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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD APR 02 2012

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
GASOLINE VOLATILITY)
STANDARDS AND MOTOR)
VEHICLE REFINISHING:)
PROPOSED AMENDMENTS TO)
35 ILL. ADM. CODE PARTS)
211, 215, 218 AND 219)

R12- 24
(Rulemaking - Air)

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NOTICE OF FILING

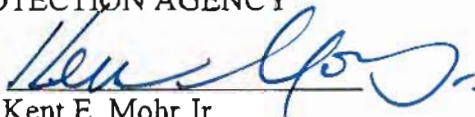
TO: John Therriault, Clerk Division Chief of Environmental Enforcement
Illinois Pollution Control Board Office of the Attorney General
James R. Thompson Center James R. Thompson Center
100 West Randolph, Suite 11-500 69 West Washington, 18th Floor
Chicago, Illinois 60601 Chicago, Illinois 60602

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 REGULATORY PROPOSAL entitled "GASOLINE VOLATILITY STANDARDS AND MOTOR VEHICLE REFINISHING: PROPOSED AMENDMENTS TO 35 ILL. ADM. CODE PARTS 211, 215, 218 AND 219," MOTION FOR WAIVER OF COPY REQUIREMENTS, and APPEARANCE of the Illinois Environmental Protection Agency, 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: March 27, 2012

1021 N. 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

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TABLE OF CONTENTS

1. Notice of Filing
2. Appearance of Kent E. Mohr Jr., Assistant Counsel, for the Illinois Environmental Protection Agency
3. Motion for Waiver of Copy Requirements
4. Proposal of Regulations by Interim Director John J. Kim
5. Synopsis of Testimony
6. Statement of Reasons
 - A. Attachment A
 - B. Attachment B
 - C. Attachment C
7. Proposed Amendments to Parts 211, 215, 218 and 219
8. Technical Support Document
9. Documents Relied On:

TRW Petroleum Technologies & Cheryl L. Dickson, *Motor Gasolines, Summer 1999*, Table 12, (Feb. 2000).

TRW Petroleum Technologies & Cheryl L. Dickson, *Motor Gasolines, Summer 2000*, Table 12, (April 2001).

TRW Petroleum Technologies & Cheryl L. Dickson, *Motor Gasolines, Summer 2001*, Table 12, (March 2002).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2002*, Table 12 (March 2003).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2003*, Table 12 (March 2004).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2004*, Table 12 (March 2005).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2005*, Table 12 (Feb. 2006).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2006*, Table 11 (Feb. 2007).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2007*, Table 11 (Feb. 2008).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2008*, Table 9 (April 2009).

Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2009*, Table 9 (Aug. 2010).

Clean Air Act (42 U.S.C. 7401 *et. seq.*)

40 CFR 80.27 (2010)

40 CFR 80, Subpart D (2010)

72 Fed. Reg. 20237 (April 24, 2007)

73 Fed. Reg. 1738 (Jan. 9, 2008)

Incorporations by Reference:

A.S.T.M. D-323-08

10. Agency Analysis of Economic and Budgetary Effects for Parts 211, 215, 218 and 219
11. First Notice Forms for Parts 211, 215, 218 and 219
12. Certificate of Service

13. Disk in Microsoft WORD containing Proposed Amendments to Parts 211, 215, 218 and 219, and First Notice forms

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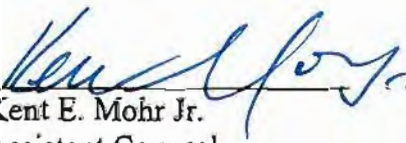
R12- 24
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APPEARANCE

The undersigned hereby enters his Appearance on behalf of the Illinois Environmental Protection Agency.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

DATED: March 27, 2012

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P.O. Box 19276
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(217) 782-5544
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MOTION FOR WAIVER OF COPY REQUIREMENTS

NOW COMES the Proponent, the Illinois Environmental Protection Agency ("Illinois EPA"), by its attorney, and pursuant to 35 Ill. Adm. Code 101.500, 102.110, 102.200, and 102.402, respectfully moves that the Illinois Pollution Control Board ("Board") waive the requirement that the Illinois EPA submit the original and nine copies of the regulatory proposal including all documents relied upon, and waive the requirement that the Illinois EPA provide copies of certain documents relied upon. In support of its Motion, the Illinois EPA states as follows:

1. Section 102.200 of the Board's procedural rules requires that the original and nine copies of each regulatory proposal be filed with the Clerk. 35 Ill. Adm. Code 102.200. Section 27(a) of the Environmental Protection Act also requires that the Illinois EPA provide information supporting a regulatory proposal. 415 ILCS 5/27(a).

2. The Illinois EPA directly relied upon several documents when drafting the regulatory proposal, and incorporated by reference certain documents as well. The documents relied upon/incorporated by reference are as follows:

- a. TRW Petroleum Technologies & Cheryl L. Dickson, *Motor Gasolines, Summer 1999*, Table 12, (Feb. 2000).
- b. TRW Petroleum Technologies & Cheryl L. Dickson, *Motor Gasolines, Summer 2000*, Table 12, (April 2001).

- c. TRW Petroleum Technologies & Cheryl L. Dickson, *Motor Gasolines, Summer 2001*, Table 12, (March 2002).
- d. Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2002*, Table 12 (March 2003).
- e. Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2003*, Table 12 (March 2004).
- f. Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2004*, Table 12 (March 2005).
- g. Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2005*, Table 12 (Feb. 2006).
- h. Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2006*, Table 11 (Feb. 2007).
- i. Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2007*, Table 11 (Feb. 2008).
- j. Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2008*, Table 9 (April 2009).
- k. Northrop Grumman Mission Systems & Cheryl L. Dickson, *Motor Gasolines, Summer 2009*, Table 9 (Aug. 2010).
- l. Clean Air Act (42 USC 7401 *et. seq.*)
- m. 40 CFR 80.27 (2010)
- n. 40 CFR 80, Subpart D (2010)
- o. 72 Fed. Reg. 20237 (April 24, 2007)
- p. 73 Fed. Reg. 1738 (Jan. 9, 2008)
- q. Incorporations by Reference:
A.S.T.M. D-323-08

3. Several of the documents described above – the Clean Air Act, several portions of the Code of Federal Regulations and federal register documents, are readily accessible to or are within the possession of the Board. Given the ease of accessibility of these documents, listed as

items (l), (m), (n), (o), and (p) above, the Illinois EPA moves that the Board waive the requirement that the Illinois EPA provide copies of such documents.

4. Section 5-75(a) of the Illinois Administrative Procedure Act (“IAPA”) provides that an agency may incorporate by reference the regulations, standards, and guidelines of an agency of the United States or a nationally recognized organization or association without publishing the incorporated material in full. 5 ILCS 100/5-75(a). Section 5-75(c) of the IAPA provides, however, that such agency shall maintain a copy of the referenced material in at least one of its principal offices and shall make it available to the public upon request. 5 ILCS 100/5-75(c).

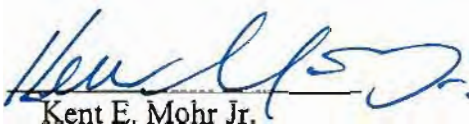
5. In developing this proposed rulemaking, the Illinois EPA incorporated by reference one document published by the American Society for Testing and Materials (“ASTM”) listed above as item (q). This ASTM document is copyright protected and must be downloaded at a cost to the Illinois EPA. The Illinois EPA is also subject to additional fees for each copy provided to the Board. In order to keep costs incurred by the Illinois EPA at a minimum, Illinois EPA requests that the Board waive the normal copy requirements and allow the Illinois EPA to file only the original of this ASTM document. Attached with the ASTM is a copy of the License Agreement utilized by the owner of the copyright. The Illinois EPA directs the Board’s attention to such document so that the Board may conform its handling of the standard consistent with this agreement.

6. The remaining documents in the regulatory proposal consist of over 800 pages. Given the length of the proposal and the resources required to provide nine copies, Illinois EPA requests that the Board waive the normal copy requirements and allow Illinois EPA to file the original and four complete copies of such documents.

WHEREFORE, for the reasons set forth above, the Illinois EPA requests that the Board waive the requirement that the Illinois EPA provide copies of the documents listed as items (l), (m), (n), (o), and (p); waive the requirement that the Illinois EPA provide an original and nine copies of the copyrighted material listed as item (q), allowing the Illinois EPA to provide only the original of such document; and waive the requirement that the Illinois EPA provide an original and nine copies of the remaining documents in its proposal, allowing the Illinois EPA to provide the original and four copies.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

DATED: March 27, 2012

1021 North Grand Avenue East
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
PROPOSAL OF REGULATIONS

The Illinois Environmental Protection Agency hereby moves that the Illinois
Pollution Control Board adopt the attached regulations.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By:



John J. Kim
Interim Director

DATED: March 27, 2012

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-3397

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SYNOPSIS OF TESTIMONY

It is currently anticipated that the Illinois Environmental Protection Agency will provide two witnesses in support of the regulatory proposal: Michael Rogers and Annette Fulgenzi. Michael Rogers, Technical Services, Division of Mobile Source Programs, Bureau of Air, Illinois Environmental Protection Agency, will provide testimony on all aspects of the regulatory proposal. Annette Fulgenzi, Illinois Small Business Environmental Assistance Program, Illinois Department of Commerce and Economic Opportunity, will provide testimony regarding aspects of the Motor Vehicle Refinishing portion of the regulatory proposal.

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STATEMENT OF REASONS

The Illinois Environmental Protection Agency ("Illinois EPA" or "Agency") hereby submits this Statement of Reasons to the Illinois Pollution Control Board ("Board") pursuant to Sections 10, 27, and 28 of the Environmental Protection Act ("Act") [415 ILCS 5/10, 27, and 28 (2010)] and 35 Ill. Adm. Code Sections 102.200 and 102.202, in support of the attached proposed amendments.

