

ILLINOIS POLLUTION CONTROL BOARD
February 27, 1992

IN THE MATTER OF:)
)
STAGE II GASOLINE VAPOR RECOVERY) R91-30
RULES: AMENDMENTS TO 35 ILL. ADM.) (Rulemaking)
CODE PARTS 215, 218, AND 219.)
)

Proposed Rule. First Notice.

OPINION AND ORDER OF THE BOARD (by R. C. Flemal):

On January 22, 1992, the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking. The proposal is intended to regulate the installation and operation of systems for gasoline vapor recovery of emissions from the fueling of motor vehicles. Pursuant to Section 182(b)(3) of the Clean Air Act, as amended in 1990, Illinois is to submit these regulations as a revision to its state implementation plan (SIP) by November 15, 1992.

This proposal is directed at both Illinois non-attainment areas. These include the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, as well as Oswego township in Kendall County and Aux Sable and Goose Lake Townships in Grundy County; and the Metro-East area, consisting of Madison, Monroe, and St. Clair Counties.

The Board accepted the proposal for hearing on February 6, 1992. The Board also accepted the Agency's certification that this rulemaking is federally required pursuant to Section 28.2 of the Environmental Protection Act (Act) (Ill.Rev.Stat. 1989, ch. 111½, par. 1028.2), as amended by P.A. 86-1409.

Today the Board sends this proposal to first notice, as required by Section 5.01 of the Illinois Administrative Procedure Act, and is submitted for publication as filed by the Agency. The Board has made only minor nonsubstantive changes to the rules as proposed by the Agency, in order to conform to Administrative Code Unit requirements. Also in this docket, the Board is proposing non-substantive changes to Section 215.123 involving the form of the incorporation by reference. Although not part of the Agency's proposal, the Board believes this docket serves as a means to make that section conform to current requirements.

The Board emphasizes that in sending this proposal to first notice, it adopts no substantive position on the merits of the proposal. The Board believes that publishing the proposal at this time will maximize the opportunity for public comment on the proposal. Additionally, the Board has already stated that it

places a very high priority on the quick resolution of this rulemaking. Beginning the statutorily-required first notice period at this time will allow for the most expeditious resolution of the proceeding.

ORDER

The Board directs the Clerk of the Board to cause first notice publication of the following amendments in the Illinois Register.

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR
STATIONARY SOURCES

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AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601; Notice of Corrections at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; amended in R88-19 at 14 Ill. Reg. 7596, effective May 8, 1990; amended in R89-16(A) at 14 Ill. Reg. 9173, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 3309, effective February 13, 1991; amended in R88-14 at 15 Ill. Reg. 8018, effective May 14, 1991; amended in R91-7 at 15 Ill. Reg. 12217, effective August 19, 1991; amended in R91-10 at 15 Ill. Reg. 15595, effective October 11, 1991; amended in R89-7(B) at 15 Ill. Reg. 17687, effective November 26, 1991; amended in R91-9 at 16 Ill. Reg. 3132, effective February 18, 1992; amended in R91-30 at 16 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 215.123 Petroleum Liquid Storage Tanks

- a) The requirements of subsection (b) shall not apply to any stationary storage tank:
- 1) Equipped before January 1, 1979 with one of the vapor loss control devices specified in Section 215.121(b), except Section 215.121(b)(1);
 - 2) With a capacity of less than 151.42 cubic meters;
 - 3) With a capacity of less than 1,600 cubic meters (422,400 gallons) and used to store produced crude oil and condensate prior to custody transfer;
 - 4) With a capacity of less than 1,430 cubic meters (378,000 gallons) and used to store produced oil or condensate in crude oil gathering;
 - 5) Subject to new source performance standards for storage vessels of petroleum liquid, 40 CFR 60, as ~~regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended~~ incorporated by reference in Section 215.105. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111½, PAR. 1009.1(b)).
 - 6) In which volatile petroleum liquid is not stored; or
 - 7) Which is a pressure tank as described in Section 215.121(a).
- b) Subject to subsection (a) no owner or operator of a stationary storage tank shall cause or allow the storage of any volatile petroleum liquid in the tank unless:
- 1) The tank is equipped with one of the vapor loss control devices specified in Section 215.121(b);
 - 2) There are no visible holes, tears or other defects in the seal or any seal fabric or material of any floating roof;
 - 3) All openings of any floating roof deck, except stub drains, are equipped with covers, lids or seals such that:

