

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards and Limitations for Organic Material Emissions for Area Sources
- 2) Code Citation: 35 Ill. Adm. Code 223
- 3) Section Number: 223.205      Proposed Action: Amend
- 4) Statutory authority: Implementing Section 10, and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28]
- 5) A complete description of the subjects and issues involved: For a more detailed description of this rulemaking, see the Board's November 4, 2010, opinion and order Air Quality Standards Clean-Up: Amendments to 35 Ill. Adm. Code 217, 223, 243 (R09-19).



The Illinois Environmental Protection Agency (Agency) submitted this rulemaking proposal to update Part 243 of the Board's air regulations to reflect revised National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency.

The record in this proceeding reveals an error in Part 223 in the name of one category of adhesives subject to volatile organic material emission limits. Specifically, the Agency has sought to correct a single word in the name of that category so that it matches the corresponding definition. The Board submits the Agency's proposed correction for first-notice publication in this docket.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of statewide policy objectives: The proposed amendment does not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R09-19 and be addressed to:

John Therriault  
Clerk's Office  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address questions to Tim Fox at 312-814-6085

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312-814-3620, or download them from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

- 13) Initial regulatory flexibility analysis: In Part 223, the Board in this docket proposes solely to correct the name of a category of adhesives at Section 223.205(a)(2). Specifically, the Board proposes to change that name from "Adhesives – Construction, Panel and Floor Contact" to "Adhesives – Construction, Panel and Floor Covering" to correspond to a definition for that category.
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: While the corrected name for the category of adhesives would clarify standards for construction, panel, and floor covering adhesives, it is not expected to have a substantive effect on any types of small businesses, small municipalities and not-for-profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: As the amendment to Part 223 merely corrects and clarifies the name of one category of adhesives, the proposal does not itself require procedures for compliance.
- C) Types of professional skills necessary for compliance: As the amendment to Part 223 merely corrects and clarifies the name of one category of adhesives, the proposal does not itself require any types of professional skills for compliance.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

14) Regulatory Agenda on which this rulemaking was summarized: January 2009

The full text of the Proposed Amendment begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

PART 223  
STANDARDS AND LIMITATIONS FOR ORGANIC  
MATERIAL EMISSIONS FOR AREA SOURCES

SUBPART A: GENERAL PROVISIONS

Section  
223.100 Severability  
223.105 Abbreviations and Acronyms  
223.120 Incorporations by Reference

SUBPART B: CONSUMER AND COMMERCIAL PRODUCTS

Section  
223.200 Purpose  
223.201 Applicability  
223.203 Definitions for Subpart B  
223.205 Standards  
223.206 Diluted Products  
223.207 Products Registered under FIFRA  
223.208 Requirements for Aerosol Adhesives  
223.209 Requirements for Floor Wax Strippers  
223.210 Products Containing Ozone-Depleting Compounds  
223.220 Requirements for Charcoal Lighter Material  
223.230 Exemptions  
223.240 Innovative Product Exemption  
223.245 Alternative Compliance Plans  
223.250 Product Dating  
223.255 Additional Product Dating Requirements  
223.260 Most Restrictive Limit  
223.265 Additional Labeling Requirements for Aerosol Adhesives, Adhesive  
Removers,  
Electronic Cleaners, Electrical Cleaners, Energized Electrical Cleaners, and  
Contact Adhesives  
223.270 Reporting Requirements  
223.275 Special Recordkeeping Requirements for Consumer Products that  
Contain Perchloroethylene or Methylene Chloride  
223.280 Calculating Illinois Sales  
223.285 Test Methods

SUBPART C: ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

Section  
223.300 Purpose  
223.305 Applicability  
223.307 Definitions for Subpart C  
223.310 Standards  
223.320 Container Labeling Requirements  
223.330 Reporting Requirements  
223.340 Compliance Provisions and Test Methods  
223.350 Alternative Test Methods  
223.360 Methacrylate Traffic Coating Markings



223.370 Test Methods

AUTHORITY: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28].

SOURCE: Adopted in R08-17 at 33 Ill. Reg. 8224, effective June 8, 2009; amended in R09-19 at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: CONSUMER AND COMMERCIAL PRODUCTS

Section 223.205 Standards

a) Except as provided in Section 223.207, 223.230, 223.240, or 223.245, no person shall sell, supply, offer for sale, or manufacture for sale in Illinois any consumer product manufactured on or after July 1, 2009 that contains VOMs in excess of the limits specified in this subsection:

Affected Product % VOM by Weight

1) Adhesives - Spray

A) Mist Spray	65B) Web Spray	55
C) Special Purpose Spray Adhesives		

i) Mounting, Automotive Engine Compartment, and Flexible Vinyl	70ii) Polystyrene Foam and Automotive Headliner	
Repair /Edgebanding	65iii) Polyolefin and Laminate	60

2) Adhesives - Construction, Panel, and Floor <del>Covering</del> Contact		
<del>15</del> <del>3) Covering</del> <del>153) Adhesives - General Purpose</del>		<del>10</del>
<del>4) 104) Adhesives - Structural Waterproof</del>	15	
5) Air Fresheners		

A) Single- Phase Aerosol	30	B)
Double Phase Aerosol	25C) Liquids / Pump Sprays	3
18D) Solids / Gel		
6) Antiperspirants		

A) Aerosol	40 HVOM	
	10 <del>MVOMB</del> <u>HVOMB</u> )	Non-Aerosol
	0 <del>HVOM</del> <u>MVOM</u>	0 MVOM

7) Automotive Brake Cleaners		<del>45</del> <del>8)</del>
<u>458) Automotive Rubbing or Polishing Compound</u>	17	
9) Automotive Wax, Polish, Sealant, or Glaze		

A) Hard Paste Waxes	3	C) All Other Forms	45B) Instant Detailers
15			
10) Automotive Windshield Washer Fluids			35
11) Bathroom and Tile Cleaners			

A) Aerosol	7	B) All
Other Forms	5	
12) Bug and Tar Remover		<del>40</del> <del>13)</del>
<u>4013) Carburetor or Fuel-Injection Air Intake Cleaners</u>		45

14) Carpet and Upholstery Cleaners

A) Aerosol 7 B) Non-Aerosol  
 (Dilutables) 0.1  
 C) Non-Aerosol (Ready-to-Use) 3.0

15) Charcoal Lighter ~~Material~~ see Material see Section  
~~223.220~~ ~~16)~~ ~~223.220~~ ~~16)~~ Cooking Spray - Aerosol 18  
 17) Deodorants

A) Aerosol 0 HVOM  
 10 ~~HVOM~~ Non-Aerosol MVOM

~~B) Non-Aerosol 0 HVOM~~  
 0 MVOM  
 18) Dusting Aids

A) Aerosol 25 B) All  
 Other Forms 7  
 19) Engine Degreasers

~~A) Aerosol 35~~

~~B) Non-Aerosol 5~~

A) Aerosol 35 B) Non-Aerosol 5

~~20)~~ 20) Fabric Protectants 60  
 21) Floor Polishes / Waxes

A) Products for Flexible Flooring Materials 10 C) 7B) Products for  
 Nonresilient Flooring 90 Wood Floor Wax

22) Floor Wax ~~Strippers~~ see Strippers see Section  
 223.209

23) Furniture Maintenance Products

A) Aerosol 17 B) All  
 Other Forms Except Solid or Paste 7  
 24) General Purpose Cleaners

