



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

May 29, 2024

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 48, Issue 22 of the Illinois Register, dated 5/31/2024.

ADOPTED RULES

Air Quality Standards	
35 Ill. Adm. Code 243	8097
Point of Contact: Shannon Bilbruck	
Sewer Discharge Criteria	
35 Ill. Adm. Code 307	8106
Point of Contact: Shannon Bilbruck	

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted 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) Effective date of rule: **MAY 16 2024**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Statement of availability: The adopted rulemaking, a copy of the Board's opinion and order adopted May 16, 2024, in docket R24-15, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in the Illinois Register: 48 Ill. Reg. 4283; March 22, 2024
- 10) Has JCAR issued a Statement of Objections to these rules? 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).
- 11) Differences between the proposal and the final version: There were no changes from the proposal to the final version.
- 12) Have all the changes agreed upon by the board and JCAR been made as indicated in the agreements issued by JCAR? 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 JCAR.

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NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and purpose of rulemaking: 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 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

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POLLUTION CONTROL BOARD

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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).

- 16) Information and questions regarding this adopted rulemaking shall be directed to: Please reference consolidated docket R24-15 and direct inquiries to the following person:

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>.

The full text of the adopted amendments begin on the next page: