



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

June 1, 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 23 of the Illinois Register, dated 6/3/2022.

ADOPTED RULES

Air Quality Standards	
35 Ill. Adm. Code 243	9068
Point of Contact: Michael McCambridge	
Pretreatment Programs	
35 Ill. Adm. Code 310	9079
Point of Contact: Michael McCambridge	

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>
243.108	Amendment
243.122	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 10, and 27.
- 5) Effective date of rule: **MAY 18 2022**
- 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 May 12, 2022 in docket R22-8, 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: 46 Ill. Reg. 3485; March 4, 2022
- 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 May 12, 2022 in docket R22-8 and those proposed by the Board in an opinion and order dated February 17, 2022, are limited to minor corrections that have no substantive effect. The Board updated incorporations by reference to the *Code of Federal Regulations* to the latest version available. The Board listed the changes in a document entitled, "Identical-in-Substance Rulemaking Addendum (Final) to the May 12, 2022 Opinion and Order of the Board" (IIS-RA(P)) that the Board added to docket R22-8.

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- 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 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.
- 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 May 12, 2022, adopting amendments in docket R22-8, which opinion and order is available from the address below.

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 2021.

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) and a new FEM for coarse particulate matter (PM₁₀) 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, redesignating the Macon County area 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. The Board can remove this standard from the Illinois rules.

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| June 14, 2021
(86 Fed. Reg. 31439) | USEPA revised the ambient air quality designations for 13 counties in six nonattainment areas in four states, including Illinois, under the 2015 primary and secondary NAAQS for ozone. The result of the redesignations is that USEPA redesignated McHenry and Monroe Counties in Illinois from full county attainment to full county nonattainment, effective July 14, 2021. USEPA's reconsideration of its area designations does not affect applicability of either ozone NAAQS in any area of Illinois. The Board simply noted USEPA's action. |
| June 15, 2021 | USEPA released an updated version of the List of Designated Reference and Equivalent Methods. The update incorporates the new FRM and FEM designated on March 4, 2021. |
| December 15, 2021 | USEPA released an updated version of the <i>List of Designated Reference and Equivalent Methods</i> . The update supersedes the June 15, 2021 version and includes the March 4, 2021 FRM and FEM. Updating the incorporation by reference for the <i>List</i> to this latest version incorporates that FRM and FEM into the Illinois rules. Although the December 15, 2021 update would ordinarily fall within the docket R22-16 update for the second half of 2021, including it here allowed dismissal of reserved docket R22-16 today. |

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

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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 JCAR.

- 16) Information and questions regarding this adopted rulemaking shall be directed to: Please reference consolidated docket R22-8 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
60 E. Van Buren St, Suite 630
Chicago, IL 60605

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

Request copies of the Board's opinion and order of May 12, 2022 at 312-814-3620 or from the Internet at www.illinois.gov.

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