There are two distinct portions of this rulemaking. First, included in this proposal is the repeal of the State of Illinois ("State") Gasoline Volatility Standards at 35 Ill. Adm. Code Sections 215.585 (ozone attainment area), 218.585 (Chicago ozone nonattainment area) and 219.585 (Metro-East ozone nonattainment area), and related clean-up amendments to 35 Ill. Adm. Code Parts 211, 215, 218 and 219. Second, included in this proposal is an amendment to 35 Ill. Adm. Code Sections 218.784 and 219.784 (Subpart HH: Motor Vehicle Refinishing) to allow for the alternative use of a high volume, low pressure ("HVLP") equivalent coating applicator (or spray gun) in motor vehicle refinishing operations, and also a repeal of the registration program at 35 Ill. Adm. Code Sections 218.792 and 219.792 (Subpart HH: Motor Vehicle Refinishing).

This proposal amends the most recent versions of Parts 211, 215, 218 and 219, as found on the Board's website. This amendment proposes a repeal of the State Gasoline Volatility

Standards in the ozone attainment areas of Illinois (35 Ill. Adm. Code 215.585) because these standards were in effect for 1991 only and have been replaced by the federal Gasoline Volatility Standards. Also, this amendment proposes a repeal of the State Gasoline Volatility Standards for the Chicago ozone nonattainment area (“NAA”) (35 Ill. Adm. Code 218.585) and the Illinois portion of the St. Louis, Illinois-Missouri (“Metro-East”) ozone NAA (35 Ill. Adm. Code 219.585) because these standards have essentially been superseded by Illinois’ participation in the federal reformulated gasoline (“RFG”) program. Further, this amendment proposes a clean-up to definitions and incorporations by reference consistent with a repeal of the State Gasoline Volatility Standards. Also, this amendment proposes to allow for the alternative use of a HVLP equivalent spray gun used in motor vehicle refinishing operations that is demonstrated by the spray gun manufacturer to achieve transfer efficiency comparable to HVLP technology and for which written approval has been obtained from the United States Environmental Protection Agency (“USEPA”). Finally, this amendment proposes to repeal the registration program applicable to motor vehicle refinishing operations due to overlapping federal registration requirements.

The Illinois EPA believes that repealing the State Gasoline Volatility Standards should be accomplished as quickly as possible in order to avoid another ozone season with conflicting regulatory requirements. In addition, the Illinois EPA believes that allowing for an HVLP equivalent spray gun answers a need in the motor vehicle refinishing industry. The Illinois EPA fully expects this rulemaking proposal to be noncontroversial.

I. STATUTORY AUTHORITY FOR RULEMAKING

Section 10(A) of the Act provides the Board’s general authority for rulemaking addressing air pollution. Section 10(A) states in pertinent part: “The Board, pursuant to

procedures prescribed in Title VII of this Act, may adopt regulations to promote the purposes of this Title.” 415 ILCS 5/10(A) (2010). Further, Section 27(a) of the Act confers general substantive rulemaking authority upon the Board and the contents of this regulatory proposal are clearly within these general rulemaking powers of the Board. This proposal is being filed as a regulatory proposal of general applicability pursuant to Sections 27 and 28 of the Act. 415 ILCS 5/27 and 28 (2010). It is not being proposed as an identical-in-substance, fast-track or federally required rulemaking. In evaluating this proposal, the Board is required to take into account “the existing physical conditions, the character of the area involved, including the character of surrounding land uses, zoning classifications, the nature of the existing air quality, or receiving body of water, as the case may be, and the technical feasibility and economic reasonableness of measuring or reducing the particular type of pollution.” 415 ILCS 5/27(a) (2010).

II. STATEMENT OF FACTS

A. Federal and State Gasoline Volatility Standards and RFG Program

1. Federal Gasoline Volatility Standards

In 1987, the USEPA determined that gasoline had become increasingly volatile resulting in an increase in evaporative emissions from vehicles. 52 Fed. Reg. 31274 (Aug. 19, 1987). Evaporative emissions from gasoline known as volatile organic compounds (“VOC”) react with other pollutants including oxides of nitrogen (“NOx”) and carbon monoxide (“CO”) which are ozone precursors. 52 Fed. Reg. at 31275. Ozone is not emitted directly by most sources. Rather, ozone precursors react in the presence of direct sunlight and high ambient temperatures to form ozone, thereby contributing to the nation’s ground-level ozone problem. *Id.* Ozone formation is thus most active during the summer months because of the direct sunlight and high ambient temperatures. *Id.* As a powerful oxidant, ozone reacts readily with a wide range of

substances. *Id.* Exposure to ground-level ozone can cause harmful human health effects. In humans, ozone acts as an irritant to the respiratory system and may damage lung function, thereby aggravating asthma or other respiratory conditions, and other tissues. *Id.* This damage can lead to impaired breathing and reduced immunity to disease for people in good health. *Id.* This damage may be more severe for people with pre-existing respiratory diseases. *Id.* Further, ozone oxidation can also damage plant tissue, reduce the yield of some crops, and damage certain other materials such as rubber. *Id.*

USEPA first proposed to control evaporative emissions and regulate gasoline volatility in 1987 to reduce violations of the ozone National Ambient Air Quality Standards (“NAAQS”). *Id.* In 1989, pursuant to Section 211(c) of the federal Clean Air Act (“CAA”), USEPA promulgated these federal Gasoline Volatility Standards which set maximum limits for the Reid Vapor Pressure (“RVP”) of gasoline sold each year during the regulatory control period, May 1 to September 15. 54 Fed. Reg. 11868 (March 22, 1989). RVP is one common measure of fuel volatility. The higher the RVP, the faster a fuel evaporates. These regulations were referred to as Phase I of a two-phase nationwide reduction in summertime commercial gasoline volatility. *Id.* Phase I took effect in 1989 and Phase II took effect in 1992. Phase I, like Phase II, prohibited regulated parties from selling, offering for sale, dispensing, supplying, offering for supply, or transporting gasoline with a volatility in excess of the applicable RVP standard. *Id.* at 11872. The Phase I RVP standard was 10.5, 9.5, or 9.0 pounds per square inch (“psi”) depending on the area of the country and the month. *Id.* at 11869. Under the Phase I rule, Illinois was required to comply with either the 10.5 psi RVP limit or the 9.5 psi RVP limit depending on the month and area of the State. *Id.* at 11883-11885. The Phase I rule applied the RVP standard at all points in the distribution network. *Id.* at 11870. Thus, retail outlets and

wholesale purchaser-consumers were prohibited from selling gasoline in violation of the RVP standard during the regulatory control period (summer ozone control season), June 1 to September 15, and all others such as refiners, importers, and distributors were prohibited from selling gasoline in violation of the RVP standard during their regulatory control period, May 1 to September 15. *Id.* at 11869. The Phase I rule also set forth an interim 1.0 psi RVP allowance for gasoline containing between 9 and 10 percent ethanol, and also contained gasoline sampling and testing requirements. *Id.* at 11868, 11875-11880.

In 1990, USEPA promulgated more stringent controls under Phase II of the gasoline volatility control program. 55 Fed. Reg. 23658 (June 11, 1990). The Phase II regulations limit the volatility of summertime gasoline to 9.0 psi RVP or 7.8 psi RVP depending on the state and month. *Id.* Under these regulations, all Illinois counties are required to comply with the 9.0 psi RVP limit during the regulatory control period. 40 C.F.R. § 80.27 (2010). In addition to the increase in stringency of gasoline RVP, the Phase II regulations made permanent the temporary 1.0 psi RVP allowance for gasoline containing 9 to 10 percent ethanol. 55 Fed. Reg. at 23658.

The 1990 CAA Amendments established a new subsection, Section 211(h), to address fuel volatility. Section 211(h)(1) requires USEPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the summer ozone control season. 42 U.S.C. § 7545(h)(1) (2010). It also requires USEPA to set more stringent standards in NAAs if necessary. *Id.*

2. State Gasoline Volatility Standards

a. Statewide (Later Ozone Attainment Area) Gasoline Volatility Standards

Currently, the State Gasoline Volatility Standards relating to the ozone attainment areas

are set forth at 35 Ill. Adm. Code Section 215.585. Prior to the promulgation of Parts 218 and 219, these standards applied statewide. In December of 1988, recognizing the need to reduce emissions of VOCs to achieve the ozone standard and to protect public health, the Board proceeded on its own rulemaking initiative (R88-30, *In the Matter of: Limits to Volatility of Gasoline*) to reduce VOC emissions by reducing the vapor pressure of gasoline used throughout all of Illinois from its then present 11.5 psi RVP to 9.5 psi RVP beginning with the summer of 1990, and then 9.0 psi RVP for the summer of 1991 only. This decision by the Board was also prompted by the slow pace of development of the federal rule and the uncertainty regarding the date for final adoption of these federal Gasoline Volatility Standards. It was not until March of 1989 that USEPA proceeded to final adoption of its rule, and at that time it was only the interim measure of Phase I of a two-phase reduction in summertime commercial gasoline volatility. As discussed, Phase I of the federal rule set a standard of 10.5 psi RVP for northern Illinois and 9.5 psi RVP for southern Illinois, with the 40° North latitude serving as the dividing line. Phase II, which had yet to be adopted, set a standard of 9.0 psi RVP for the entire State, but implementation nationwide was not expected until 1992. At the time of the Board's rulemaking initiative, it was estimated that reducing gasoline RVP to 9.0 psi could result in summertime weekday VOC emission reductions of 41,000 tons per year, which was projected to reduce ozone levels by 10-15 percent.

