

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 243.108 | Amendment |
| 243.125 | Amendment |
- 4) Statutory 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].
- 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 March 7, 2024, proposing amendments in docket R24-15 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 in the R24-15 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 second half of 2023. The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended implementation of its NAAQSs as follows:

October 12, 2023 (88 Fed. Reg. 70595)

USEPA updated the current ozone absorption cross-section to the recommended consensus based cross-section value. The new value is 1.2% lower than the current value and reduces the uncertainty in the value. The adoption of this updated ozone absorption cross-section could result in increases in measured ozone concentrations. However, given the existing sources of potential variability in monitoring data, it is unlikely that there will be any consistent measurable and predictable effect on reported data.

November 6, 2023 (88 Fed. Reg. 76212)

USEPA updated its *List of Designated Reference and Equivalent Methods* (List) on November 6, 2023. USEPA's update modified existing method designations and

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designated a new Federal Equivalent Method (FEM) for measuring concentrations of Particulate Matter (PM10) in ambient air. USEPA updated its *List of Designated Reference and Equivalent Methods* on November 6, 2023. The Board's rules incorporate the December 15, 2022 version of the List by reference. Updating the incorporation by reference to the December 15, 2023 version will incorporate the November 6, 2023 amendment noticed in the Federal Register. The Board proposes that update for public comment.

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 proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does the proposed rule contain incorporations by reference? Yes

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 (2023) (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 (2023) (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 (2023) (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).

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Appendix C to 40 CFR 50 (2023) (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 ((2023) as amended in 88 Fed. Reg. 70598 (Oct 12, 2023)) (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 (2023) (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 (2023) (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 (2023) (Reference Method for the Determination of Particulate Matter as PM10 in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 (2023) (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 (2023) (Reference Method for the Determination of Fine Particulate Matter as PM2.5 in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 (2023) (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 (2023) (Reference Method for the Determination of Coarse Particulate Matter as PM10-2.5 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 (2023) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

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Appendix Q to 40 CFR 50 (2023) (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 (2023) (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 (2023) (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 (2023) (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 (2023) (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

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, 2023) (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.

- 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 R24-15 and be addressed to:

Don A. Brown, Clerk
Pollution Control Board

POLLUTION CONTROL BOARD

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60 East Van Buren Street, Suite 630
Chicago, Illinois 60605

312-814-3461
don.brown@illinois.gov

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) (2018)) 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:

11:30 a.m., Thursday, April 18, 2024

Michael A. Bilandic Building
160 N. LaSalle St., Room N-505
Chicago, Illinois 60601

and

Illinois Environmental Protection Agency Building
Illinois Pollution Control Board Hearing Room, Room 1244N, First Floor
1021 North Grand Avenue East
Springfield, Illinois 62702

Comments should reference docket R24-15 and be addressed 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

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:

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- 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)].
- 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 2024

The full text of the Proposed Amendments begins on the next page:

First Notice

JCAR350243-2404283r01

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE B: AIR POLLUTION
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODES
5

6 PART 243
7 AIR QUALITY STANDARDS
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9 SUBPART A: GENERAL PROVISIONS
10

11 Section

| | | |
|----|---------|--|
| 12 | 243.101 | Definitions |
| 13 | 243.102 | Scope |
| 14 | 243.103 | Applicability |
| 15 | 243.104 | Nondegradation (Repealed) |
| 16 | 243.105 | Air Quality Monitoring Data Influenced by Exceptional Events |
| 17 | 243.106 | Monitoring (Repealed) |
| 18 | 243.107 | Reference Conditions |
| 19 | 243.108 | Incorporations by Reference |

20
21 SUBPART B: STANDARDS AND MEASUREMENT METHODS
22

23 Section

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|----|---------|---|
| 24 | 243.120 | PM ₁₀ and PM _{2.5} |
| 25 | 243.121 | Particulates (Repealed) |
| 26 | 243.122 | Sulfur Oxides (Sulfur Dioxide) |
| 27 | 243.123 | Carbon Monoxide |
| 28 | 243.124 | Nitrogen Oxides (Nitrogen Dioxide as Indicator) |
| 29 | 243.125 | Ozone |
| 30 | 243.126 | Lead |

