

**IDENTICAL-IN-SUBSTANCE RULEMAKING ADDENDUM
TO THE OCTOBER 19, 2017 OPINION AND ORDER OF THE BOARD**

**National Ambient Air Quality Standards Update,
USEPA Amendments (July 1, 2016 through December
31, 2016, March 20, 2017, May 11, 2017, and June 16,
2017), R17-10 (July 26, 2017)**

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The tables included in this addendum supplement the Board's October 19, 2017 opinion and order in the above-cited identical-in-substance rulemaking.

**Table 1:
USEPA Amendments on Which the Board Has Not Acted**

40 C.F.R. § 50, appendix N (amended at 81 Fed. Reg. 53097, 53097-98 (Aug. 11, 2016)):

USEPA subsequently withdrew this direct final rule at 81 Fed. Reg. 66823 (Sep. 29, 2016).

40 C.F.R. § 51, subpart A, appendix A table 1 (amended at 81 Fed. Reg. 68216, 58149-50 (Aug. 24, 2016)): This provision relates to state implementation plan requirements that are outside the scope of the Board's identical-in-substance mandate.

40 C.F.R. § 51.165 (amended at 81 Fed. Reg. 68216, 58150-51 (Aug. 24, 2016)): See the explanation for 40 C.F.R. § 51, subpart A, appendix A table 1 above in this table.

40 C.F.R. § 51, subpart Z (§§ 51.1000-51.1016) (amended at 81 Fed. Reg. 68216, 58151-62 (Aug. 24, 2016)): See the explanation for 40 C.F.R. § 51, subpart A, appendix A table 1 above in this table.

40 C.F.R. § 51.930 (amended at 81 Fed. Reg. 58010, 68282 (Oct. 3, 2016)): See the explanation for 40 C.F.R. § 51, subpart A, appendix A table 1 above in this table.

40 C.F.R. § 53.153 (amended at 81 Fed. Reg. 68216, 58162 (Aug. 24, 2016)): This provision relates to federal conformity to state and federal implementation plan requirements that are outside the scope of the Board's identical-in-substance mandate.

Table 2:
Deviations from the Text of the Federal Amendments

35 Ill. Adm. Code 243.101, “exceptional event”; derived from 40 C.F.R. 50.1(j)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks; retained the format divided into several paragraphs; retained the singular “event” in place of “event(s)” (four times); retained the singular “affects” in place of “affect”; retained the singular “exceedance or violation” in place of “exceedance(s) or violation(s)”; capitalized “Air pollution” and changed the ending period to a semicolon; consolidated “do not directly cause pollutant emissions and are not exceptional events” and “also do not directly cause pollutant emissions and are not exceptional events” (removing “also,” prefaced it with “stagnation of air masses, meteorological inversions, and meteorological events involving high temperatures or lack of precipitation,” and moved it into a Board note; retained the singular “a meteorological event” in place of “meteorological events”; moved, “However, conditions involving high temperatures or lack of precipitation may promote occurrences of particular types of exceptional events, such as wildfires or high wind events, which do directly cause emissions” into a Board note.

35 Ill. Adm. Code 243.101, “exceptional event” Board note; derived from 40 C.F.R. 50.1(j)

Revised and moved text as described above into a Board note. See the entry for 35 Ill. Adm. Code 243.105, “exceptional event” directly above in this table.

NOTE: USEPA stated that it will not consider anthropogenic emissions as having a direct causal role when they are reasonably controlled. See 81 Fed. Reg. 68216, 68231 (Oct. 3, 2016).

35 Ill. Adm. Code 243.101, “federal land manager”; derived from 40 C.F.R. 50.1(r)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks; removed “consistent with the definition in 40 CFR 51.301,” placing the citation in a Board note; changed “Federal” to lower-case “federal”; removed “ or, with respect to Roosevelt-Campobello . . . International Park Commission.”

NOTE: There are no federal Class I areas in or immediately abutting Illinois. See 40 C.F.R. 81, subpart D (2016).

35 Ill. Adm. Code 243.101, “federal land manager” Board note; derived from 40 C.F.R. 50.1(r)

Added a citation to the corresponding federal definition, moving the citation to “40 CFR 51.301” into the Board note. Added explanation that there are no federal Class I areas in or abutting Illinois.

35 Ill. Adm. Code 243.101, “high wind dust event”; derived from 40 C.F.R. 50.1(p)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks.

35 Ill. Adm. Code 243.101, “high wind threshold”; derived from 40 C.F.R. 50.1(q)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks.

35 Ill. Adm. Code 243.101, “natural event”; derived from 40 C.F.R. 50.1(k)

Placed the definition in appropriate alphabetical order; changed “the definition of natural event” to “this definition”; changed “shall be considered to not play” to “are not human

activity that plays”; changed “direct role” to “direct causal role” to repeat or “be consistent with” the phrase used in the prior sentence.

