



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-5544
866/273-5488 (TDD)

July 8, 2022

Debra Shore
Regional Administrator
U. S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3950

Re: R22-8: NATIONAL AMBIENT AIR QUALITY STANDARDS, USEPA
AMENDMENTS (January 1, 2021 - June 30, 2021)

Dear Administrator Shore:

Pursuant to Section 110(a)(2) of the Clean Air Act ("CAA") (42 U.S.C. §7410 (a)(2)) and Sections 7.2 and 10(H) of the Illinois Environmental Protection Act (415 ILCS 5/7.2, 10(H)), the Illinois Environmental Protection Agency ("Illinois EPA") submits amendments to 35 Ill. Adm. Code 243.108 and 243.122 for approval as revisions to the Illinois State Implementation Plan ("SIP"). The amendments update the ambient air quality standards in the Illinois Pollution Control Board's ("Board") air pollution control regulations to conform to the National Ambient Air Quality Standards adopted by the United States Environmental Protection Agency ("USEPA") pursuant to Section 109 of the CAA (42 U.S.C. §7409).

The rulemaking was docketed by the Board as R22-8. The Notice of Proposed Amendments was published in the *Illinois Register* on March 4, 2022. In accordance with the requirements set forth in 40 CFR 51.102, a public hearing was held April 21, 2022, in Chicago, Illinois. No public comments were received by the Board during the public comment period. The Notice of Adopted Amendments was published in the *Illinois Register* on June 3, 2022, with an effective date of May 18, 2022.

The Illinois EPA is making this submission via USEPA's eSIP submission system. The submitted documents are listed below:

- Attachment 1) *Illinois Register* Notice of Public Information
- Attachment 2) Board Order Regarding Proposed Rule (text of rule omitted)
- Attachment 3) *Illinois Register* Notice of Proposed Amendments
- Attachment 4) Transcript of April 21, 2022, Hearing

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760
Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131
Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800
Collinsville • 1101 Eastport Plaza Dr., Ste 100, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 Harrison St., Des Plaines, IL 60016 • (847) 294-4000
Peoria • 412 SW Washington St, Suite D., Peoria, IL 61602 • (309) 671-3022
Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

Attachment 5) Board Order Regarding Adopted Rule, Final Opinion and Order of the Board (full text of rule omitted)

Attachment 6) *Illinois Register* Notice of Adopted Amendments and Final Rule

The full docket is available at <https://pcb.illinois.gov/Cases/GetCaseDetailsById?caseId=17053>. If further information is required, please contact Dana Vetterhoffer of my staff at 217/782-5544.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'J' and 'K' followed by a horizontal line.

John J. Kim
Director

Attachments

2022

ATTACHMENT 1

ILLINOIS

REGISTER

Rules of
Governmental Agencies



Volume 46, Issue 10

March 4, 2022

Pages 3,478 - 3,617

Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017

Printed by authority of the State of Illinois. March --- 70 I PUB35

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD
PURSUANT TO 415 ILCS 5/10(H) and 1 ILCS 100/5-70(b)Notice of Public Comment Period and Public Hearing
for State Implementation Plan (SIP) Submittals
for National Ambient Air Quality Standards (NAAQS)

The Pollution Control Board (Board) is accepting public comments and will conduct a public hearing on a prospective NAAQS 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 Notice of Proposed Amendments appears in the *Illinois Register*. A public hearing will occur by videoconference between Chicago and Springfield on April 21, 2022. The Board presently anticipates adoption of amendments to the Illinois ambient air quality standards before June 1, 2022.

Section 10(H) of the Environmental Protection Act (Act) [415 ILCS 5/10(H)] requires the Board to do as follows:

[T]he Board shall adopt ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere, those standards shall be identical in substance to the national ambient air quality standards promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 109 of the Clean Air Act [(42 U.S.C. § 7409 (2019))].

The USEPA NAAQS are codified at 40 C.F.R. § 50. 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 243.

On February 17, 2022, the Board adopted a proposal for public comment in docket R22-8 to initiate adoption of the latest USEPA amendments to and actions affecting the federal NAAQS during the first half of 2021.

- On March 4, 2021 (86 Fed. Reg. 12682), USEPA designated a new federal reference method (FRM) for sulfur dioxide (SO₂) in ambient air.
- On March 26, 2021 (86 Fed. Reg. 16055), USEPA issued the Round 4 area designations for the primary 2010 one-hour NAAQS for SO₂.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

- On December 15, 2021, USEPA updated the *List of Designated Reference and Equivalent Methods*. This update included the FRM that USEPA designated on March 4, 2021 (86 Fed. Reg. 12682).

The Board submitted this Notice of Public Hearing and Public Comment together with a Notice of Proposed Amendments to appear in the *Illinois Register* relative to the docket R22-8 proposal.

The Board expects that the Illinois Environmental Protection Agency (Agency) will submit the present amendments to USEPA to be included in or to revise the Illinois SIP pertaining to one or more ambient air quality priority pollutants (carbon monoxide, lead nitrogen oxides, ozone, particulate matter, and sulfur dioxide) pursuant to section 110 of the federal Clean Air Act (42 U.S.C. § 7410(a) (2019)) and the implementing USEPA regulations. See 40 C.F.R. § 51.102 and appendix V (2021).

As USEPA will require the State to have conducted a hearing on the amendments to the Illinois NAAQS rules involved in this proceeding pursuant to 42 U.S.C. § 4210(a) and 40 C.F.R. § 51.102.

The Board scheduled a public hearing to allow the public to comment on the proposed amendments and the anticipated SIP revision. The Board will conduct that hearing by videoconference between the Board's offices in Chicago and Springfield, as follows:

11:45 a.m., Thursday, April 21, 2022

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

and

Illinois Environmental Protection Agency Building
Illinois Pollution Control Board Hearing Room, Room 1244N, First Floor
1021 North Grand Avenue East
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 addressed as follows:

Office of the Clerk

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

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 R22-8.

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 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 March 4, 2021 and March 26, 2021 *Federal Register* notices that prompted this action (referenced in the Board's February 3, 2022 opinion and order proposing amendments);
- The December 15, 2021 update to the List of Designated Methods that prompted this action (referenced in the Board's February 3, 2022 opinion and order proposing amendments);
- Federal statutes and regulations referenced in the Board's February 3, 2022 opinion and order; and
- Illinois statutes and regulations referenced in the Board's February 3, 2022 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:

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

Don A. Brown, Clerk of the Board
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601
312-814-3461
don.brown@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 adopting the amendments before June 1, 2022. 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.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 10(H) of the Environmental Protection Act (Act) [415 ILCS 5/10(H)] requires the Board to adopt regulations that are identical in substance to the National Ambient Air Quality Standards (NAAQS) adopted by USEPA under section 109 of the Clean Air Act (CAA) (42 U.S.C. § 7409 (2019)). The USEPA NAAQS adopted under this authority are codified as 40 C.F.R. 50. The Board is required to adopt these rules using the “identical in substance” rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2].

Section 7.2(a) of the Act requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

On February 17, 2022, the Pollution Control Board adopted an order in consolidated docket R22-8 that stated reasons for delay and extended the deadline for the Board completing action on rules adopted by USEPA on March 4, 2021 and March 26, 2021. A segment of that opinion and order set forth reasons for delay in the update to 35 Ill. Adm. Code 243. In that order, the Board stated as follows:

EXTENSION OF DUE DATE AND REASONS FOR DELAY
TIMETABLE TO COMPLETE RULEMAKING

Section 7.2(b) of the Act requires the Board to complete action on these amendments within one year of the earliest USEPA action in the docket. That is March 4, 2022. Section 7.2(b) further allows the Board to extend the deadline for completing the amendments upon finding that more time is necessary. The Board must publish notice of this finding in the *Illinois Register*. 415 ILCS 5/7.2(b) (2020).

The Board finds that additional time is needed to complete the amendments in this docket. Events have delayed action until today. The Board extends the due date for final action until June 1, 2022.

The Board is reviewing the entire text of the Illinois hazardous waste regulations to make needed corrections and harmonize that text with current Board stylistic preferences and stylistic preferences that the Joint Committee on Administrative Rules (JCAR) consistently submits based on our proposed rules. The corrections to the first portion of the hazardous waste and underground injection control permit rules in RCRA Subtitle C Update, USEPA Amendments (July 1, 2020 through December 31, 2020, R21-13, RCRA Subtitle C Update, USEPA Amendments (July 1, 2021 through December 31, 2021, R22-13, Corrections to RCRA Subtitle

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

C and UIC Permit Rules (35 Ill. Adm. Code 702 through 705), R22-19 (consol.) has substantially taxed Board resources. The volume of text involved is large and the effort needed for the review considerable. The Board staff member who has worked on hazardous waste updates for nearly 30 years plans to retire within the next several months. The Board wishes to take advantage of his experience by completing review of the rules before he retires.

