

ILLINOIS POLLUTION CONTROL BOARD

March 7, 2024

IN THE MATTER OF: )  
 )  
NATIONAL AMBIENT AIR QUALITY ) R24-15  
STANDARDS (NAAQS), USEPA ) (Identical-in-Substance Rulemaking - Air)  
AMENDMENTS (July 1, 2023, through )  
December 31, 2023) )

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 2023.

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 (2023)).

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) (2022)) further provide that Title VII of the Act (415 ILCS 5/Tit. VII (2022)) and Section 5-35 of the APA (5 ILCS 100/5-35 (2022)) 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 2023. The Board updates incorporations by reference to the Code of Federal Regulations in the Illinois rules. The Board also included a correction to the language of the rule as well as limited non-substantive corrections and revisions that the Board finds are needed.

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 April 18, 2024. The Board expects to adopt final rules no later than October 12, 2024.

**SUMMARY OF PROPOSED AMENDMENTS**

**Federal Actions Implemented**

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

As there are two updates during this cycle, the Board uses the earliest due date for the schedule below:

Due date:	October 12, 2024
Proposal adopted date:	March 7, 2024
Publication submission deadline:	March 8, 2024
Expected <i>Illinois Register</i> publication date:	March 22, 2024
End of 45-day public comment period:	May 6, 2024
Public Hearing	April 18, 2024
Adoption date:	May 16 2024
Possible filing and effective date:	May 17, 2024
Possible <i>Illinois Register</i> publication date:	May 31, 2024

**Board Corrections**

In addition to nonsubstantive changes necessary to reflect current style, the Board also corrects Section 243.125(b)(3). In updating the reference to 40 CFR 50, Appendix D, the Board found that Section 243.125(b)(3) contained an error. When the Board adopted the underlying language in National Ambient Air Quality Standards, USEPA Amendments, R 16-2 (Mar. 3, 2016), the language was incorrectly included in the adopted language. The Board described the error as follows:

changed [the federal language] “designated in accordance with part 53 of this chapter or an equivalent method designated in accordance with part 53 of this chapter” to “designated by USEPA and listed in the List of Designated Methods or a Federal Register notice incorporated by reference in Section 243.108.” R 16-2 slip op. at 15.

The Board makes that correction in this proceeding.

### **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 R24-15, 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](mailto:don.brown@illinois.gov)

### **PUBLIC HEARNG**

The Board expects that the Agency 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) (2023)) and the implementing USEPA regulations. *See* 40 C.F.R. § 51.102 and appendix V (2023).

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) (2023); 40 C.F.R. § 51.102 (2023).

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, April 18, 2024

Michael A. Bilandic Building  
160 N. LaSalle St., Room N-505  
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 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](http://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 IEPA 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) (2023) 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 opinion and order on March 7, 2024, by a vote of 4-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board