

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Toxic Air Contaminants
- 2) Code Citation: 35 Ill. Adm. Code 232
- 3) Section Number: 232.120 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Section 9.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.5 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: This proposal amends 35 Ill. Adm. Code 201, 202, 203, 204, and 232 to make the Board's Non-Attainment New Source Review consistent with the federal Clean Air Act and underlying NA NSR program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to Docket R22-17 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at pcb.illinois.gov. Public comments may be addressed to:

Clerk's Office
Illinois Pollution Control Board
60 E. Van Buren, Suite 630

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Chicago, IL 60605

Don.brown@illinois.gov

Interested persons may download copies of the Board's opinions and orders in R22-17 from the Board's Web site at pcb.illinois.gov and may also request copies by calling the Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments in this rulemaking will not themselves require recordkeeping or reporting procedures for compliance.
 - C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule did not appear in the previous two regulatory agendas.

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

Comparing:
Agency Proposed vs. JCAR r01

~~ILLINOIS REGISTER~~

JCAR350232-2406676r01

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER f: TOXIC AIR CONTAMINANTS

PART 232
TOXIC AIR CONTAMINANTS

SUBPART A: GENERAL PROVISIONS

Section	
232.100	Introduction
232.110	Incorporations by Reference
232.120	Definitions
232.130	Applicability

SUBPART B: DETERMINATION OF A TOXIC AIR CONTAMINANT

Section	
232.200	Characteristics for Determining a Toxic Air Contaminant

SUBPART C: PROCEDURES FOR EVALUATING CHARACTERISTICS
OF A TOXIC AIR CONTAMINANT

Section	
232.300	Purpose
232.310	Procedures for Determining the Toxicity Score
232.320	Carcinogen Classification

SUBPART D: SOURCE IDENTIFICATION AND REPORTING REQUIREMENTS

Section	
232.400	Purpose
232.410	Applicability
232.420	ITAC Source Report
232.421	Emissions Report Certification
232.423	Failure to Receive an ITAC Source Report
232.430	Emissions Report
232.440	Use of Available Data
232.450	Retention of Records/Additional Information
232.460	Reporting of Errors

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SUBPART E: LISTING AND DELISTING

Section

- 232.500 Procedures for Listing and Delisting Toxic Air Contaminants
232.501 Listing of Federal Hazardous Air Pollutants, Great Lakes Commission Toxic Compounds and Great Waters Program Toxic Compounds
- 232.APPENDIX A List of Toxic Air Contaminants
232.APPENDIX B Additional Procedures for Calculating the Chronic Toxicity Score
232.APPENDIX C Carcinogens (Categories A, B1, and B2) listed on the Integrated Risk Information System (IRIS) as of December 31, 1989 (United States Environmental Protection Agency, Office of Health and Environmental Assessment)

AUTHORITY: Implementing Section 9.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.5 and 27].

SOURCE: Adopted in R90-1 at 16 Ill. Reg. 16592, effective October 18, 1992; amended in R96-4 at 21 Ill. Reg. 6237, effective May 12, 1997; amended in R22-17 at 48 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 232.120 Definitions

The definitions of 35 Ill. Adm. Code 201 and 211 apply to this Part, as well as the definitions contained in this Section. Where a definition contained in this Section is more specific than those found in 35 Ill. Adm. Code 201 and 211, it must take precedence in application of this Part.

"ACGIH" means the American Conference of Governmental Industrial Hygienists.

"Adverse health effect" means a health injury or disease that may be produced by exposure to a contaminant. This includes any decrement in the function of an organ or organ system or any subclinical organ lesion that is likely to lead to a decrement in an organ or organ system function.

"Commercial fuel" means:

Any fuel offered for final sale for use in combustion processes;

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Any gaseous or liquid fuel generated as a by-product at a source for which the source has been issued an operating permit to use such fuel internally in combustion processes, including internal combustion engines; or

Any waste derived fuel for which an operating permit has been issued and which represents no more than five percent (.05) by weight on a daily basis of total fuel used in combustion processes by a source.

"Critical gestation days" means the days during which the formation and differentiation of organs and organ systems occurs during embryonic development.

"Fugitive emissions" is defined according to 35 Ill. Adm. Code 203.1190.

"IARC" means the World Health Organization's International Agency for Research on Cancer.

"IRIS" means the USEPA's Integrated Risk Information System.

"Illinois Toxic Air Contaminant" (ITAC) means any toxic air contaminant listed under 35 Ill. Adm. Code 232, excluding, specifically: coke oven gas; any hazardous air pollutant (HAP) now or hereafter listed under Section 112(b) of the Clean Air Act (CAA) (1990); and any pollutant or contaminant listed as a compound of concern under the Great Waters and Coastal Waters Program under Section 112(m) of the CAA.

"ITAC Source Report" means the report that the Agency provides to the source that lists data fields for the information required in the emissions report for Subpart D of this Part, and contains the information, if any, that previously has been reported to the Agency for those data fields.

"LC50" means the concentration in the air of a contaminant that kills, or is estimated to kill, 50% (.50) of a population of laboratory animals where the exposure is brief (8 hours or less) and where the route of exposure is inhalation.

"LD50" means the dose of a contaminant that kills, or is estimated to kill, 50% (.50) of a population of laboratory animals where the route of exposure is ingestion.

"Lowest observed adverse effect level" means the lowest experimentally

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determined dose at which a statistically or biologically significant indication of the toxic effect of concern is observed.

"Manufacture" means, for the purposes of Subpart D of this Part, to produce, prepare, or compound a listed ITAC, and includes coincidental production of an ITAC (e.g., as a by-product or impurity) as a result of the manufacture, processing or otherwise use or treatment of one or more chemical substances not an ITAC. An ITAC intentionally incorporated into a product is considered to be manufactured.

"NTP" means the United States Department of Health and Human Services, Public Health Services' National Toxicological Program.

"No observed effect" means the condition where no adverse health effect has been detected.

"Otherwise use" means, for the purposes of Subpart D of this Part, any activity involving a listed ITAC at a source that does not fall within the definition of "manufacture" or "process."

"Process" means, for the purposes of Subpart D of this Part, the preparation of an ITAC after its manufacture for distribution in commerce in the same physical state as, or in a different form or physical state from, that in which it was received by the source, or preparation that produces a change in physical state or chemical form.

"Toxic air contaminant" (TAC) means a contaminant identified under Section 232.200 or Section 232.501 of this Part and listed in Appendix A of this Part.

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

Summary report:	
Litera Compare for Word 11.4.0.111 Document comparison done on 5/2/2024 2:20:02 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: 35-232RG-P Agency.docx	
Modified filename: 35-232RG-P r01 (48-18).docx	
Changes:	
Add	8
Delete	13
Move From	0
Move To	0
Table Insert	0
Table Delete	0
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	21

First Notice

JCAR350232-240667r01

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2 SUBTITLE B: AIR POLLUTION
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER f: TOXIC AIR CONTAMINANTS

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7 TOXIC AIR CONTAMINANTS

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22 SUBPART C: PROCEDURES FOR EVALUATING CHARACTERISTICS
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