Work on the R21-13/R22-13/R22-19 rulemaking unavoidably delayed progress in the present R22-8 NAAQS update.

The Board plans to complete the amendments in the docket R22-8 NAAQS update on the following schedule:

Board order proposing amendments:	February 17, 2022
Submission for <i>Illinois Register</i> publication:	February 28, 2022
Estimated <i>Illinois Register</i> publication date:	March 11, 2022
Public Hearing on Amendments	April 21, 2022
Estimated end of 45-day public comment period:	April 11, 2022
Board order adopting amendments:	May 4, 2022
Estimated filing and effective date:	May 16, 2022
Estimated <i>Illinois Register</i> publication date:	May 27, 2022

This schedule delays adopting amendments by a short time after the public hearing to allow any additional public comments after the hearing.

ILLINOIS POLLUTION CONTROL BOARD

February 17, 2022

IN THE MATTER OF:)
NATIONAL AMBIENT AIR QUALITY) R22-8
STANDARDS, USEPA AMENDMENTS) (Identical-in-Substance Rulemaking - Air)
(January 1, 2021 through June 30, 2021))

Proposed Rule. Proposal for Public Comment.

OPINION AND ORDER OF THE BOARD (by B.F. Currie):

The Board today proposes amendments to the Illinois ambient air quality standards, responding to United States Environmental Protection Agency (USEPA) actions during the first half of 2021. The Board also states reasons for delay and extends the deadline for final Board action on these amendments until June 1, 2022.

This is an identical-in-substance (IIS) rulemaking under Sections 7.2 and 10(H) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/7.2 and 10(H) (2020)). Section 10(H) requires the Board to adopt standards that are identical in substance to the National Ambient Air Quality Standards (NAAQS) adopted by USEPA under section 109 of the Clean Air Act (CAA) (42 U.S.C. § 7409 (2019)).

Section 10(H) of the Act and Section 1-5(c)(1) of the Administrative Procedure Act (APA) (5 ILCS 100/5-1-5(c)(1) (2020)) further provide that Title VII of the Act (415 ILCS 5/Tit. VII (2020)) and Section 5-35 of the APA (5 ILCS 100/5-35 (2020)) do not apply to IIS rulemaking. Accordingly, the Board needs not adopt a "First Notice" proposal and a "Second Notice" proposal for review by JCAR. However, Section 7.2 of the Act requires the Board to consider comments from USEPA, the Illinois Environmental Protection Agency (Agency), the Attorney General, and the public before adopting IIS rules.

The Board today revises the Illinois ambient air quality standards based on three USEPA actions during the first half of 2021. The Board updates one incorporation by reference. The Board incorporates one new federal reference method (FRM) into the Illinois rules. The Board removes a NAAQS from the Illinois rules that is not revoked as to all areas in the State. The Board takes note of a fourth USEPA action that does not prompt Board action.

Included are limited non-substantive corrections and revisions that the Board finds are needed. These are limited to updating incorporations by reference.

The Board will submit the proposed amendments for publication in the *Illinois Register* and will receive public comments for at least 45 days after publication. The Board will also hold a public hearing on April 21, 2022. The Board expects to adopt final rules no later than June 1, 2022.

SUMMARY OF PROPOSED AMENDMENTS

Federal Actions Implemented

USEPA designated new methods for demonstrating compliance with the NAAQS. USEPA also redesignated the ambient air quality attainment status of two areas in Illinois.

March 4, 2021 (86 Fed. Reg. 12682)

USEPA designated a new FRM for sulfur dioxide (SO₂) in ambient air. The Board must incorporate this FRM into the Illinois rules.

March 26, 2021 (86 Fed. Reg. 16055)

USEPA issued the Round 4 area designations for the primary 2010 one-hour NAAQS for SO₂. See 40 C.F.R. § 50.17 (2021). This action redesignated the Macon County area from nonattainment to attainment/unclassifiable, effective April 30, 2021. This action designates the last area in Illinois under the 2010 NAAQS.

USEPA's approval means that the 1971 primary 24-hour and annual average NAAQS for sulfur dioxide no longer applies in Illinois on April 30, 2022. 40 C.F.R. § 50.4(e) (2021). After that date, the Board can remove 35 Ill. Adm. Code 243.122(a) (corresponding with 40 C.F.R. § 50.4) from the Illinois rules.

June 14, 2021 (86 Fed. Reg. 31439)

USEPA revised the ambient air quality designations for 13 counties in six nonattainment areas in four states, including Illinois, under the 2015 primary and secondary NAAQS for ozone. USEPA reconsidered its June 8, 2018 (83 Fed. Reg. 257776) area designations. This was in response to the remand in *Clean Wisconsin v. EPA*, 964 F.3d 1145 (D.C. Cir. 2020). The result of the redesignations is that USEPA redesignated McHenry and Monroe Counties in Illinois from full county attainment to full county nonattainment, effective July 14, 2021.

Neither of the 2008 or 2015 NAAQS for ozone includes a revocation clause. 40 C.F.R. §§ 50.15 and 50.19 (2021). USEPA's reconsideration of its area designations does not affect applicability of either ozone NAAQS in any area of Illinois. The Board simply notes USEPA's action.

June 15, 2021

USEPA released an updated version of the *List of Designated Reference and Equivalent Methods*. The update incorporates the new FRM designated on March 4, 2021.

December 15, 2021

USEPA released an updated version of the *List of Designated Reference and Equivalent Methods*. The update supersedes the June 15, 2021 version and includes the March 4, 2021

FRM. Updating the incorporation by reference for the *List* to this latest version incorporates that FRM into the Illinois rules.

Although the December 15, 2021 update would ordinarily fall within the docket R22-16 update for the second half of 2021, including it here allowed dismissal of reserved docket R22-16 today. The December 15, 2021 version of the *List of Designated Reference and Equivalent Methods* adds nothing to the June 15, 2021 version, but the Board prefers incorporating the later version by reference in this rulemaking.

Board Proposals in Response to USEPA's Actions

The Board proposes adding USEPA's FRM designation by updating the incorporation by reference to the latest version of the *List of Designated Reference and Equivalent Methods*.

The Board proposes removing the now-revoked 1971 primary 24-hour and annual average NAAQS for sulfur dioxide from the Illinois rules.

The Board added an Identical-in-Substance Rulemaking Addendum (Proposed) (IIS-RA(P)) in the docket for this rulemaking. Table 1 lists the changes the Board makes to the literal text of USEPA's rules. Table 2 lists Board-initiated corrections and revisions, which are discussed immediately below.

Board-Initiated Corrections and Revisions

The Board includes limited Board-initiated corrections and revisions with the USEPA amendments. These are limited to updating *Code of Federal Regulations* and *United States Code* citations to the latest version available in incorporations by reference.

The Board finds that these corrections and revisions are needed.

Table 2 in the IIS-RA(P) lists these Board-initiated corrections and revisions. Each entry states reasons for the correction or revision.

Requests for Comments

The Board requests that interested persons review this opinion and order and submit comments on the proposed amendments. In addition to this general request for comments, the Board specifically requests for the following comments:

1. Did the Board appropriately add the new FRM into the Illinois rules?
2. Is there any way that USEPA's 1971 primary 24-hour and annual average NAAQS for sulfur dioxide has continuing affect anywhere in Illinois that would justify retaining it?
3. Are any of the Board-initiated corrections and revisions problematic?

EXTENSION OF DUE DATE AND REASONS FOR DELAY
TIMETABLE TO COMPLETE RULEMAKING

Section 7.2(b) of the Act requires the Board to complete action on these amendments within one year of the earliest USEPA action in the docket. That is March 4, 2022. Section 7.2(b) further allows the Board to extend the deadline for completing the amendments upon finding that more time is necessary. The Board must publish notice of this finding in the *Illinois Register*. 415 ILCS 5/7.2(b) (2020).

The Board finds that additional time is needed to complete the amendments in this docket. Events have delayed action until today. The Board extends the due date for final action until June 1, 2022.