A) Aerosol 10 B) Non-  
 Aerosol 4  
 25) General Purpose Degreasers

A) Aerosol 50  
 B) Non-Aerosol 4  
 26) Glass Cleaners

A) Aerosol 12 B) Non-  
 Aerosol 4

27) Hair Mousses  
628) Hairshines  
5529) Hairsprays  
 Styling Gels  
 Cleaner or Soap 8

~~6~~ ~~28)~~  
~~55~~ ~~29)~~ -  
~~55~~ ~~30)~~ 5530) Hair  
~~631~~ 631) Heavy Duty Hand

32) Insecticides

A) Crawling Bug (Aerosol)	15	B) Crawling
Bug (All Other Forms)	20	Flea and Tick
25	D) Flying Bug (Aerosol)	
E) Flying Bug (All Other Forms)	35	
F) Foggers	45	G) Lawn and
Garden (Aerosol)	20	Lawn and Garden (All Other
Forms)	3	Forms)
I) Wasp and Hornet		40

33) Laundry Prewash

A) Aerosols / Solids	22	B) All
Other Forms	5	

34) Laundry Starch Products	<del>5</del>	<del>35)</del>
<u>535</u> ) Metal Polishes / Cleansers	<del>3036</del>	<u>3036</u> ) Multi-
Purpose Lubricant	(Excluding Solid or Semi-Solid Products)	
<del>50</del> <del>37)</del> <u>5037</u> ) Nail Polish Removers		<del>75</del>
<del>38)</del> <u>7538</u> ) Non-Selective Terrestrial Herbicide - Non-Aerosol		

3

39) Oven Cleaners

A) Aerosols / Pump Sprays	8	B)
Liquids	5	
40) Paint Removers or Strippers		<del>50</del> <del>41)</del>
<u>5041</u> ) Penetrants	50	
42) Rubber and Vinyl Protectants		

A) Aerosol	10	B) Non-
Aerosol	3	
43) Sealants and Caulking Compounds		<del>4</del> <del>44)</del>
<u>444</u> ) Shaving Creams	<del>545</del> <u>545</u> )	Silicone-Based
Multi-Purpose Lubricants	(Excluding Solid or Semi-Solid Products)	

60

46) Spot Removers

A) Aerosol	25	<u>23</u> ) Non-
Aerosol	8	
47) Tire Sealants and Inflators		<del>20</del> <del>48)</del>
<u>2048</u> ) Undercoatings - Aerosols	40	

b) No person shall sell, supply, offer for sale, or manufacture for sale in Illinois, on or after July 1, 2009, any antiperspirant or deodorant that contains any compound listed below:

Benzene

Ethylene Dibromide

Ethylene Dichloride

Hexavalent Chromium

Asbestos

Cadmium (metallic cadmium and cadmium compounds)

Carbon Tetrachloride

Trichloroethylene

Chloroform

Vinyl Chloride

Inorganic Arsenic

Nickel (metallic nickel and inorganic nickel compounds)

Perchloroethylene

Formaldehyde

1,3-Butadiene

Inorganic Lead

Dibenzo-p-dioxins and dibenzofurans chlorinated in the 2,3,7 and 8 positions and containing 4,5,6 or 7 chlorine atoms

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JCAR350223-1017525r01

~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENT~~



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Format changed	0
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JCAR350223-1017525r01

1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE B: AIR POLLUTION  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4 SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS  
5 FOR STATIONARY SOURCES  
6

7 PART 223  
8 STANDARDS AND LIMITATIONS FOR ORGANIC  
9 MATERIAL EMISSIONS FOR AREA SOURCES  
10

11 SUBPART A: GENERAL PROVISIONS  
12

13	Section	
14	223.100	Severability
15	223.105	Abbreviations and Acronyms
16	223.120	Incorporations by Reference
17		

18 SUBPART B: CONSUMER AND COMMERCIAL PRODUCTS

19	Section	
20	223.200	Purpose
21	223.201	Applicability
22	223.203	Definitions for Subpart B
23	223.205	Standards
24	223.206	Diluted Products
25	223.207	Products Registered under FIFRA
26	223.208	Requirements for Aerosol Adhesives
27	223.209	Requirements for Floor Wax Strippers
28	223.210	Products Containing Ozone-Depleting Compounds
29	223.220	Requirements for Charcoal Lighter Material
30	223.230	Exemptions
31	223.240	Innovative Product Exemption
32	223.245	Alternative Compliance Plans
33	223.250	Product Dating
34	223.255	Additional Product Dating Requirements
35	223.260	Most Restrictive Limit
36	223.265	Additional Labeling Requirements for Aerosol Adhesives, Adhesive Removers, 37 Electronic Cleaners, Electrical Cleaners, Energized Electrical Cleaners, and 38 Contact Adhesives
39	223.270	Reporting Requirements
40	223.275	Special Recordkeeping Requirements for Consumer Products that Contain 41 Perchloroethylene or Methylene Chloride
42	223.280	Calculating Illinois Sales
43	223.285	Test Methods

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44  
 45       SUBPART C: ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS  
 46

- 47   Section  
 48   223.300     Purpose  
 49   223.305     Applicability  
 50   223.307     Definitions for Subpart C  
 51   223.310     Standards  
 52   223.320     Container Labeling Requirements  
 53   223.330     Reporting Requirements  
 54   223.340     Compliance Provisions and Test Methods  
 55   223.350     Alternative Test Methods  
 56   223.360     Methacrylate Traffic Coating Markings  
 57   223.370     Test Methods

58  
 59   AUTHORITY: Implementing Section 10 and authorized by Sections 27 and 28 of the  
 60   Environmental Protection Act [415 ILCS 5/10, 27 and 28].

61  
 62   SOURCE: Adopted in R08-17 at 33 Ill. Reg. 8224, effective June 8, 2009; amended in R09-19  
 63   at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

64  
 65               SUBPART B: CONSUMER AND COMMERCIAL PRODUCTS  
 66

67   **Section 223.205 Standards**

- 68  
 69       a)     Except as provided in Section 223.207, 223.230, 223.240, or 223.245, no person  
 70       shall sell, supply, offer for sale, or manufacture for sale in Illinois any consumer  
 71       product manufactured on or after July 1, 2009 that contains VOMs in excess of  
 72       the limits specified in this subsection:

<b>Affected Product</b>	<b>% VOM by Weight</b>
1)     Adhesives – Spray	
A)     Mist Spray	65
B)     Web Spray	55
C)     Special Purpose Spray Adhesives	
i)     Mounting, Automotive Engine Compartment, and Flexible Vinyl	70

78  
 79  
 80

	ii)	Polystyrene Foam and Automotive Headliner	65
	iii)	Polyolefin and Laminate Repair/Edgebanding	60
81	2)	Adhesives – Construction, Panel, and Floor <u>Covering</u> <del>Contact</del>	15
	3)	Adhesives – General Purpose	10
	4)	Adhesives – Structural Waterproof	15
82	5)	Air Fresheners	
83	A)	Single Phase Aerosol	30
84	B)	Double Phase Aerosol	25
	C)	Liquids/Pump Sprays	18
	D)	Solids/Gel	3
85	6)	Antiperspirants	
86	A)	Aerosol	40 HVOM 10 HVOM
87	B)	Non-Aerosol	0 MVOM 0 MVOM
88	7)	Automotive Brake Cleaners	45
	8)	Automotive Rubbing or Polishing Compound	17
89	9)	Automotive Wax, Polish, Sealant, or Glaze	
90	A)	Hard Paste Waxes	45
91	B)	Instant Detailers	3
	C)	All Other Forms	15
92			

