

ILLINOIS POLLUTION CONTROL BOARD

May 16, 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))

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 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 (2024)).

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 the Joint Committee on Administrative Rules (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. USEPA took two actions during this period. The first action reduces the current ozone cross-section value. The second action updates one incorporation by reference to incorporate one new federal reference method (FRM) into the Illinois rules. The Board also includes limited non-substantive corrections and revisions that the Board finds are needed.

The Board adopted a proposal for public comment on March 7, 2024. A Notice of Proposed Amendments appeared in the *Illinois Register* on March 22, 2024 at 48 Ill. Reg. 4283. The 45-day public comment period ended May 6, 2024.

Notice of the public hearing was published in the following publications: the *Chicago Sun-Times* on March 9, 2024; the *Belleville News-Democrat* on March 10, 2024; the *Rockford*

Register Star on March 10, 2024; the *State Journal Register* on March 11, 2024; the *Centralia & Mt. Vernon Morning Sentinels* on March 12, 2024; the *Metropolis Planet* on March 12, 2024; the *Peoria Journal Star* on March 10, 2024; the *Moline Dispatch-Argus* on March 13, 2024; the *News-Gazette* on March 11, 2024; and the *Galena Gazette* on March 13, 2024. The Board held a public hearing on the proposed amendments on April 18, 2024. No public comments were made during the hearing.

SUMMARY OF PROPOSED AMENDMENTS

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

USEPA updated the current ozone 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 for measuring concentrations of Particulate Matter (PM₁₀) in ambient air. This update also includes a new equivalent method for measuring concentrations of Lead(pb). Currently, the Board's rules incorporate the December 15, 2022 version of the List by reference. To include the amendments noticed in the November 6, 2023 Federal Register, the Board incorporates by reference the December 15, 2023 version of the List, which includes the new methods for PM₁₀ and lead.

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 order on May 16, 2024, by a vote of 4-0.

Don A. Brown

Don A. Brown, Clerk
Illinois Pollution Control Board