The Board is reviewing the entire text of the Illinois hazardous waste regulations to make needed corrections and harmonize that text with current Board stylistic preferences and stylistic preferences that the Joint Committee on Administrative Rules (JCAR) consistently submits based on our proposed rules. The corrections to the first portion of the hazardous waste and underground injection control permit rules in RCRA Subtitle C Update, USEPA Amendments (July 1, 2020 through December 31, 2020, R21-13, RCRA Subtitle C Update, USEPA Amendments (July 1, 2021 through December 31, 2021, R22-13, Corrections to RCRA Subtitle C and UIC Permit Rules (35 Ill. Adm. Code 702 through 705), R22-19 (consol.) has substantially taxed Board resources. The volume of text involved is large and the effort needed for the review considerable. The Board staff member who has worked on hazardous waste updates for nearly 30 years plans to retire within the next several months. The Board wishes to take advantage of his experience by completing review of the rules before he retires.

Work on the R21-13/R22-13/R22-19 rulemaking unavoidably delayed progress in the present R22-8 NAAQS update.

The Board plans to complete the amendments in the docket R22-8 NAAQS update on the following schedule:

Board order proposing amendments:	February 17, 2022
Submission for <i>Illinois Register</i> publication:	February 28, 2022
Estimated <i>Illinois Register</i> publication date:	February 11, 2022
Public Hearing on Amendments	April 21, 2022
Estimated end of 45-day public comment period:	April 25, 2022
Board order adopting amendments:	May 18, 2022
Estimated filing and effective date:	May 30, 2022
Estimated <i>Illinois Register</i> publication date:	June 10, 2022

This schedule delays adopting amendments by a short time after the public hearing to allow any additional public comments after the hearing.

PUBLIC HEARING & RULEMAKING RECORD

The Board expects that the Illinois Environmental Protection Agency (Illinois EPA) will submit these amendments to USEPA to be included in the Illinois state implementation plan

(SIP) under section 110 of the federal Clean Air Act (42 U.S.C. § 7410(a) (2019)) and the implementing USEPA regulations. *See* 40 C.F.R. § 51.102 and appendix V (2021).

USEPA requires the State to conduct a hearing on the amendments to the Illinois NAAQS rules involved in this proceeding. *See* 42 U.S.C. § 4210(a) (2019); 40 C.F.R. § 51.102 (2021).

The Board scheduled a public hearing to allow the public to comment on the proposed amendments and the anticipated SIP revision. The Board will conduct that hearing by videoconference between the Board's offices in Chicago and Springfield, as follows:

11:45 a.m., Thursday, April 21, 2022

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

and

Illinois Environmental Protection Agency Building
Illinois Pollution Control Board Hearing Room, Room 1244N, First Floor
1021 North Grand Avenue East
Springfield

The Board no longer allows remote participation in hearings by Webex as occurred during the CoViD-19 pandemic.

Persons wishing to testify on the record must be physically present at either of the two hearing locations given above. This does not limit the right of any person to submit public comments on the proposed amendments.

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 through the Clerk's Office On-Line (COOL) through the Board's website (pcb.illinois.gov). Public comments may also be addressed as follows:

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 R22-8.

The record in this docket will include all documents pertaining to this proceeding. All documents in the record are publicly available online at the Board's website.

The record will not include a copy of the following documents, which are publicly available from other sources:

- *Federal Register* notices;
- Federal statutes and regulations; and
- Illinois statutes and regulations.

Together with the Notice of Proposed Amendment, the Board will submit a Notice of Public Information on Proposed Rules for concurrent publication in the *Illinois Register*. In that Notice, the Board provides the hearing date and information on how to obtain documents and participate in this proceeding. Please direct any questions to:

Michael McCambridge, Staff Attorney
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601
312-814-6924
michael.mccambridge@illinois.gov

Interested persons may request documents from or file documents with:

Don A. Brown, Clerk of the Board
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601
312-814-3629
don.brown@illinois.gov

After the hearing and public comment period, the Board will promptly issue an order adopting final rule amendments. 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 Illinois EPA submission of the associated SIP revision to USEPA would follow that Notice.

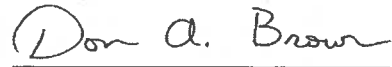
The Board finds that these measures will satisfy the federal requirements for SIP revision, in 33 U.S.C. § 7410(a) (2019) and 40 C.F.R. § 51.102, as to subjects included in this proceeding.

ORDER

The Board directs the Clerk to provide notice in the *Illinois Register* of the appended proposed amendments to the Illinois ambient air quality regulations at 35 Ill. Adm. Code 243.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on February 17, 2022, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in dark ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board

2022

ATTACHMENT 3

ILLINOIS

REGISTER Rules of Governmental Agencies



Volume 46, Issue 10

March 4, 2022

Pages 3,478 - 3,617

Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017

Printed by authority of the State of Illinois. March --- 70 I PUB35

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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 Actions:</u>
243.108	Amendment
243.122	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 10, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of February 17, 2022, proposing amendments in docket R22-8 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the *Illinois Register* before proceeding to adopt amendment based on this proposal.

The docket R22-8 proceeding relates to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. This amendment would update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the United States Environmental Protection Agency (USEPA) adopted during the first half of 2020.

The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended implementation of its NAAQSs as follows:

March 4, 2021
(86 Fed. Reg. 12682)

USEPA designated a new FRM for sulfur dioxide (SO₂) in ambient air. The Board must incorporate this FRM into the Illinois rules.

March 26, 2021
(86 Fed. Reg. 16055)

USEPA issued the Round 4 area designations for the primary 2010 one-hour NAAQS for SO₂. This action redesignated the Macon County area from nonattainment to attainment/unclassifiable, effective April 30, 2021. USEPA's approval means that the 1971 primary 24-hour and annual average NAAQS for sulfur dioxide no longer applies in Illinois on

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

April 30, 2022. After that date, the Board can remove that NAAQS from the Illinois rules.

May 26, 2020
(85 Fed. Reg. 31378)

USEPA redesignated the Lemont and Pekin areas from nonattainment to attainment for the 2010 NAAQS for SO₂. This action does not change applicability of any NAAQS in Illinois. The Board takes note, but this USEPA action requires no Board response.

December 15, 2021

USEPA released an updated version of the *List of Designated Reference and Equivalent Methods*. The update incorporates the new FRM designated on March 4, 2021. Updating the incorporation by reference for the *List* to this latest version incorporates that FRM into the Illinois rules.

The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than listing the designated methods. The further Board removed two obsolete incorporations by reference, updated incorporations by reference to *Code of Federal Regulations* provisions to the latest version available and made limited grammatical and stylistic corrections.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R22-8 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal actions underlying this amendment, as well as updates to incorporations by reference to the *Code of Federal Regulations* that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R22-8.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does the proposed rule contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 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 R22-8 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

The Board will conduct one public hearing on the proposed amendment because it will ultimately result in submission to the United States Environmental Protection Agency of an amendment to the state implementation plan (SIP). Section 110(a)(2) of the Federal Clean Air Act (42 U.S.C. 7410(a)(2) (2019)) requires reasonable notice and hearing before a state undertakes an amendment to the SIP. The public hearing will occur by videoconference at the following time and between the following locations:

11:45 a.m., April 21, 2022
Room 11-512
James R. Thompson Center
100 W. Randolph St.
Chicago, IL 60601

and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

Comments should reference docket R22-8 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R22-8:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

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

Request copies of the Board's opinion and order at 312-814-3620 or download a copy from the Board's Website at <http://www.pcb.illinois.gov>.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not for profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that emit pollutants that could potentially affect ambient air quality in any area of Illinois. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including emissions monitoring, annual reports, and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]
- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2021

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODES

PART 243

AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section

243.101	Definitions
243.102	Scope
243.103	Applicability
243.104	Nondegradation (Repealed)
243.105	Air Quality Monitoring Data Influenced by Exceptional Events
243.106	Monitoring (Repealed)
243.107	Reference Conditions
243.108	Incorporations by Reference

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section

243.120	PM ₁₀ and PM _{2.5}
243.121	Particulates (Repealed)
243.122	Sulfur Oxides (Sulfur Dioxide)
243.123	Carbon Monoxide
243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator)
243.125	Ozone
243.126	Lead
243.APPENDIX A	Rule into Section Table (Repealed)
243.APPENDIX B	Section into Rule Table (Repealed)
243.APPENDIX C	Past Compliance Dates (Repealed)
243.TABLE A	Schedule for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations (Repealed)

AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10, and 27].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, filed and effective April 14, 1972; amended in R80-11, 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 at 35 Ill. Reg. 18857, effective October 25, 2011; amended in R13-11 at 37 Ill. Reg. 12882, effective July 29, 2013; amended in R14-6 at 37 Ill. Reg. 19848, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12900, effective June 9, 2014; amended in R15-4 at 39 Ill. Reg. 5434, effective March 24, 2015; amended in R16-2 at 40 Ill. Reg. 4906, effective March 3, 2016; amended in R17-1 at 41 Ill. Reg. 1121, effective January 23, 2017; amended in R17-10 at 41 Ill. Reg. 13413, effective October 23, 2017; amended in R18-15 at 42 Ill. Reg. 9308, effective May 29, 2018; amended in R19-6 at 43 Ill. Reg. 3034, effective February 19, 2019; amended in R19-14/R20-3/R20-11 at 44 Ill. Reg. 14223, effective August 18, 2020; amended in R21-1 at 45 Ill. Reg. 337, effective December 17, 2020; amended in R22-8 at 46 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 243.108 Incorporations by Reference

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

Government Printing Office (GPO), Washington, DC 20401, 202-783-3238, www.govinfo.gov/. The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 (2020) ~~(2019)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)), referenced in Section 243.122.

Appendix A-2 to 40 CFR 50 (2020) ~~(2019)~~ (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 (2020) ~~(2019)~~ (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Appendix C to 40 CFR 50 (2020) ~~(2019)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in Section 243.123.

Appendix D to 40 CFR 50 (2020) ~~(2019)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere), referenced in Section 243.125.

Appendix F to 40 CFR 50 (2020) ~~(2019)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)), referenced in Section 243.124.

Appendix G to 40 CFR 50 (2020) ~~(2019)~~ (Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air), referenced in Section 243.126.

Appendix J to 40 CFR 50 (2020) ~~(2019)~~ (Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 (2020) ~~(2019)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix L to 40 CFR 50 (2020) ~~(2019)~~ (Reference Method for the Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 (2020) ~~(2019)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix O to 40 CFR 50 (2020) ~~(2019)~~ (Reference Method for the Determination of Coarse Particulate Matter as PM_{10-2.5} in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 (2020) ~~(2019)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 (2020) ~~(2019)~~ (Reference Method for the Determination of Lead in Particulate Matter as PM₁₀ Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 (2020) ~~(2019)~~ (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 (2020) ~~(2019)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)), referenced in Section 243.124.

Appendix T to 40 CFR 50 (2020) ~~(2019)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)), referenced in Section 243.122.

Appendix U to 40 CFR 50 (2020) ~~(2019)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Clean Air Act, 42 USC 7401 et seq. (2019) ~~(2018)~~ (for definitions of terms only), referenced in Section 243.101.

BOARD NOTE: Segments of the Code of Federal Regulations and the United States Code are available for free download as PDF documents from the GPO FDsys website: www.govinfo.gov/.

USEPA, National Exposure Research Laboratory, Human Exposure & Atmospheric Sciences Division (MD-D205-03), Research Triangle Park, NC 27711. The following documents incorporated by reference are available from this source:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"List of Designated Reference and Equivalent Methods" (December 15, 2021) (~~June 15, 2020~~) (referred to as the "List of Designated Methods" and referenced in Sections 243.101, 243.120, 243.122, 243.123, 243.124, 243.125, and 243.126.

BOARD NOTE: The List of Designated Methods is available for free download as a PDF document from the USEPA, Technology Transfer, Ambient Monitoring Technology Information Center website:
<http://www.epa.gov/ttn/amtic/criteria.html>.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section 243.122 Sulfur Oxides (Sulfur Dioxide)

- a) 1971 Primary Annual Average and 24-Hour NAAQS for Sulfur Oxides (as Sulfur Dioxide (SO₂))
- 1) ~~The level of the 1971 primary annual average NAAQS for sulfur oxides is 0.030 ppm, not to be exceeded in a calendar year. The annual arithmetic mean must be rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up).~~
 - 2) ~~The level of the 1971 primary 24-hour NAAQS for sulfur oxides is 0.14 ppm, not to be exceeded more than once per calendar year. The 24-hour averages must be determined from successive non-overlapping 24-hour blocks starting at midnight each calendar day and must be rounded to two decimal places (fractional parts equal to or greater than 0.005 ppm must be rounded up).~~
 - 3) ~~Sulfur oxides must be measured in the ambient air as SO₂ by the FRM described in appendix A-2 to 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.~~
 - 4) ~~To demonstrate attainment, the annual arithmetic mean and the second-highest 24-hour averages must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A 24-hour block average~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~must be considered valid if at least 75 percent of the hourly averages for the 24-hour period are available. In the event that only 18, 19, 20, 21, 22, or 23-hour averages are available, the 24-hour block average must be computed as the sum of the available hourly averages using the number of hours (i.e., 18, 19, etc.) as the divisor. If less than 18-hour averages are available, but the 24-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of subsection (b) of this Section, this must be considered a valid 24-hour average. In this case, the 24-hour block average must be computed as the sum of the available hourly averages divided by 24.~~

- 5) ~~The 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) apply only in Macon County.~~

~~BOARD NOTE: Derived from 40 CFR 50.4. This subsection (a) no longer applies in any area of Illinois outside Macon County. The Board will delete the 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) after 40 CFR 50.4 no longer applies: one year after the effective date of a USEPA area designation for Macon County.~~

ab) 1971 Secondary Three-Hour NAAQS for Sulfur Oxides (as SO₂)

- 1) The level of the 1971 secondary three-hour NAAQS for sulfur oxides is 0.5 ppm, not to be exceeded more than once per calendar year. The three-hour averages must be determined from successive non-overlapping three-hour blocks starting at midnight each calendar day and must be rounded to one decimal place (fractional parts equal to or greater than 0.05 ppm must be rounded up).
- 2) Sulfur oxides must be measured in the ambient air as SO₂ by the FRM described in appendix A-2 to 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.
- 3) To demonstrate attainment, the second-highest three-hour average must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A three-hour block average must be considered valid only if all three hourly averages for the three-hour period are available. If only one or two hourly averages are available, but the three-hour average

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of subsection (b)(1), this must be considered a valid three-hour average. In all cases, the three-hour block average must be computed as the sum of the hourly averages divided by three.

BOARD NOTE: This subsection (~~a~~b) is derived from 40 CFR 50.5.

be) 2010 Primary One-Hour NAAQS for Sulfur Oxides (as SO₂)

- 1) The level of the 2010 primary one-hour NAAQS for sulfur oxides is 75 ppb, measured in the ambient air as SO₂.
- 2) The 2010 one-hour primary NAAQS for sulfur oxides is met at an ambient air quality monitoring site when the three-year average of the annual (99th percentile) of the daily maximum one-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with appendix T of 40 CFR 50, incorporated by reference in Section 243.108.
- 3) The level of the 2010 one-hour primary NAAQS for sulfur oxides must be measured by an FRM based on appendix A-1 or A-2 of 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (be) is derived from 40 CFR 50.17. ~~The 1971 primary NAAQS for SO₂ remains in effect until the federal conditions of 40 CFR 50.4(e) have been fulfilled, as outlined in subsection (a)(5) and the appended Board note.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

ILLINOIS POLLUTION CONTROL BOARD

FEBRUARY 17, 2022

IN THE MATTER OF:)
NATIONAL AMBIENT AIR)
QUALITY STANDARDS, USEPA) No. R22-8
AMENDMENTS (January 1)
through June 30, 2021.))

REPORT OF PROCEEDINGS taken at the
Public Hearing of the above-entitled cause, held on
Thursday, the 21st day of April, 2022, at the hour
of 11:45 A.M., before GLORIA APOSTOLOS SIOLIDIS,
C.S.R., License #084-001205, a Notary Public duly
qualified and commissioned for the State of
Illinois.

PRESENT:

MR. MICHAEL McCAMBRIDGE, Hearing Officer.

MS. ANNET GODIKSEN, IEPA.

MS. BARBARA FLYNN-CURRIE, Pollution Control
Board.

