

Board Proposes First-Notice Rules for Ambient Air Monitoring of Ethylene Oxide

On January 16, 2020, the Board proposed new air monitoring rules for determining ambient levels of ethylene oxide (EtO) across Illinois (35 Ill. Adm. Code 249). Section 9.16(n) of the Environmental Protection Act (415 ILCS 5/9.16(n), added by P.A. 101-22, eff. June 21, 2019) requires the Illinois Environmental Protection Agency (IEPA) to both “conduct air testing to determine the ambient levels of [EtO] throughout the State” and, within a specified timeframe, “submit rules for ambient air testing of [EtO] to the Board.” IEPA filed this rulemaking proposal on December 17, 2019. Without commenting on the substantive merits of IEPA’s proposal, the Board proposed the rules for first-notice publication in the *Illinois Register*.

IEPA explains that there is no federal ambient air quality standard for EtO and that this particular rulemaking’s purpose “is not to establish a standard for EtO in Illinois,” but rather to establish “a system to ascertain baseline levels” of EtO across the State. Under the rules, IEPA expects to collect EtO monitoring data that will supplement the monitoring being conducted by the United States Environmental Protection Agency. IEPA proposes that the rules will no longer apply 24 months after they become effective.

The Board is accepting public comments on the first-notice proposal. The Board will be announcing two public hearings scheduled to be held in Springfield and Chicago. The rulemaking is captioned Proposed New 35 Ill. Adm. Code 249 Ethylene Oxide Ambient Air Monitoring, docket R20-18. Here are links to the Board’s first-notice opinion and order and the Board’s addendum containing the proposed rule text. For more information, please contact Marie Tipsord at 312-814-4925 or marie.tipsord@illinois.gov or Mark Kaminski at 312-814-3886 or mark.kaminski@illinois.gov.