



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

February 28, 2022

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 46, Issue 10 of the Illinois Register, dated 3/4/2022.

### **OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER**

Notice of Public Information

Point of Contact: Shannon Bilbruck

3612

### **PROPOSED RULES**

Air Quality Standards

35 Ill. Adm. Code 243

Point of Contact: Shannon Bilbruck

3485

Pretreatment Programs

35 Ill. Adm. Code 310

Point of Contact: Shannon Bilbruck

3497

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

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POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD  
PURSUANT TO 415 ILCS 5/10(H) and 1 ILCS 100/5-70(b)

Notice of Public Comment Period and Public Hearing  
for State Implementation Plan (SIP) Submittals  
for National Ambient Air Quality Standards (NAAQS)

The Pollution Control Board (Board) is accepting public comments and will conduct a public hearing on a prospective NAAQS SIP submittal to the U.S. Environmental Protection Agency (USEPA). The Board will accept written comments on the proposed rule that will form the basis for the SIP proposal until 45 days after the Notice of Proposed Amendments appears in the *Illinois Register*. A public hearing will occur by videoconference between Chicago and Springfield on April 21, 2022. The Board presently anticipates adoption of amendments to the Illinois ambient air quality standards before June 1, 2022.

Section 10(H) of the Environmental Protection Act (Act) [415 ILCS 5/10(H)] requires the Board to do as follows:

[T]he 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 [(42 U.S.C. § 7409 (2019))].

The USEPA NAAQS are codified at 40 C.F.R. § 50. The Board is required to adopt those exemptions using the "identical in substance" rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2]. The Illinois listing of these compounds is codified at 35 Ill. Adm. Code 243.

On February 17, 2022, the Board adopted a proposal for public comment in docket R22-8 to initiate adoption of the latest USEPA amendments to and actions affecting the federal NAAQS during the first half of 2021.

- On March 4, 2021 (86 Fed. Reg. 12682), USEPA designated a new federal reference method (FRM) for sulfur dioxide (SO<sub>2</sub>) in ambient air.
- On March 26, 2021 (86 Fed. Reg. 16055), USEPA issued the Round 4 area designations for the primary 2010 one-hour NAAQS for SO<sub>2</sub>.

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- On December 15, 2021, USEPA updated the *List of Designated Reference and Equivalent Methods*. This update included the FRM that USEPA designated on March 4, 2021 (86 Fed. Reg. 12682).

The Board submitted this Notice of Public Hearing and Public Comment together with a Notice of Proposed Amendments to appear in the *Illinois Register* relative to the docket R22-8 proposal.

The Board expects that the Illinois Environmental Protection Agency (Agency) will submit the present amendments to USEPA to be included in or to revise the Illinois SIP pertaining to one or more ambient air quality priority pollutants (carbon monoxide, lead nitrogen oxides, ozone, particulate matter, and sulfur dioxide) pursuant to section 110 of the federal Clean Air Act (42 U.S.C. § 7410(a) (2019)) and the implementing USEPA regulations. See 40 C.F.R. § 51.102 and appendix V (2021).

As USEPA will require the State to have conducted a hearing on the amendments to the Illinois NAAQS rules involved in this proceeding pursuant to 42 U.S.C. § 4210(a) and 40 C.F.R. § 51.102.

The Board scheduled a public hearing to allow the public to comment on the proposed amendments and the anticipated SIP revision. The Board will conduct that hearing by videoconference between the Board's offices in Chicago and Springfield, as follows:

11:45 a.m., Thursday, April 21, 2022

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

and

Illinois Environmental Protection Agency Building  
Illinois Pollution Control Board Hearing Room, Room 1244N, First Floor  
1021 North Grand Avenue East  
Springfield

The Board invites public comment on the proposed amendments. The Board will receive public comments until at least 45 days after a notice of these proposed amendments appears in the *Illinois Register*. Anyone may file a public comment with the Board addressed as follows:

Office of the Clerk

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Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601

All comments relating to this rulemaking should clearly refer to docket R22-8.

The record in this docket will include all documents pertaining to this proceeding. All documents in the record are publicly available for inspection and copying as provided in 2 Ill. Adm. Code 2175 by contacting the Office of the Clerk. The documents are also freely available online at the Board's webpage: [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

The record will not include a copy of the following documents, which are all otherwise publicly available:

- The March 4, 2021 and March 26, 2021 *Federal Register* notices that prompted this action (referenced in the Board's February 3, 2022 opinion and order proposing amendments);
- The December 15, 2021 update to the List of Designated Methods that prompted this action (referenced in the Board's February 3, 2022 opinion and order proposing amendments);
- Federal statutes and regulations referenced in the Board's February 3, 2022 opinion and order; and
- Illinois statutes and regulations referenced in the Board's February 3, 2022 opinion and order.