April 21, 2022

Page 2

1 HEARING OFFICER McCAMBRIDGE: The time is
2 now 11:49. This hearing was noticed for 11:45.

3 My name is Mike McCambridge. I'm the
4 Hearing Officer. With me attending is Chairman,
5 Barbara Flynn occur he.

6 This is a hearing in the R 22-8
7 National Ambient Air Quality Standards USEPA
8 Amendments January 1st, 2021 through June 30th,
9 2021.

10 This hearing is being held to satisfy
11 the public hearing requirements of the Federal
12 Clean Air Act.

13 We know that ultimately, IEPA will seek
14 a state implementation plan revision based on what
15 we're doing with this rule, and this hearing likely
16 will obviate the Illinois EPA separately holding a
17 hearing.

18 There's no other personnel here in
19 Chicago. Could the persons present in Springfield
20 identify for the record?

21 MS. GODIKSEN: Annet Godiksen, legal
22 counsel for the Illinois EPA.

23 HEARING OFFICER McCAMBRIDGE: Is there
24 anyone else present?

1 MS. GODIKSEN: No.

2 HEARING OFFICER McCAMBRIDGE: I'll tell
3 you, this crazy pandemic stuff that's hanging on
4 forever has decimated the crowds.

5 But anyway, just to briefly recap what
6 USEPA did that under license this.

7 March 4th, 2021 USEPA designated a new
8 Federal Reference Method for sulphur dioxide in the
9 ambient air.

10 On March 26th, 2021 USEPA issued its
11 Round 4 area designations under the 2010 one-hour
12 NAAQS for sulphur dioxide. That action
13 redesignated Macon County from nonattainment to
14 attainment/unclassifiable, effective April 30th of
15 last year.

16 It designates the last area in Illinois
17 under that NAAQS, which means that on April 30th,
18 2022, the 1971 24-hour annual average NAAQS for
19 sulphur dioxide no longer applies in any area of
20 Illinois.

21 June 14th, 2021, USEPA revised the
22 ambient air qualities for 13 Counties in six
23 nonattainment areas in four states, including
24 Illinois, under the 2015 primary and secondary

1 NAAQS for ozone. This does not affect the
2 applicability of any standard in Illinois. The
3 Board took note of that and will do nothing other.

4 On June 15th and December 15th, 2021,
5 USEPA released an updated version of its List of
6 Designated Reference and Equivalent Methods. Those
7 two lists supersede, or the later supersedes the
8 earlier, and they incorporate any actions that
9 happened so that the March 4th, 2021 approval of
10 the FRM is subsumed by these two.

11 The Board proposed Amendments in this
12 on February 17th of this year. That proposal
13 period in the Illinois Register on March 4th. And
14 with it on that date appeared an Order noticing
15 this hearing. And if I am not mistaken, there was
16 also in the Notice an Extension of the deadline in
17 this matter.

18 Considering the dates of the appearance
19 in the Illinois Register of March 4th, the 45-day
20 public comment period in this would have lapsed on
21 April 18th; however, because of this hearing, we
22 are going to delay Board action until the next
23 Board Meeting on May 12th in order to allow
24 opportunity for anyone to review, or obtain and

1 review the transcript of this hearing, and then
2 submit any comments into the record.

3 So in order to facilitate adoption on
4 May 12th, I would say right now that we should end
5 or close the comment appeared on Monday, May 9th of
6 this year.

7 That's all I have to say. Chairman
8 Currie, do you have anything to add?

9 MS. FLYNN-CURRIE: I have nothing to add.

10 Sounds like we're well covered. We
11 know what we're doing and we trust the public as
12 paying close attention; and if they have anything
13 to say to us, I hope they will.

14 HEARING OFFICER McCAMBRIDGE: Do you have
15 anything to say, Ms. Godiksen?

16 MS. GODIKSEN: We have one comment. And
17 that's we wanted to note that there appeared to be
18 an omission in the Opinion and Order.

19 On the page 2 discussion of the
20 March 4th, 2021 Federal Register changes and then
21 the subsequent references thereto, it appears that
22 the Board admitted the new equivalent method, the
23 FEM, for monitoring ambient air quality. We
24 realize that doesn't change the attendant of facts

1 as is part of what was incorporated by reference,
2 but we just wanted to note that.

3 HEARING OFFICER McCAMBRIDGE: Are you
4 saying that it was an FEM for SO2 and not an FRM
5 for SO2?

6 MS. GODIKSEN: One of each.

7 HEARING OFFICER McCAMBRIDGE: Oh, well,
8 that will be fixed in any final Opinion and Order.

9 Like you said, it isn't material
10 because the December 15th, 2021 List of Designated
11 Reference and Equivalent Methods would include
12 that. An updating the incorporation by reference
13 to that document would embrace all actions on
14 March 4th.

15 MS. GODIKSEN: Right.

16 HEARING OFFICER McCAMBRIDGE: Thank you for
17 pointing that out.

18 MS. GODIKSEN: You're welcome.

19 HEARING OFFICER McCAMBRIDGE: Nothing else,
20 not from anyone? In that case, we adjourn.

21
22 (Which were all the proceedings
23 taken at the Public Hearing of
24 the above-entitled cause.)

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)
3

4 I, GLORIA APOSTOLOS SIOLIDIS, C.S.R., duly
5 qualified and commissioned for the State of Illinois,
6 County of DuPage, do hereby certify that I reported
7 in shorthand the proceedings had and testimony
8 taken at the Public Hearing of the above-entitled
9 cause, and that the foregoing transcript is a true, correct,
10 and complete report of the entire testimony so
11 taken at the time and place hereinabove set forth.
12
13
14

15 GLORIA APOSTOLOS SIOLIDIS
16 CSR License #084-001205
17
18
19
20
21
22
23
24

<p>A</p> <p>A.M 1:11 above-entitled 1:9 6:24 7:8 Act 2:12 action 3:12 4:22 actions 4:8 6:13 add 5:8,9 adjourn 6:20 admitted 5:22 adoption 5:3 affect 4:1 air 1:3 2:7,12 3:9 3:22 5:23 allow 4:23 ambient 1:3 2:7 3:9,22 5:23 Amendments 1:4 2:8 4:11 Annet 1:19 2:21 annual 3:18 anyway 3:5 APOSTOLOS 1:11 7:4,15 appearance 4:18 appeared 4:14 5:5 5:17 appears 5:21 applicability 4:2 applies 3:19 approval 4:9 April 1:10 3:14,17 4:21 area 3:11,16,19 areas 3:23 attainment/uncl... 3:14 attendant 5:24 attending 2:4 attention 5:12 average 3:18</p> <p>B</p> <p>Barbara 1:20 2:5 based 2:14</p>	<p>Board 1:1,21 4:3 4:11,22,23 5:22 briefly 3:5</p> <p>C</p> <p>C.S.R 1:12 7:4 case 6:20 cause 1:9 6:24 7:9 certify 7:6 Chairman 2:4 5:7 change 5:24 changes 5:20 Chicago 2:19 Clean 2:12 close 5:5,12 comment 4:20 5:5 5:16 comments 5:2 commissioned 1:13 7:5 complete 7:10 Considering 4:18 Control 1:1,20 correct 7:9 counsel 2:22 Counties 3:22 County 3:13 7:2,6 covered 5:10 crazy 3:3 crowds 3:4 CSR 7:16 Currie 5:8</p> <p>D</p> <p>date 4:14 dates 4:18 day 1:10 deadline 4:16 December 4:4 6:10 decimated 3:4 delay 4:22 designated 3:7 4:6 6:10 designates 3:16 designations 3:11</p>	<p>dioxide 3:8,12,19 discussion 5:19 document 6:13 doing 2:15 5:11 DU 7:2 duly 1:12 7:4 DuPage 7:6</p> <p>E</p> <p>earlier 4:8 effective 3:14 embrace 6:13 entire 7:10 EPA 2:16,22 equivalent 4:6 5:22 6:11 Extension 4:16</p> <p>F</p> <p>facilitate 5:3 facts 5:24 February 1:2 4:12 Federal 2:11 3:8 5:20 FEM 5:23 6:4 final 6:8 fixed 6:8 Flynn 2:5 FLYNN-CURR... 1:20 5:9 foregoing 7:9 forever 3:4 forth 7:11 four 3:23 FRM 4:10 6:4</p> <p>G</p> <p>GLORIA 1:11 7:4 7:15 Godiksen 1:19 2:21,21 3:1 5:15 5:16 6:6,15,18 going 4:22</p> <p>H</p> <p>hanging 3:3</p>	<p>happened 4:9 hearing 1:9,18 2:1 2:2,4,6,10,11,15 2:17,23 3:2 4:15 4:21 5:1,14 6:3 6:7,16,19,23 7:8 held 1:9 2:10 hereinabove 7:11 holding 2:16 hope 5:13 hour 1:10</p> <p>I</p> <p>identify 2:20 IEPA 1:19 2:13 Illinois 1:1,14 2:16,22 3:16,20 3:24 4:2,13,19 7:1,5 implementation 2:14 include 6:11 including 3:23 incorporate 4:8 incorporated 6:1 incorporation 6:12 issued 3:10</p> <p>J</p> <p>January 1:4 2:8 June 1:5 2:8 3:21 4:4</p> <p>K</p> <p>know 2:13 5:11</p> <p>L</p> <p>lapsed 4:20 legal 2:21 license 1:12 3:6 7:16 List 4:5 6:10 lists 4:7 longer 3:19</p>	<p>M</p> <p>Macon 3:13 March 3:7,10 4:9 4:13,19 5:20 6:14 material 6:9 matter 1:3 4:17 McCAMBRID... 1:18 2:1,3,23 3:2 5:14 6:3,7 6:16,19 means 3:17 Meeting 4:23 method 3:8 5:22 Methods 4:6 6:11 MICHAEL 1:18 Mike 2:3 mistaken 4:15 Monday 5:5 monitoring 5:23</p> <p>N</p> <p>NAAQS 3:12,17 3:18 4:1 name 2:3 National 1:3 2:7 new 3:7 5:22 nonattainment 3:13,23 Notary 1:12 note 4:3 5:17 6:2 Notice 4:16 noticed 2:2 noticing 4:14</p> <p>O</p> <p>obtain 4:24 obviate 2:16 occur 2:5 Officer 1:18 2:1,4 2:23 3:2 5:14 6:3,7,16,19 Oh 6:7 omission 5:18 one-hour 3:11</p>
---	---	---	---	--

