



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

August 7, 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 32 of the Illinois Register, dated 8/9/2024.

PROPOSED RULES

| | |
|---|-------|
| Nitrogen Oxides Emissions 35 Ill. Adm. Code 217 Point of Contact: Shannon Bilbruck | 11469 |
| Hazardous Waste Management System: General 35 Ill. Adm. Code 720 Point of Contact: Shannon Bilbruck | 11559 |
| Identification and Listing of Hazardous Waste 35 Ill. Adm. Code 721 Point of Contact: Shannon Bilbruck | 11596 |
| Standards Applicable to Generators of Hazardous Waste 35 Ill. Adm. Code 722 Point of Contact: Shannon Bilbruck | 11776 |
| Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities 35 Ill. Adm. Code 724 Point of Contact: Shannon Bilbruck | 11839 |
| Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities 35 Ill. Adm. Code 725 Point of Contact: Shannon Bilbruck | 11868 |

Index Department - Administrative Code Division - 111 East Monroe Springfield, IL 62756



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste
Management Facilities

35 Ill. Adm. Code 726

11890

Point of Contact: Shannon Bilbruck

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Nitrogen Oxides Emissions

2) Code Citation: 35 Ill. Adm. Code 217

| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
|-------------------------|--------------------------|
| 217.101 | Amendment |
| 217.102 | Amendment |
| 217.104 | Amendment |
| 217.150 | Amendment |
| 217.152 | Amendment |
| 217.154 | Amendment |
| 217.155 | Amendment |
| 217.156 | Amendment |
| 217.157 | Amendment |
| 217.158 | Amendment |
| 217.160 | Amendment |
| 217.162 | Repealed |
| 217.164 | Amendment |
| 217.166 | Amendment |
| 217.180 | Amendment |
| 217.182 | Repealed |
| 217.184 | Amendment |
| 217.186 | Amendment |
| 217.200 | Amendment |
| 217.202 | Repealed |
| 217.204 | Amendment |
| 217.220 | Amendment |
| 217.222 | Repealed |
| 217.224 | Amendment |
| 217.240 | Amendment |
| 217.242 | Repealed |
| 217.244 | Amendment |
| 217.340 | Amendment |
| 217.342 | Repealed |
| 217.344 | Amendment |
| 217.386 | Amendment |
| 217.388 | Amendment |
| 217.390 | Amendment |
| 217.392 | Amendment |

RECEIVED

JUL 24 2024

SOS-CODE DIV.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

217.394 Amendment
217.396 Amendment

- 4) Statutory Authority: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5 (2004)].

- 5) A Complete Description of the Subjects and Issues Involved:

In 2015, the USEPA revised the primary and secondary National Ambient Air Quality Standard (NAAQS) for ozone to 0.070 part per million. USEPA designated Chicago and Metro East as marginal nonattainment areas for the 2015 ozone NAAQS with an attainment date of August 3, 2021. 83 Fed. Reg. 25776 (June 4, 2018). In 2022, USEPA determined that these two areas failed to attain the standard by that date, and by operation of law reclassified them as moderate nonattainment for the 2015 ozone NAAQS. 87 Fed. Reg. 60897 (Oct. 7, 2022).

In October 2023, USEPA found that eleven states, including Illinois, had failed to submit SIP revisions required by the CAA deadline of May 1, 2023, for areas classified as moderate nonattainment for the 2015 ozone NAAQS. 88 Fed. Reg. 71757 (Oct. 18, 2023). This finding triggers deadlines to impose mandatory sanctions if a state does not submit a complete SIP addressing the outstanding requirements. However, these sanctions will not take effect if, within 18 months after the November 17, 2023 effective date of that finding, "USEPA affirmatively determines that the State has made a complete SIP submittal addressing the deficiency for which the finding was made." Thus, Illinois will have to submit its complete SIP before May 19, 2025. Additionally, if USEPA approves Illinois' SIP submittal within 2 years of its November 2023 findings, USEPA is not required to impose a federal implementation plan (FIP) for the affected nonattainment areas.

IEPA states that its proposal intends to address NO_x RACT regulations for moderate nonattainment areas as well as deficiencies identified in USEPA's November 2023 finding. In addition, IEPA's proposal also addresses Illinois' obligation to adopt NO_x RACT regulations for major stationary sources of NO_x in ozone nonattainment areas classified as serious. Based on a review of available ozone monitoring data, IEPA anticipates that the Chicago and Metro East nonattainment areas will fail to attain the 2015 ozone standard by the August 3, 2024 attainment date and that USEPA will reclassify these areas as serious nonattainment. This imposes additional requirements, including lowering the major source threshold from 100 to 50 tons per year of NO_x. IEPA proposes to revise Part 217 to proactively address this expected reclassification.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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? Yes
- 10) Are there any proposed rulemakings to this Part pending? Yes.

| | | |
|------------------------|-------------------------|---------------------------------------|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
| 217.381 | Amendment | 47 Ill. Reg. 12842, September 1, 2023 |

- 11) Statement of Statewide Policy Objectives: These proposed amendments do 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 R25-17 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at www.pcb.illinois.gov. Public comments may be addressed to:

Clerk's Office
Illinois Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, IL 60605

312-814-3621
don.brown@illinois.gov

Interested persons may download copies of the Board's opinions and orders in R25-17 from the Board's Web site at www.pcb.illinois.gov and may also request copies by calling the Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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 Amendments begins on the next page: