



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

November 15, 2010

POLLUTION CONTROL BOARD
JOHN THERRIAULT ASSISTANT CLERK
100 W RANDOLPH ST, STE 11-500
CHICAGO, IL 60601

RB 9-19
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NOV 18 2010
STATE OF ILLINOIS
Pollution Control Board

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 34, Issue 47 of the Illinois Register, dated 11/19/2010.

PROPOSED RULES

- Nitrogen Oxides Emissions
35 Ill. Adm. Code 217 17513
Point of Contact: Nancy Miller
Standards and Limitations for Organic Material Emissions for Area Sources
35 Ill. Adm. Code 223 17525
Point of Contact: Nancy Miller
Air Quality Standards
35 Ill. Adm. Code 243 17537
Point of Contact: Nancy Miller

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

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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 Numbers: Proposed Action:
223.205 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 proposed rule replace emergency rules currently in effect? No.

8) Does this rulemaking contain an automatic repeal date? No.

9) Does this proposed rule contain incorporations by reference? No.

10) Are there any other amendments pending on this Part? No.

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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].

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:

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.

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.

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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.

14) Regulatory Agenda on which this rulemaking was summarized /State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas.

January 2009. *See* 33 Ill. Reg. 384, 405-07; Jan. 9, 2009.

The full text of the proposed amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

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

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- 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 _____.

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	65
B) Web Spray	55

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C)	Special Purpose Spray Adhesives	
	i) Mounting, Automotive Engine Compartment, and Flexible Vinyl	70
	ii) Polystyrene Foam and Automotive Headliner	65
	iii) Polyolefin and Laminate Repair /Edgebanding	60
2)	Adhesives – Construction, Panel and Floor <u>Covering</u> Contact	15
3)	Adhesives – General Purpose	10
4)	Adhesives – Structural Waterproof	15
5)	Air Fresheners	
	A) Single-Phase Aerosol	30
	B) Double Phase Aerosol	25
	C) Liquids / Pump Sprays	18
	D) Solids / Gel	3
6)	Antiperspirants	
	A) Aerosol	40 HVOM 10 MVOM
	B) Non-Aerosol	0 HVOM 0 MVOM
7)	Automotive Brake Cleaners	45
8)	Automotive Rubbing or Polishing Compound	17

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9)	Automotive Wax, Polish, Sealant, or Glaze	
	A) Hard Paste Waxes	45
	B) Instant Detailers	3
	C) All Other Forms	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	40
13)	Carburetor or Fuel-Injection Air Intake Cleaners	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 Section 223.220
16)	Cooking Spray – Aerosol	18
17)	Deodorants	
	A) Aerosol	0 HVOM 10 MVOM
	B) Non-Aerosol	0 HVOM 0 MVOM

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18)	Dusting Aids	
	A) Aerosol	25
	B) All Other Forms	7
19)	Engine Degreasers	
	A) Aerosol	35
	B) Non-Aerosol	5
20)	Fabric Protectants	60
21)	Floor Polishes / Waxes	
	A) Products for Flexible Flooring Materials	7
	B) Products for Nonresilient Flooring	10
	C) Wood Floor Wax	90
22)	Floor Wax 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

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	B) Non-Aerosol	4
26)	Glass Cleaners	
	A) Aerosol	12
	B) Non-Aerosol	4
27)	Hair Mousses	6
28)	Hairshines	55
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	

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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
38)	Non-Selective Terrestrial Herbicide - Non-Aerosol	3
39)	Oven Cleaners	
A)	Aerosols / Pump Sprays	8
B)	Liquids	5
40)	Paint Removers or Strippers	50
41)	Penetrants	50
42)	Rubber and Vinyl Protectants	
A)	Aerosol	10
B)	Non-Aerosol	3
43)	Sealants and Caulking Compounds	4
44)	Shaving Creams	5
45)	Silicone-Based Multi-Purpose Lubricants (Excluding Solid or Semi-Solid Products)	60
46)	Spot Removers	

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A)	Aerosol	25
B)	Non-Aerosol	8
47)	Tire Sealants and Inflators	20
48)	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

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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 _____).

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- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code citation: 35 Ill. Adm. Code 217
- 3) Section Numbers: Proposed Action:
217.388 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).

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 these proposed rules replace emergency rules currently in effect? No.
- 8) Does this rulemaking contain an automatic repeal date? No.
- 9) Do these proposed rules contain incorporations by reference? No.
- 10) Are there any other amendments 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].

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12) Time, place and manner in which interested persons may comment on this proposed rulemaking:

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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.

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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. State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas.

January 2009. *See* 33 Ill. Reg. 384, 405-07; Jan. 9, 2009.