- A) The cover, lid or seal is in the closed position at all times except when petroleum liquid is transferred to or from the tank;
 - B) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports; and
 - C) Rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting;
- 4) Routine inspections of floating roof seals are conducted through roof hatches once every six months;
 - 5) A complete inspection of the cover and seal of any floating roof tank is made whenever the tank is emptied for reasons other than the transfer of petroleum liquid during the normal operation of the tank, or whenever repairs are made as a result of any semiannual inspection or incidence of roof damage or defect; and
 - 6) A record of the results of each inspection conducted under subsection (b)(4) or (b)(5) is maintained.
- c) Owners and operators of petroleum liquid storage tanks were required to have compliance schedules as summarized in Appendix C.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART Y: GASOLINE DISTRIBUTION

Section 215.583 Gasoline Dispensing Facilities - Storage Tank Filling Operations

- a) Subject to subsection (b), no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing facility unless:
 - 1) The tank is equipped with a submerged loading pipe; and
 - 2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:

- A) A vapor collection system that meets the requirements of subsection (d)(4); or
 - B) A refrigeration-condensation system or any other system approved by the Agency that recovers at least 90 percent by weight of all vaporized organic material from the equipment being controlled; and.
 - C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 215.584(b) or (d).
- b) The requirements of subsection (a)(2) shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing facility if:
- 1) The tank is equipped with a floating roof or other system of equal or better emission control as approved by the Agency;
 - 2) The tank has a capacity of less than 2000 gallons and is in place and operating before January 1, 1979;
 - 3) The tank has a capacity of less than 575 gallons; or
 - 4) The tank is not located in any of the following counties: Boone, Peoria, Rock Island, Tazewell, or Winnebago.
- c) Subject to subsection (b), each owner of a gasoline dispensing facility shall:
- 1) Install all control systems and make all process modifications required by subsection (a);
 - 2) Provide instructions to the operator of the gasoline dispensing facility describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and
 - 3) Repair, replace or modify any worn out or malfunctioning component or element of design.
- d) Subject to subsection (b), each operator of a gasoline dispensing facility shall:
- 1) Maintain and operate each vapor control system in accordance with the owner's instructions;

- 2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;
 - 3) Maintain gauges, meters or other specified testing devices in proper working order;
 - 4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:
 - A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B, and
 - B) Avoidable leaks of liquid during the filling of storage tanks; and
 - 5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d)(4)(A).
- e) Gasoline dispensing facilities were required to take certain actions to achieve compliance which are summarized in Appendix C.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS FOR
STATIONARY SOURCES

PART 218
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE CHICAGO AREA

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AUTHORITY: Implementing Section 10 and authorized by Section
 28.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991,
 ch. 111 1/2, pars. 1010 and 1028.2)

SOURCE: Adopted in R91-7 at 15 Ill. Reg. 12231, effective August
 16, 1991; amended in R91-30 at 16 Ill. Reg. _____, effective _
 _____.

SUBPART Y: GASOLINE DISTRIBUTION

Section 218.583 Gasoline Dispensing Facilities - Storage Tank
Filling Operations

- a) Subject to subsection (b), no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing facility unless:
- 1) The tank is equipped with a submerged loading pipe; and
 - 2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:
 - A) A vapor collection system that meets the requirements of subsection (d)(4); or
 - B) A refrigeration-condensation system or any other system approved by the Agency and approved by the USEPA as a SIP revision, that recovers at least 90 percent by weight of all vaporized organic material from the equipment being controlled; and
 - C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 218.584(b) or (d).
- b) The requirements of subsection (a)(2) shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing facility if:
- 1) The tank is equipped with a floating roof, or other system of equal or better emission control approved by the Agency and approved by the USEPA as a SIP revision;
 - 2) The tank has a capacity of less than 2000 gallons and was in place and operating before January 1, 1979; or
 - 3) The tank has a capacity of less than 575 gallons.
- c) Subject to subsection (b), each owner of a gasoline dispensing facility shall:
- 1) Install all control systems and make all process modifications required by subsection (a);
 - 2) Provide instructions to the operator of the gasoline dispensing facility describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and

