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**FEB 25 2005**

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )

PETITION OF FORD MOTOR COMPANY FOR )  
ADJUSTED STANDARD FROM )  
35 Ill.Adm.Code § 218.586 )

AS 05- 05  
(Adjusted Standard – Air)

**NOTICE OF FILING**

**To:** William Ingersoll  
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**PLEASE TAKE NOTICE** that on this day, the 25th day of February, 2005, I caused to be filed with the Clerk of the Illinois Pollution Control Board the **PETITION OF FORD MOTOR COMPANY FOR ADJUSTED STANDARD FROM 35 Ill.Adm.Code § 218.586** and the **APPEARANCES OF KATHLEEN C. BASSI, JANE E. MONTGOMERY, and KAVITA M. PATEL**, copies of which are herewith served upon you.

/s/ Kathleen C. Bassi

Jane E. Montgomery  
Kathleen C. Bassi  
Kavita M. Patel  
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**PETITION FOR ADJUSTED STANDARD**

NOW COMES Ford Motor Company (“Ford”) by and through its attorneys, Schiff Hardin LLP, pursuant to Section 28.1 of the Environmental Protection Act (“Act”) (415 ILCS 5/28.1) and 35 Ill.Adm.Code Part 104, Subpart D, and petitions the Board to grant it an adjusted standard from the provisions for Stage II vapor recovery (“Stage II”), codified at 35 Ill.Adm.Code § 218.586, and to require, in place of Stage II vapor recovery, that Ford comply with the standards of the federal onboard refueling vapor recovery regulations (“ORVR”). In support of its petition, Ford states as follows:

**A. Description of Standard from Which Relief Is Sought (§ 104.406(a))**

Ford seeks an adjusted standard from the provisions of Section 218.586 of the Board’s air pollution control regulations. Section 218.586 provides for Stage II vapor control of gasoline fueling operations. The regulations require that affected dispensers of gasoline install, use, and maintain a vapor collection and control system certified by the California Air Resources Board (“CARB”) for the fueling of motor vehicles. Section 218.586(a)(2) defines *Certified* and establishes the minimum capture and control efficiency for motor vehicle fueling operations:

Certified means 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. CARB testing and

approval is [sic] pursuant to the CARB manual, incorporated by reference at 218.112 of this Part.

35 Ill. Adm. Code § 218.586(a)(2). The Board adopted Stage II vapor recovery at R91-30, 16 Ill. Reg. 13864, effective August 24, 1992.<sup>1</sup> The U.S. Environmental Protection Agency (“USEPA”) approved Illinois’ Stage II vapor recovery rules as part of the state implementation plan (“SIP”) at 58 Fed. Reg. 3841 (January 12, 1993). Exhibit 1.

Section 202(a)(6) of the Clean Air Act (Exhibit 2), however, requires that automobile manufacturers such as Ford incorporate ORVR systems in new passenger vehicles (“cars”). As designed and consistent with Section 202(a)(6), Ford’s ORVR systems recover at least 95% of the gasoline vapors displaced during the refueling of vehicles. 59 Fed. Reg. 16262, 16279-80 (April 6, 1994) (final rule anticipates 95-98% reduction in vehicles’ refueling emissions), Exhibit 3. Congress anticipated that as new cars equipped with ORVR replaced older vehicles, Stage II vapor recovery would no longer be needed. The Clean Air Act provides that Stage II would not apply in moderate nonattainment areas once USEPA had adopted ORVR regulations and that the Administrator could waive Stage II requirements in serious, severe, and extreme nonattainment areas as appropriate. 42 U.S.C. § 7521(a)(6).

**B. Regulation of General Applicability to Implement the Clean Air Act (§ 104.406(b))**

The Board promulgated Section 218.586 to implement the Stage II requirements of Section 182(b)(3)(A) of the Clean Air Act (42 U.S.C. § 7511a(b)(3)(A)). Exhibit 2a.

**C. Level of Justification Necessary for Adjusted Standard (§ 104.406(c))**

No level of justification or other requirements for adjusted standards are specified in Section 218.586.

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<sup>1</sup> The Board also adopted clean-up amendments to the regulation at R93-9, 17 Ill. Reg. 16636, effective September 27, 1993.