Opinion 5:18 6:8 opportunity 4:24 order 4:14,23 5:3 5:18 6:8 ozone 4:1 <hr/> P <hr/> page 5:19 7:2 pandemic 3:3 part 6:1 paying 5:12 period 4:13,20 personnel 2:18 persons 2:19 place 7:11 plan 2:14 pointing 6:17 Pollution 1:1,20 present 1:16 2:19 2:24 primary 3:24 proceedings 1:8 6:22 7:7 proposal 4:12 proposed 4:11 public 1:9,12 2:11 4:20 5:11 6:23 7:8 <hr/> Q <hr/> qualified 1:13 7:5 qualities 3:22 quality 1:4 2:7 5:23 <hr/> R <hr/> R 2:6 R22-8 1:4 realize 5:24 recap 3:5 record 2:20 5:2 redesignated 3:13 reference 3:8 4:6 6:1,11,12 references 5:21 Register 4:13,19	5:20 released 4:5 report 1:8 7:10 reported 7:6 requirements 2:11 review 4:24 5:1 revised 3:21 revision 2:14 right 5:4 6:15 Round 3:11 rule 2:15 <hr/> S <hr/> satisfy 2:10 saying 6:4 secondary 3:24 seek 2:13 separately 2:16 set 7:11 shorthand 7:7 SIOLIDIS 1:11 7:4,15 six 3:22 SO2 6:4,5 Sounds 5:10 Springfield 2:19 SS 7:1 standard 4:2 Standards 1:4 2:7 state 1:13 2:14 7:1 7:5 states 3:23 stuff 3:3 submit 5:2 subsequent 5:21 subsumed 4:10 sulphur 3:8,12,19 supersede 4:7 supersedes 4:7 <hr/> T <hr/> taken 1:8 6:23 7:8 7:11 tell 3:2 testimony 7:7,10	Thank 6:16 thereto 5:21 Thursday 1:10 time 2:1 7:11 transcript 5:1 7:9 true 7:9 trust 5:11 two 4:7,10 <hr/> U <hr/> ultimately 2:13 updated 4:5 updating 6:12 USEPA 1:4 2:7 3:6,7,10,21 4:5 <hr/> V <hr/> version 4:5 <hr/> W <hr/> wanted 5:17 6:2 we're 2:15 5:10,11 welcome 6:18 <hr/> X <hr/> Y <hr/> year 3:15 4:12 5:6 <hr/> Z <hr/> 0 <hr/> 084-001205 1:12 7:16 <hr/> 1 <hr/> 1 1:4 11:45 1:11 2:2 11:49 2:2 12th 4:23 5:4 13 3:22 14th 3:21 15th 4:4,4 6:10 17 1:2 17th 4:12 18th 4:21 1971 3:18	1st 2:8 <hr/> 2 <hr/> 2 5:19 2010 3:11 2015 3:24 2021 1:5 2:8,9 3:7 3:10,21 4:4,9 5:20 6:10 2022 1:2,10 3:18 21st 1:10 22-8 2:6 24-hour 3:18 26th 3:10 <hr/> 3 <hr/> 30 1:5 30th 2:8 3:14,17 <hr/> 4 <hr/> 4 3:11 45-day 4:19 4th 3:7 4:9,13,19 5:20 6:14 <hr/> 5 <hr/> 6 <hr/> 7 <hr/> 8 <hr/> 9 <hr/> 9th 5:5
---	--	--	---

ILLINOIS POLLUTION CONTROL BOARD
May 12, 2022

IN THE MATTER OF:)
NATIONAL AMBIENT AIR QUALITY) R22-8
STANDARDS, USEPA AMENDMENTS) (Identical-in-Substance Rulemaking - Air)
(January 1, 2021 through June 30, 2021))

Adopted Rule. Final Order.

OPINION AND ORDER OF THE BOARD (by B.F. Currie):

The Board today adopts amendments to the Illinois ambient air quality standards, responding to United States Environmental Protection Agency (USEPA) actions during the first half of 2021.

This is an identical-in-substance (IIS) rulemaking under Sections 7.2 and 10(H) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/7.2 and 10(H) (2020)). Section 10(H) requires the Board to adopt standards that are identical in substance to the National Ambient Air Quality Standards (NAAQS) adopted by USEPA under section 109 of the Clean Air Act (CAA) (42 U.S.C. § 7409 (2019)).

Section 10(H) of the Act and Section 1-5(c)(1) of the Administrative Procedure Act (APA) (5 ILCS 100/5-1-5(c)(1) (2020)) further provide that Title VII of the Act (415 ILCS 5/Tit. VII (2020)) and Section 5-35 of the APA (5 ILCS 100/5-35 (2020)) do not apply to IIS rulemaking. Accordingly, the Board needs not adopt a “First Notice” proposal and a “Second Notice” proposal for review by JCAR. However, Section 7.2 of the Act requires the Board to consider comments from USEPA, the Illinois Environmental Protection Agency (Agency), the Attorney General, and the public before adopting IIS rules.

The Board today revises the Illinois ambient air quality standards based on three USEPA actions during the first half of 2021. The Board updates one incorporation by reference. The Board incorporates one new federal reference method (FRM) and one new federal equivalent method (FEM) into the Illinois rules. The Board removes a NAAQS from the Illinois rules that is not revoked as to all areas in the State. The Board takes note of a fourth USEPA action that does not prompt Board action.

Included are limited non-substantive corrections and revisions that the Board finds are needed. These are limited to updating incorporations by reference.

The Board adopted a proposal for public comment on February 17, 2022. A Notice of Proposed Amendments appeared in the *Illinois Register* on March 4, 2022, at 46 Ill. Reg. 3485. The 45-day public comment period ended April 18, 2022. The February 17, 2022 opinion and order found that the Board needed additional time to complete action on the proposed amendments and extended the due date until June 1, 2022.

A Notice of Public Information also appeared in the *Illinois Register* on March 4, 2022, at 46 Fed. Reg. 3612. That notice gave notice of public hearing on the proposal.

The Board held a public hearing on the proposed amendments on April 21, 2022. The Illinois Environmental Protection Agency (Agency) was represented at the hearing. The Agency suggested corrections to the February 17, 2022 opinion and order but no changes to the proposed amendments.

During the public comment period, the Board received a document from the Joint Committee on Administrative Rules (JCAR) showing the text of the proposed amendments as prepared for publication in the *Illinois Register*. JCAR suggested no revisions to the text of the amendments.