The Board proceeded with its rulemaking splitting the original docket (R88-30, *In the Matter of: Limits to Volatility of Gasoline*) into two separate dockets (R88-30(A) and R88-30(B)). In Docket R88-30(A), the Board proposed a new section to the Illinois Administrative Code limiting the volatility of gasoline sold throughout the State to 9.5 psi RVP beginning in the summer of 1990. The summer period was known as the regulatory control period, which

covered July 1 through August 31 of each year. In Docket R88-30(B), the Board proposed a 9.0 psi RVP limitation for the summer of 1991 only, and extended the regulatory control period to June 1 to September 15. The Board made this proposal to parallel the federal rule as much as possible. The Board's R88-30(A) rulemaking was finalized and adopted February 15, 1990.

The federal Gasoline Volatility Standards were finalized during the pendency of R88-30(A); however, they did not mandate a gasoline volatility standard of 9.0 psi RVP in Illinois until 1992. Therefore, the State was in a position whereby gasoline volatility in the summer of 1991 would have been left unregulated with the exception of the Phase I standard of 10.5 psi RVP and 9.5 psi RVP, as appropriate. Consequently, the Board proceeded with finalizing its R88-30(B) rulemaking to reduce ozone levels in Illinois during the summer of 1991 only, and then after 1991 would have those federal Gasoline Volatility Standards which would apply to Illinois in 1992 and each year thereafter.

In addition to the 9.0 psi RVP limit and regulatory control period, the State rule included a 1.0 psi waiver for ethanol-blended gasolines that had an ethanol content between 9 and 10 percent by volume. 35 Ill. Adm. Code 215.585(c) (2010). In addition, the rule required that refiners and suppliers state that each shipment of gasoline or gasoline-ethanol blends leaving the refinery or distribution operation comply with the RVP limit and required refiners and suppliers to maintain records. 35 Ill. Adm. Code 215.585(h) (2010). Further, the rule required each retail outlet and facility operated by a wholesale purchaser-consumer to maintain records regarding each delivery of gasoline. 35 Ill. Adm. Code 215.585(i) (2010). Gasoline sampling and testing requirements were included in the rule to assure compliance. 35 Ill. Adm. Code 215.585(d)-(g) (2010).

b. Chicago Ozone NAA Gasoline Volatility Standards

The State Gasoline Volatility Standards relating to the Chicago ozone NAA are set forth at 35 Ill. Adm. Code Section 218.585. In January 1991, the Agency filed a proposed rulemaking (R91-7, *In the Matter of: RACT Deficiencies in the Chicago Area: Amendments to 35 Ill. Adm. Code Part 215 and the Addition of Part 218*) seeking to correct deficiencies identified by USEPA in Illinois' SIP for the Chicago ozone NAA. The Chicago ozone NAA is currently comprised of the following Illinois counties: Cook, DuPage, Kane, Lake, McHenry, Will, Grundy (townships of Aux Sable and Goose Lake only), and Kendall (Oswego township only). This proposal contained regulations requiring the implementation of reasonably available control technology ("RACT") for certain sources of VOCs. Among other things, the proposal contained a new section to the Illinois Administrative Code limiting the volatility of gasoline sold in the Chicago ozone NAA to 9.5 psi RVP during the regulatory control period in 1990 and each year thereafter. As adopted in the original rule, the regulatory control period was defined as July 1 to August 31. Subsequently, the Agency filed a rulemaking (R93-9, *In the Matter of: Omnibus Cleanup of the Volatile Organic Material RACT Rules Applicable to Ozone Nonattainment Areas: Amendments to 35 Ill. Adm. Code Parts 203, 211, 218 and 219*) for purposes of a clean-up of the VOC RACT rules. Among other amendments, this rulemaking amended Section 218.585 by further limiting the volatility of gasoline sold in the Chicago ozone NAA to 9.0 psi RVP and lengthened the regulatory control period to May 1 to September 15. These rulemakings were finalized and adopted by the Board on July 25, 1991 and September 9, 1993, respectively, and subsequently approved by USEPA for inclusion into the Illinois SIP. 59 Fed. Reg. 46562 (Sept. 9, 1994). Inclusion of the rule into the Illinois SIP makes it federally enforceable, thereby requiring federal approval of any action, such as a temporary waiver, affecting the rule.

Currently, this rule requires the same volatility limit of 9.0 psi RVP during the regulatory control period (May 1 to September 15). 35 Ill. Adm. Code 218.585(a)-(b) (2010). Also, the rule grants a 1 psi waiver for ethanol-blended gasolines that have an ethanol content between 9 and 10 percent by volume. 35 Ill. Adm. Code 218.585(c) (2010). In addition, the rule requires that refiners and suppliers state that each shipment of gasoline or gasoline-ethanol blends leaving the refinery or distribution operation complies with the RVP limit and requires refiners and suppliers to maintain appropriate records demonstrating such compliance. 35 Ill. Adm. Code 218.585(h) (2010). Gasoline sampling and testing requirements are included in the rule to assure compliance. 35 Ill. Adm. Code 219.585(d)-(g) (2010).

c. Metro-East Ozone NAA Gasoline Volatility Standards

The State Gasoline Volatility Standards relating to the Metro-East ozone NAA are set forth at 35 Ill. Adm. Code Section 219.585. In January 1991, the Agency filed a proposed rulemaking (R91-8, *In the Matter of: RACT Deficiencies in the Metro-East Area: Amendments to 35 Ill. Adm. Code Part 215 and the Adoption of Part 219*) seeking to correct deficiencies identified by USEPA in Illinois' SIP for ozone in the Metro-East ozone NAA. At that time, the Metro-East ozone NAA was comprised of the following Illinois counties: Madison, Monroe, and St. Clair. In addition to these counties, Jersey County was later included in the NAA boundaries established for the 8-hour ozone standard. This proposal contained regulations requiring the implementation of RACT for certain sources of VOCs. Among other things, the proposal contained a new section to the Illinois Administrative Code limiting the volatility of gasoline sold in the Metro-East ozone NAA counties of Madison, Monroe, and St. Clair to 9.5 psi RVP during the regulatory control period in 1990 and each year thereafter. As adopted in the original rule, the regulatory control period was defined as July 1 to August 31. Subsequently, the

Agency filed a rulemaking (R93-9, *In the Matter of: Omnibus Cleanup of the Volatile Organic Material RACT Rules Applicable to Ozone Nonattainment Areas: Amendments to 35 Ill. Adm. Code Parts 203, 211, 218 and 219*) for purposes of a clean-up of the VOC RACT rules. Among other amendments, this rulemaking amended Section 219.585 by further limiting the volatility of gasoline sold in the aforementioned Metro-East ozone NAA counties to 9.0 psi RVP and lengthened the regulatory control period to May 1 to September 15. These rulemakings were finalized and adopted by the Board on July 25, 1991 and September 9, 1993, respectively, and subsequently approved by USEPA for inclusion into the Illinois SIP. 59 Fed. Reg. at 46562. Inclusion of the rule into the Illinois SIP makes it federally enforceable, thereby requiring federal approval of any action, such as a temporary waiver, affecting the rule.

Section 182(b)(1) of the CAA requires all moderate and above ozone NAAs to achieve a 15% reduction of 1990 emissions of VOC by 1996. 42 U.S.C. § 7511a(b)(1) (2010). The Metro-East ozone NAA was subject to this requirement. On November 15, 1993, the Illinois EPA submitted its plan for achieving this 15% reduction in VOC emissions in the Metro-East ozone NAA (“15% Rate-of-Progress (“ROP”) Plan”) outlining the VOC emission control measures that Illinois would implement and identifying one of the measures to be an RVP limit of 7.8 psi. The 7.8 psi RVP limit was originally chosen to coincide with the gasoline volatility requirement for the adjacent St. Louis, Missouri NAA. However, in December 1993, the Missouri Department of Natural Resources proposed lowering the St. Louis, Missouri NAA RVP limit to 7.2 psi. In order to maintain consistency within the area, Illinois proposed a similar 7.2 psi RVP limit. On September 15, 1994, the Board adopted this rule (R94-12, *In the Matter of: 15% ROP Plan Control Measures for VOM Emissions – Part I: Pressure/Vacuum Relief Valves and 7.2 RVP (Amendments to 35 Ill. Adm. Code 201, 211, 218, and 219)*) lowering the RVP of

gasoline in the area to 7.2 psi. The Illinois EPA formally submitted the amendments to USEPA on October 25, 1994, as a revision to the Illinois SIP and the revisions were subsequently approved. 60 Fed. Reg. 15233 (March 23, 1995). The Illinois EPA estimated that limiting the RVP of gasoline to 7.2 psi would reduce emissions in the Metro-East ozone NAA by approximately 8.5 tons per day, or 26% of the total reduction needed in the area to meet the 15% ROP requirement. *Id.*

In September 1995, the Illinois EPA proposed an amendment to the Metro-East ozone NAA Gasoline Volatility Standards that would change the compliance date for all sources that had an annual compliance date of May 1 each year for 7.2 psi RVP gasoline to June 1 of each year citing inconsistency with the federal compliance dates. Federal regulations (Gasoline Volatility Standards) lower the RVP of gasoline in two steps. Step I requires the entire country to have 9.0 psi RVP at supply facilities (i.e., gasoline terminals and bulk plants) beginning May 1 of each year. 40 C.F.R. § 80.27 (2010). Step II requires southern ozone NAAs, such as St. Louis, Missouri, to have 7.8 psi RVP at both supply and retail levels beginning June 1 each year. *Id.* The Metro-East ozone NAA Gasoline Volatility Standards required 7.2 psi RVP gasoline at supply facilities in May when the rest of the country was only required to have a gasoline RVP of 9.0 psi under the federal regulations. Further, the compliance date for supply facilities was inconsistent with the date specified by federal regulations for southern NAAs storing the lowest required RVP gasoline. This presented numerous hardships for those suppliers affected by the Metro-East ozone NAA Gasoline Volatility Standards. The Board agreed with Illinois EPA's arguments and adopted the amendment (R96-2, *In the Matter of: 15% ROP Plan: Clean-Up Part I – Amendments to 35 Ill. Adm. Code 219.585(a) and 219.Appendix E*) indicating it was appropriate in view of the need for consistency between the Board's rule and USEPA

regulations. This issue was also the subject of an emergency rule earlier in 1995 (R95-10, *In the Matter of: Emergency Rule Amending 7.2 psi Reid Vapor Pressure Requirement in the Metro-East Area*, 35 Ill. Adm. Code 219.585(a)). In 1997, USEPA approved Illinois' SIP revision relating to this change in the regulatory control period. 62 Fed. Reg. 43100 (Aug. 12, 1997).