**D. Nature of, Location of, and Area Affected by Petitioner's Activity That Is the Subject of This Petition (§ 104.406(d))**

Ford owns a motor vehicle assembly plant, the Chicago Assembly Plant ("the Plant"), located at 12600 South Torrence Avenue, Chicago, Cook County, Illinois. The Plant is located in the Chicago ozone nonattainment area. The vicinity is an industrial area, although a residential area is also nearby.

Ford assembles Ford Montego, Ford Five Hundred, and Ford Freestyle vehicles at the 2.7 million-square-foot Plant constructed in 1924. Ford currently employs approximately 2,700 persons at the Plant. The Agency issued Ford a Title V permit for the Plant pursuant to the Clean Air Act Permit Program at Section 39.5 of the Act (415 ILCS 5/39.5), and this permit continues in effect for the Plant.

The cars produced at the Plant are assembled from parts manufactured at other locations. A final assembly activity includes providing the vehicle with sufficient fuel to be moved from the assembly area to a holding area prior to transport to the customer. Ford's permit allows it to dispense up to 3.93 million gallons of gasoline at the Plant per year. Uncontrolled emissions from the initial fueling would be approximately 22 tons of volatile organic material ("VOM") per year. Ford applies Stage II vapor control measures to capture emissions from this initial fueling of the new motor vehicles, removing approximately 21 tons per year. *Generally see* Exhibit 4.

Recently, Ford began producing cars equipped with ORVR systems. The federal standard for ORVR efficiency is 95% removal of refueling vapors. 42 U.S.C. § 7521(a)(6), Exhibit 2. Each ORVR system for Ford's vehicles, however, is designed and certified to meet a

98% capture and control efficiency. Exhibit 4. All of the vehicles manufactured at the Plant are equipped with ORVR systems, consistent with federal law. Exhibit 4.

**E. Efforts Necessary for Ford to Comply with Section 218.586 (§ 104.406(e))**

The Stage II vapor recovery system at the Plant is nearing the end of its life. Ford had installed a Stage II vapor recovery system before the adoption of Section 218.586. This system was upgraded and certified to meet CARB standards in 1994, subsequent to the applicability of Section 218.586 to the Plant, and complies with the regulations for Stage II. In order for it to continue to comply with the requirements of Section 218.586, Ford would have to replace the system.

The existing system utilizes a specialized gasoline-dispensing nozzle that is designed to capture any displaced gasoline vapor from the motor vehicle fuel tank during the initial filling operation and to route the captured vapors through a pipeline to an afterburner (flare) located on the roof of the Plant. The afterburner ignites and combusts the vapors, using natural gas as a supplemental fuel as necessary. The afterburner is equipped with a continuous natural gas-fired pilot so that it is ready to combust gasoline vapors captured in the system when they reach the lower explosive level in the afterburner. *Generally see* Exhibit 5.

When vehicles equipped with ORVR are fueled by nozzles equipped with Stage II vapor recovery, the systems compete. ORVR is designed to draw or retain displaced gasoline vapors in the car's carbon canister. Likewise, Stage II vapor recovery draws the displaced vapors through a vacuum into its own exhaust system for destruction by the flare. While Ford does not believe the use of the competing systems is dangerous or harmful to the environment (there will be increasingly more competing systems in nonattainment areas as more and more of the

national fleet is equipped with ORVR until Stage II is no longer required), to require Stage II where only ORVR-equipped vehicles are fueled defeats the purpose of both systems and is contrary to the intent of Section 202(a)(6) of the Clean Air Act. The only reasonable alternative, then, is to allow Ford to discontinue the use of the Stage II system and to rely on the ORVR systems, because Ford has reached the point at the Plant that was anticipated by the Clean Air Act, *i.e.*, that ORVR would replace Stage II.

Costs are discussed in Section F, following.

**F. Proposed Adjusted Standard, Level of Effort Required, Costs (§ 104.406(f))**

Ford proposes that the Board grant an adjusted standard that waives the requirements of Section 218.586 and requires that Ford fuel only ORVR-equipped vehicles at the Plant.

Specifically, the adjusted standard would state as follows:

The Ford Motor Company Chicago Assembly Plant is not subject to the requirements of Section 218.586, effective immediately, so long as the vehicles fueled at the Chicago Assembly Plant are equipped with onboard vapor recovery systems certified by the U.S. Environmental Protection Agency to capture a minimum of 95% of the gasoline vapor displaced during fueling.