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| 31 | | |
| 32 | 243.APPENDIX A | Rule into Section Table (Repealed) |
| 33 | 243.APPENDIX B | Section into Rule Table (Repealed) |
| 34 | 243.APPENDIX C | Past Compliance Dates (Repealed) |
| 35 | 243.TABLE A | Schedule for Flagging and Documentation Submission for Data Influenced 36 by Exceptional Events for Use in Initial Area Designations (Repealed) |
| 37 | | |

38 AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the
39 Environmental Protection Act [415 ILCS 5/7.2, 10, and 27].
40

41 SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23,
42 filed and effective April 14, 1972; amended in R80-11, at 6 Ill. Reg. 5804, effective April 22,
43 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18, 1983; codified at 7 Ill. Reg.

44 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992; amended in R09-19 at
 45 35 Ill. Reg. 18857, effective October 25, 2011; amended in R13-11 at 37 Ill. Reg. 12882,
 46 effective July 29, 2013; amended in R14-6 at 37 Ill. Reg. 19848, effective November 27, 2013;
 47 amended in R14-16 at 38 Ill. Reg. 12900, effective June 9, 2014; amended in R15-4 at 39 Ill.
 48 Reg. 5434, effective March 24, 2015; amended in R16-2 at 40 Ill. Reg. 4906, effective March 3,
 49 2016; amended in R17-1 at 41 Ill. Reg. 1121, effective January 23, 2017; amended in R17-10 at
 50 41 Ill. Reg. 13413, effective October 23, 2017; amended in R18-15 at 42 Ill. Reg. 9308, effective
 51 May 29, 2018; amended in R19-6 at 43 Ill. Reg. 3034, effective February 19, 2019; amended in
 52 R19-14/R20-3/R20-11 at 44 Ill. Reg. 14223, effective August 18, 2020; amended in R21-1 at 45
 53 Ill. Reg. 337, effective December 17, 2020; amended in R22-8 at 46 Ill. Reg. 9068, effective
 54 May 18, 2022; amended in R23-15 at 47 Ill. Reg. 14814, effective October 5, 2023; amended in
 55 R24-15 at 48 Ill. Reg. _____, effective _____.

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 57 **SUBPART A: GENERAL PROVISIONS**

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 59 **Section 243.108 Incorporations by Reference**

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 61 The following materials are incorporated by reference. These incorporations do not include any
 62 later amendments or editions:

63
 64 Government Printing Office (GPO), Washington, DC 20401, 202-783-3238,
 65 www.govinfo.gov/. The following documents incorporated by reference are
 66 available from this source:

67
 68 Appendix A-1 to 40 CFR 50 (~~2023~~2021) (Reference Measurement
 69 Principle and Calibration Procedure for the Measurement of Sulfur
 70 Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)),
 71 referenced in Section 243.122.

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 73 Appendix A-2 to 40 CFR 50 (~~2023~~2021) (Reference Method for the
 74 Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline
 75 Method)), referenced in Section 243.122.

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 77 Appendix B to 40 CFR 50 (~~2023~~2021) (Reference Method for the
 78 Determination of Suspended Particulate Matter in the Atmosphere (High-
 79 Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