Currently, the Metro-East ozone NAA Gasoline Volatility Standards limit the volatility of gasoline sold in Madison, Monroe, St. Clair, and Jersey Counties to 7.2 psi RVP during the regulatory control period beginning in 1995 and each year thereafter. 35 Ill. Adm. Code 219.585(b) (2010). The regulatory control period included in the rule is June 1 to September 15. 35 Ill. Adm. Code 219.585(a) (2010). Also, the rule grants a 1.0 psi waiver for ethanol-blended gasolines that have an ethanol content between 9 and 10 percent by volume. 35 Ill. Adm. Code 219.585(c) (2010). In addition, the rule requires that refiners, distributors, and owner/operators maintain records and reports indicating that the volatility of each gasoline shipment is in compliance with the 7.2 psi RVP limit. 35 Ill. Adm. Code 219.585(h) (2010). Gasoline sampling and testing requirements are included in the rule to assure compliance. 35 Ill. Adm. Code 219.585(d)-(g) (2010).

3. RFG Program

On February 16, 1994, USEPA published a final rule establishing various content and emission reduction standards for reformulated gasoline pursuant to Section 211(k) of the CAA (42 U.S.C. § 7545(k)). 59 Fed. Reg. 7716 (Feb. 16, 1994). The purpose of the RFG program is to improve air quality in certain ozone NAAs of the country by requiring reductions in emissions of ozone-forming VOCs and emissions of toxic air pollutants through the reformulation of conventional gasoline. *Id.* Section 211(k) of the CAA requires that RFG be sold in the nine ozone NAAs having a 1980 population in excess of 250,000 and having the highest ozone design

value during the period 1987 through 1989, which includes the Chicago ozone NAA, as well as areas that are reclassified to “Severe,” and in other ozone NAAs, such as the Metro-East ozone NAA, where a state chooses to participate or “opt in” to the program. 42 U.S.C. § 7545(k)(1), (k)(6), (k)(10)(D) (2010). Further, Section 211(k) of the CAA also includes other compositional specifications for RFG, such as a minimum oxygen content of 2.0 percent by weight¹, a 1.0 volume percent benzene maximum and a prohibition on heavy metal content. 59 Fed. Reg. at 7720. Currently, ethanol blending is permitted, but must be at least 9% but no more than 10% (by volume) of the gasoline. 40 C.F.R. § 80.40(c)(1) (2010).

The RFG program is divided into two phases. Phase I ran from 1995 through 1999 and the more stringent Phase II began in 2000. 59 Fed. Reg. at 7716-7717. Section 211(k)(3) of the CAA requires RFG to meet the more stringent of either a formula standard or VOC and toxic air pollutant performance standards. During the rulemaking process, USEPA determined that these performance standards were more stringent. *Id.* at 7723-7724. The performance standards require specific minimum reductions in emissions of VOCs (during the high ozone season or summertime) and toxics (year-round). *Id.* During Phase I, the rule required VOC emission and toxic air emission reductions from RFG measured on a mass basis at least equal to 15% of baseline emissions. *Id.* at 7717. For Phase II, the rule requires VOC and toxics performance standards each of which must be at least equal to a 25% reduction from baseline emissions. *Id.* at 7717. USEPA may adjust the performance standard upward or downward, but the reduction can be to no less than a 20% reduction from baseline emissions. *Id.*

Phase II RFG regulations require a 29% (averaging) reduction in VOC emissions from RFG in VOC control region 1 (southern areas), and a 27.4% (averaging) reduction in VOC emissions from RFG in VOC control region 2 (northern areas). 40 C.F.R. § 80.41 (2010).

¹ The RFG oxygen content requirement was removed from the rule in 2006. 71 Fed. Reg. 26691 (May 8, 2006).

Missouri is located in control region 1 and Illinois is located in control region 2. 40 C.F.R. § 80.71. As a result, the St. Louis, Illinois-Missouri ozone NAA, which includes portions of Missouri and Illinois, is located partially in control region 2 and partially in control region 1. Therefore, the Illinois portion of the St. Louis, Illinois-Missouri ozone NAA (referred to herein as the Metro-East ozone NAA) is subject to the more stringent emission requirements for VOC control region 1. 40 C.F.R. § 80.71(c) (2010).

The RFG regulations set forth a method of certification through a “simple” and then “complex” model based on fuel characteristics such as oxygen, benzene, aromatics, RVP, sulfur, olefins and the percent of fuel evaporated at 200 and 300 degrees Fahrenheit (E200 and E300, respectively). 59 Fed. Reg. at 7717. One method of reducing VOC emissions from RFG is to further decrease the gasoline RVP level during summer months because summer RFG has a significantly lower RVP than winter RFG. 66 Fed. Reg. 60163, 60164 (Dec. 3, 2001). Gasoline RVP is permitted to be relatively high during cold months because colder temperatures reduce the tendency of gasoline to evaporate and reduce emissions of volatile material. 66 Fed. Reg. at 61064. During summer or warmer months, refiners must reduce gasoline RVP by removing the most volatile portion of the gasoline in order to reduce evaporative emissions from the gasoline. *Id.* Each spring, refiners and importers must reduce RVP of gasoline to comply with the summertime RFG requirements. *Id.* Under the RFG rule, the summer period runs from May 1 through September 15 and the winter period runs from September 16 through April 30. 40 C.F.R. § 80.42 (2010).

The RFG regulations provide that gasoline retailers and wholesale purchaser-consumers must be selling only summer grade RFG by June 1 of each year. 40 C.F.R. § 80.78 (2010). In order to meet this requirement, the regulations specify that RFG at terminals and all other

facilities upstream of the retailer must meet the summertime RFG requirements by May 1. *Id.* This is identical to the federal RVP rule. In the RFG rule, USEPA set a VOC performance standard derived based on a fuel RVP of 6.7 psi to allow refiners some flexibility to meet the performance-based VOC standard. 59 Fed. Reg. at 7754. The RFG rule does not require refiners to meet a fuel RVP of 6.7 psi, however. Rather, a fuel RVP of 6.7 psi was chosen as a target level, not a maximum or minimum limit, which, along with target levels for other fuel properties, such as oxygen, sulfur, aromatics, olefins, benzene, etc., could achieve the VOC performance standard required by the RFG rule (i.e. 29% or 27.4%). The RFG rule does set a permissible range of fuel RVP of 6.4-10.0 psi, as well as ranges for other fuel properties, for purposes of calculating the VOC performance standard. 40 C.F.R. § 80.45(f)(1)(i) (2010). Theoretically then, refiners may utilize a fuel RVP of more or less than 6.7 psi, but must have a corresponding reduction or increase in another fuel property in order to meet the VOC performance standard. In such a case, the result is an equivalent percentage reduction in VOC emissions as would be achieved if a fuel RVP of 6.7 psi was utilized. Even though the RFG requirements do not specifically establish an RVP limit, historical data indicates the RVP of RFG sold during the summertime (high ozone season) in the Chicago ozone NAA is considerably less than the RVP limits established in the federal and State Gasoline Volatility Standards, and has a range of averages from 6.7 to 7.2 psi for the Metro-East ozone NAA. Attachment A. The RFG rule also includes provisions for the certification of RFG and enforcement of RFG standards, reporting and recordkeeping, and establishes certain requirements regarding unrefined or conventional gasoline. 40 C.F.R. pt. 80, subpt. D (2010).

B. Motor Vehicle Refinishing

As discussed *supra*, Section 182(b)(1) of the CAA required all moderate or worse ozone NAAs to achieve a 15% reduction of 1990 emissions of VOCs, or volatile organic material (“VOM”), by 1996. 42 U.S.C. § 7511a(b)(1) (2010). The terms VOC and VOM are used interchangeably. In 1993, the Chicago and Metro-East areas were classified as Severe and Moderate nonattainment, respectively, and as such were subject to the 15% reduction requirement. Therefore, at that time, the Agency reviewed available control measures that could provide reductions by 1996 and selected a group of measures for Chicago and a group for the Metro-East that would reduce VOM emissions to meet the 15% requirement. The Agency developed and submitted a plan to USEPA incorporating the reduction measures for each NAA as its 15% ROP Plan. VOM emissions from motor vehicle refinishing operations were included in the 15% ROP Plan for both areas. The Agency filed numerous rulemaking proposals with the Board to adopt the reduction measures of the 15% ROP Plan. Regulations pertaining to the motor vehicle refinishing portion of the Plan were proposed and adopted in R94-32, *In the Matter of: 15% ROP Plan Control Measures for VOM Emissions – Part VI: Motor Vehicle Refinishing: Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219*. These regulations are found at Subpart HH of 35 Ill. Adm. Code Parts 218 and 219. At the time of adoption, the motor vehicle refinishing regulations required all motor vehicle refinishing operations to comply with specified VOM content limitations for coatings and surface preparation materials, required the use of specified coating applicators (or spray guns) and coating applicator cleaning equipment, specific work practices, testing, recordkeeping and reporting, registration with the Agency, and provided for a control equipment alternative. In 2004, the Agency proposed, and the Board adopted, relatively minor amendments to this Subpart HH (R04-20, *In the Matter of: Clean-up Part III Amendments to 35 Ill. Adm. Code Parts 211, 218 and 219*).