Ford already fuels only vehicles equipped with ORVR systems at the Plant. Therefore, the level of effort for Ford to comply with the adjusted standard is minimal, merely to continue fueling only ORVR-equipped vehicles and to discontinue use of the existing Stage II system.

Ford estimates that the cost of removal by Stage II of gasoline vapors not captured by the ORVR systems in the cars being fueled, should the Board deny this Petition, is approximately \$200,000 per ton. The ORVR systems remove approximately 21.19 tons per year of VOM, nominally equivalent to the amount removed by the Stage II system prior to the commencement of fueling ORVR-equipped vehicles. The ORVR systems allow up to 0.43 tons per year of

VOM to be emitted to the atmosphere. It is debatable whether the Stage II system can even capture this small amount of vapors, as this is the amount that would typically be emitted to the atmosphere by operation of the Stage II system. However, assuming that it can capture the requisite portion of these emissions, it would capture and destroy 95% of the amount not captured by the ORVR systems, or 0.408 tons per year, leaving 0.022 tons per year emitted to the atmosphere. *Generally see* Exhibit 4.

Ford evaluated the costs of installing and operating a new Stage II system. Using a conservative approach to calculate the cost of installing a new system, Ford estimates the total annual cost to be \$81,538 but that the cost per ton of VOM removed would be \$200,000. *See* Exhibit 3. This cost per ton is clearly extraordinary and far beyond what the Board has already concluded is a reasonable cost for installation of Stage II vapor recovery. In its opinion addressing repeal of Stage II in Metro-East, the Board included the Agency's estimates of approximately \$40,000 for installation of a Stage II system at a typical gasoline station, a one-time expense, plus approximately \$7,000 per year to operate it. *See* Exhibit 6 at p. 4. Ford's costs are nearly double that amount on an annual basis. Further, it is reasonable to assume that busy gasoline stations remove far more gasoline vapors per year than Ford because of the sheer volume dispensed, thus making their cost per ton of VOM removed exponentially lower. The cost-per-ton of VOM removed if Ford must continue to use Stage II is far beyond that considered acceptable for reasonably available control technology ("RACT").<sup>2</sup>

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<sup>2</sup> Ford is not suggesting that Stage II is RACT, as it is a particular control measure required by the Clean Air Act, or expressing an opinion as to whether Stage II should constitute RACT. However, costs considered acceptable under RACT can serve to provide perspective here.

The costs of adding the ORVR systems to the vehicles assembled at the Plant are irrelevant, as Ford is required by the Clean Air Act to install them regardless of the Board's decision with respect to this Petition. The question is whether Ford should have to bear the additional cost of replacing its Stage II system when Stage II has been made obsolete at the Plant by ORVR.

**G. Quantitative and Qualitative Impact of Petitioner's Activity on the Environment Under Conditions of Compliance with Section 218.586 v. Adjusted Standard (§ 104.406(g))**

Since the original installation of the Stage II system, the Plant began producing ORVR-equipped vehicles to meet the federal ORVR standards. The ORVR systems capture at least 95% of the evaporative emissions that otherwise could be lost during refueling. These new ORVR systems capture displaced gasoline vapor and absorb it in the vehicle's onboard carbon canister. Over time, as the engine runs, the vapors are desorbed by engine heat and used as fuel for the engine. *See* Exhibit 7.

As discussed above, these two, distinct vapor recovery systems compete to capture any displaced gasoline vapor during the fueling process, essentially rendering each less effective from a technical and practical engineering perspective. The Stage II system can reduce the actual efficiency of the ORVR-equipped vehicles from their potential 95-98% reduction levels. Further, operating both systems simultaneously results in starving the Stage II system, as the ORVR system is capturing emissions previously captured by the Stage II system. The Stage II system was designed to have at least a 95% capture efficiency. As a result of fueling ORVR-equipped vehicles, the Stage II system is capturing only approximately 95% of the vapors left after 95% are captured by the ORVR system. Therefore, in order for the flare to operate



properly, it is burning mostly natural gas, the percentage of gasoline vapors being extremely small.

