



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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
243.108	Amendment
243.122	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 10, and 27.
- 5) A Complete Description of the Subjects and Issues Involved: 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 February 17, 2022, proposing amendments in docket R22-8 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the Illinois Register before proceeding to adopt amendment based on this proposal.

The docket R22-8 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:

March 4, 2021
(86 Fed. Reg. 12682)

USEPA designated a new FRM for sulfur dioxide (SO₂) in ambient air. The Board must incorporate this FRM into the Illinois rules.

March 26, 2021
(86 Fed. Reg. 16055)

USEPA issued the Round 4 area designations for the primary 2010 one-hour NAAQS for SO₂. This action redesignated the Macon County area from nonattainment to attainment/unclassifiable, effective April 30, 2021. USEPA's approval means that the 1971 primary 24-hour and annual average NAAQS for sulfur dioxide no longer applies in Illinois on April 30, 2022. After that date, the Board can remove that NAAQS from the Illinois rules.

RECEIVED

FEB 17 2022

SOS-CODE DIV.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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.
December 15, 2021	USEPA released an updated version of the <i>List of Designated Reference and Equivalent Methods</i> . The update incorporates the new FRM designated on March 4, 2021. Updating the incorporation by reference for the <i>List</i> to this latest version incorporates that FRM 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 R22-8 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 R22-8.

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).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 9) Does the proposed rule contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R22-8 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

The Board will conduct one public hearing on the proposed amendment because it will ultimately result in submission to the United States Environmental Protection Agency of an amendment to the state implementation plan (SIP). Section 110(a)(2) of the Federal Clean Air Act (42 U.S.C. § 7410(a)(2) (2019)) requires reasonable notice and hearing before a state undertakes an amendment to the SIP. The public hearing will occur by videoconference at the following time and between the following locations:

11:45 a.m., April 21, 2022
Room 11-512
James R. Thompson Center
100 W. Randolph St.
Chicago, IL 60601

and

Sangamo Building
Illinois Pollution Control Board Hearing Room
1021 North Grand Avenue
Springfield

Comments should reference docket R22-8 and be addressed to:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R22-8:

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 at 312-814-3620 or download a copy from the Board's Website at <http://www.pcb.illinois.gov>.

13) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that emit pollutants that could potentially affect ambient air quality in any area of Illinois. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including emissions monitoring, annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory agenda on which this rulemaking was summarized: January 2021

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