35 Ill. Adm. Code 243.101, “prescribed fire”; derived from 40 C.F.R. 50.1(m)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks.

35 Ill. Adm. Code 243.101, “wildfire”; derived from 40 C.F.R. 50.1(n)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks.

35 Ill. Adm. Code 243.101, “wildland”; derived from 40 C.F.R. 50.1(o)

Placed the definition in appropriate alphabetical order; placed the defined term in quotation marks.

35 Ill. Adm. Code 243.105(a); derived from 40 C.F.R. 50.14(a)

Replaced the federal text with basic explanation of exclusion of data by a USEPA determination pursuant to 40 C.F.R. 50.14 that the data were affected by an exceptional event.

35 Ill. Adm. Code 243.105(b); derived from 40 C.F.R. 50.14(b)

Replaced the federal text with basic explanation that the Agency must seek a USEPA determination if the Agency determines that the data were affected by an exceptional event.

35 Ill. Adm. Code 243.105(c); derived from 40 C.F.R. 50.14(c)

Replaced the federal text with basic explanation that ambient air quality monitoring data excluded by a USEPA determination is excluded for the purposes of the Illinois ambient air quality standards.

35 Ill. Adm. Code 243.108, Government Printing Office, Appendix N to 40 C.F.R. 50; derived from appendix N to 40 C.F.R. 50

Incorporated the March 20, 2017 USEPA correction by updating the incorporation by reference.

35 Ill. Adm. Code 243.108, USEPA, National Exposure Research Laboratory, *List of Designated Reference and Equivalent Methods*; derived from *List of Designated Reference and Equivalent Methods*

Incorporated the July 13, 2016 and May 11, 2017 USEPA methods designations by updating the incorporation by reference, including deletion of a now-obsolete *Federal Register* citation.

35 Ill. Adm. Code 243.120(b)(4); derived from 40 C.F.R. § 50.13(d)

Copied the text proposed as subsection (c)(4) for the 2006 NAAQS into the text of the 1997 NAAQS, deleting the first sentence in its entirety because the effective date upon which it was conditioned is now past and changing “1997 annual PM_{2.5} NAAQS” to “primary annual PM_{2.5} NAAQS.”

Note: USEPA provides in 40 C.F.R. § 50.13(d) that the 1997 primary annual NAAQS for PM_{2.5} no longer applies in areas designated attainment for that standard after the October 24, 2016 effective date of amendments to the state implementation plan requirements in 40 C.F.R. 51.1000 through 51.1016. The primary annual NAAQS for PM_{2.5} will no longer apply in areas not yet designated as attainment after USEPA designates them as attainment

for that standard. The 1997 24-hour primary NAAQS and secondary NAAQS for PM_{2.5} remain effective. All areas of Illinois were designated attainment or unclassifiable/attainment except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County. *See* 40 C.F.R. 81.314 (2016).

35 Ill. Adm. Code 243.120(b)(4) Board note; derived from 40 C.F.R. § 50.13(d)

Revised the last sentence of the federal provision as described immediately above and moved the text into a Board note.

35 Ill. Adm. Code 243.120(c)(4); derived from 40 C.F.R. § 50.13(d)

Deleted the first sentence in its entirety because the effective date upon which it was conditioned is now past; changed “1997 primary annual PM_{2.5} NAAQS” to “primary annual PM_{2.5} NAAQS” (twice); changed “1997 annual PM_{2.5} NAAQS” to “primary annual PM_{2.5} NAAQS”; changed “will apply until the effective date of . . . State Implementation Plan Requirements rule; except that for areas . . . the requirements in this section will apply until the effective date of an area’s redesignation to attainment for the 1997 annual PM_{2.5} NAAQS” to “does not apply in any area of Illinois except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County. The primary annual PM_{2.5} NAAQS in subsection this subsection (c) after USEPA has redesignated that area as attainment for that standard.”; removed “pursuant to the requirements of section 107 of the Clean Air Act”; changed “changed “1997 secondary annual PM_{2.5} NAAQS” to “secondary annual PM_{2.5} NAAQS”; removed “and the 1997 24-hour PM_{2.5} NAAQS”; changed “shall remain in effect” to “remain applicable”; changed “the area designations and classifications with respect to the 1997 annual and 24-hour PM_{2.5} NAAQS has been revoked and to facilitate the implementation of the 1997 secondary annual PM_{2.5} NAAQS and the 1997 24-hour PM_{2.5} NAAQS” to “USEPA has codified the area designations for areas in Illinois in 40 CFR 81.314” and moved the text into a Board note.

Note: See the note at the entry for 35 Ill. Adm. Code 243.120(b)(4).