80
 81 Appendix C to 40 CFR 50 (~~2023~~2021) (Reference Measurement Principle
 82 and Calibration Procedure for the Measurement of Carbon Monoxide in
 83 the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in
 84 Section 243.123.
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86 Appendix D to 40 CFR 50 (~~(2023)~~ [as amended in 88 Fed. Reg. 70598 \(Oct](#)
87 [12, 2023\)](#)~~2021~~) (Reference Measurement Principle and Calibration
88 Procedure for the Measurement of Ozone in the Atmosphere), referenced
89 in Section 243.125.
90
91 Appendix F to 40 CFR 50 (~~(2023)~~~~2021~~) (Reference Measurement Principle
92 and Calibration Procedure for the Measurement of Nitrogen Dioxide in the
93 Atmosphere (Gas Phase Chemiluminescence)), referenced in Section
94 243.124.
95
96 Appendix G to 40 CFR 50 (~~(2023)~~~~2021~~) (Reference Method for the
97 Determination of Lead in Suspended Particulate Matter Collected from
98 Ambient Air), referenced in Section 243.126.
99
100 Appendix J to 40 CFR 50 (~~(2023)~~~~2021~~) (Reference Method for the
101 Determination of Particulate Matter as PM₁₀ in the Atmosphere),
102 referenced in Section 243.120.
103
104 Appendix K to 40 CFR 50 (~~(2023)~~~~2021~~) (Interpretation of the Primary and
105 Secondary National Ambient Air Quality Standards for Particulate
106 Matter), referenced in Section 243.120.
107
108 Appendix L to 40 CFR 50 (~~(2023)~~~~2021~~) (Reference Method for the
109 Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere),
110 referenced in Section 243.120.
111
112 Appendix N to 40 CFR 50 (~~(2023)~~~~2021~~) (Interpretation of the Primary and
113 Secondary National Ambient Air Quality Standards for Particulate
114 Matter), referenced in Section 243.120.
115
116 Appendix O to 40 CFR 50 (~~(2023)~~~~2021~~) (Reference Method for the
117 Determination of Coarse Particulate Matter as PM_{10-2.5} in the
118 Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in
119 federally required monitoring by the NCore system pursuant to 40 CFR
120 58.
121
122 Appendix P to 40 CFR 50 (~~(2023)~~~~2021~~) (Interpretation of the Primary and
123 Secondary National Ambient Air Quality Standards for Ozone),
124 referenced in Section 243.125.
125
126 Appendix Q to 40 CFR 50 (~~(2023)~~~~2021~~) (Reference Method for the
127 Determination of Lead in Particulate Matter as PM₁₀ Collected from
128 Ambient Air), referenced in appendix R to 40 CFR 50.

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Appendix R to 40 CFR 50 (~~2023~~2021) (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 (~~2023~~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 (~~2023~~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 (~~2023~~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, ~~2023~~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 48 Ill. Reg. _____, effective _____)

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section 243.125 Ozone

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a) 2008 Primary and Secondary Eight-Hour NAAQS for Ozone

- 1) The 2008 primary and secondary eight-hour NAAQS for ozone is 0.075 ppm, daily maximum eight-hour average, measured by an FRM based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108, or an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 2008 primary and secondary eight-hour NAAQS for ozone ambient air quality standards are met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.075 ppm, as determined in compliance~~accordance~~ with appendix P to 40 CFR 50, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.15.

b) 2015 Primary and Secondary Eight-Hour NAAQS for Ozone

- 1) The level of the eight-hour primary NAAQS for ozone is 0.070 ppm, daily maximum eight-hour average, measured by a reference method based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, or an equivalent method designated by USEPA and listed in the List of Designated Methods or a Federal Register notice incorporated by reference in Section 243.108.
- 2) The eight-hour primary NAAQS for ozone is met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.070 ppm, as determined in compliance~~accordance~~ with appendix U to 40 CFR 50, incorporated by reference in Section 243.108.
- 3) The level of the secondary NAAQS for ozone is 0.070 ppm, daily maximum eight-hour average ozone concentration, measured by a reference method based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, and ~~designated in accordance with part 53 of this chapter or an equivalent method~~ designated by USEPA and listed in the List of Designated Methods or a Federal Register notice incorporated by reference in Section 243.108.

- 215 4) The eight-hour secondary NAAQS for ozone is met at an ambient air
216 quality monitoring site when the three-year average of the annual fourth-
217 highest daily maximum eight-hour average ozone concentration is less
218 than or equal to 0.070 ppm, as determined in compliance~~accordance~~ with
219 appendix U to 40 CFR 50, incorporated by reference in Section 243.108.
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221 BOARD NOTE: This subsection (b) is derived from 40 CFR 50.19.

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(Source: Amended at 48 Ill. Reg. _____, effective _____)