93	10)	Automotive Windshield Washer Fluids	35
94	11)	Bathroom and Tile Cleaners	
95		A) Aerosol	7
		B) All Other Forms	5
96	12)	Bug and Tar Remover	40
	13)	Carburetor or Fuel-Injection Air Intake Cleaners	45
97	14)	Carpet and Upholstery Cleaners	
98		A) Aerosol	7
99		B) Non-Aerosol (Dilutables)	0.1
		C) Non-Aerosol (Ready-to-Use)	3.0
100	15)	Charcoal Lighter Material	see Section 223.220
	16)	Cooking Spray – Aerosol	18
101	17)	Deodorants	
102		A) Aerosol	0 HVOM 10 HVOM
103		B) Non-Aerosol	0 MVOM 0 MVOM
104	18)	Dusting Aids	
105		A) Aerosol	25
106		B) All Other Forms	7
107	19)	Engine Degreasers	
108		A) Aerosol	35
109		B) Non-Aerosol	5

110	20)	Fabric Protectants	60
111			
112	21)	Floor Polishes/Waxes	
113			
	A)	Products for Flexible Flooring Materials	7
	B)	Products for Nonresilient Flooring	10
	C)	Wood Floor Wax	90
114	22)	Floor Wax Strippers	see Section 223.209
115			
116	23)	Furniture Maintenance Products	
117			
	A)	Aerosol	17
	B)	All Other Forms Except Solid or Paste	7
118			
119	24)	General Purpose Cleaners	
120			
	A)	Aerosol	10
	B)	Non-Aerosol	4
121			
122	25)	General Purpose Degreasers	
123			
	A)	Aerosol	50
	B)	Non-Aerosol	4
124			
125	26)	Glass Cleaners	
126			
	A)	Aerosol	12
	B)	Non-Aerosol	4
127			
	27)	Hair Mousses	6
	28)	Hairshines	55

128  
129  
130

29)	Hairsprays	55
30)	Hair Styling Gels	6
31)	Heavy Duty Hand Cleaner or Soap	8
32)	Insecticides	
	A)    Crawling Bug (Aerosol)	15
	B)    Crawling Bug (All Other Forms)	20
	C)    Flea and Tick	25
	D)    Flying Bug (Aerosol)	25
	E)    Flying Bug (All Other Forms)	35
	F)    Foggers	45
	G)    Lawn and Garden (Aerosol)	20
	H)    Lawn and Garden (All Other Forms)	3
	I)    Wasp and Hornet	40
33)	Laundry Prewash	
	A)    Aerosols/Solids	22
	B)    All Other Forms	5
34)	Laundry Starch Products	5
35)	Metal Polishes/Cleansers	30
36)	Multi-Purpose Lubricant (Excluding Solid or Semi-Solid Products)	50
37)	Nail Polish Removers	75

131  
132  
133

134

135	38)	Non-Selective Terrestrial Herbicide – Non-Aerosol	3
136	39)	Oven Cleaners	
137		A) Aerosols/Pump Sprays	8
		B) Liquids	5
138	40)	Paint Removers or Strippers	50
	41)	Penetrants	50
139	42)	Rubber and Vinyl Protectants	
140		A) Aerosol	10
141		B) Non-Aerosol	3
142	43)	Sealants and Caulking Compounds	4
	44)	Shaving Creams	5
	45)	Silicone-Based Multi-Purpose Lubricants (Excluding Solid or Semi-Solid Products)	60
143	46)	Spot Removers	
144		A) Aerosol	23
145		B) Non-Aerosol	8
146	47)	Tire Sealants and Inflators	20
	48)	Undercoatings – Aerosols	40
147	b)	No person shall sell, supply, offer for sale, or manufacture for sale in Illinois, on	
148		or after July 1, 2009, any antiperspirant or deodorant that contains any compound	
149		listed below:	
150			
151		Benzene	
152		Ethylene Dibromide	
153			
154			



155	
156	Ethylene Dichloride
157	
158	Hexavalent Chromium
159	
160	Asbestos
161	
162	Cadmium (metallic cadmium and cadmium compounds)
163	
164	Carbon Tetrachloride
165	
166	Trichloroethylene
167	
168	Chloroform
169	
170	Vinyl Chloride
171	
172	Inorganic Arsenic
173	
174	Nickel (metallic nickel and inorganic nickel compounds)
175	
176	Perchloroethylene
177	
178	Formaldehyde
179	
180	1,3-Butadiene
181	
182	Inorganic Lead
183	
184	Dibenzo-p-dioxins and dibenzofurans chlorinated in the 2,3,7 and 8 positions and
185	containing 4,5,6 or 7 chlorine atoms
186	
187	

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
243.101	Amend
243.104	Amend
243.107	Amend
243.108	Amend
243.120	Amend
243.122	Amend
243.125	Amend
243.126	Amend
- 4) Statutory authority: Implementing Section 10, and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28]
- 5) A complete description of the subjects and issues involved: For a more detailed description of this rulemaking, see the Board's November 4, 2010, opinion and order Air Quality Standards Clean-Up: Amendments to 35 Ill. Adm. Code 217, 223, 243 (R09-19).

The Illinois Environmental Protection Agency (Agency) submitted this rulemaking proposal to update Part 243 of the Board's air regulations to reflect revised National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Agency, which originated this rulemaking with the Board, did not indicate that it used a published study or report in developing the proposal.
- 7) Will this rulemaking replace emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes

Code of Federal Regulations:

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## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Lead, 40 CFR 50, Appendices G and Q (2008)

Reference method for the determination of particulate matter as PM<sub>2.5</sub> in the atmosphere, 40 CFR 50, Appendix L, 73 Fed. Reg. 61144 (Oct. 17, 2006)

Interpretation of the national ambient air quality standards for PM<sub>2.5</sub>, 40 CFR 50, Appendix N, 73 Fed. Reg. 1497 (Jan. 9, 2008)

Interpretation of the NAAQS for O<sub>3</sub>, 40 CFR 50, Appendix P, 73 Fed. Reg. 16436 (Mar. 27, 2008)

National Ambient Air Quality Standards for Lead: Final Rule, 40 CFR 50, 51, 53, and 58, 73 Fed. Reg. 66964 (Nov. 12, 2008)

Interpretation of the National Ambient Air Quality Standards for Lead, 40 CFR 50, Appendix R, 73 Fed. Reg. 66964 (Nov. 12, 2008)

- 10) Are there any other proposed rulemakings on this Part? No
- 11) Statement of statewide policy objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R09-19 and be addressed to:

John Therriault  
Clerk's Office  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address questions to Tim Fox at 312-814-6085.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312-814-3620, or download them from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

- 13) Initial regulatory flexibility analysis: In proposing these amendments to Part 243, the Agency indicated that they would not impose new requirements but would merely update Illinois' regulations to reflect current federal standards that the United States Environmental Protection Agency had adopted under the Clean Air Act.
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: As the proposal intends to incorporate current federal law, it does not itself affect any types of small businesses, small municipalities, or not-for-profit corporations by imposing new substantive requirements.
- B) Reporting, bookkeeping or other procedures required for compliance: As the proposal intends to incorporate current federal law, it does not require reporting, bookkeeping, or other procedures for compliance.
- C) Types of professional skills necessary for compliance: As the proposal intends to incorporate current federal law, it does not require professional skills for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized January 2009

The full text of the Proposed Amendments begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER ~~1~~: AIR QUALITY STANDARDS AND EPISODES

PART 243  
AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

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~~243. APPENDIX C~~ Past Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28].

SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R80-11, 46 PCB 125, 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, 19~~ at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

Section 243.101 Definitions

a) Except as ~~hereinafter~~ stated in this Part and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Environmental Protection Act ~~(Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1001 et seq.)~~ [415 ILCS 5] (Act).

b) All terms ~~which that~~ appear in this Part have the definitions specified by ~~Parts 35 Ill. Adm. Code 201 or 211 of this Subtitle Chapter 211.~~



(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)~

#### Section 243.104 Nondegradation

Existing ambient air quality ~~which~~<sup>that</sup> is better than the ~~established~~~~established~~~~established~~ ambient air quality standards at the date of their adoption will be maintained in its present high quality. Such ambient air quality shall not be lowered unless and until it is proved to the Illinois Environmental Protection Agency (Agency) that ~~such~~<sup>the</sup> change is justifiable as a result of necessary economic and social development and will not interfere with or become injurious to human health or welfare.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)~

#### ~~Section 243.106 Monitoring~~

~~Pollution levels will be determined by fixed or mobile sampling stations beyond the premises on which a source is located. Stations will be located according to the guidelines/guidelines for established monitoring networks as developed by the United States Environmental Protection Agency.~~

~~(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_).~~

#### Section 243.107 Reference Conditions

All measurements of air quality, except PM<sub>2.5</sub>, are corrected to a reference temperature of 25<sup>o</sup>C, and to a reference pressure of 760 millimeters of mercury (1013.2 millibars). PM<sub>2.5</sub> measurements shall be based upon the actual ambient air volume measured at the actual temperature and pressure at the monitoring site during the measurement period.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)~

#### Section 243.108 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions:

- a) Pararosaniline method, 40 CFR 50, ~~Appendix~~<sup>appendix</sup> A (1982).
- b) Non-dispersive infrared spectrometry technique, 40 CFR 50, ~~Appendix~~<sup>appendix</sup> C (1982), 36 Fed. Reg. 22391, November 25, 1971.
- c) Colorimetric method, 36 Fed. Reg. 22396, November 25, 1971.
- d) Ozone-ethylene reaction method, 40 CFR 50, ~~Appendix~~<sup>appendix</sup> D (1982), 36 Fed. Reg. 22392, November 25, 1971.
- e) Lead, 40 CFR 50, ~~Appendices G and Q (2008). Appendix G (1982) 3 Fed. Reg. 46258, October 5, 1978, as amended at 44 Fed. Reg. 37915, June 29, 1979; 46 Fed. Reg. 44163, September 3, 1981.~~<sup>appendices G and Q (2008).</sup>
- f) Reference method for the determination of particulate matter as PM<sub>10</sub> in the atmosphere, 40 CFR 50, ~~Appendix~~<sup>appendix</sup> J (1990).

- g) Interpretation of the ~~national ambient air quality standards~~ National Ambient Air Quality Standards (NAAQS) for particulate matter, 40 CFR 50, ~~Appendix~~ appendix K, 73 Fed. Reg. 61144 (October 17, 2006). ~~(1990)~~
- h) Reference method for the determination of particulate matter as PM2.5 in the atmosphere, 40 CFR 50, ~~Appendix~~ appendix L, 73 Fed. Reg. 61144 (October 17, 2006).
- i) Interpretation of the ~~national ambient air quality standards~~ NAAQS for PM2.5, 40 CFR 50, ~~Appendix~~ appendix N, 73 Fed. Reg. 1497 (January 9, 2008).
- j) Interpretation of the NAAQS for O3, 40 CFR 50, ~~Appendix~~ appendix P, 73 Fed. Reg. 16436 (March 27, 2008).
- k) ~~National Ambient Air Quality standards~~ The NAAQS for Lead; Final Rule, 40 CFR 50, 51, 53, and ~~58.73~~ 58.73 Fed. Reg. 66964 (November 12, 2008).
- l) Interpretation of the ~~National Ambient Air Quality Standards~~ NAAQS for Lead, 40 CFR 50, ~~Appendix~~ appendix R, 73 Fed. Reg. 66964 (November 12, 2008).

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART B: STANDARDS AND MEASUREMENT METHODS

##### Section 243.120 PM10 and PM2.5 ~~PM10~~

- a) Standards. The primary and secondary ambient air quality standards for PM10 ~~PM10~~ are a maximum 24-hour average concentration of 150 micrograms per cubic meter. The standards are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter is equal to or less than one, as measured and determined in accordance with subsection (b) ~~below~~.
- ~~1) An annual arithmetic mean concentration of 50 micrograms per cubic meter, and~~
- ~~2) A maximum 24-hour concentration of 150 micrograms per cubic meter, not to be exceeded more than once per year.~~
- b) Measurement Method. For determining conformance with the PM10 ~~PM10~~ ambient air quality standards, PM10 ~~PM10~~ shall be measured by the method described in 40 CFR 50, ~~Appendix~~ appendix J (incorporated by reference in Section 243.108). The computations necessary for analyzing particulate matter data to determine attainment of the PM10 ~~PM10~~ standards are described in 40 CFR 50, ~~Appendix~~ appendix K (incorporated by reference in Section 243.108).
- c) Standards. The primary and secondary ambient air quality standards for PM2.5 are:
- 1) An annual arithmetic mean concentration of 15.0 micrograms per cubic meter, and as measured and determined in conformance with subsection (d) ~~below~~.
- 2) A maximum 24-hour concentration of 35 micrograms per cubic meter, at the 98th percentile value, and as measured and determined in conformance with subsection (d) ~~below~~.

d) Measurement Method for PM2.5. For determining conformance with the PM2.5 ambient air quality standards, PM2.5 shall be measured by the method described in 40 CFR 50, ~~Appendix~~ appendix L (incorporated by reference in Section 243.108). The computations necessary for analyzing particulate matter data to determine attainment of the PM2.5 standards are described in 40 CFR 50, ~~Appendix~~ appendix N (incorporated by reference in Section 243.108).