SUMMARY OF ADOPTED AMENDMENTS

Federal Actions Implemented

USEPA designated new methods for demonstrating compliance with the NAAQS. USEPA also redesignated the ambient air quality attainment status of two areas in Illinois.

March 4, 2021 (86 Fed. Reg. 12682)

USEPA designated a new FRM for sulfur dioxide (SO₂) and a new FEM for coarse particulate matter (PM₁₀) in ambient air. The Board must incorporate this FRM into the Illinois rules.

March 26, 2021 (86 Fed. Reg. 16055)

USEPA issued the Round 4 area designations for the primary 2010 one-hour NAAQS for SO₂. *See* 40 C.F.R. § 50.17 (2021). This action redesignated the Macon County area from nonattainment to attainment/unclassifiable, effective April 30, 2021. This action designates the last area in Illinois under the 2010 NAAQS.

USEPA's approval means that the 1971 primary 24-hour and annual average NAAQS for sulfur dioxide no longer applies in Illinois on April 30, 2022. 40 C.F.R. § 50.4(e) (2021). After that date, the Board can remove 35 Ill. Adm. Code 243.122(a) (corresponding with 40 C.F.R. § 50.4) from the Illinois rules.

June 14, 2021 (86 Fed. Reg. 31439)

USEPA revised the ambient air quality designations for 13 counties in six nonattainment areas in four states, including Illinois, under the 2015 primary and secondary NAAQS for ozone. USEPA reconsidered its June 8, 2018 (83 Fed. Reg. 257776) area designations. This was in response to the remand in *Clean Wisconsin v. EPA*, 964 F.3d 1145 (D.C. Cir. 2020). The result of the redesignations is that USEPA redesignated McHenry and Monroe Counties in Illinois from full county attainment to full county nonattainment, effective July 14, 2021.

Neither of the 2008 or 2015 NAAQS for ozone includes a revocation clause. 40 C.F.R. §§ 50.15 and 50.19 (2021). USEPA's reconsideration of its area designations does not affect applicability of either ozone NAAQS in any area of Illinois. The Board simply notes USEPA's action.

June 15, 2021

USEPA released an updated version of the *List of Designated Reference and Equivalent Methods*. The update incorporates the new FRM and FEM designated on March 4, 2021.

December 15, 2021

USEPA released an updated version of the *List of Designated Reference and Equivalent Methods*. The update supersedes the June 15, 2021 version and includes the March 4, 2021 FRM and FEM. Updating the incorporation by reference for the *List* to this latest version incorporates that FRM and FEM into the Illinois rules.

Although the December 15, 2021 update would ordinarily fall within the docket R22-16 update for the second half of 2021, including it here allowed dismissal of reserved docket R22-16 today. The December 15, 2021 version of the *List of Designated Reference and Equivalent Methods* adds nothing to the June 15, 2021 version, but the Board prefers incorporating the later version by reference in this rulemaking.

Board Responses to USEPA's Actions

The Board adds USEPA's FRM and FEM designations by updating the incorporation by reference to the latest version of the *List of Designated Reference and Equivalent Methods*.

The Board removes the now-revoked 1971 primary 24-hour and annual average NAAQS for sulfur dioxide from the Illinois rules.

The Board added an Identical-in-Substance Rulemaking Addendum (Final) (IIS-RA(F)) in the docket for this rulemaking. Table 1 lists the changes the Board makes to the literal text of USEPA's rules. Table 2 lists Board-initiated corrections and revisions, which are discussed immediately below.

Board-Initiated Corrections and Revisions

The Board includes limited Board-initiated corrections and revisions with the USEPA amendments. These are limited to updating *Code of Federal Regulations* and *United States Code* citations to the latest version available in incorporations by reference.

The Board finds that these corrections and revisions are needed.

Table 2 in the IIS-RA(P) lists these Board-initiated corrections and revisions. Each entry states reasons for the correction or revision.

Requests for Comments

The Board requested that interested persons review this opinion and order and submit comments on the proposed amendments. In addition to this general request for comments, the Board specifically requested comments on the following:

1. Did the Board appropriately add the new FRM into the Illinois rules?
2. Is there any way that USEPA's 1971 primary 24-hour and annual average NAAQS for sulfur dioxide has continuing affect anywhere in Illinois that would justify retaining it?
3. Are any of the Board-initiated corrections and revisions problematic?

The Board received no comments in response.

ORDER

The Board directs the Clerk to file the adopted amendments with the Office of the Secretary of State and provide notice in the *Illinois Register* of the appended adopted amendments to the Illinois ambient air quality regulations at 35 Ill. Adm. Code 243.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 12, 2022, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board

2022

ATTACHMENT 6

ILLINOIS

REGISTER Rules of Governmental Agencies



Volume 46, Issue 23

June 3, 2022

Pages 8,951 - 9,142

Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017

Printed by authority of the State of Illinois. June --- 70 I PUB35

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
243.108	Amendment
243.122	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 10, and 27
- 5) Effective Date of Rule: May 18, 2022
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Statement of availability: The adopted rulemaking, a copy of the Board's opinion and order adopted May 12, 2022 in docket R22-8, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in the *Illinois Register*: 46 Ill. Reg. 3485; March 4, 2022
- 10) Has JCAR issued a Statement of Objections to these rules? Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the proposal and the final version: The differences between the amendment adopted on May 12, 2022 in docket R22-8 and those proposed by the Board in an opinion and order dated February 17, 2022, are limited to minor corrections that have no substantive effect. The Board updated incorporations by reference to the *Code of Federal Regulations* to the latest version available. The Board listed the changes in a document entitled, "Identical-in-Substance Rulemaking Addendum (Final) to the May 12, 2022 Opinion and Order of the Board" (IIS-RA(P)) that the Board added to docket R22-8.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the board and JCAR been made as indicated in the agreements issued by JCAR? Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and purpose of rulemaking: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of May 12, 2022, adopting amendments in docket R22-8, which opinion and order is available from the address below.

The docket R22-8 proceeding relates to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. This amendment would update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the United States Environmental Protection Agency (USEPA) adopted during the first half of 2021.

The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended implementation of its NAAQSs as follows:

March 4, 2021
(86 Fed. Reg. 12682)

USEPA designated a new FRM for sulfur dioxide (SO₂) and a new FEM for coarse particulate matter (PM₁₀) in ambient air. The Board must incorporate this FRM into the Illinois rules.

March 26, 2021
(86 Fed. Reg. 16055)

USEPA issued the Round 4 area designations for the primary 2010 one-hour NAAQS for SO₂, redesignating the Macon County area attainment/unclassifiable, effective April 30, 2021. USEPA's approval means that the 1971 primary 24-hour and annual average NAAQS for sulfur dioxide no longer applies in Illinois. The Board can remove this standard from the Illinois rules.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

June 14, 2021 (86 Fed. Reg. 31439)	USEPA revised the ambient air quality designations for 13 counties in six nonattainment areas in four states, including Illinois, under the 2015 primary and secondary NAAQS for ozone. The result of the redesignations is that USEPA redesignated McHenry and Monroe Counties in Illinois from full county attainment to full county nonattainment, effective July 14, 2021. USEPA's reconsideration of its area designations does not affect applicability of either ozone NAAQS in any area of Illinois. The Board simply noted USEPA's action.
June 15, 2021	USEPA released an updated version of the <i>List of Designated Reference and Equivalent Methods</i> . The update incorporates the new FRM and FEM designated on March 4, 2021.
December 15, 2021	USEPA released an updated version of the <i>List of Designated Reference and Equivalent Methods</i> . The update supersedes the June 15, 2021 version and includes the March 4, 2021 FRM and FEM. Updating the incorporation by reference for the <i>List</i> to this latest version incorporates that FRM and FEM into the Illinois rules. Although the December 15, 2021 update would ordinarily fall within the docket R22-16 update for the second half of 2021, including it here allowed dismissal of reserved docket R22-16 today.