New federal mobile emissions models, MOBILE6 and 6.2, apply a 95% reduction credit in refueling emissions from uncontrolled levels for ORVR-equipped vehicles. *See* Exhibit 8. Likewise, MOBILE5 assumed a 95% reduction for operation of Stage II and for ORVR, recognizing that “where Stage II is in place and on-board-equipped vehicles begin to enter the fleet, the control is dominated by onboard, which is generally more effective than Stage II.” *User’s Guide to MOBILE5*, Section 2.2.7, “Refueling Emissions” <[epa.gov/otaq/m5.htm](http://epa.gov/otaq/m5.htm)> (May 1994), Exhibit 9. USEPA has observed that “ORVR fully displaces the need for Stage II vapor recovery.” 67 Fed. Reg. 45909 (July 11, 2002), Exhibit 10. Therefore, the control achieved by the ORVR-equipped vehicles assembled at the Plant is at worst equivalent to and at best better than the existing Stage II system used to satisfy the requirements of Section 218.586.

The overall amount of VOM emitted to the atmosphere will not change as a result of implementation of the proposed adjusted standard. Therefore, there will be no qualitative change to the environment in the vicinity of the Plant as a result. Inherently, the environment is improved by the dissemination of ORVR-equipped vehicles in the national fleet, as ORVR systems remove gasoline vapors regardless of where the vehicle is fueled, including in areas not currently required to implement Stage II. Granting the adjusted standard would allow Ford to discontinue use of a flare, thus reducing the emissions associated with such operation, largely additional emissions of nitrogen oxides and carbon monoxide. In that sense, there is an improvement to the environment if the Board were to grant the Petition.

There are no cross-media impacts resulting from granting or not granting the Petition.

**H. Justification of the Proposed Adjusted Standard (§ 104.406(h))**

Section 218.586 does not include a level of justification for adjusted standards.

Therefore, this provision is not applicable to this Petition.

**I. Consistency with Federal Law (§ 104.406(i))**

The granting of this Petition will be consistent with federal law. As discussed above, the Clean Air Act requires that vehicle manufacturers equip new vehicles with ORVR systems. *See* Exhibits 2 and 3. Moreover, as provided in Section 202(a)(6) of the Clean Air Act, the Administrator may waive the Stage II requirement in serious, severe, and extreme nonattainment areas as appropriate.

USEPA has previously approved suspension of Stage II requirements for rental car facilities where the fueling is limited to ORVR-equipped vehicles. *See* Exhibits 10 (USEPA approved removal of Stage II requirements for those who dispense to vehicles equipped with ORVR in Georgia) and 11 (USEPA approved removal of Stage II control equipment from a rental car facility in Florida because all of the vehicles refueled there would be equipped with ORVR systems).<sup>3</sup> USEPA approved as part of the Florida SIP the suspension of Stage II requirements for a rental car facility because it was estimated that there would be “100% use of the onboard refueling vapor recovery technologies for all vehicles and [there would be a] high cost of complying with [installing a new Stage II system].” Exhibit 11. This situation is exactly the situation that Ford is facing right now. The only vehicles fueled at the Plant are new

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<sup>3</sup> Atlanta is classified as a serious nonattainment area and so is required to have Stage II. USEPA approved a SIP for the Atlanta area that waives the requirements of Stage II where a facility fuels ORVR-equipped vehicles exclusively, exactly the situation that is occurring at the Ford Chicago Assembly Plant. Florida retained Stage II as part of its attainment SIP for a moderate nonattainment area, which is the subject of the USEPA action. USEPA is granting relief consistent with the waiver provisions of Section 202(a)(6) of the Clean Air Act because Florida relied on Stage II for its attainment demonstration. Included with Exhibit 11 are copies of the two federal guidance documents that served as the basis for USEPA’s approval. We understand that USEPA is creating additional guidance but has, nevertheless, proceeded with the approvals for Georgia and Florida.

vehicles equipped with ORVR systems. Granting this Petition for Adjusted Standard to Ford would not affect Stage II requirements elsewhere in the Chicago nonattainment area but would be consistent not only with the Clean Air Act but also with actions that USEPA has taken in other “captive” fueling situations. The Board may grant the Petition for Adjusted Standard consistent with federal law.

If the Board grants the Petition, the Agency must submit the adjusted standard to USEPA for inclusion in the SIP. To satisfy the SIP public participation requirements in the Clean Air Act, there must be a public hearing on this matter.

