

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

September 2, 2005

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS PETROLEUM COUNCIL)	
)	
Petitioner,)	
)	
v.)	
)	IEPA-05-002
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	(Provisional
)	Variance- Air)
Respondent.)	
)	

Re: Request for Provisional Variance – Gasoline Volatility Standards

On September 2, 2005, the Illinois EPA received from Illinois Petroleum Council (“IPC”) on behalf of all emission sources subject to 35 Ill. Adm. Code Parts 215, 218, and 219, Subparts Y, a request for provisional variance to allow the sale or offer for sale, dispensing, supply or offer for supply or transport of gasoline and/or ethanol blend gasoline in Illinois exceeding the applicable limitations for Reid vapor pressure. In addition, IPC requests provisional variance from delivery vessel sticker, decal, or stencil requirements. The Illinois EPA accepted this request for review pursuant to the requirements of the Illinois Environmental Protection Act (“Act”) and the applicable Agency regulations.

The Illinois EPA evaluated the request pursuant to the requirements of Sections 35, 36, and 37 of the Act and the Agency regulations at 35 Ill. Adm. Code Part 180. The Illinois EPA is granting the request for provisional variance as it has been demonstrated that an arbitrary and unreasonable hardship will result in the event of a denial.

IPC seeks provisional variance from 35 Ill. Adm. Code Parts 215, 218, and 219 Subparts Y (Gasoline Distribution) volatility standards. The Illinois EPA is granting relief from the applicable requirements of 35 Ill. Adm. Code Sections 215.584(b) and (d), 218.584(b) and (d), and 219.584(b) and (d), 35 Ill. Adm. Code Sections 215.585(b) and (c), 218.585(b) and (c), and 219.585(b) and (c), and for refiners and suppliers that distribute gasoline or ethanol blend gasoline, 35 Ill. Adm. Code Sections 215.585(h)(1), 218.585(h)(1), and 219.585(h)(1). Relief is granted until September 15, 2005, at which time the regulatory control period ceases.

The Illinois EPA is granting the requested relief to all emissions sources subject to 35 Ill. Adm. Code Parts 215, 218, and 219, Subparts Y, subject to the following conditions:

In lieu of the recordkeeping requirements of 35 Ill. Adm. Code 218.585(h)(1), each refiner or distributor of gasoline or ethanol blend gasoline shall during the term of this provisional variance, state the Reid vapor pressure of all gasoline or ethanol blend gasoline leaving the refinery or distribution operation for use in Illinois. Any operation receiving this gasoline or ethanol blend gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating the Reid vapor pressure of the gasoline or ethanol blend gasoline.

A facility accepting this provisional variance must, within 45 days from the date of this document, submit to the Illinois EPA a certification signed by the facility's owner or operator accepting regulatory relief granted by this provisional variance as follows:


Certification

I(We), _____, have read the Illinois EPA's provisional variance, dated September 2, 2005, and I (we) are a facility subject to the requirements of 35 Ill. Adm. Code Parts 215, 218, or 219, Subparts Y. I(We) hereby accept and agree to be bound by all terms and conditions of the provisional variance.

The certification shall be hand delivered or mailed by certified mail to:

Julie K. Armitage, Acting Manager
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Sincerely,



Robert A. Messina
Chief Legal Counsel

cc: IPCB, Clerk