- 3) Repair, replace or modify any worn out or malfunctioning component or element of design.
- d) Subject to subsection (b), each operator of a gasoline dispensing facility shall:
 - 1) Maintain and operate each vapor control system in accordance with the owner's instructions;
 - 2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;
 - 3) Maintain gauges, meters or other specified testing devices in proper working order;
 - 4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:
 - A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B, and
 - B) Avoidable leaks of liquid during the filling of storage tanks; and
 - 5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d)(4)(A).
- e) Gasoline dispensing facilities were required to take certain actions to achieve compliance which are summarized in 35 Ill. Adm. Code 215, Appendix C.

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

Section 218.586 Gasoline Dispensing Facilities -- Motor Vehicle Fueling Operations

- a) For the purposes of this section, the following definitions apply.
 - 1) Average Monthly Volume: The amount of motor vehicle fuel dispensed per month from a gasoline dispensing facility based upon a monthly average for the 2-year period of November, 1990 through October, 1992 or, if not available, the monthly

average for the most recent twelve calendar months. Monthly averages are to include only those months when the facility was operating.

- 2) Certified: Any vapor collection and control system which has been tested and approved by CARB as having a vapor recovery and removal efficiency of at least 95% (by weight) shall constitute a certified vapor collection and control system.
- 3) Constructed: Fabricated, erected or installed; refers to any facility, emission source or air pollution control equipment.
- 4) CARB: California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.
- 5) Employee: Any person who performs work for an employer.
- 6) Facility: Any building, structure, installation, operation or combination thereof located on contiguous properties and under common ownership that provides for the dispensing of motor vehicle fuel.
- 7) Gasoline Dispensing Facility: Any facility where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.
- 8) Modification: Any change, removal or addition, other than an identical replacement, of any component contained within the vapor collection and control system.
- 9) Motor Vehicle: Any self-propelled vehicle powered by an internal combustion engine including, but not limited to, automobiles, trucks, and watercraft.
- 10) Motor Vehicle Fuel: Any petroleum distillate having a Reid vapor pressure of more than 27.6 kilopascals (kPa) (four pounds per square inch) and which is used to power motor vehicles.
- 11) Owner or Operator: Any person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a gasoline dispensing facility.

- 12) Reid Vapor Pressure: For gasoline, it shall be measured in accordance with either the method ASTM D323 or a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by references in 35 Ill. Adm. Code 215.105.
- 13) Vapor Collection and Control System: Any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapors displaced during the dispensing of motor vehicle fuel into motor vehicle fuel tanks.
- b) The provisions of subsection (c) of this Section shall apply to any gasoline dispensing facility which dispenses an average monthly volume of more than 10,000 gallons of motor vehicle fuel per month. Compliance shall be demonstrated in accordance with the schedule provided in subsection (d) of this Section.
- c) No owner or operator of a gasoline dispensing facility subject to the requirements of subsection (b) of this Section shall cause or allow the dispensing of motor vehicle fuel at any time unless all fuel dispensing operations are equipped with and utilize a vapor collection and control system which is properly installed and operated as provided below:
- 1) No vapor collection and control system shall be installed, used or maintained unless the system has been tested and certified.
 - 2) Any vapor collection and control system utilized shall be maintained in accordance with the manufacturer's specifications and the certification.
 - 3) No elements or components of a vapor collection and control system shall be modified, removed, replaced or otherwise rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications.
 - 4) A vapor collection and control system shall not be operated with defective, malfunctioning or missing components.
 - 5) Operators and employees of the gasoline dispensing facility shall be trained and instructed in the proper operation and maintenance of a vapor collection and control system.