Specifically, and as it pertains to this proposal, the Board's motor vehicle refinishing regulations require the use of either an electrostatic spray gun or a HVLP spray gun. 35 Ill. Adm. Code 218.784(a) and 219.784(a) (2010). In addition, these regulations require affected sources to register with the Agency. 35 Ill. Adm. Code 218.792, 219.792 (2010). Registration includes providing source contact information, descriptions of coating operations, and certain certifications. *Id.* Irrespective of the registration program, motor vehicle refinishing operations are required to meet the substantive provisions of Subpart HH, which include, among other things, VOM content limitations, coating preparation and applicator requirements, and work practices.

In 2008, USEPA promulgated national emission standards for hazardous air pollutants ("NESHAP") for area sources engaged in paint stripping, surface coating of motor vehicles and mobile equipment, and miscellaneous surface coating operations. 73 Fed. Reg. 1738 (Jan 9, 2008). As it relates to surface coating of motor vehicles and mobile equipment, this NESHAP requires that all subject surface coating operations apply coatings with a HVLP spray gun, electrostatic spray gun, airless spray gun, air-assisted airless spray gun, or an equivalent technology demonstrated to be equal in transfer efficiency to one of these spray guns. 40 C.F.R. § 63.11173(e)(3) (2010). In addition, this NESHAP requires these operations to submit an initial registration notification, an annual notification of changes, and also contains recordkeeping requirements. 40 C.F.R. §§ 63.11175, 63.11176, 63.11177 (2010). Proper registration includes providing source contact information, description of coating operations, and certain certifications. 40 C.F.R. § 63.11175. These registration notifications are submitted to the Agency because it has been delegated authority to implement and enforce this NESHAP. This NESHAP targets sources that the Board's motor vehicle refinishing rules target. Irrespective of

the NESHAP's registration requirements, subject sources must comply with the substantive portions of this NESHAP, which include, among other things, extensive training, coating preparation and application requirements, coating applicator requirements, management practices, maintenance of equipment requirements, and recordkeeping. 73 Fed. Reg. at 1738-1768.

C. Applicable Air Quality Standards

The 1997 8-hour ozone standard had an effective date of June 15, 2004. 40 C.F.R. pt. 81 (2010). The change from the previous 1-hour standard to the 8-hour standard was based on extensive air pollution research that indicated ozone is more harmful when a person is exposed to it over a longer period of time even if the ozone concentration is lower. As such, the 8-hour standard is more stringent than the previous 1-hour standard. In Illinois, there are two areas designated as nonattainment (moderate) under the 1997 8-hour ozone NAAQS: 1) the Chicago ozone NAA, which includes Cook, DuPage, Kane, Lake, McHenry, Will, Grundy (townships of Aux Sable and Goose Lake only), and Kendall (Oswego township only); and 2) the Metro-East ozone NAA, which includes Madison, Monroe, St. Clair, and Jersey Counties. 40 C.F.R. § 81.314 (2010).

As it relates to the State Gasoline Volatility Standards portion of this rulemaking, the 8-hour ozone nonattainment classification required the Illinois EPA to develop a plan to further reduce ozone precursor emissions in the Chicago and Metro-East ozone NAAs. One element of the strategy for the Metro-East ozone NAA was to opt into the RFG program under the provisions of Section 211(k)(6) of the CAA. In a letter dated July 10, 2006, to USEPA Administrator Stephen L. Johnson, former Governor Rod R. Blagojevich formally requested the USEPA to extend the requirement for the sale of RFG into the Metro-East ozone NAA. On

April 24, 2007, the USEPA issued a final rule requiring the sale of RFG in the requested area beginning on July 1, 2007. 72 Fed. Reg. 20237 (April 24, 2007). This requirement essentially superseded the Metro-East Gasoline Volatility Standards.

III. PURPOSE AND EFFECT OF THE PROPOSAL

The State Gasoline Volatility Standards portion of this rulemaking has three purposes. First, to eliminate the potential for requesting fuel supply waivers for the Chicago and Metro-East ozone NAAs and issuing provisional variances, and to avoid inconsistency between federal and State rules. Second, to remove the obsolete State attainment area Gasoline Volatility Standards. Third, to effectuate rule clean-ups and update technical references. The motor vehicle refinishing portion of this rulemaking has two purposes - to allow for the use of a HVLP equivalent spray gun in motor vehicle refinishing operations and to repeal the corresponding registration program.

A. Repeal of State Gasoline Volatility Standards

1. Repeal of the State Ozone Attainment Area Gasoline Volatility Standards

The ozone attainment areas of the State are required to comply with the federal Gasoline Volatility Standards contained in 40 C.F.R. § 80.27. These standards set an RVP limit of 9.0 psi during the regulatory control period. 40 C.F.R. at 80.27(a)(2)(i). As discussed *supra*, the State Gasoline Volatility Standards for the ozone attainment areas were promulgated by the Board as an interim measure to control gasoline volatility until USEPA finalized its regulations and set an RVP limit of 9.0 psi. Therefore, the Board promulgated its standards for 1991 only. Once USEPA finalized its Gasoline Volatility Standards and Phase II became effective, the Board's standards were no longer necessary. As a result, there is no longer any utility in maintaining the State Gasoline Volatility Standards for the ozone attainment areas and these standards should be

repealed.

2. Repeal of Chicago and Metro-East Ozone NAA Gasoline Volatility Standards

a. Fuel Supply Waiver Issue

In the event of a fuel supply emergency, the USEPA, with the concurrence of the Department of Energy, may temporarily waive fuel requirements if doing so will alleviate the fuel supply emergency. Section 211(c)(4)(C) of the CAA authorizes USEPA to issue fuel waivers and specifies criteria for granting waivers and conditions which must be included in a waiver. Since 2005, the USEPA has issued two emergency fuel waivers affecting the sale of fuel in the State. The first, issued on August 31, 2005, in the aftermath of Hurricane Katrina, waived the summertime RFG emissions reduction requirements through the remainder of the high ozone season. The second waiver was issued on July 25, 2006, as a result of a fuel supply shortage when a severe thunderstorm caused widespread power outages and refinery damage in the Metro-East area. In this instance, the State requested, and the USEPA granted, a waiver of the 7.2 RVP SIP requirement from July 25 through August 4, 2006. However, due to the existence of the Metro-East ozone NAA Gasoline Volatility Standards (35 Ill. Adm. Code 219.585), the State had to issue a provisional variance to this regulation in order for the USEPA waiver to achieve its intended effect. Repealing the existing Chicago and Metro-East ozone NAA Gasoline Volatility Standards, which are equivalent to, or less stringent than the RFG standards, would result in no loss of emissions reduction benefits, and in times of extreme and unusual fuel supply shortages would eliminate the RVP SIP waiver and provisional variance processes and, as a result, ease the transition to a temporary fuel requirement allowing other fuel to be marketed in the affected region.

b. Repeal of the Chicago Ozone NAA Gasoline Volatility

Standards

As discussed *supra*, the purpose of the RFG program is to improve air quality by requiring that gasoline be reformulated to reduce motor vehicle emissions of toxic and tropospheric ozone-forming compounds. Section 211(k)(1) and 211(k)(10)(D) of the CAA mandate that reformulated gasoline be sold in the nine ozone NAAs having a 1980 population in excess of 250,000 and having the highest ozone design value during the period 1987 through 1989. The Chicago ozone NAA was designated as one of these areas. 40 C.F.R. § 80.70(f) (2010). The RFG program essentially supersedes the Chicago ozone NAA's summertime 9.0 psi RVP gasoline volatility limit with a VOC performance standard derived based on a fuel RVP of 6.7 psi and other fuel parameters. This increase in stringency was intended to result in the greatest reduction in emissions of ozone-forming and toxic air pollutants achievable through the reformulation of conventional gasoline. Subsequently, in 2001, USEPA adjusted the VOC performance standard under Phase II of RFG for ethanol RFG blends containing 3.5 weight percent oxygen (10 volume percent ethanol) sold in the Chicago ozone NAA. 66 Fed. Reg. 37156 (July 17, 2001). This adjustment reduced the summertime VOC performance standard by 2.0 percentage points, which is equivalent to an increase in RVP of approximately 0.3 psi. *Id.* Since, due to federal and state tax incentives, virtually 100% of the gasoline sold in the Chicago ozone NAA contains 10 volume percent ethanol, the result is an RFG RVP level of approximately 7.0 psi in the Chicago ozone NAA, which is still more stringent than the 9.0 psi RVP limit.