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)†

#### Section 243.122 Sulfur Oxides (Sulfur Dioxide)

a) Primary Standards. The primary ambient air quality standards for sulfur oxides measured as sulfur dioxide are:

1) An annual arithmetic mean concentration of 80 micrograms per cubic meter (0.03 ppm); and†

2) A maximum 24-hour concentration, not to be exceeded more than once per year, of 365 micrograms per cubic meter (0.14 ppm).

b) Secondary Standard. The secondary ambient air quality standard for sulfur oxides measured as sulfur dioxide is a maximum 3-hour concentration not to be exceeded more than once per year of 1,300 ~~microgramsmicorgramsmicorgrams~~ per cubic meter (0.5 ppm).

c) Measurement Method. For determining conformance with sulfur oxide air quality standards, sulfur oxides shall be measured as sulfur dioxide by the pararosaniline method described in 40 CFR 50, ~~Appendix~~ App- ~~appendix~~ A- (1982), or by an equivalent method of proof approved by the Agency.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)†

#### Section 243.125 8-Hour Ozone

a) Standard. The primary and secondary ambient air quality ~~standardsstandardstandards~~ for ozone ~~areis 0.0750.12 parts per million (ppm) (235 micrograms per cubic meter)are 0.075 ppm~~ daily maximum 8-hour ~~1 hour~~ average concentration, measured and determined in accordance with subsection (b) ~~belownot to be exceeded on more than one day per year.~~

b) Measurement Method. For determining conformance with the ozone air quality standard, ozone shall be measured by the ozone-ethylene ~~reactionreference~~ reaction method ~~specified bydescribedas described~~ in 40 CFR ~~Part 50, Appendix~~ App- D, as amended ~~50, appendix D (1982)~~ or equivalent method as described in 40 CFR ~~Part~~ 50, Section 50.1, as prescribed by 40 CFR ~~Part~~ 53 (2003), and the Interpretation of the NAAQS for O3, 40 CFR ~~Part~~ 50, ~~Appendix~~ appendix P, 73 Fed. Reg. 16436 (March 27, 2008).

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)†

#### Section 243.126 Lead

a) Standard. The primary and secondary ambient air quality standards for lead ~~and its compounds~~ are ~~1.5 is~~ 0.15 micrograms per cubic meter, maximum



rolling three month average measured and determined over a three-year ~~period~~arithmetic mean average over a calendar quarter period.

b) Measurement Method. For determining conformance with the ambient air quality standards for lead and its compounds, lead and its compounds shall be measured by the atomic absorption spectrometry or equivalent method ~~as~~ described in 40 CFR ~~50 Appendices App. G (1982)~~50, appendices G and Q, ~~as~~ incorporated by reference in Section 243.108 of this Part. The primary and secondary ambient air quality standards shall be determined in accordance with ~~Appendix R of Part 50 as~~40 CFR 50, appendix R, incorporated by reference in Section 243.108 of this Part.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)τ

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ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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2 SUBTITLE B: AIR POLLUTION  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4 SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODES  
5

6 PART 243  
7 AIR QUALITY STANDARDS  
8

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31	243.APPENDIX A	Rule into Section Table
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33	243.APPENDIX C	Past Compliance Dates

34  
35 AUTHORITY: Implementing Section 10 and authorized by Section 27 and 28 of the  
36 Environmental Protection Act [415 ILCS 5/10, 27, and 28].  
37

38 SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, 4  
39 PCB 191, filed and effective April 14, 1972; amended in R80-11, 46 PCB 125, at 6 Ill. Reg.  
40 5804, effective April 22, 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18,  
41 1983; codified at 7 Ill. Reg. 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15,  
42 1992; amended in R09-19 at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.  
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Pollution Control Board

SUBPART A: GENERAL PROVISIONS

**Section 243.101 Definitions**

- a) Except as ~~hereinafter~~ stated in this Part and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Environmental Protection Act [415 ILCS 5]~~(Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1001 et seq.)~~ (Act).
- b) All terms ~~that~~which appear in this Part have the definitions specified by 35 Ill. Adm. Code~~Parts 201 or 211 of this Chapter.~~

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 243.104 Nondegradation**

Existing ambient air quality ~~that~~which is better than the established ambient air quality standards at the date of their adoption will be maintained in its present high quality. Such ambient air quality shall not be lowered unless and until it is proved to the Illinois Environmental Protection Agency (Agency) that ~~the~~such change is justifiable as a result of necessary economic and social development and will not interfere with or become injurious to human health or welfare.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 243.107 Reference Conditions**

All measurements of air quality, except PM<sub>2.5</sub>, are corrected to a reference temperature of 25°C, and to a reference pressure of 760 millimeters of mercury (1013.2 millibars). PM<sub>2.5</sub> measurements shall be based upon the actual ambient air volume measured at the actual temperature and pressure at the monitoring site during the measurement period.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 243.108 Incorporations by Reference**

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions:

- a) Pararosaniline method, 40 CFR 50, ~~appendix~~Appendix A (1982).
- b) Non-dispersive infrared spectrometry technique, 40 CFR 50, ~~appendix~~Appendix C (1982), 36 Fed. Reg. 22391, November 25, 1971.

- 87 c) Colorimetric method, 36 Fed. Reg. 22396, November 25, 1971.
- 88
- 89 d) Ozone-ethylene reaction method, 40 CFR 50, ~~appendix~~Appendix D (1982), 36
- 90 Fed. Reg. 22392, November 25, 1971.
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- 92 e) Lead, 40 CFR 50, ~~appendices G and Q (2008)~~Appendix G (1982), 43 Fed. Reg.
- 93 46258, October 5, 1978, as amended at 44 Fed. Reg. 37915, June 29, 1979; 46
- 94 Fed. Reg. 44163, September 3, 1981.
- 95
- 96 f) Reference method for the determination of particulate matter as PM<sub>10</sub>~~PM-10~~ in
- 97 the atmosphere, 40 CFR 50, ~~appendix~~Appendix J (1990).
- 98
- 99 g) Interpretation of the National Ambient Air Quality Standards (NAAQS)~~national~~
- 100 ~~ambient air quality standards~~ for particulate matter, 40 CFR 50,
- 101 ~~appendix~~Appendix K, 73 Fed. Reg. 61144 (October 17, 2006)~~(1990)~~.
- 102
- 103 h) Reference method for the determination of particulate matter as PM<sub>2.5</sub> in the
- 104 atmosphere, 40 CFR 50, appendix L, 73 Fed. Reg. 61144 (October 17, 2006).
- 105
- 106 i) Interpretation of the NAAQS for PM<sub>2.5</sub>, 40 CFR 50, appendix N, 73 Fed. Reg.
- 107 1497 (January 9, 2008).
- 108
- 109 j) Interpretation of the NAAQS for O<sub>3</sub>, 40 CFR 50, appendix P, 73 Fed. Reg. 16436
- 110 (March 27, 2008).
- 111
- 112 k) The NAAQS for Lead; Final Rule, 40 CFR 50, 51, 53, and 58, 73 Fed. Reg.
- 113 66964 (November 12, 2008).
- 114
- 115 l) Interpretation of the NAAQS for Lead, 40 CFR 50, appendix R, 73 Fed. Reg.
- 116 66964 (November 12, 2008).

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section 243.120 PM<sub>10</sub> and PM<sub>2.5</sub>~~PM-10~~

- 124 a) Standards. The primary and secondary ambient air quality standards for
- 125 PM<sub>10</sub>~~PM-10~~ are a maximum 24-hour average concentration of 150 micrograms
- 126 per cubic meter. The standards are attained when the expected number of days
- 127 per calendar year with a 24-hour average concentration above 150 micrograms
- 128 per cubic meter is equal to or less than one, as measured and determined in
- 129 accordance with subsection (b).