- 6) Instructions shall be posted in a conspicuous and visible place within the motor fuel dispensing area and shall describe the proper method of dispensing motor vehicle fuel with the use of the vapor collection and control system.
- d) Facilities subject to the requirements of subsection (c) of this Section shall demonstrate compliance according to the following:
- 1) Facilities that commenced construction after November 1, 1990, must comply by May 1, 1993.
 - 2) Facilities that dispense an average monthly volume of more than 100,000 gallons of motor fuel per month, must comply by November 1, 1993.
 - 3) All other facilities must comply by November 1, 1994.
 - 4) Any gasoline dispensing facility described under both subsections (1) and (2) of Subsection (d) of this Section shall meet the requirements of subsection (1).
 - 5) New facilities constructed after the adoption of this Section shall comply with the requirements of subsection (c) of this Section upon startup of the facility.
 - 6) Existing facilities previously exempted from but which become subject to the requirements of subsection (c) of this Section after May 1, 1993 shall comply with the requirements of subsection (c) of this Section within six calendar months of the date from which the facility becomes subject.
- e) Any gasoline dispensing facility that becomes subject to the provisions of subsection (c) of this Section at any time shall remain subject to the provisions of subsection (c) of this Section at all times.
- f) Upon request by the Agency, the owner or operator of a gasoline dispensing facility which claims to be exempt from the requirements of this Section shall submit records to the Agency within 30 calendar days from the date of the request which demonstrate that the gasoline dispensing facility is in fact exempt.
- g) 1) Any gasoline dispensing facility subject to subsection (c) of this Section shall retain at the

facility copies of all records and reports adequate to clearly demonstrate:

- A) That a certified vapor collection and control system has been installed and tested to verify its performance according to its specifications.
 - B) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements.
 - C) The time period and duration of all malfunctions of the vapor collection and control system.
 - D) The motor vehicle fuel throughput of the facility for each calendar month of the previous year.
 - E) That operators and employees are trained and instructed in the proper operation and maintenance of the vapor collection and control system and informed as to the potential penalties associated with the violation of any provision of this Section.
- 2) Records and reports required pursuant to this subsection shall be made available to the Agency upon request.
- h) Any gasoline dispensing facility subject to subsection (c) of this Section shall be exempt from the permit requirements specified under Sections 201.142, 201.143 and 201.144 for its vapor collection and control systems, provided that:
- 1) Upon the installation of a vapor collection and control system, the owner or operator of the gasoline dispensing facility shall submit to the Agency a registration form which provides at minimum the facility name and address, signature of the owner or operator, the CARB Executive Order Number for the vapor collection and control system to be utilized, the number of nozzles (excluding diesel or kerosene) used for motor vehicle refueling, the monthly average volume of motor vehicle fuel dispensed and the date of completion of installation of the vapor collection and control system. "Completion of installation" includes the successful passing of vapor leakage and blockage tests as specified by CARB. The

registration must be submitted to the Agency within 30 days of completion of such installation.

- 2) Upon the modification of an existing vapor collection and control system, the owner or operator of the gasoline dispensing facility shall submit to the Agency a registration form that details the changes to the information provided in the previous registration of the vapor collection and control system and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days of completion of such modification.

(Source: Added at _____ Ill. Reg. _____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 219

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FOR THE METRO EAST AREA

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- 219.102 Abbreviations and Conversion Factors
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- 219.104 Definitions
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AUTHORITY: Implementing Section 10 and authorized by Section 28.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010 and 1028.2).

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-30 at 16 Ill. Reg. _____.