The Chicago ozone NAA Gasoline Volatility Standards still remain in place and compliance is still technically required. As a result, maintaining the Chicago ozone NAA Gasoline Volatility Standards while the RFG program and requirements are in place results in

inconsistency between State and federal rules. In light of the RFG program, the Gasoline Volatility Standards for the Chicago ozone NAA are no longer necessary and should be repealed. Also, as addressed *supra*, in the recent past, extreme storm events have impacted the supply of gasoline throughout the country, which has resulted in USEPA's issuance of waivers from RFG requirements and federal Gasoline Volatility Standards (RVP limits). By repealing the State Gasoline Volatility Standards, any future State action to address State RVP limits and gasoline supply concerns would not be necessary and would allow other fuel to be marketed in the affected region in a more efficient manner.

c. Repeal of the Metro-East Ozone NAA Gasoline Volatility Standards

Section 211(k)(6) of the CAA allows the governor of a state containing an ozone NAA to opt into the RFG program for that area. Under the 8-hour ozone NAAQS adopted in 2004, the Metro-East ozone NAA was designated as a "Moderate" ozone NAA. In order to attain and maintain this NAAQS, the State is required to adopt regulations and control strategies to further reduce ozone-forming emissions in the Metro-East ozone NAA. As part of the strategy to attain the 8-hour ozone standard in this area, the State opted into the RFG program in 2006 and USEPA subsequently approved this request. 72 Fed. Reg. at 20237. In addition to providing ozone precursor and toxic emissions reduction benefits, the use of RFG would simplify fuel marketing in the entire St. Louis metropolitan area and, as a result, provide the petroleum industry with greater flexibility in meeting short-term fuel shortages and minimize distribution-related price fluctuations. The RFG program essentially supersedes the Metro-East ozone NAA Gasoline Volatility Standards, including the 7.2 psi RVP limit, with a VOC performance standard derived based on a fuel RVP of 6.7 psi, the same fuel being sold in St. Louis, Missouri². In justifying

² St. Louis, Missouri opted into the RFG program in 1999. 40 C.F.R. § 80.70(k)(1) (2010).

Illinois EPA's request for admission into the RFG program for the Metro-East ozone NAA, the Illinois EPA analyzed the emission benefits which could be achieved by switching from gasoline with a 7.2 psi RVP to RFG and projected that year 2010 motor vehicle emissions could be reduced by 5.4% and carbon monoxide reductions by 2.2%. 72 Fed. Reg. at 20240. The Illinois EPA also found that the use of RFG in the Metro-East ozone NAA would decrease benzene emissions by 75 tons per year, which equates to a 44% reduction from motor vehicles. *Id.* Further, on a toxic emissions basis, the Illinois EPA found that the use of RFG would reduce emissions of the five primary motor vehicle-related air toxics by 63 tons per year in 2010, a total percentage reduction of 23.5%. *Id.*

These State Gasoline Volatility Standards still remain in place and compliance is still technically required. As a result, maintaining these standards while the RFG program and requirements are in place results in inconsistency between State and federal rules. In light of the RFG program, these State Gasoline Volatility Standards are no longer necessary and should be repealed. In addition, as addressed *supra*, by repealing these State Gasoline Volatility Standards, any future State action to address State RVP limits and gasoline supply concerns would not be necessary and would allow other fuel to be marketed in the affected region in a more efficient manner.

3. Clean-up Amendments and Update of Technical References

The Illinois EPA proposes clean-up amendments to 35 Ill. Adm. Code Parts 211, 215, 218 and 219 to update references and to be consistent with the proposed repeal of the State Gasoline Volatility Standards. The Illinois EPA proposes to update ASTM D 323 to its current version, ASTM D 323-08, in Section 211.101, and also in the definitions of Heavy Liquid, Section 211.2870, and RVP, Section 211.5510. In addition, the Illinois EPA proposes to remove

the reference to Section 215.105 in the definition of Heavy Liquid, Section 211.2870, because the Illinois EPA has proposed removing ASTM D 323-82 from Part 215 with this proposal.

The Illinois EPA proposes removing the definition of RVP contained in Section 215.104 because this term is only used in Section 215.585, which is proposed to be repealed, and is also defined in 35 Ill. Adm. Code Part 211. The Illinois EPA proposes to remove ASTM D 323-82, ASTM D 4057, ASTM D 4177, and 40 CFR Part 80, Appendices D, E, and F contained in Section 215.105 because these incorporations by reference are only found in Section 215.585, are outdated, and are no longer necessary with a repeal of the State Gasoline Volatility Standards.

Further, the Illinois EPA proposes to remove 40 CFR Part 80 and 40 CFR Part 80, Appendices D, E, and F contained in Sections 218.112 and 219.112 (Incorporations by Reference) because this Part will no longer be necessary with a repeal of Sections 218.585 and 219.585, and the appendices have already been repealed. Also, the Illinois EPA proposes to update the reference to ASTM D-323 in Sections 218.112, 218.128, 219.112, and 219.128 to its current version, ASTM D-323-08, for measuring vapor pressure.

It is the Illinois EPA's position that the repeal of these State Gasoline Volatility Standards is appropriate at this time in view of the need for consistency between the Board's rules and USEPA regulations. Further, it is the Illinois EPA's position that the repeal of these rules should be accomplished as quickly as possible to avoid another ozone season with conflicting regulatory requirements.

B. Motor Vehicle Refinishing Amendments

As discussed *supra*, Sections 218.784 and 219.784 set forth equipment specifications for owners and operators of applicable motor vehicle refinishing operations. Specifically, these

Sections require the use of listed coating applicators, or spray guns, when coating motor vehicles, mobile equipment, or their parts and components, and also require owners and operators to clean all coating applicators with devices capable of performing specific functions. Also as discussed *supra*, Sections 218.792 and 219.792 require motor vehicle refinishing operations to register with the Illinois EPA. The purpose of this portion of the proposal is to allow the use of a new spray gun that is demonstrated to achieve transfer efficiency comparable to a HVLP spray gun. The Illinois EPA proposes that documentation of USEPA's approval must be maintained at the motor vehicle refinishing operation. This will provide flexibility to affected sources by allowing them to choose an alternate means of compliance that is approved by USEPA. Another purpose of this portion of the proposal is to repeal the registration program due to the corresponding, overlapping NESHAP registration program. This will streamline the registration of motor vehicle refinishing operations and eliminate source confusion over multiple registrations. This portion of the Illinois EPA's proposal answers a need that exists in the motor vehicle refinishing industry.

IV. GEOGRAPHIC REGIONS AND SOURCES AFFECTED

A. State Gasoline Volatility Standards

1. State Ozone Attainment Area Gasoline Volatility Standards

The geographic regions that were subject to the State Gasoline Volatility Standards contained in Section 215.585 were the ozone attainment areas of the State, which consist of the counties not included in the Chicago and Metro-East ozone NAAs, as set forth below. The sources affected included: petroleum refiners, importers, marketers, distributors, and carriers; gasoline retailers; and gasoline wholesale purchaser-consumers. However, as discussed, this standard was in effect for 1991 only and the federal Gasoline Volatility Standards now cover the

attainment areas of the State. Thus, the attainment areas of the State and affected sources will not be impacted by the repeal of Section 215.585.

2. Chicago and Metro-East Ozone NAA Gasoline Volatility Standards

The geographic region subject to the State Gasoline Volatility Standards contained in Section 218.585 is the Chicago ozone NAA, which consists of the following Illinois counties: Cook, DuPage, Kane, Lake, McHenry, Will, Grundy (townships of Aux Sable and Goose Lake only), and Kendall (Oswego township only). The geographic regions subject to the State Gasoline Volatility Standards contained in Section 219.585 are the following counties in the Metro-East ozone NAA: Madison, Monroe, St. Clair, and Jersey. The sources affected in the Chicago and Metro-East ozone NAAs include: petroleum refiners, importers, marketers, distributors, and carriers; gasoline retailers; and gasoline wholesale purchaser-consumers. The Illinois EPA has included a list of affected sources with this proposal as Attachment B.

As discussed *supra*, the Chicago and Metro-East ozone NAAs and affected sources will not be negatively impacted by the repeal of Sections 218.585 and 219.585 because gasoline with an RVP of 9.0 is no longer produced for the Chicago ozone NAA during the summer ozone season and gasoline with an RVP of 7.2 psi is no longer in production for the Metro-East ozone NAA. Further, RFG is currently the required standard and is widely available for production, distribution, sale, and consumption. However, the Gasoline Volatility Standards for the Chicago and Metro-East ozone NAAs are still required standards and compliance with them is still technically required.

B. Motor Vehicle Refinishing Amendments

The geographic regions subject to 35 Ill. Adm. Code Parts 218 and 219, Subpart HH (Motor Vehicle Refinishing) are the Chicago and Metro-East ozone NAA counties, which

consist of Cook, DuPage, Kane, Lake, McHenry, Will, Grundy (townships of Aux Sable and Goose Lake only), Kendall (Oswego township only), Madison, Monroe, St. Clair, and Jersey. The sources affected in the Chicago and Metro-East ozone NAAs include owners and operators of new and existing sources that engage in “motor vehicle refinishing” as defined by 35 Ill. Adm. Code 211.3965 and meet the applicability criteria specified in 35 Ill. Adm. Code Parts 218 and 219, Subpart HH. The Illinois EPA has included a list of affected sources with this proposal as Attachment C.

V. TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

Section 27 of the Act requires the Board to consider the technical feasibility and economic reasonableness of all rulemaking proposals. With respect to the Gasoline Volatility Standards portion of this rulemaking, the Illinois EPA is not proposing any new technology or requirements. With respect to the Motor Vehicle Refinishing portion of this rulemaking, the Illinois EPA is proposing a HVLP equivalent spray gun as an alternative compliance option and proposing to repeal the corresponding registration program due to overlapping federal registration requirements.

A. Repeal of the State Gasoline Volatility Standards

1. State Ozone Attainment Area Gasoline Volatility Standards

The federal Gasoline Volatility Standards apply in the attainment areas of the State and contain the same RVP limit of 9.0 psi that Section 215.585 required during 1991. Thus, there is no technical feasibility issue or economic impact in repealing this inapplicable rule. In the *Technical Support Document*, the Illinois EPA explains the technical feasibility and economic reasonableness aspect of the repeal of this rule.

