

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
VAPOR RECOVERY RULES:)
AMENDMENTS TO 35 ILL. ADM.)
CODE PARTS 201, 218, AND 219)

R13-18
(Rulemaking - Air)

RECEIVED
CLERK'S OFFICE

JUN 27 2013

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

TO: John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Thomas Davis, Bureau Chief
Environmental Bureau
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

Richard R. McGill, Jr.
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Mitchell Cohen, General Counsel
Office of Legal Services
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271



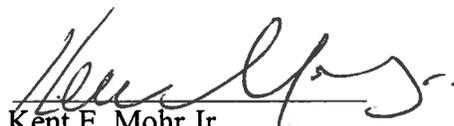
ORIGINAL

PC#1

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the PUBLIC COMMENTS OF THE ILLINOIS EPA, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Kent E. Mohr Jr.
Assistant Counsel
Division of Legal Counsel

DATED: June 25, 2013

1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544
(217) 782-9143 (TDD)

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PUBLIC COMMENTS OF THE ILLINOIS EPA

NOW COMES the Illinois Environmental Protection Agency (Illinois EPA), by and through its attorney, and hereby submits its Public Comments as directed by the Hearing Officer Order entered on June 17, 2013, in the above-captioned rulemaking.

Procedural Background

On March 18, 2013, the Illinois EPA filed a regulatory proposal to amend the vapor recovery rules under 35 Illinois Administrative Code Parts 201, 218, and 219. On April 4, 2013, the Illinois Pollution Control Board (Board) accepted the Illinois EPA's proposal for hearing and adopted the proposed amendments for first notice. The first hearing in this matter was held on May 8, 2013. The second hearing in this matter was held on June 5, 2013. At the close of the hearings in this matter, the Hearing Officer set a public comment deadline of July 8, 2013. In his Order entered June 17, 2013, the Hearing Officer directed the Illinois EPA to respond to certain questions, as set forth below, through public comment.

Questions and Responses

1. The Chicago nonattainment area (NAA) consists of the Counties of "Cook, DuPage, Kane, Lake, McHenry, Will, Grundy (townships of Aux Sable and Goose Lake only), and Kendall (Oswego township only)." IEPA Statement of Reasons (SOR) at 12 (filed March 18, 2013). When the run specifications on the TSD's CD are opened in

MOVES2010b, each one displays the selection “ILLINOIS – Cook County” under “Geographic Bounds. “ See Attachment C of this order.

- A. Does Figure 1 of the TSD (“ORVR Alone vs. Stage II + ORVR”) reflect the results of MOVES2010b runs for the entire Chicago NAA, Cook County only, or some other subdivision of the Chicago NAA? See TSD at 10; SOR at 13-14.

RESPONSE: Figure 1 illustrates MOVES results for the entire Chicago NAA. The MOVES model requires a single county code for identification purposes and the Illinois EPA selected the Cook County code to represent the entire Chicago NAA. Modeling input data for vehicle miles traveled, vehicle registration data, etc. representing the entire Chicago NAA were imported into the model.

- B. If Figure 1 of the TSD reflects the results of MOVES2010b runs for only a subdivision of the Chicago NAA (e.g., Cook and DuPage Counties), please elaborate upon the following:

- i. IEPA’s reasoning for not running the model for the entire Chicago NAA;
- ii. IEPA’s reasoning for considering the model runs conducted to be adequate support for the Stage II cut-off date of January 1, 2014 (Section 218.586(d)) and the decommissioning timeframe of 2014 through 2016 (Section 218.586(i)(1)); and
- iii. Whether the emissions reduction benefits in tons per day presented in Figure 1 beginning in 2014 would be comparatively greater if the model were run for the entire Chicago NAA.

RESPONSE: As directed, since Figure 1 of the TSD reflects the results of MOVES2010b runs for the entire Chicago NAA, the Illinois EPA does not provide responses to these questions in 1(B).

2. When the run specifications on the TSD's CD are opened in MOVES2010b, each one displays the selections "July" and "Weekdays" under "Time Spans." *See* Attachment C of this order. Please elaborate upon the following:

A. IEPA's reasoning for modeling July instead of another month or the entire year; and

RESPONSE: July was selected for two reasons. First, this would be the worst-case scenario for refueling emissions since the United States Environmental Protection Agency considers July to be the peak of the ozone season. Second, the previous on-road model (MOBILE 6.2) only had the capacity to model two months, January or July. July was selected for the purposes of consistency.

B. IEPA's reasoning for modeling weekdays instead of also selecting weekends.

RESPONSE: Weekday was selected since MOVES assigns more vehicle miles traveled to each weekday than to weekend days thereby making weekdays the worst-case scenario.

WHEREFORE, the Illinois EPA respectfully submits these comments, and requests the Board to proceed expeditiously to second notice.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Kent E. Mohr Jr.
Assistant Counsel
Division of Legal Counsel

DATED: June 25, 2013

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544
(217) 782-9143 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) SS

RECEIVED
CLERK'S OFFICE
JUN 27 2013
STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served the attached PUBLIC COMMENTS OF THE ILLINOIS EPA upon the following persons,

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Thomas Davis, Bureau Chief
Environmental Bureau
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

Richard R. McGill, Jr.
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100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Mitchell Cohen, General Counsel
Office of Legal Services
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

by mailing a true copy thereof in an envelope duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois on June 25, 2013.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Kent E. Mohr Jr.
Assistant Counsel
Division of Legal Counsel

DATED: June 25, 2013

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