

ILLINOIS POLLUTION CONTROL BOARD
July 6, 2023

IN THE MATTER OF:)
)
NATIONAL AMBIENT AIR QUALITY) R23-15
STANDARDS (NAAQS), USEPA) (Identical-in-Substance Rulemaking - Air)
AMENDMENTS (July 1, 2022, through)
December 31, 2022))

Proposed Rule. Proposal for Public Comment.

OPINION AND ORDER OF THE BOARD (by B.F. Currie):

The Board today proposes amendments to the Illinois ambient air quality standards, responding to United States Environmental Protection Agency (USEPA) actions during the second half of 2022.

This is an identical-in-substance (IIS) rulemaking under Sections 7.2 and 10(H) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/7.2 and 10(H) (2020)). Section 10(H) requires the Board to adopt standards 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)).

Section 10(H) of the Act and Section 1-5(c)(1) of the Administrative Procedure Act (APA) (5 ILCS 100/5-1-5(c)(1) (2020)) further provide that Title VII of the Act (415 ILCS 5/Tit. VII (2020)) and Section 5-35 of the APA (5 ILCS 100/5-35 (2020)) do not apply to IIS rulemaking. Accordingly, the Board does not adopt a “First Notice” proposal and then a “Second Notice” proposal for review by JCAR. However, Section 7.2 of the Act requires the Board to consider comments from USEPA, the Illinois Environmental Protection Agency (Agency), the Attorney General, and the public before adopting IIS rules.

The Board today revises the Illinois ambient air quality standards based on USEPA actions during the second half of 2022. USEPA took two actions during this time period. The first action, the Board notes, requires no response by the Board. The second action updates one incorporation by reference to incorporate one new federal reference method (FRM) into the Illinois rules.

The Board will submit the proposed amendments for publication in the *Illinois Register* and will receive public comments for at least 45 days after publication. The Board will also hold a public hearing on August 17, 2023. The Board expects to adopt final rules no later than October 5, 2023.

SUMMARY OF PROPOSED AMENDMENTS

Federal Actions Implemented

October 7, 2022 (87 Fed. Reg. 60918)

USEPA redesignated the Chicago area as moderate nonattainment under the 2015 eight-hour ozone NAAQS. USEPA's action does not require the Board to act, however, the Board notes this taken by USEPA.

October 28, 2022 (87 Fed. Reg. 65203)

USEPA updated its *List of Designated Reference and Equivalent Methods* (List) on October 28, 2022. USEPA's update modified existing method designations and designated a new Federal Equivalent Method (FEM) for fine particulate matter (PM_{2.5}) in ambient air. USEPA updated its *List of Designated Reference and Equivalent Methods* on December 15, 2022. The Board's rules incorporate the December 15, 2021, version of the List by reference. Updating the incorporation by reference to the December 15, 2022 version will incorporate the October 28, 2022 amendment noticed in the Federal Register. The Board will propose for public comment that update.

Due date:	October 28, 2023
Proposal adopted date:	July 6, 2023
Publication submission deadline:	July 11, 2023
Illinois Register publication date:	July 21, 2022
End of 45-day public comment period:	September 8, 2023
Adoption date:	October 5, 2023
Possible filing and effective date:	October 10, 2023
Possible Illinois Register publication date:	October 20, 2023

Requests for Comments

The Board requests that interested persons review this opinion and order and submit comments on the proposed amendments. Address questions or written comments concerning this rulemaking, noting docket number R23-15, to:

Don A. Brown, Clerk
 Pollution Control Board
 60 East Van Buren Street, Suite 630
 Chicago, Illinois 60605
 312-814-3461
don.brown@illinois.gov

PUBLIC HEARING

The Board expects that the Illinois Environmental Protection Agency (Illinois EPA) will submit these amendments to USEPA to be included in the Illinois state implementation plan (SIP) under 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).

USEPA requires the State to conduct a hearing on the amendments to the Illinois NAAQS rules involved in this proceeding. *See* 42 U.S.C. § 4210(a) (2019); 40 C.F.R. § 51.102 (2021).

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:

11:30 a.m., Thursday, August 17, 2023

James R. Thompson Center
100 West Randolph Street, Room 16-504
Chicago

and

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

Persons wishing to testify on the record must be physically present at either of the two hearing locations given above. This does not limit the right of any person to submit written public comments on the proposed amendments.

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 through the Clerk's Office On-Line (COOL) through the Board's website (pcb.illinois.gov). Public comments may also be addressed to the Clerk's office at the mailing address listed above.

After the hearing and public comment period, the Board will promptly issue an order adopting final rule amendments. 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 Illinois EPA submission of the associated SIP revision to USEPA would follow that Notice.

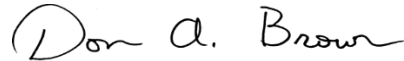
The Board finds that these measures will satisfy the federal requirements for SIP revision, in 33 U.S.C. § 7410(a) (2019) and 40 C.F.R. § 51.102, as to subjects included in this proceeding.

ORDER

The Board directs the Clerk to provide notice in the Illinois Register of the appended proposed amendments to the Illinois ambient air quality regulations at 35 Ill. Adm. Code 243.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 6, 2023, by a vote of 3-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above the printed name and title.

Don A. Brown, Clerk
Illinois Pollution Control Board

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. 9308, effective May 29, 2018; amended in R19-6 at 43 Ill. Reg. 3034, effective February 19, 2019; amended in R19-14/R20-3/R20-11 at 44 Ill. Reg. 14223, effective August 18, 2020; amended in R21-1 at 45 Ill. Reg. 337, effective December 17, 2020; amended in R22-8 at 46 Ill. Reg. 9068, effective May 18, 2022; amended in R23-15 at 47 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), Washington, DC 20401, 202-783-3238, www.govinfo.gov/. The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 (2021) (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 (2021) (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 (2021) (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 (2021) (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 (2021) (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 (2021) (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 (2021) (Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air), referenced in Section 243.126.

Appendix J to 40 CFR 50 (2021) (Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 (2021) (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 (2021) (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 (2021) (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 (2021) (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 (2021) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 (2021) (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 (2021) (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 (2021) (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 (2021) (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 (2021) (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Clean Air Act, 42 USC 7401 et seq. (2020) (for definitions of terms only), referenced in Section 243.101.

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: www.govinfo.gov/.

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, 2022) (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 47 Ill. Reg. _____, effective _____)