2. Gasoline Volatility Standards for the Chicago and Metro-East Ozone NAAs

As a result of the Chicago ozone NAA being one of the original areas required to be a part of the RFG program and the State opting into the RFG program for the Metro-East ozone NAA, the Gasoline Volatility Standards for the Chicago and Metro-East ozone NAAs have been effectively superseded by the more stringent RFG program. Consequently, conventional gasoline with a RVP limit of 9.0 psi is no longer produced for distribution in the Chicago ozone NAA during the summer ozone season and gasoline with a RVP limit of 7.2 psi is no longer in production for the Metro-East ozone NAA. The RFG program has been in place for years in the Chicago and Metro-East ozone NAAs and RFG is widely available for distribution, sale, and consumption in these areas. Thus, there is no technical feasibility issue or economic impact in repealing these inconsistent rules. In the *Technical Support Document*, the Illinois EPA explains the technical feasibility and economic reasonableness aspect of the repeal of these rules.

B. Motor Vehicle Refinishing Amendments

HVLP equivalent spray gun technology is both technically feasible and economically reasonable. HVLP equivalent spray guns are readily available, more efficient, the same or better than HVLP spray guns in controlling emissions, and may result in cost savings. Furthermore, HVLP equivalent spray guns are allowed by federal regulations and must be approved by USEPA. 40 C.F.R. § 63.11173(e)(3) (2010). In the *Technical Support Document*, the Illinois EPA explains in more detail that HVLP equivalent spray guns approved by USEPA are both technically feasible and economically reasonable.

Repealing the Board's motor vehicle registration program is both technically feasible and economically reasonable. The corresponding NESHAP for coating operations targets the sources that the Board's motor vehicle registration program targets and the registration programs are

very similar in what they require. The NESHAP's registration program is more stringent than the Board's registration program in that it requires an annual notification of any change from the initial registration, which the Board's registration does not require. 40 C.F.R. § 63.11176 (2010). Moreover, irrespective of the existence of either registration program, subject motor vehicle refinishing operations must comply with the substantive provisions of both the NESHAP and the Board's motor vehicle refinishing requirements which contain the applicable control requirements that limit emissions from such operations. Repealing the Board's registration program and the continued applicability of the NESHAP registration program will streamline registration for motor vehicle refinishing sources and avoid confusion over two separate registration requirements.

VI. COMMUNICATION WITH INTERESTED PARTIES

A. Repeal of the State Gasoline Volatility Standards

The Illinois EPA has engaged in outreach regarding this aspect of its proposal by contacting the following stakeholders: Illinois Petroleum Counsel; Illinois Petroleum Marketers Association; Illinois Corn Growers Association; Renewable Fuels Association (Ethanol National Trade Association); Illinois Department of Commerce and Economic Opportunity; and the American Lung Association. The Illinois EPA has not received any indication of concern regarding this aspect of its proposal.

B. Motor Vehicle Refinishing Amendments

The Illinois EPA has engaged in outreach regarding this aspect of its proposal. The Illinois EPA partnered with the Illinois Small Business Environmental Assistance Program ("IL SBEAP") to conduct outreach regarding allowing for an equivalent HVLP spray gun. The IL SBEAP has provided notice, and requested comment, regarding this aspect of Illinois EPA's

proposal in its October 2010 newsletter. The Illinois EPA has received only positive support regarding this aspect of the proposal. In addition, the Illinois EPA has been in contact with USEPA, Region V regarding allowing for an equivalent HVLP spray gun and repealing the registration program. Region V has provided its support.

VII. ILLINOIS EPA'S PROPOSAL

35 Ill. Adm. Code Section 211.101: Incorporations by Reference

This Section sets forth the documents that are incorporated by reference with this Part. The Illinois EPA proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring RVP or vapor pressure.

35 Ill. Adm. Code Section 211.2870: Heavy Liquid

This Section sets forth the definition of Heavy Liquid. The Illinois EPA proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring vapor pressure. In addition, Illinois EPA proposes to remove the reference to Section 215.105 in this definition because the Illinois EPA is proposing to remove ASTM D-323 from Section 215.105 with this rulemaking proposal.

35 Ill. Adm. Code Section 211.5510: Reid Vapor Pressure

This Section sets forth the definition of RVP. The Illinois EPA proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring RVP.

35 Ill. Adm. Code Section 215.104: Definitions

This Section sets forth definitions used in this Part. The Illinois EPA proposes to remove the definition of RVP because this term is only used in Section 215.585, which is proposed to be repealed, and is also defined in 35 Ill. Adm. Code Part 211.

35 Ill. Adm. Code Section 215.105: Incorporations by Reference

This Section sets forth the documents that are incorporated by reference with this Part. The Illinois EPA proposes to remove ASTM D-323-82, ASTM D 4057-81, ASTM D 4177-82 and 40 CFR Part 80, Appendices D, E, and F because these incorporations by reference are outdated and only applicable to Section 215.585.

35 Ill. Adm. Code Section 215.585: Gasoline Volatility Standards

The Illinois EPA is proposing a repeal of this Section because these standards were in effect for 1991 only and the federal Gasoline Volatility Standards now apply in the attainment areas.

35 Ill. Adm. Code Section 218.112: Incorporations by Reference

This Section sets forth the documents that are incorporated by reference with this Part. The Illinois EPA proposes to remove 40 CFR Part 80 and 40 CFR Part 80, Appendices D, E, and F because this Part will no longer be necessary with a repeal of Section 218.585 and the appendices have already been repealed. Also, the Illinois EPA proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring vapor pressure.

35 Ill. Adm. Code Section 218.128: Monitoring VOL Operations

This Section sets forth requirements for measuring vapor pressure in storage vessels. The Illinois EPA proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring vapor pressure.

35 Ill. Adm. Code Section 218.585: Gasoline Volatility Standards

The Illinois EPA is proposing a repeal of this Section as a result of the applicability of RFG in the Chicago ozone NAA.

35 Ill. Adm. Code Section 218.784: Equipment Specifications

This Section sets forth equipment specifications for owners and operators of applicable motor vehicle refinishing operations. The Illinois EPA proposes to amend this Section by allowing for the use of an alternative spray gun that is demonstrated to achieve transfer efficiency comparable to the HVLP spray gun referenced in subsection (a)(2) of this Section and which is approved by USEPA. The Illinois EPA also proposes that documentation of USEPA's approval must be maintained at the motor vehicle refinishing operation.

35 Ill. Adm. Code Section 218.792: Registration

This Section sets forth the registration program for motor vehicle refinishing sources. The Illinois EPA proposes to repeal this Section due to the overlapping federal NESHAP registration program.

35 Ill. Adm. Code Section 219.112: Incorporations by Reference

This Section sets forth the documents that are incorporated by reference with this Part. The Illinois EPA proposes to remove 40 CFR Part 80 and 40 CFR Part 80, Appendices D, E, and F because these regulations will no longer be necessary with a repeal of Section 219.585 and the appendices have been repealed. The Illinois EPA proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring vapor pressure.

35 Ill. Adm. Code Section 219.128: Monitoring VOL Operations

This Section sets forth requirements for measuring vapor pressure in storage vessels. The Illinois EPA proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring vapor pressure.

35 Ill. Adm. Code Section 219.585: Gasoline Volatility Standards

The Illinois EPA is proposing a repeal of this Section as a result of the applicability of

RFG in the Metro-East ozone NAA.

35 Ill. Adm. Code Section 219.784: Equipment Specifications

This Section sets forth equipment specifications for owners and operators of applicable motor vehicle refinishing operations. The Illinois EPA proposes to amend this Section by allowing for the use of an alternative spray gun that is demonstrated to achieve transfer efficiency comparable to the HVLP spray gun referenced in subsection (a)(2) of this Section and which is approved by USEPA. The Illinois EPA also proposes that documentation of USEPA's approval must be maintained at the motor vehicle refinishing operation.

35 Ill. Adm. Code Section 219.792: Registration

This Section sets forth the registration program for motor vehicle refinishing sources. The Illinois EPA proposes to repeal this Section due to the overlapping federal NESHAP registration program.

VIII. CONCLUSION

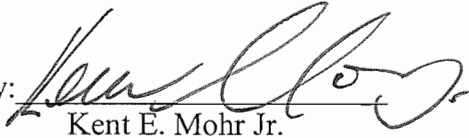
The Illinois EPA proposes a repeal of the State ozone attainment area Gasoline Volatility Standards at 35 Ill. Adm. Code Section 215.585 to bring the rulebooks current. In addition, the Illinois EPA proposes a repeal of the Chicago and Metro-East ozone NAA Gasoline Volatility Standards at 35 Ill. Adm. Code Sections 218.585 and 219.585 as a result of the applicability of RFG in the Chicago and Metro-East ozone NAAs. Further, the Illinois EPA proposes clean-up amendments to 35 Ill. Adm. Code Parts 211, 215, 218 and 219 to make necessary updates and to be consistent with the repeal of the State Gasoline Volatility Standards. The Illinois EPA respectfully requests that the Board expeditiously repeal the State Gasoline Volatility Standards in order to avoid another ozone season with conflicting regulatory requirements. Finally, the Illinois EPA proposes amendments to 35 Ill. Adm. Code Sections 218.784 and 219.784 to allow

for the use of a HVLP equivalent spray gun in motor vehicle refinishing operations, and proposes a repeal of the registration program at 35 Ill. Adm. Code Sections 218.792 and 219.792 due to overlapping federal registration requirements.