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- 1) ~~An annual arithmetic mean concentration of 50 micrograms per cubic meter; and~~
  - 2) ~~A maximum 24-hour concentration of 150 micrograms per cubic meter, not to be exceeded more than once per year.~~
- b) Measurement Method. For determining conformance with the PM<sub>10</sub> ~~PM-10~~ ambient air quality standards, PM<sub>10</sub> ~~PM-10~~ shall be measured by the method described in 40 CFR 50, ~~appendix~~ Appendix J (incorporated by reference in Section 243.108). The computations necessary for analyzing particulate matter data to determine attainment of the PM<sub>10</sub> ~~PM-10~~ standards are described in 40 CFR 50, ~~appendix~~ Appendix K (incorporated by reference in Section 243.108).
- c) Standards. The primary and secondary ambient air quality standards for PM<sub>2.5</sub> are:
- 1) An annual arithmetic mean concentration of 15.0 micrograms per cubic meter and as measured and determined in conformance with subsection (d).
  - 2) A maximum 24-hour concentration of 35 micrograms per cubic meter, at the 98<sup>th</sup> percentile value, and as measured and determined in conformance with subsection (d).
- d) Measurement Method for PM<sub>2.5</sub>. For determining conformance with the PM<sub>2.5</sub> ambient air quality standards, PM<sub>2.5</sub> shall be measured by the method described in 40 CFR 50, appendix L (incorporated by reference in Section 243.108). The computations necessary for analyzing particulate matter data to determine attainment of the PM<sub>2.5</sub> standards are described in 40 CFR 50, appendix N (incorporated by reference in Section 243.108).

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 243.122 Sulfur Oxides (Sulfur Dioxide)**

- a) Primary Standards. The primary ambient air quality standards for sulfur oxides measured as sulfur dioxide are:
- 1) An annual arithmetic mean concentration of 80 micrograms per cubic meter (0.03 ppm); and;
  - 2) A maximum 24-hour concentration, not to be exceeded more than once

per year, of 365 micrograms per cubic meter (0.14 ppm).

- b) Secondary Standard. The secondary ambient air quality standard for sulfur oxides measured as sulfur dioxide is a maximum 3-hour concentration not to be exceeded more than once per year of 1,300 micorgrams per cubic meter (0.5 ppm).
- c) Measurement Method. For determining conformance with sulfur oxide air quality standards, sulfur oxides shall be measured as sulfur dioxide by the pararosaniline method described in 40 CFR 50, appendix App. A, (1982), or by an equivalent method of proof approved by the Agency.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 243.125 8-Hour Ozone**

- a) Standard. The primary and secondary ambient air quality standards ~~standard~~ for ozone are 0.075 is 0.12 ppm daily (235 micrograms per cubic meter) maximum 8-hour average 1 hour concentration, measured and determined in accordance with subsection (b) not to be exceeded on more than one day per year.
- b) Measurement Method. For determining conformance with the ozone air quality standard, ozone shall be measured by the ozone-ethylene reaction method as described in 40 CFR 50, appendix App. D, (1982) or equivalent method as described in 40 CFR 50, Section 50.1, as prescribed by 40 CFR 53 (2003), and the Interpretation of the NAAQS for O<sub>3</sub>, 40 CFR 50, appendix P, 73 Fed. Reg. 16436 (March 27, 2008), as amended.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 243.126 Lead**

- a) Standard. The primary and secondary ambient air quality standards for lead are 0.15 and its compounds are 1.5 micrograms per cubic meter, maximum rolling three month average measured and determined over a three-year period maximum arithmetic mean average over a calendar quarter.
- b) Measurement Method. For determining conformance with the ambient air quality standards for lead and its compounds, lead and its compounds shall be measured by the atomic absorbtion spectrometry or equivalent method ~~as~~ described in 40 CFR 50, appendices G and Q, incorporated by reference in Section 243.108 of this Part. The primary and secondary ambient air quality standards shall be determined in accordance with 40 CFR 50, appendix R, incorporated by reference in Section 243.108 of this Part. App. G (1982).

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(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code Citation: 35 Ill. Adm. Code 217
- 3) Section Number: 217.388                      Proposed Action: Amend
- 4) Statutory Authority: Implementing Sections 9.9 and 10, and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27, and 28]
- 5) A complete description of the subjects and issues involved: For a more detailed description of this rulemaking, see the Board's November 4, 2010, opinion and order Air Quality Standards Clean-Up: Amendments to 35 Ill. Adm. Code 217, 223, 243 (R09-19).

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The Illinois Environmental Protection Agency (Agency) submitted this rulemaking proposal to update Part 243 of the Board's air regulation to reflect revised National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency.

The record in this proceeding reveals a error in a single cross reference in Section 217.388(a)(2)(B), and the Board submits the correction of the error for first-notice publication in this docket.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of statewide policy objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

of 45 days after the date of this publication. Comments should reference docket R09-19 and be addressed to:

John Therriault  
Clerk's Office  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address questions to Tim Fox at 312-814-6085.

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312-814-3620, or download them from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

- 13) Initial regulatory flexibility analysis: The record in this proceeding reveals a error in a single cross reference in Section 217.388(a)(2)(B), and the Board submits the correction of the error for first-notice publication in this docket.
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: As the proposal corrects and clarifies a single cross reference in a subsection addressing the compliance option of emission averaging plans for specified engines and turbines, it is not expected to affect any types of small businesses, small municipalities or not-for-profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: As the proposal corrects and clarifies a single cross reference, it does not itself require reporting, bookkeeping or other procedures for compliance.
- C) Types of professional skills necessary for compliance: As the proposal corrects and clarifies a single cross reference, it does not require professional skills for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

The full text of the Proposed Amendment begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER 02: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

PART 217  
NITROGEN OXIDES EMISSIONS

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217.121 New Emission Sources (Repealed)

SUBPART C: EXISTING FUEL COMBUSTION EMISSION UNITS

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217.141 Existing Emission Units in Major Metropolitan Areas

SUBPART D: NOx GENERAL REQUIREMENTS

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217.150 Applicability  
217.152 Compliance Date  
217.154 Performance Testing  
217.155 Initial Compliance Certification  
217.156 Recordkeeping and Reporting  
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217.158 Emissions Averaging Plans

SUBPART E: INDUSTRIAL BOILERS

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SUBPART F: PROCESS HEATERS

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217.184 Emissions Limitations  
217.185 Combination of Fuels  
217.186 Methods and Procedures for Combustion Tuning



SUBPART G: GLASS MELTING FURNANCES

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217.202 Exemptions  
217.204 Emissions Limitations

SUBPART H: CEMENT AND LIME KILNS

Section

217.220 Applicability  
217.222 Exemptions  
217.224 Emissions Limitations

SUBPART I: IRON AND STEEL AND ALUMINUM MANUFACTURING

Section

217.240 Applicability  
217.242 Exemptions  
217.244 Emissions Limitations

SUBPART K: PROCESS EMISSION SOURCES

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217.301 Industrial Processes

SUBPART M: ELECTRICAL GENERATING UNITS

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217.340 Applicability  
217.342 Exemptions  
217.344 Emissions Limitations  
217.345 Combination of Fuels

SUBPART O: CHEMICAL MANUFACTURE

Section

217.381 Nitric Acid Manufacturing Processes

SUBPART Q: STATIONARY RECIPROCATING  
INTERNAL COMBUSTION ENGINES AND TURBINES

Section

217.386 Applicability  
217.388 Control and Maintenance Requirements  
217.390 Emissions Averaging Plans  
217.392 Compliance  
217.394 Testing and Monitoring  
217.396 Recordkeeping and Reporting

SUBPART T: CEMENT KILNS

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217.400 Applicability  
217.402 Control Requirements  
217.404 Testing  
217.406 Monitoring

217.408 Reporting  
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217.APPENDIX H Compliance Dates for Certain Emissions Units at Petroleum Refineries

~~Authority~~AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28].

