient air. The Board must incorporate this FRM into the Illinois rules.
May 7, 2020 (85 Fed. Reg. 27221)	USEPA designated a new federal equivalent (FEM) for nitrogen dioxide (NO ₂). The Board must incorporate this FEM into the Illinois rules.
May 26, 2020 (85 Fed. Reg. 31378)	USEPA redesignated the Lemont and Pekin areas from nonattainment to attainment for the 2010 NAAQS for SO ₂ . This action does not change applicability of any NAAQS in Illinois. The Board takes note, but this USEPA action requires no Board response.
June 15, 2020	USEPA released an updated version of the <i>List of Designated Reference and Equivalent Methods</i> . The

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update incorporates the new FRM designated on February 3, 2020 and new FEM designated on May 7, 2020. Updating the incorporation by reference for the *List* to this latest version incorporates that FRM and FEM into the Illinois rules.

The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than listing the designated methods. The further Board removed two obsolete incorporations by reference, updated incorporations by reference to *Code of Federal Regulations* provisions to the latest version available, and made limited grammatical and stylistic corrections.

Tables appear in a document entitled "Identical-in –Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R21-1 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal actions underlying this amendment, as well as updates to incorporations by reference to the *Code of Federal Regulations* that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R21-1.

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 JCAR.

- 16) Information and questions regarding this adopted rulemaking shall be directed to: Please reference consolidated docket R21-1 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

Request copies of the Board's opinion and order of December 17, 2020 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at www.illinois.gov.

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