SUBPART Y: GASOLINE DISTRIBUTION

Section 219.583 Gasoline Dispensing Facilities - Storage Tank Filling Operations

- a) Subject to subsection (b), no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing facility unless:
- 1) The tank is equipped with a submerged loading pipe; and
 - 2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:
 - A) A vapor collection system that meets the requirements of subsection (d)(4); or
 - B) A refrigeration-condensation system or any other system approved by the Agency and approved by the USEPA as a SIP revision, that recovers at least 90 percent by weight of all

vaporized organic material from the equipment being controlled; and

- C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 219.584(b) or (d).
- b) The requirements of subsection (a)(2) shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing facility if:
- 1) The tank is equipped with a floating roof, or other system of equal or better emission control as approved by the Agency and approved by the USEPA as a SIP revision;
 - 2) The tank has a capacity of less than 2000 gallons and was in place and operating before January 1, 1979; or
 - 3) The tank has a capacity of less than 575 gallons.
- c) Subject to subsection (b), each owner of a gasoline dispensing facility shall:
- 1) Install all control systems and make all process modifications required by subsection (a);
 - 2) Provide instructions to the operator of the gasoline dispensing facility describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and
 - 3) Repair, replace or modify any worn out or malfunctioning component or element of design.
- d) Subject to subsection (b), each operator of a gasoline dispensing facility shall:
- 1) Maintain and operate each vapor control system in accordance with the owner's instructions;
 - 2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;
 - 3) Maintain gauges, meters or other specified testing devices in proper working order;

- 4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:
 - A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B, and
 - B) Avoidable leaks of liquid during the filling of storage tanks; and
 - 5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d)(4)(A).
- e) Gasoline dispensing facilities were required to take certain actions to achieve compliance which are summarized in 35 Ill. Adm. Code 215, Appendix C.

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

Section 219.586 Gasoline Dispensing Facilities - Motor Vehicle Fueling Operations

- a) For the purposes of this section, the following definitions apply.
 - 1) Average Monthly Volume: The amount of motor vehicle fuel dispensed per month from a gasoline dispensing facility based upon a monthly average for the 2-year period of November, 1990 through October, 1992 or, if not available, the monthly average for the most recent twelve calendar months. Monthly averages are to include only those months when the facility was operating.
 - 2) Certified: Any vapor collection and control system which has been tested and approved by CARB as having a vapor recovery and removal efficiency of at least 95% (by weight) shall constitute a certified vapor collection and control system.
 - 3) Constructed: Fabricated, erected or installed; refers to any facility, emission source or air pollution control equipment.
 - 4) CARB: California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

- 5) Employee: Any person who performs work for an employer.
 - 6) Facility: Any building, structure, installation, operation or combination thereof located on contiguous properties and under common ownership that provides for the dispensing of motor vehicle fuel.
 - 7) Gasoline Dispensing Facility: Any facility where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.
 - 8) Modification: Any change, removal or addition, other than an identical replacement, of any component contained within the vapor collection and control system.
 - 9) Motor Vehicle: Any self-propelled vehicle powered by an internal combustion engine including, but not limited to, automobiles, trucks, and watercraft.
 - 10) Motor Vehicle Fuel: Any petroleum distillate having a Reid vapor pressure of more than 27.6 kilopascals (kPa) (four pounds per square inch) and which is used to power motor vehicles.
 - 11) Owner or Operator: Any person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a gasoline dispensing facility.
 - 12) Reid Vapor Pressure: For gasoline, it shall be measured in accordance with either the method ASTM D323 or a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by references in 35 Ill. Adm. Code 215.105.
 - 13) Vapor Collection and Control System: Any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapors displaced during the dispensing of motor vehicle fuel into motor vehicle fuel tanks.
- b) The provisions of subsection (c) of this Section shall apply to any gasoline dispensing facility which dispenses an average monthly volume of more than 10,000 gallons of motor vehicle fuel per month. Compliance

shall be demonstrated in accordance with the schedule provided in subsection (d) of this Section.

c) No owner or operator of a gasoline dispensing facility subject to the requirements of subsection (b) of this Section shall cause or allow the dispensing of motor vehicle fuel at any time unless all fuel dispensing operations are equipped with and utilize a vapor collection and control system which is properly installed and operated as provided below:

1) No vapor collection and control system shall be installed, used or maintained unless the system has been tested and certified.