Table 3:
Board Housekeeping Amendments

35 Ill. Adm. Code 243 table of contents, 243.Table A heading (Board): Added “(Repealed)” to reflect removal of text of the Exceptional Event Rule.

35 Ill. Adm. Code 243.101, “Clean Air Act” (JCAR): Changed “42 USC 7401 et. seq, as amended” to “(42 USC 7401 et seq, as amended).”

35 Ill. Adm. Code 243.101, “exceedance of a NAAQS” (JCAR): Changed “such NAAQS” to “that NAAQS.”

35 Ill. Adm. Code 243.101, “micrograms per cubic meter” (JCAR): Removed “(immediately below).”

35 Ill. Adm. Code 243.101, “parts per billion” (JCAR): Moved the comma outside the closing quotation mark after “million.”

35 Ill. Adm. Code 243.101, “USEPA” (JCAR): Moved the comma outside the closing quotation mark after “Administrator.”

- 35 Ill. Adm. Code 243.101 Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.105 Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.120(a) Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.120(a) Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 243.120(c) Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available., including adding a *Federal Register* citation to later amendments.
- 35 Ill. Adm. Code 243.120(d) Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

Table 4:
Revisions to the Text of the Proposed Amendments Made in Final Adoption

- 35 Ill. Adm. Code 243 table of contents, Table A heading (Board): Removed the strikethrough from “Flagging and Documentation”; added underlined “(Repealed).”
- 35 Ill. Adm. Code 243.101, “Clean Air Act” (JCAR): Changed “42 USC 7401 et. seq, as amended” to “(42 USC 7401 et seq, as amended).”
- 35 Ill. Adm. Code 243.101, “exceedance of a NAAQS” (JCAR): Changed “such NAAQS” to “that NAAQS.”
- 35 Ill. Adm. Code 243.101, “micrograms per cubic meter” (JCAR): Removed “(immediately below).”
- 35 Ill. Adm. Code 243.101, “parts per billion” (JCAR): Moved the comma outside the closing quotation mark after “million.”
- 35 Ill. Adm. Code 243.101, “USEPA” (JCAR): Moved the comma outside the closing quotation mark after “Administrator.”
- 35 Ill. Adm. Code 243.120(b)(4) (Board, Agency, JCAR): Copied the text proposed as subsection (c)(4) for the 2006 NAAQS into the text of the 1997 NAAQS, deleting the first sentence in its entirety because the effective date upon which it was conditioned is now past changing “this subsection (c)” to “this subsection (b),” removing “and the 1997 24-hour NAAQS for PM_{2.5},” and adding “in this subsection (b)” after “1997 24-hour PM_{2.5} NAAQS.”
- 35 Ill. Adm. Code 243.120(b) Board note (Board): Added “and 40 CFR 50.13(d), as added at 82 Fed. Reg. 14325 (Mar. 20, 2017)”;
- replaced the explanation of the differences between the 1997 and 2006 standards with explanation of adding the revocation clause to subsection (b).
- 35 Ill. Adm. Code 243.120(c)(4) (Board, Agency, JCAR): Deleted the first sentence in its entirety because the effective date upon which it was conditioned is now past; changed “1997 primary annual PM_{2.5} NAAQS” to “primary annual PM_{2.5} NAAQS”; changed “1997 primary NAAQS for PM_{2.5}” to “primary annual PM_{2.5} NAAQS”; changed “1997 secondary annual

NAAQS for PM_{2.5}” to “secondary annual PM_{2.5} NAAQS”; removed “and 1997 24-hour NAAQS for PM_{2.5}”; added “of this subsection (c)” after “secondary annual PM_{2.5} NAAQS”; changed “remain” to singular “remains.”

35 Ill. Adm. Code 243. Table A heading (Board): Removed the strikethrough from “Flagging” and “Documentation”; added underlined “(Repealed).”

Table 5:
Requested Revisions to the Text of the Proposed Amendments
Not Made in Final Adoption

35 Ill. Adm. Code 243.101, “exceedance of a NAAQS”

JCAR: Change the defined term to “exceedance of an NAAQS.”

Response: The acronym is typically pronounced as a word, as “nahks,” rather than recited by its letters, as “N-A-A-Q-S.”

35 Ill. Adm. Code 243.105

Agency: Remove the provision in its entirety.

Response: The Board believes that retention of the provision is necessary to ensure that Illinois ambient air quality standards do not apply more stringently than the federal NAAQS. See the Board’s opinion and order of October 19, 2017.

35 Ill. Adm. Code 243.120(c)(4)

Agency: Use USEPA’s language for the provision. Do not substitute the date, and do not insert the names of the nonattainment areas in Illinois.

Response: The Board must use a definite date and clearly identified locations where such are known.