The full text of the proposed amendment begins on the next page:

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

PART 217
NITROGEN OXIDES EMISSIONS
SUBPART A: GENERAL PROVISIONS

Section	
217.100	Scope and Organization
217.101	Measurement Methods
217.102	Abbreviations and Units
217.103	Definitions
217.104	Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section	
217.121	New Emission Sources (Repealed)

SUBPART C: EXISTING FUEL COMBUSTION EMISSION UNITS

Section	
217.141	Existing Emission Units in Major Metropolitan Areas

SUBPART D: NO_x GENERAL REQUIREMENTS

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

SUBPART E: INDUSTRIAL BOILERS

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Section	
217.160	Applicability
217.162	Exemptions
217.164	Emissions Limitations
217.165	Combination of Fuels
217.166	Methods and Procedures for Combustion Tuning

SUBPART F: PROCESS HEATERS

Section	
217.180	Applicability
217.182	Exemptions
217.184	Emissions Limitations
217.185	Combination of Fuels
217.186	Methods and Procedures for Combustion Tuning

SUBPART G: GLASS MELTING FURNANCES

Section	
217.200	Applicability
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

Section

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217.301 Industrial Processes

SUBPART M: ELECTRICAL GENERATING UNITS

Section

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

Section

217.400 Applicability
217.402 Control Requirements
217.404 Testing
217.406 Monitoring
217.408 Reporting
217.410 Recordkeeping

SUBPART U: NO_x CONTROL AND TRADING PROGRAM FOR
SPECIFIED NO_x GENERATING UNITS

Section

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217.450	Purpose
217.452	Severability
217.454	Applicability
217.456	Compliance Requirements
217.458	Permitting Requirements
217.460	Subpart U NO _x Trading Budget
217.462	Methodology for Obtaining NO _x Allocations
217.464	Methodology for Determining NO _x Allowances from the New Source Set-Aside
217.466	NO _x Allocations Procedure for Subpart U Budget Units
217.468	New Source Set-Asides for "New" Budget Units
217.470	Early Reduction Credits (ERCs) for Budget Units
217.472	Low-Emitter Requirements
217.474	Opt-In Units
217.476	Opt-In Process
217.478	Opt-In Budget Units: Withdrawal from NO _x Trading Program
217.480	Opt-In Units: Change in Regulatory Status
217.482	Allowance Allocations to Opt-In Budget Units

SUBPART V: ELECTRIC POWER GENERATION

Section	
217.521	Lake of Egypt Power Plant
217.700	Purpose
217.702	Severability
217.704	Applicability
217.706	Emission Limitations
217.708	NO _x Averaging
217.710	Monitoring
217.712	Reporting and Recordkeeping

SUBPART W: NO_x TRADING PROGRAM FOR
ELECTRICAL GENERATING UNITS

Section	
217.750	Purpose
217.751	Sunset Provisions
217.752	Severability
217.754	Applicability
217.756	Compliance Requirements
217.758	Permitting Requirements

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217.760	NO _x Trading Budget
217.762	Methodology for Calculating NO _x Allocations for Budget Electrical Generating Units (EGUs)
217.764	NO _x Allocations for Budget EGUs
217.768	New Source Set-Asides for "New" Budget EGUs
217.770	Early Reduction Credits for Budget EGUs
217.774	Opt-In Units
217.776	Opt-In Process
217.778	Budget Opt-In Units: Withdrawal from NO _x Trading Program
217.780	Opt-In Units: Change in Regulatory Status
217.782	Allowance Allocations to Budget Opt-In Units

SUBPART X: VOLUNTARY NO_x EMISSIONS REDUCTION PROGRAM

Section	Purpose
217.800	Purpose
217.805	Emission Unit Eligibility
217.810	Participation Requirements
217.815	NO _x Emission Reductions and the Subpart X NO _x Trading Budget
217.820	Baseline Emissions Determination
217.825	Calculation of Creditable NO _x Emission Reductions
217.830	Limitations on NO _x Emission Reductions
217.835	NO _x Emission Reduction Proposal
217.840	Agency Action
217.845	Emissions Determination Methods
217.850	Emissions Monitoring
217.855	Reporting
217.860	Recordkeeping
217.865	Enforcement
217.APPENDIX A	Rule into Section Table
217.APPENDIX B	Section into Rule Table
217.APPENDIX C	Compliance Dates
217.APPENDIX D	Non-Electrical Generating Units
217.APPENDIX E	Large Non-Electrical Generating Units
217.APPENDIX F	Allowances for Electrical Generating Units
217.APPENDIX G	Existing Reciprocating Internal Combustion Engines Affected by the NO _x SIP Call
217.APPENDIX H	Compliance Dates for Certain Emissions Units at Petroleum Refineries

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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: 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, 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 R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R09-19 at 35 Ill. Reg. _____, effective _____.

