

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
VAPOR RECOVERY RULES:)	R13-18
AMENDMENTS TO 35 ILL. ADM.)	(Rulemaking - Air)
CODE PARTS 201, 218, AND 219)	

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

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: July 31, 2013

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
VAPOR RECOVERY RULES:)	R13-18
AMENDMENTS TO 35 ILL. ADM.)	(Rulemaking - Air)
CODE PARTS 201, 218, AND 219)	

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 July 16, 2013, in the above-captioned rulemaking.

Procedural Background

On March 18, 2013, the Illinois EPA filed its regulatory proposal to amend the vapor recovery rules with the Illinois Pollution Control Board (Board). On April 4, 2013, the 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, in Springfield, Illinois. The second hearing in this matter was held on June 5, 2013, in Chicago, Illinois. At the close of the hearings in this matter, the Hearing Officer set a public comment deadline of July 8, 2013.

On July 8, 2013, the Illinois Petroleum Marketers Association (IPMA) filed a public comment requesting the Board and Illinois EPA to reconsider the January 1, 2014 effective date and allow the rule amendments to become effective immediately. PC2 at p. 1. On July 16, 2013, the Hearing Officer entered an Order directing the Illinois EPA to file a public comment in response to IPMA's public comment. The Hearing Officer directed the Illinois EPA to file its public comment by July 31, 2013.

Illinois EPA Response to IPMA Public Comment

The Illinois EPA reached out to IPMA to discuss the concerns that formed the basis for its public comment and to resolve those concerns in a spirit of cooperation. The Illinois EPA acknowledges that, for industry, this is a time of regulatory compliance uncertainty. Further, the Illinois EPA understands the economic conundrum for industry during this time. After informed discussion between the Illinois EPA and IPMA, the Illinois EPA understands that IPMA's concerns have been addressed. The Illinois EPA has committed to IPMA that it will continue working with IPMA should any compliance issues arise in a way that will be understanding of this situation and will seek to expeditiously and amicably resolve any such issues. As a result, the Illinois EPA understands that an immediate effective date is no longer a request of or desired by IPMA and that IPMA is in agreement with this statement. See Exhibit 1.

WHEREFORE, the Illinois EPA respectfully submits these comments, requests the Board to maintain the January 1, 2014 effective date, 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: July 31, 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



**Illinois Petroleum Marketers Association
Illinois Association of Convenience Stores**

WM. R. DEUTSCH BUILDING • 112 WEST COOK STREET
P.O. BOX 12020 • SPRINGFIELD, ILLINOIS 62791-2020
PHONE: 217/544-4609 • FAX: 217/789-0222

WILLIAM J. FLEISCHLI
EXECUTIVE VICE PRESIDENT

July 31, 2013

Mr. Kent E. Mohr Jr., Esq.
Assistant Counsel, Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, IL 62794

RE: VAPOR RECOVERY RULES, PCB R-13-18

Dear Mr. Mohr:

I have reviewed the Public Comment to be filed by the Illinois Environmental Protection Agency (Illinois EPA) on July 31, 2013, in the above-referenced case. After discussing this matter with my membership, the Illinois Petroleum Marketers Association (IPMA) is in agreement with the approach described by the Illinois EPA in its Comment. Therefore, the IPMA no longer desires or is asking that the Illinois Pollution Control Board change the January 1, 2014 proposed effective date of the rulemaking.

Thank you.

Sincerely yours,

A handwritten signature in cursive script that reads 'Bill Fleischli'.

BILL FLEISCHLI
Executive Vice President

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) SS

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
(Electronic Filing)

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

by mailing, unless otherwise indicated above, 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 July 31, 2013.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

DATED: July 31, 2013

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