~~Source~~SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. ~~14254~~, 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009; amended in ~~R0908-2019~~ at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R09-19 at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART O: STATIONARY RECIPROCATING  
INTERNAL COMBUSTION ENGINES AND TURBINES

Section 217.388 Control and Maintenance Requirements

a) On and after the applicable compliance date in Section 217.392, an owner or operator of an affected unit must inspect and maintain affected units as required by subsection (a)(4) of this Section and comply with one of the following: the applicable emissions concentration as set forth in subsection (a)(1) of this Section, the requirements for an emissions averaging plan as

specified in subsection (a)(2) of this Section, or the requirements for operation as a low usage unit as specified in subsection (a)(3) of this Section.

1) Limits the discharge from an affected unit into the atmosphere of any gases that contain NOx to no more than:

A) 150 ppmv (corrected to 15 percent O2 on a dry basis) for spark-ignited rich-burn engines;

B) 210 ppmv (corrected to 15 percent O2 on a dry basis) for spark-ignited lean-burn engines, except for existing spark-ignited Worthington engines that are not listed in Appendix G;

C) 365 ppmv (corrected to 15 percent O2 on a dry basis) for existing spark-ignited Worthington engines that are not listed in Appendix G;

D) 660 ppmv (corrected to 15 percent O2 on a dry basis) for diesel engines;

E) 42 ppmv (corrected to 15 percent O2 on a dry basis) for gaseous fuel-fired turbines; and

F) 96 ppmv (corrected to 15 percent O2 on a dry basis) for liquid fuel-fired turbines.

2) Complies with an emissions averaging plan as provided for in either subsection (a)(2)(A) or (a)(2)(B) of this Section:

A) For any affected unit identified by Section 217.386: The requirements of the applicable emissions averaging plan as set forth in Section 217.390; or

B) For units identified in Section 217.386(a)(2)~~(A)~~(B): The requirements of an emissions averaging plan adopted pursuant to any other Subpart of this Part. For such affected engines and turbines the applicable requirements of this Subpart apply, including, but not limited to, calculation of NOx allowable and actual emissions rates, compliance dates, monitoring, testing, reporting, and recordkeeping.

3) Operates, for units not listed in Appendix G, the affected unit as a low usage unit pursuant to subsection (a)(3)(A) or (a)(3)(B) of this Section. Low usage units that are not part of an emissions averaging plan are not subject to the requirements of this Subpart Q except for the requirements to inspect and maintain the unit pursuant to subsection (a)(4) of this Section, test as required by Section 217.394(f), and retain records pursuant to Section 217.396(b) and (d). Either the limitation in subsection (a)(3)(A) or (a)(3)(B) may be utilized at a source, but not both:

A) The potential to emit (PTE) is no more than 100 TPY NOx aggregated from all engines and turbines located at the source that are not otherwise exempt pursuant to Section 217.386(b), and not complying with the requirements of subsection (a)(1) or (a)(2) of this Section, and the NOx PTE limit is contained in a federally enforceable permit; or

B) The aggregate bhp-hrs/MW-hrs from all affected units located at the source that are not exempt pursuant to Section 217.386(b), and not complying with the requirements of subsection (a)(1) or (a)(2) of this Section, are less than or equal to the bhp-hrs and MW-hrs operation limit listed in subsections (a)(3)(B)(i) and (a)(3)(B)(ii) of this Section. The operation limits of

subsections (a)(3)(B)(i) and (a)(3)(B)(ii) of this Section must be contained in a federally enforceable permit, except for units that drive a natural gas compressor located at a natural gas compressor station or storage facility. The operation limits are:

i) 8 mm bhp-hrs or less on an annual basis for engines; and

ii) 20,000 MW-hrs or less on an annual basis for turbines.

4) Inspects and performs periodic maintenance on the affected unit, in accordance with a Maintenance Plan that documents:

A) For a unit not located at natural gas transmission compressor station or storage facility, either:

i) The manufacturer's recommended inspection and maintenance of the applicable air pollution control equipment, monitoring device, and affected unit; or

ii) If the original equipment manual is not available or substantial modifications have been made that require an alternative procedure for the applicable air pollution control device, monitoring device, or affected unit, the owner or operator must establish a plan for inspection and maintenance in accordance with what is customary for the type of air pollution control equipment, monitoring device, and affected unit.

B) For a unit located at a natural gas compressor station or storage facility, the operator's maintenance procedures for the applicable air pollution control device, monitoring device, and affected unit.

b) Owners and operators of affected units may change the method of compliance with this Subpart, as follows:

1) When changing the method of compliance from subsection (a)(3) of this Section to subsection (a)(1) or (a)(2) of this Section, the owner or operator must conduct testing and monitoring according to the requirements of Section 217.394(a) through (e), as applicable. For this purpose, references to the "applicable compliance date" in Section 217.394(a)(2) and (a)(3) shall mean the date by which compliance with subsection (a)(1) or (a)(2) of this Section is to begin.

2) An owner or operator of an affected unit that is changing the method of compliance from subsection (a)(1) or (a)(2) of this Section to subsection (a)(3) of this Section must:

A) Continue to operate the affected unit's control device, if that unit relied upon a NOx emissions control device for compliance with the requirements of subsection (a)(1) or (a)(2) of this Section; and

B) Prior to changing the method of compliance to subsection (c) of this Section, complete any outstanding initial performance testing, subsequent performances testing or monitoring as required by Section 217.394(a), (b), (c), (d) or (e) for the affected unit. If the deadline for such testing or monitoring has not yet occurred (e.g., the five-year testing or monitoring sequence has not yet elapsed), the owner or operator must complete the test or monitoring prior to changing the method of compliance to subsection (a)(3) of this Section. After changing the method of compliance to subsection (a)(3) of



this Section, no additional testing or monitoring will be required for the affected unit while it is complying with subsection (a)(3) of this Section, except as provided for in Section 217.394(f).

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENT~~

Document comparison done by DeltaView on Friday, November 12, 2010 10:31:10 AM

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Statistics:	
	Count
Insertions	13
Deletions	10
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	23

JCAR350217-1017513r01

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3 CHAPTER I: POLLUTION CONTROL BOARD  
4 SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS  
5 FOR STATIONARY SOURCES

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 169 217.778 Budget Opt-In Units: Withdrawal from NO<sub>x</sub> Trading Program  
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179 217.815 NO<sub>x</sub> Emission Reductions and the Subpart X NO<sub>x</sub> Trading Budget  
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181 217.825 Calculation of Creditable NO<sub>x</sub> Emission Reductions  
182 217.830 Limitations on NO<sub>x</sub> Emission Reductions  
183 217.835 NO<sub>x</sub> Emission Reduction Proposal  
184 217.840 Agency Action  
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196 217.APPENDIX F Allowances for Electrical Generating Units  
197 217.APPENDIX G Existing Reciprocating Internal Combustion Engines Affected by the NO<sub>x</sub>  
198 SIP Call  
199 217.APPENDIX H Compliance Dates for Certain Emissions Units at Petroleum Refineries  
200  
201 AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28 of the  
202 Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28].  
203  
204 SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23,  
205 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101,  
206 effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128,  
207 effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001;  
208 amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-  
209 18 at 31 Ill. Reg. 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999,  
210 effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009;  
211 amended in R08-19 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R09-19 at 35  
212 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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214 SUBPART Q: STATIONARY RECIPROCATING  
215 INTERNAL COMBUSTION ENGINES AND TURBINES

