

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD
PURSUANT TO 415 ILCS 5/9.1(e) and 1 ILCS 100/5-70(b)

Notice of Public Comment Period and Public Hearing for
State Implementation Plan (SIP) Submittals for Ozone

The Pollution Control Board (Board) is accepting public comments and will conduct a public hearing on a prospective ozone SIP submittal to the U.S. Environmental Protection Agency (USEPA). The Board will accept written comments on the proposed rule that will form the basis for the SIP proposal until 45 days after the proposed amendment appears in the *Illinois Register*, presently anticipated in a November 2016 issue, and a public hearing will occur by teleconference between Chicago and Springfield on December 7, 2016. The Board presently anticipates adoption of revisions to an existing exemption from the definition of volatile organic material (VOM) on January 5, 2017, or within a short time after that date.

Section 9.1(e) of the Environmental Protection Act (Act) [415 ILCS 5/9.1(e)] requires the Board to “exempt from regulation under the SIP for ozone the [VOMs] which have been determined by (USEPA) to be exempt from regulation under [SIPs] for ozone due to negligible photochemical reactivity.” The USEPA listing of these compounds is codified at 40 C.F.R. 51.100(s). The Board is required to adopt those exemptions using the “identical in substance” rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2]. The Illinois listing of these compounds is codified at 35 Ill. Adm. Code 211.7150.

On October 27, 2016, the Board adopted a proposal for public comment in docket R17-2 to initiate adoption of the latest USEPA exemptions from the definition of VOM during the first half of 2016.

- On February 25, 2016 (81 Fed. Reg. 9339), USEPA revised the existing exclusion of *tert*-butyl acetate in the list of chemical species excluded from the federal definition of VOC.

A Notice of Proposed Amendment will appear in the *Illinois Register* relative to the docket R17-2 proposal later in November 2016.

The Board expects that the Illinois Environmental Protection Agency (Agency) will submit the present amendments as a revision to the Illinois SIP for ozone pursuant to section 110 of the federal Clean Air Act (42 U.S.C. § 7410(a) (2013)) and the implementing USEPA regulations. See 40 C.F.R. § 51.102 and appendix V (2015).

Section 9.1(a) of the Act [415 ILCS 5/9.1(a)] requires the Board to “provide for notice, a hearing if required by [USEPA], and public comment before adopted rules are filed with the Secretary of State.” As USEPA will require the State to have conducted a hearing on the exemption from the

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definition of VOM involved in this proceeding pursuant to 42 U.S.C. § 4210(a) and 40 C.F.R. § 51.102, the Board has scheduled a public hearing in this matter to occur by teleconference between two locations, as follows:

1:45 p.m., December 7, 2016

James R. Thompson Center
Illinois Pollution Control Board Hearing Room
100 West Randolph Street, Room 11-512
Chicago

and

Sangamo Building
Illinois Pollution Control Board Hearing Room
1021 North Grand Avenue
Springfield

The Board invites public comment on the proposed amendments. The Board will receive public comments until at least 45 days after a notice of these proposed amendments appears in the *Illinois Register*. Anyone may file a public comment with the Board at:

Office of the Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

All comments relating to this rulemaking should clearly refer to docket number R17-2.

The record in this docket will include all documents pertaining to this proceeding. All documents in the record are publicly available for inspection and copying as provided in 2 Ill. Adm. Code 2175 (2014) by contacting the Office of the Clerk. The documents are also freely available online at the Board's webpage: www.ipcb.state.il.us.

The record will not include a copy of the following documents, which are all otherwise publicly available:

- The February 25, 2016 *Federal Register* notice that prompted this action (referenced in the Board's October 27, 2016 opinion and order proposing amendments);
- Federal statutes and regulations referenced in the Board's October 27, 2016 opinion and order; and

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- Illinois statutes and regulations referenced in the Board's October 27, 2014 opinion and order.

The Board requests that interested persons direct questions to the following person:

Michael J. McCambridge, Staff Attorney
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601

312-814-6924
michael.mccambridge@illinois.gov

The Board requests that interested persons request documents from or submit documents to the following person:

John T. Therriault, Clerk of the Board
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601

312-814-3629
john.therriault@illinois.gov

After the hearing and conclusion of the public comment period, the Board will promptly issue an opinion and order adopting final rule amendments. The Board presently anticipates adoption of the amendments on February 5, 2017. The Board will then file the amendments with the Office of the Secretary of State, and a Notice of Adopted Amendments will appear in the *Illinois Register*. Any Agency submission of the associated SIP revision to USEPA will follow that Notice.