

ILLINOIS POLLUTION CONTROL BOARD

October 5, 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))

Adopted Rule. Final Order.

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

The Board today adopts amendments to the Illinois ambient air quality standards, responding to United States Environmental 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) (2022)). 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.

Included are limited non-substantive corrections and revisions that the Board finds are needed. These are limited to updating incorporations by reference. The Board adopted a proposal for public comment on July 6, 2023. A Notice of Proposed Amendments appeared in the *Illinois Register* on July 28, 2023 at 47 Ill. Reg. 11412. The 45-day public comment period ended September 8, 2023.

Notice of the public hearing was published in the following publications: the *Chicago Sun-Times* on July 10, 2023; the *Belleville News-Democrat* on July 10, 2023; the *Rockford*

Register Star on July 12, 2023; the *State Journal Register* on July 12, 2023; the *Centralia & Mt. Vernon Morning Sentinels* on July 12, 2023; the *Metropolis Planet* on July 13, 2023; the *Peoria Journal Star* on July 16, 2023; the *Dispatch/Rock Island Argus* on July 14, 2023; the *News-Gazette* on July 12, 2023; the *Galena Gazette* on July 12, 2023; and the *News Tribune* on July 11, 2023. The Board held a public hearing on the proposed amendments on August 17, 2023. No public comments were made during the hearing.

SUMMARY OF PROPOSED AMENDMENTS

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.

Requests for Comments

The Board requested that interested persons review this opinion and order and submit comments on the proposed amendments. The Board did not receive any comments on this proposal.

ORDER

The Board directs the Clerk to file the adopted amendments with the Office of the Secretary of State and provide notice in the *Illinois Register* of the appended adopted 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 opinion and order on October 5, 2023, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board

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)
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ADDENDUM

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 PM10 and PM2.5
 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)(~~December 15, 2021~~) (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 _____)