**J. Request for Hearing (§ 104.406(j))**

To satisfy SIP public participation requirements, Ford requests that the Board hold a hearing on this Petition for Adjusted Standard.

**K. Citations to Supporting Documents and Authorities (§ 104.406(k))**

Ford has cited to various documents and authorities in support of this Petition. Such citations are embedded in the Petition, and copies have been included among the Exhibits hereto.

**L. Additional Information Required in the Regulation of General Applicability (§ 104.406(l))**

No additional requirements are included in Section 218.586.



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**CERTIFICATE OF SERVICE**

I, Kathleen C. Bassi, an attorney, hereby certify that on February 25, 2005, I served a true and accurate copy of **PETITION OF FORD MOTOR COMPANY FOR ADJUSTED STANDARD FROM 35 Ill.Adm.Code § 218.586** and the **APPEARANCES OF KATHLEEN C. BASSI, JANE E. MONTGOMERY, and KAVITA M. PATEL** via electronic transmission to the following individuals:

William Ingersoll  
Acting General Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
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/s/ Kathleen C. Bassi  
Kathleen C. Bassi

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)

**APPEARANCE**

Now comes Kavita M. Patel of the law firm of Schiff Hardin LLP and hereby enters her appearance on behalf of Petitioner, Ford Motor Company, in this proceeding.

Respectfully submitted,

\_\_\_\_\_  
Kavita M. Patel  
Attorney for Ford Motor Company

Dated: December , 2004

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**APPEARANCE**

Now comes Kathleen C. Bassi of the law firm of Schiff Hardin LLP and hereby enters her appearance on behalf of Petitioner, Ford Motor Company, in this proceeding.

Respectfully submitted,

/s/ Kathleen C. Bassi

Kathleen C. Bassi  
Attorney for Ford Motor Company

Dated: February 25, 2005

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APPEARANCE

Now comes Jane E. Montgomery of the law firm of Schiff Hardin LLP and hereby enters her appearance on behalf of Petitioner, Ford Motor Company, in this proceeding.

Respectfully submitted,

/s/ Jane E. Montgomery  
Jane E. Montgomery  
Attorney for Ford Motor Company

Dated: February 25, 2005

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EXHIBITS

1. Exhibit 1 Approval and Promulgation of Implementation Plans; Illinois, United States Environmental Protection Agency, 58 Fed. Reg. 3841 (January 12, 1993)
2. Exhibit 2 42 U.S.C.A. § 7521(a)(6)
3. Exhibit 2a 42 U.S.C.A. § 7511a(b)(3)(A)
4. Exhibit 3 Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Refueling Emission Regulations for Light-Duty Vehicles and Light-Duty Trucks, 59 Fed. Reg. 16262 (April 6, 1994)
5. Exhibit 4 Affidavit of John C. Baguzis
6. Exhibit 5 Diagram of Controlled Stage II Process Operation with vapor recovery system, P/V valve, and add-on control device (processor)
7. Exhibit 6 In the Matter of Stage II Vapor Recovery in the Metro-East Area: Repeal of Ill. Adm. 219.586, R93-28 (February 17, 1994)
8. Exhibit 7 ORVR System Description
9. Exhibit 8 *User's Guide to MOBILE6.1 and 6.2*, August 2003, Section 2.8.9.2, "Effects of Stage II on Refueling Emissions" at [www.epa.gov/otaq/m6.htm](http://www.epa.gov/otaq/m6.htm)
10. Exhibit 9 *User's Guide to MOBILE5*, May 1994, Section 2.2.7 "Refueling Emissions" at [www.epa.gov/otaq/m5.htm](http://www.epa.gov/otaq/m5.htm)
11. Exhibit 10 Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to State Implementation Plan, 67 Fed. Reg. 45909 (July 11, 2002)

12. Exhibit 10a                      Portions of Georgia Rules for Air Quality Control
13. Exhibit 11                      Approval and Promulgation of Implementation Plans: Florida Broward County Aviation Department Variance, 69 Fed. Reg. 17929 (April 6, 2004)
14. Exhibit 11a                      Impact of Recent Onboard Decision on Stage II Requirements in Moderate Nonattainment Areas, United States Environmental Protection Agency (March 9, 1993)
15. Exhibit 11b                      Impact of Recent Onboard Decision on Stage II Requirements in Moderate Nonattainment Areas, United States Environmental Protection Agency (June 23, 1993)