The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than listing the designated methods. The further Board removed two obsolete incorporations by reference, updated incorporations by reference to *Code of Federal Regulations* provisions to the latest version available and made limited grammatical and stylistic corrections.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R22-8 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal actions underlying this amendment, as well as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

updates to incorporations by reference to the *Code of Federal Regulations* that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R22-8.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

- 16) Information and questions regarding this adopted rulemaking shall be directed to: Please reference consolidated docket R22-8 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
60 E. Van Buren St, Suite 630
Chicago, IL 60605

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

Request copies of the Board's opinion and order of May 12, 2022 at 312-814-3620 or from the Internet at www.illinois.gov.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODES

PART 243

AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section

243.101	Definitions
243.102	Scope
243.103	Applicability
243.104	Nondegradation (Repealed)
243.105	Air Quality Monitoring Data Influenced by Exceptional Events
243.106	Monitoring (Repealed)
243.107	Reference Conditions
243.108	Incorporations by Reference

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section

243.120	PM ₁₀ and PM _{2.5}
243.121	Particulates (Repealed)
243.122	Sulfur Oxides (Sulfur Dioxide)
243.123	Carbon Monoxide
243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator)
243.125	Ozone
243.126	Lead
243.APPENDIX A	Rule into Section Table (Repealed)
243.APPENDIX B	Section into Rule Table (Repealed)
243.APPENDIX C	Past Compliance Dates (Repealed)
243.TABLE A	Schedule for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations (Repealed)

AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10, and 27].

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, filed and effective April 14, 1972; amended in R80-11, 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 at 35 Ill. Reg. 18857, effective October 25, 2011; amended in R13-11 at 37 Ill. Reg. 12882, effective July 29, 2013; amended in R14-6 at 37 Ill. Reg. 19848, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12900, effective June 9, 2014; amended in R15-4 at 39 Ill. Reg. 5434, effective March 24, 2015; amended in R16-2 at 40 Ill. Reg. 4906, effective March 3, 2016; amended in R17-1 at 41 Ill. Reg. 1121, effective January 23, 2017; amended in R17-10 at 41 Ill. Reg. 13413, effective October 23, 2017; amended in R18-15 at 42 Ill. Reg. 9308, effective May 29, 2018; amended in R19-6 at 43 Ill. Reg. 3034, effective February 19, 2019; amended in R19-14/R20-3/R20-11 at 44 Ill. Reg. 14223, effective August 18, 2020; amended in R21-1 at 45 Ill. Reg. 337, effective December 17, 2020; amended in R22-8 at 46 Ill. Reg. 9068, effective May 18, 2022.

SUBPART A: GENERAL PROVISIONS

Section 243.108 Incorporations by Reference

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

Government Printing Office (GPO), Washington, DC 20401, 202-783-3238, www.govinfo.gov/. The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 ~~(2019)~~ (2021) (Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)), referenced in Section 243.122.

Appendix A-2 to 40 CFR 50 ~~(2019)~~ (2021) (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 ~~(2019)~~ (2021) (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Appendix C to 40 CFR 50 (2021) ~~(2019)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in Section 243.123.

Appendix D to 40 CFR 50 (2021) ~~(2019)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere), referenced in Section 243.125.

Appendix F to 40 CFR 50 (2021) ~~(2019)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)), referenced in Section 243.124.

Appendix G to 40 CFR 50 (2021) ~~(2019)~~ (Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air), referenced in Section 243.126.

Appendix J to 40 CFR 50 (2021) ~~(2019)~~ (Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 (2021) ~~(2019)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix L to 40 CFR 50 (2021) ~~(2019)~~ (Reference Method for the Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 (2021) ~~(2019)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix O to 40 CFR 50 (2021) ~~(2019)~~ (Reference Method for the Determination of Coarse Particulate Matter as PM_{10-2.5} in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 (2021) ~~(2019)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 (2021) ~~(2019)~~ (Reference Method for the Determination of Lead in Particulate Matter as PM₁₀ Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 (2021) ~~(2019)~~ (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 (2021) ~~(2019)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)), referenced in Section 243.124.

Appendix T to 40 CFR 50 (2021) ~~(2019)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)), referenced in Section 243.122.

Appendix U to 40 CFR 50 (2021) ~~(2019)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Clean Air Act, 42 USC 7401 et seq. (2020) ~~(2018)~~ (for definitions of terms only), referenced in Section 243.101.

BOARD NOTE: Segments of the Code of Federal Regulations and the United States Code are available for free download as PDF documents from the GPO FDsys website: www.govinfo.gov/.

USEPA, National Exposure Research Laboratory, Human Exposure & Atmospheric Sciences Division (MD-D205-03), Research Triangle Park, NC 27711. The following documents incorporated by reference are available from this source:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"List of Designated Reference and Equivalent Methods" (December 15, 2021) (~~June 15, 2020~~) (referred to as the "List of Designated Methods" and referenced in Sections 243.101, 243.120, 243.122, 243.123, 243.124, 243.125, and 243.126.

BOARD NOTE: The List of Designated Methods is available for free download as a PDF document from the USEPA, Technology Transfer, Ambient Monitoring Technology Information Center website:
<http://www.epa.gov/ttn/amtic/criteria.html>.

(Source: Amended at 46 Ill. Reg. 9068, effective May 18, 2022)

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section 243.122 Sulfur Oxides (Sulfur Dioxide)

- a) ~~1971 Primary Annual Average and 24 Hour NAAQS for Sulfur Oxides (as Sulfur Dioxide (SO₂))~~
- ~~1) The level of the 1971 primary annual average NAAQS for sulfur oxides is 0.030 ppm, not to be exceeded in a calendar year. The annual arithmetic mean must be rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up).~~
 - ~~2) The level of the 1971 primary 24-hour NAAQS for sulfur oxides is 0.14 ppm, not to be exceeded more than once per calendar year. The 24-hour averages must be determined from successive non-overlapping 24-hour blocks starting at midnight each calendar day and must be rounded to two decimal places (fractional parts equal to or greater than 0.005 ppm must be rounded up).~~
 - ~~3) Sulfur oxides must be measured in the ambient air as SO₂ by the FRM described in appendix A-2 to 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.~~
 - ~~4) To demonstrate attainment, the annual arithmetic mean and the second-highest 24-hour averages must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A 24-hour block average~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

~~must be considered valid if at least 75 percent of the hourly averages for the 24-hour period are available. In the event that only 18, 19, 20, 21, 22, or 23-hour averages are available, the 24-hour block average must be computed as the sum of the available hourly averages using the number of hours (i.e., 18, 19, etc.) as the divisor. If less than 18-hour averages are available, but the 24-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of subsection (b) of this Section, this must be considered a valid 24-hour average. In this case, the 24-hour block average must be computed as the sum of the available hourly averages divided by 24.~~

- 5) ~~The 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) apply only in Macon County.~~

~~BOARD NOTE: Derived from 40 CFR 50.4. This subsection (a) no longer applies in any area of Illinois outside Macon County. The Board will delete the 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) after 40 CFR 50.4 no longer applies: one year after the effective date of a USEPA area designation for Macon County.~~

ab) 1971 Secondary Three-Hour NAAQS for Sulfur Oxides (as SO₂)

- 1) The level of the 1971 secondary three-hour NAAQS for sulfur oxides is 0.5 ppm, not to be exceeded more than once per calendar year. The three-hour averages must be determined from successive non-overlapping three-hour blocks starting at midnight each calendar day and must be rounded to one decimal place (fractional parts equal to or greater than 0.05 ppm must be rounded up).
- 2) Sulfur oxides must be measured in the ambient air as SO₂ by the FRM described in appendix A-2 to 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.
- 3) To demonstrate attainment, the second-highest three-hour average must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A three-hour block average must be considered valid only if all three hourly averages for the three-hour period are available. If only one or two hourly averages are available, but the three-hour average

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of subsection (b)(1), this must be considered a valid three-hour average. In all cases, the three-hour block average must be computed as the sum of the hourly averages divided by three.

BOARD NOTE: This subsection (~~ab~~) is derived from 40 CFR 50.5.

be) 2010 Primary One-Hour NAAQS for Sulfur Oxides (as SO₂)

- 1) The level of the 2010 primary one-hour NAAQS for sulfur oxides is 75 ppb, measured in the ambient air as SO₂.
- 2) The 2010 one-hour primary NAAQS for sulfur oxides is met at an ambient air quality monitoring site when the three-year average of the annual (99th percentile) of the daily maximum one-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with appendix T of 40 CFR 50, incorporated by reference in Section 243.108.
- 3) The level of the 2010 one-hour primary NAAQS for sulfur oxides must be measured by an FRM based on appendix A-1 or A-2 of 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (be) is derived from 40 CFR 50.17. ~~The 1971 primary NAAQS for SO₂ remains in effect until the federal conditions of 40 CFR 50.4(e) have been fulfilled, as outlined in subsection (a)(5) and the appended Board note.~~

(Source: Amended at 46 Ill. Reg. 9068, effective May 18, 2022)