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**Section 217.388 Control and Maintenance Requirements**

- a) On and after the applicable compliance date in Section 217.392, an owner or operator of an affected unit must inspect and maintain affected units as required by subsection (a)(4) of this Section and comply with one of the following: the applicable emissions concentration as set forth in subsection (a)(1) of this Section, the requirements for an emissions averaging plan as specified in subsection (a)(2) of this Section, or the requirements for operation as a low usage unit as specified in subsection (a)(3) of this Section.
  - 1) Limits the discharge from an affected unit into the atmosphere of any gases that contain NO<sub>x</sub> to no more than:
    - A) 150 ppmv (corrected to 15 percent O<sub>2</sub> on a dry basis) for spark-ignited rich-burn engines;
    - B) 210 ppmv (corrected to 15 percent O<sub>2</sub> on a dry basis) for spark-ignited lean-burn engines, except for existing spark-ignited Worthington engines that are not listed in Appendix G;
    - C) 365 ppmv (corrected to 15 percent O<sub>2</sub> on a dry basis) for existing spark-ignited Worthington engines that are not listed in Appendix G;
    - D) 660 ppmv (corrected to 15 percent O<sub>2</sub> on a dry basis) for diesel engines;
    - E) 42 ppmv (corrected to 15 percent O<sub>2</sub> on a dry basis) for gaseous fuel-fired turbines; and
    - F) 96 ppmv (corrected to 15 percent O<sub>2</sub> on a dry basis) for liquid fuel-fired turbines.
  - 2) Complies with an emissions averaging plan as provided for in either subsection (a)(2)(A) or (a)(2)(B) of this Section:
    - A) For any affected unit identified by Section 217.386: The requirements of the applicable emissions averaging plan as set forth in Section 217.390; or
    - B) For units identified in Section 217.386(a)(2)(~~1~~)(B): The requirements of an emissions averaging plan adopted pursuant to



- 259 any other Subpart of this Part. For such affected engines and  
 260 turbines the applicable requirements of this Subpart apply,  
 261 including, but not limited to, calculation of NO<sub>x</sub> allowable and  
 262 actual emissions rates, compliance dates, monitoring, testing,  
 263 reporting, and recordkeeping.  
 264
- 265 3) Operates, for units not listed in Appendix G, the affected unit as a low  
 266 usage unit pursuant to subsection (a)(3)(A) or (a)(3)(B) of this Section.  
 267 Low usage units that are not part of an emissions averaging plan are not  
 268 subject to the requirements of this Subpart Q except for the requirements  
 269 to inspect and maintain the unit pursuant to subsection (a)(4) of this  
 270 Section, test as required by Section 217.394(f), and retain records pursuant  
 271 to Section 217.396(b) and (d). Either the limitation in subsection  
 272 (a)(3)(A) or (a)(3)(B) may be utilized at a source, but not both:  
 273
- 274 A) The potential to emit (PTE) is no more than 100 TPY NO<sub>x</sub>  
 275 aggregated from all engines and turbines located at the source that  
 276 are not otherwise exempt pursuant to Section 217.386(b), and not  
 277 complying with the requirements of subsection (a)(1) or (a)(2) of  
 278 this Section, and the NO<sub>x</sub> PTE limit is contained in a federally  
 279 enforceable permit; or  
 280
- 281 B) The aggregate bhp-hrs/MW-hrs from all affected units located at  
 282 the source that are not exempt pursuant to Section 217.386(b), and  
 283 not complying with the requirements of subsection (a)(1) or (a)(2)  
 284 of this Section, are less than or equal to the bhp-hrs and MW-hrs  
 285 operation limit listed in subsections (a)(3)(B)(i) and (a)(3)(B)(ii) of  
 286 this Section. The operation limits of subsections (a)(3)(B)(i) and  
 287 (a)(3)(B)(ii) of this Section must be contained in a federally  
 288 enforceable permit, except for units that drive a natural gas  
 289 compressor located at a natural gas compressor station or storage  
 290 facility. The operation limits are:  
 291
- 292 i) 8 mm bhp-hrs or less on an annual basis for engines; and  
 293  
 294 ii) 20,000 MW-hrs or less on an annual basis for turbines.  
 295
- 296 4) Inspects and performs periodic maintenance on the affected unit, in  
 297 accordance with a Maintenance Plan that documents:  
 298
- 299 A) For a unit not located at natural gas transmission compressor  
 300 station or storage facility, either:  
 301

- 302 i) The manufacturer's recommended inspection and  
 303 maintenance of the applicable air pollution control  
 304 equipment, monitoring device, and affected unit; or  
 305  
 306 ii) If the original equipment manual is not available or  
 307 substantial modifications have been made that require an  
 308 alternative procedure for the applicable air pollution control  
 309 device, monitoring device, or affected unit, the owner or  
 310 operator must establish a plan for inspection and  
 311 maintenance in accordance with what is customary for the  
 312 type of air pollution control equipment, monitoring device,  
 313 and affected unit.  
 314  
 315 B) For a unit located at a natural gas compressor station or storage  
 316 facility, the operator's maintenance procedures for the applicable  
 317 air pollution control device, monitoring device, and affected unit.  
 318  
 319 b) Owners and operators of affected units may change the method of compliance  
 320 with this Subpart, as follows:  
 321  
 322 1) When changing the method of compliance from subsection (a)(3) of this  
 323 Section to subsection (a)(1) or (a)(2) of this Section, the owner or operator  
 324 must conduct testing and monitoring according to the requirements of  
 325 Section 217.394(a) through (e), as applicable. For this purpose, references  
 326 to the "applicable compliance date" in Section 217.394(a)(2) and (a)(3)  
 327 shall mean the date by which compliance with subsection (a)(1) or (a)(2)  
 328 of this Section is to begin.  
 329  
 330 2) An owner or operator of an affected unit that is changing the method of  
 331 compliance from subsection (a)(1) or (a)(2) of this Section to subsection  
 332 (a)(3) of this Section must:  
 333  
 334 A) Continue to operate the affected unit's control device, if that unit  
 335 relied upon a NO<sub>x</sub> emissions control device for compliance with  
 336 the requirements of subsection (a)(1) or (a)(2) of this Section; and  
 337  
 338 B) Prior to changing the method of compliance to subsection (c) of  
 339 this Section, complete any outstanding initial performance testing,  
 340 subsequent performances testing or monitoring as required by  
 341 Section 217.394(a), (b), (c), (d) or (e) for the affected unit. If the  
 342 deadline for such testing or monitoring has not yet occurred (e.g.,  
 343 the five-year testing or monitoring sequence has not yet elapsed),  
 344 the owner or operator must complete the test or monitoring prior to

345 changing the method of compliance to subsection (a)(3) of this  
346 Section. After changing the method of compliance to subsection  
347 (a)(3) of this Section, no additional testing or monitoring will be  
348 required for the affected unit while it is complying with subsection  
349 (a)(3) of this Section, except as provided for in Section 217.394(f).  
350  
351 (Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)