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_x 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;

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- 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)(~~1~~)(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 NO_x 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 NO_x 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 NO_x 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)

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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

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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 NO_x 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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1) Heading of the Part: Air Quality Standards

2) Code citation: 35 Ill. Adm. Code 243

3) Section Numbers: Proposed Action:

243.101	Amend
243.104	Amend
243.106	Amend
243.107	Amend
243.108	Amend
243.120	Amend
243.122	Amend
243.125	Amend
243.126	Amend

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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 these proposed rules replace emergency rules currently in effect? No.

8) Does this rulemaking contain an automatic repeal date? No.

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- 9) Does this proposed rule contain incorporations by reference? Yes.

Code of Federal Regulations:

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

Reference method for the determination of particulate matter as PM_{2.5} 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_{2.5}, 40 CFR 50, Appendix N, 73 Fed. Reg. 1497 (Jan. 9, 2008).

Interpretation of the NAAQS for O₃, 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 amendments 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:

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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:

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.

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.

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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 /State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas.

January 2009. *See* 33 Ill. Reg. 384, 405-07 (Jan. 9, 2009).

The full text of the proposed amendments begins on the next page:

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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

Section	
243.101	Definitions
243.102	Preamble
243.103	Applicability
243.104	Nondegradation
243.106	Monitoring
243.107	Reference Conditions
243.108	Incorporations by Reference

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section	
243.120	<u>PM₁₀ and PM_{2.5}</u> PM-10
243.121	Particulates (Repealed)
243.122	Sulfur Oxides (Sulfur Dioxide)
243.123	Carbon Monoxide
243.124	Nitrogen Dioxide
243.125	<u>8 Hour Ozone</u>
243.126	Lead

243.Appendix A	Rule into Section Table
243.Appendix B	Section into Rule Table
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,

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1983; codified at 7 Ill. Reg. 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992; amended in R09-19, at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 243.101 Definitions

- a) Except as hereinafter stated 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.) (Act).
- b) All terms which appear in this Part have the definitions specified by Parts 201 or 211 of this Subtitle~~Chapter~~.

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

Section 243.104 Nondegradation

Existing ambient air quality which is better than the ~~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 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 $PM_{2.5}$, are corrected to a reference temperature of 25° C, and to a reference pressure of 760 millimeters of mercury (1013.2 millibars). $PM_{2.5}$

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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 A (1982).
- b) Non-dispersive infrared spectrometry technique, 40 CFR 50, Appendix 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 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.~~
- f) Reference method for the determination of particulate matter as PM₋₁₀ in the atmosphere, 40 CFR 50, Appendix J (1990).
- g) Interpretation of the national ambient air quality standards for particulate matter, 40 CFR 50, Appendix K, 73 Fed. Reg. 61144 (October 17, 2006). ~~(1990)~~
- h) Reference method for the determination of particulate matter as PM_{2.5} in the atmosphere, 40 CFR 50, Appendix L, 73 Fed. Reg. 61144 (October 17, 2006).
- i) Interpretation of the national ambient air quality standards for PM_{2.5}, 40 CFR 50, Appendix N, 73 Fed. Reg. 1497 (January 9, 2008).
- j) Interpretation of the NAAQS for O₃, 40 CFR 50, Appendix P, 73 Fed. Reg. 16436 (March 27, 2008).
- k) National Ambient Air Quality standards for Lead; Final Rule, 40 CFR 50, 51, 53,

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and 58.73 Fed. Reg. 66964 (November 12, 2008).

- 1) Interpretation of the National Ambient Air Quality Standards for Lead, 40 CFR 50, 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 PM_{2.5}~~PM₁₀

- a) Standards. The primary and secondary ambient air quality standards for 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~~PM-10 ambient air quality standards, ~~PM₁₀~~PM-10 shall be measured by the method described in 40 CFR 50, Appendix J (incorporated by reference in Section 243.108). The computations necessary for analyzing particulate matter data to determine attainment of the ~~PM₁₀~~PM-10 standards are described in 40 CFR 50, Appendix K (incorporated by reference in Section 243.108).
- c) Standards. The primary and secondary ambient air quality standards for PM_{2.5} 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

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with subsection (d) below.

- d) Measurement Method for PM_{2.5}. For determining conformance with the PM_{2.5} ambient air quality standards, PM_{2.5} 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_{2.5} 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 ~~micrograms~~ micrograms 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~~ is 0.0750-12 parts per million (ppm) (235 micrograms per cubic meter) daily maximum 8-hour 1-hour average concentration, measured and determined in accordance with subsection (b) below ~~not to be exceeded on more than one day~~

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per year.

- b) Measurement Method. For determining conformance with the ozone air quality standard, ozone shall be measured by the ~~ozone-ethylene reaction~~reference method specified by~~described in~~ 40 CFR Part 50, Appendix App. D, as amended 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 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.~~
- 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) 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 incorporated by reference in Section 243.108 of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective ____).