The Board requests that interested persons direct questions to the following person:

Michael J. McCambridge, Staff Attorney  
Pollution Control Board  
100 West Randolph Street, Room 11-500  
Chicago, Illinois 60601  
312-814-6924  
[michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov)

The Board requests that interested persons request documents from or submit documents to the following person:

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POLLUTION CONTROL BOARD

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Don A. Brown, Clerk of the Board  
Pollution Control Board  
100 West Randolph Street, Room 11-500  
Chicago, Illinois 60601  
312-814-3461  
don.brown@illinois.gov

After the hearing and conclusion of the public comment period, the Board will promptly issue an opinion and order adopting final rule amendments. The Board presently anticipates adopting the amendments before June 1, 2022. The Board will then file the amendments with the Office of the Secretary of State, and a Notice of Adopted Amendments will appear in the *Illinois Register*. Any Agency submission of the associated SIP revision to USEPA will follow that Notice.

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NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 10(H) of the Environmental Protection Act (Act) [415 ILCS 5/10(H)] requires the Board to adopt regulations that are identical in substance to the National Ambient Air Quality Standards (NAAQS) adopted by USEPA under section 109 of the Clean Air Act (CAA) (42 U.S.C. § 7409 (2019)). The USEPA NAAQS adopted under this authority are codified as 40 C.F.R. 50. The Board is required to adopt these rules using the “identical in substance” rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2].

Section 7.2(a) of the Act requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

On February 17, 2022, the Pollution Control Board adopted an order in consolidated docket R22-8 that stated reasons for delay and extended the deadline for the Board completing action on rules adopted by USEPA on March 4, 2021 and March 26, 2021. A segment of that opinion and order set forth reasons for delay in the update to 35 Ill. Adm. Code 243. In that order, the Board stated as follows:

**EXTENSION OF DUE DATE AND REASONS FOR DELAY  
TIMETABLE TO COMPLETE RULEMAKING**

Section 7.2(b) of the Act requires the Board to complete action on these amendments within one year of the earliest USEPA action in the docket. That is March 4, 2022. Section 7.2(b) further allows the Board to extend the deadline for completing the amendments upon finding that more time is necessary. The Board must publish notice of this finding in the *Illinois Register*. 415 ILCS 5/7.2(b) (2020).

The Board finds that additional time is needed to complete the amendments in this docket. Events have delayed action until today. The Board extends the due date for final action until June 1, 2022.

The Board is reviewing the entire text of the Illinois hazardous waste regulations to make needed corrections and harmonize that text with current Board stylistic preferences and stylistic preferences that the Joint Committee on Administrative Rules (JCAR) consistently submits based on our proposed rules. The corrections to the first portion of the hazardous waste and underground injection control permit rules in RCRA Subtitle C Update, USEPA Amendments (July 1, 2020 through December 31, 2020, R21-13, RCRA Subtitle C Update, USEPA Amendments (July 1, 2021 through December 31, 2021, R22-13, Corrections to RCRA Subtitle C and UIC Permit Rules (35 Ill. Adm. Code 702 through 705), R22-19 (consol.) has substantially

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taxed Board resources. The volume of text involved is large and the effort needed for the review considerable. The Board staff member who has worked on hazardous waste updates for nearly 30 years plans to retire within the next several months. The Board wishes to take advantage of his experience by completing review of the rules before he retires.

Work on the R21-13/R22-13/R22-19 rulemaking unavoidably delayed progress in the present R22-8 NAAQS update.

The Board plans to complete the amendments in the docket R22-8 NAAQS update on the following schedule:

Board order proposing amendments:	<b>February 17, 2022</b>
Submission for <i>Illinois Register</i> publication:	February 28, 2022
Estimated <i>Illinois Register</i> publication date:	March 11, 2022
Public Hearing on Amendments	April 21, 2022
Estimated end of 45-day public comment period:	April 11, 2022
Board order adopting amendments:	<b>May 4, 2022</b>
Estimated filing and effective date:	<b>May 16, 2022</b>
Estimated <i>Illinois Register</i> publication date:	May 27, 2022

This schedule delays adopting amendments by a short time after the public hearing to allow any additional public comments after the hearing.