2) Any vapor collection and control system utilized shall be maintained in accordance with the manufacturer's specifications and the certification.

3) No elements or components of a vapor collection and control system shall be modified, removed, replaced or otherwise rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications.

4) A vapor collection and control system shall not be operated with defective, malfunctioning or missing components.

5) Operators and employees of the gasoline dispensing facility shall be trained and instructed in the proper operation and maintenance of a vapor collection and control system.

6) Instructions shall be posted in a conspicuous and visible place within the motor fuel dispensing area and shall describe the proper method of dispensing motor vehicle fuel with the use of the vapor collection and control system.

d) Facilities subject to the requirements of subsection (c) of this Section shall demonstrate compliance according to the following:

1) Facilities that commenced construction after November 1, 1990, must comply by May 1, 1993.

2) Facilities that dispense an average monthly volume of more than 100,000 gallons of motor fuel month, must comply by November 1, 1993

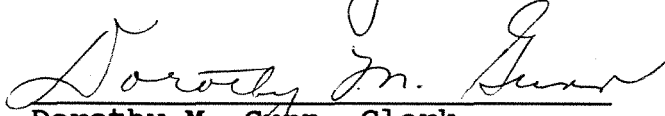
- 3) All other facilities must comply by November 1, 1994.
 - 4) Any gasoline dispensing facility described under both subsections (1) and (2) of Subsection (d) of this Section shall meet the requirements of subsection (1).
 - 5) New facilities constructed after the adoption of this Section shall comply with the requirements of subsection (c) of this Section upon startup of the facility.
 - 6) Existing facilities previously exempted from but which become subject to the requirements of subsection (c) of this Section after May 1, 1993 shall comply with the requirements of subsection (c) of this Section within six calendar months of the date from which the facility becomes subject.
- e) Any gasoline dispensing facility that becomes subject to the provisions of subsection (c) of this Section at any time shall remain subject to the provisions of subsection (c) of this Section at all times.
- f) Upon request by the Agency, the owner or operator of a gasoline dispensing facility which claims to be exempt from the requirements of this Section shall submit records to the Agency within 30 calendar days from the date of the request which demonstrate that the gasoline dispensing facility is in fact exempt.
- g) 1) Any gasoline dispensing facility subject to subsection (c) of this Section shall retain copies at the facility of all records and reports adequate to clearly demonstrate:
- A) That a certified vapor collection and control system has been installed and tested to verify its performance according to its specifications.
 - B) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements.
 - C) The time period and duration of all malfunctions of the vapor collection and control system.
 - D) The motor vehicle fuel throughput of the facility for each calendar month of the previous year.

- E) That operators and employees are trained and instructed in the proper operation and maintenance of the vapor collection and control system and informed as to the penalties associated with the violation of any provisions of this Section.
- 2) Records and reports required pursuant to this subsection shall be made available to the Agency upon request.
- h) Any gasoline dispensing facility subject to subsection (c) of this Section shall be exempt from the permit requirements specified under Sections 201.142, 201.143 and 201.144 for its vapor collection and control systems, provided that:
- 1) Upon the installation of a vapor collection and control system, the owner or operator of the gasoline dispensing facility shall submit to the Agency a registration form which provides at minimum the facility name and address, signature of the owner or operator, the CARB Executive Order Number for the vapor collection and control system to be utilized, the number of nozzles (excluding diesel or kerosene) used for motor vehicle refueling, the monthly average volume of motor vehicle fuel dispensed and the date of completion of installation of the vapor collection and control system. "Completion of installation" includes the successful passing of vapor leakage and blockage tests as specified by CARB. The registration must be submitted to the Agency within 30 days of completion of such installation.
- 2) Upon the modification of an existing vapor collection and control system, the owner or operator of the gasoline dispensing facility shall submit to the Agency a registration form that details the changes to the information provided in the previous registration of the vapor collection and control system and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days of completion of such modification.

(Source: Added at _____ Ill. Reg. _____, effective
 _____)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 27th day of February, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board