

ILLINOIS POLLUTION CONTROL BOARD
March 9, 1989

IN THE MATTER OF:)
)
LIMITS TO VOLATILITY OF) R88-30
GASOLINE)

ORDER OF THE BOARD (by J.D. Dumelle):

Statement Of Intent To Proceed

On January 5, 1989 the Board adopted an Order requesting written public comment on the issue of regulating the volatility of gasoline in Illinois. To date, the Board has received twenty-six public comments responding to this issue. The Board finds that the quality and quantity of information submitted will require careful review. However, the Board has determined that it will proceed to hearing in this matter. The Board intends to adopt shortly an Opinion and Order proposing a regulation which will serve as a focal point for the purpose of public hearings.

The Board is well aware that the United States Environmental Protection Agency (USEPA) has proposed a rule to limit gasoline volatility nationwide. However, uncertainties exist regarding the federal proposal which persuade the Board that it is in the best interests of public health and the environment to proceed at this time. First, the federal proposal has been awaiting review by the Office of Management and Budget (OMB). None of the public comments has stated with certainty when, if ever, OMB will act on the proposal. Nor can anyone state with certainty what the substance of the federal rule will be. Second, Public Comment No. 23, from the Illinois Environmental Protection Agency (Agency), suggested that the Board delay action until the federal government acts; provided, however, that if the federal government fails to act by August, 1989, the Board can then proceed so as to adopt a rule for the 1990 ozone season. Although the Board appreciates the Agency's position, the Board believes that, to have a rule in place by the 1990 ozone season, the rulemaking process, including public hearings, review by the Joint Committee on Administrative Rules, etc, must begin without delay. The Board would not likely be making further determinations until summer in any event. If the USEPA promulgates a regulation, the Board will consider the advisability of proceeding with its own rulemaking at that time.

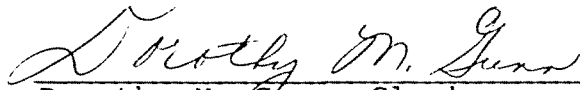
Thus, the Board intends to propose a rule and initiate the hearing process. All interested persons will have an opportunity to further present their views at hearing and as provided thereafter. As the hearing process will require some time to

complete, the Board does not envision adopting a rule to govern the 1989 ozone season.

The Clerk is directed to send this Order to all persons on the notice list. Moreover, a copy of this Order shall appear in the next issue of the Environmental Register.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 9th day of March, 1989 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board