For the reasons stated above, the Illinois EPA hereby submits this regulatory proposal and respectfully requests that the Board expeditiously amend Parts 211, 215, 218 and 219 for the State of Illinois.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Kent E. Mohr Jr.
Assistant Counsel
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DATED: March 27, 2012

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AGENCY ANALYSIS OF ECONOMIC AND BUDGETARY EFFECTS OF
PROPOSED RULEMAKING

Agency: Illinois Pollution Control Board

Part/Title: Definitions and General Provisions (35 Ill. Adm. Code 211)

Illinois Register Citation:

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant narrative explanation.

1. Anticipated effect on State expenditures and revenues.
 - (a) Current cost to the agency for this program/activity. N/A
 - (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect. FY N/A
 - (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. N/A
 - (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A \$ N/A
Agency: N/A
 - (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? Specify effects and amounts. No

2. Economic effect on persons affected by the rulemaking.
 - (a) Indicate the economic effect and specify the persons affected:
 Positive Negative X No effect

Persons affected: Petroleum refiners, importers, marketers, distributors, and carriers; gasoline retailers; and gasoline wholesale purchaser-consumers.

Dollar amount per person: N/A

Total Statewide cost: N/A
 - (b) If an economic effect is predicted, please briefly describe how the effect will occur. N/A
 - (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? No Will there be any change in requirements such

as filing, documentation, reporting or completion of forms? No Compare to current requirements.

AGENCY ANALYSIS OF ECONOMIC AND BUDGETARY EFFECTS OF
PROPOSED RULEMAKING

Agency: Illinois Pollution Control Board

Part/Title: Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)

Illinois Register Citation:

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant narrative explanation.

1. Anticipated effect on State expenditures and revenues.
 - (a) Current cost to the agency for this program/activity. \$0
 - (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect. FY N/A
 - (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. N/A
 - (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A \$ N/A
Agency: N/A
 - (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? Specify effects and amounts. No

2. Economic effect on persons affected by the rulemaking.
 - (a) Indicate the economic effect and specify the persons affected:
 Positive Negative X No effect

Persons affected: Petroleum refiners, importers, marketers, distributors, and carriers; gasoline retailers; and gasoline wholesale purchaser-consumers.

Dollar amount per person: 0

Total Statewide cost: 0
 - (b) If an economic effect is predicted, please briefly describe how the effect will occur. N/A
 - (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? No Will there be any change in requirements such

as filing, documentation, reporting or completion of forms? No Compare to current requirements.

Section 215.585 has not been in effect since 1991.

AGENCY ANALYSIS OF ECONOMIC AND BUDGETARY EFFECTS OF
PROPOSED RULEMAKING

Agency: Illinois Pollution Control Board

Part/Title: Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

Illinois Register Citation:

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant narrative explanation.

1. Anticipated effect on State expenditures and revenues.

- (a) Current cost to the agency for this program/activity. ~\$16,500.00 for the motor vehicle refinishing program. There is no cost associated with the reid vapor pressure regulations.
- (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect. N/A
- (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. 963-53210-1120-00-00
- (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A \$ N/A
Agency: N/A
- (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? Specify effects and amounts. No

2. Economic effect on persons affected by the rulemaking.

- (a) Indicate the economic effect and specify the persons affected:
X Positive Negative No effect

Persons affected: Petroleum refiners, importers, marketers, distributors, and carriers; gasoline retailers; and gasoline wholesale purchaser-consumers. Also, owners and operators of affected motor vehicle refinishing operations.

Dollar amount per person: Unknown

Total Statewide cost: Unknown

- b) If an economic effect is predicted, please briefly describe how the effect will occur. Repeal of the gasoline volatility standards will alleviate any need for affected industry to request provisional variances in instances of regional fuel supply shortages. Repeal of the motor vehicle refinishing registration requirements will slightly reduce the owner/operator's administrative burden. The proposed flexibility to allow motor vehicle refinishing operations to use high volume, low pressure (HVLP) equivalent applicator equipment may allow such operations to reduce paint usage and costs.
- (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation, reporting or completion of forms? Compare to current requirements. Motor vehicle refinishing operations that choose to use HVLP-equivalent applicator equipment would be required to maintain documentation that such equipment has been certified by the U.S. Environmental Protection Agency as equivalent. The costs associated with obtaining and maintaining on file such documentation is expected to be negligible. The remainder of this rulemaking is not expected to have an indirect effect that may result in increased administrative costs.

AGENCY ANALYSIS OF ECONOMIC AND BUDGETARY EFFECTS OF
PROPOSED RULEMAKING

Agency: Illinois Pollution Control Board

Part/Title: Organic Material Emission Standards and Limitations for the Metro-East Area (35 Ill. Adm. Code 219)

Illinois Register Citation:

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant narrative explanation.

1. Anticipated effect on State expenditures and revenues.

- (b) Current cost to the agency for this program/activity. ~\$16,500.00 for the motor vehicle refinishing program. There is no cost associated with the reid vapor pressure regulations.
- (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect. N/A
- (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. 963-53210-1120-00-00
- (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A \$ N/A
Agency: N/A
- (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? Specify effects and amounts. No

2. Economic effect on persons affected by the rulemaking.

- (a) Indicate the economic effect and specify the persons affected:
X Positive ___ Negative ___ No effect

Persons affected: Petroleum refiners, importers, marketers, distributors, and carriers; gasoline retailers; and gasoline wholesale purchaser-consumers. Also, owners and operators of affected motor vehicle refinishing operations.

Dollar amount per person: Unknown

Total Statewide cost: Unknown

- b) If an economic effect is predicted, please briefly describe how the effect will occur. Repeal of the gasoline volatility standards will alleviate any

need for affected industry to request provisional variances in instances of regional fuel supply shortages. Repeal of the motor vehicle refinishing registration requirements will slightly reduce the owner/operator's administrative burden. The proposed flexibility to allow motor vehicle refinishing operations to use high volume, low pressure (HVLP) equivalent applicator equipment may allow such operations to reduce paint usage and costs.

- (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation, reporting or completion of forms? Compare to current requirements. Motor vehicle refinishing operations that choose to use HVLP-equivalent applicator equipment would be required to maintain documentation that such equipment has been certified by the U.S. Environmental Protection Agency as equivalent. The costs associated with obtaining and maintaining on file such documentation is expected to be negligible. The remainder of this rulemaking is not expected to have an indirect effect that may result in increased administrative costs.

TECHNICAL SUPPORT DOCUMENT

**PROPOSED REPEAL OF 35 ILLINOIS ADMINISTRATIVE CODE
PARTS 215.585, 218.585 AND 219.585: GASOLINE VOLATILITY
STANDARDS; AND PROPOSED AMENDMENTS TO 35 ILLINOIS
ADMINISTRATIVE CODE, PARTS 218 AND 219, SUBPART HH:
MOTOR VEHICLE REFINISHING**

March 2012

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
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P.O. BOX 19276
SPRINGFIELD, ILLINOIS 62794-9276**

Table of Contents

List of Acronyms	2
1.0 Introduction	3
2.0 Gasoline Volatility Regulations	4
2.1 Statewide Ozone Attainment Area.....	5
2.2 Chicago Ozone Nonattainment Area	5
2.3 Metro-East St. Louis Ozone Nonattainment Area	7
2.4 Clean-up Amendments and Update of Technical References	9
2.5 Impacts of Gasoline Volatility Regulation Proposal	10
3.0 Motor Vehicle Refinishing.....	11
3.1 Motor Vehicle Refinishing Equipment Specifications	11
3.2 Motor Vehicle Refinishing Registration Requirement	14
4.0 Affected Sources	14
5.0 Technical Feasibility and Economic Reasonableness	16
6.0 Conclusion.....	18
Attachments	

List of Acronyms

CAA	Clean Air Act
CO	Carbon monoxide
EPA	Environmental Protection Agency
HVLP	High Volume Low Pressure
NAA	Nonattainment Area
NESHAP	National Emission Standards for Hazardous Air Pollutants
NOx	Oxides of nitrogen
psi	Pounds per square inch
psig	Pounds per square inch gauge
RFG	Reformulated gasoline
RVP	Reid vapor pressure
SBEAP	Small Business Environmental Assistance Program
SIP	State Implementation Plan
USEPA	United States Environmental Protection Agency
VOC	Volatile organic compound
VOM	Volatile organic material

1.0 Introduction

The Illinois Environmental Protection Agency (“Illinois EPA”) is proposing to repeal the State of Illinois Gasoline Volatility Standards at 35 Ill. Adm. Code Section 215.585 for the ozone attainment area, 218.585 for the Chicago ozone nonattainment area (“NAA”), and 219.585 for the Metro-East St. Louis ozone NAA. The State gasoline volatility regulations have essentially been superseded by federal motor fuel regulations contained in Sections 211(h) and 211(k) of the Clean Air Act (“CAA”) Amendments of 1990. The Illinois EPA is proposing to repeal the State regulations in order to delete a duplicative and conflicting requirement and to relieve the administrative burden associated with the development of waivers during periods of fuel supply shortages. The Illinois EPA proposes clean-up amendments to 35 Ill. Adm. Code Parts 211, 215, 218 and 219 to update references and to be consistent with the proposed repeal of the State Gasoline Volatility Standards.

The Illinois EPA is also proposing to revise certain requirements of the State Motor Vehicle Refinishing regulations in 35 Ill. Adm. Code Parts 218 and 219, Subpart HH. The Illinois EPA proposes to allow the use of paint applicator equipment that has been demonstrated to be equivalent to the currently-required high volume low pressure (“HVLP”) equipment. This flexibility will allow motor vehicle refinishing operations to utilize equipment that may be less costly and more efficient in applying coatings and result in reduced coating usage and lower operating costs. The Illinois EPA is also proposing to repeal the State Motor Vehicle Refinishing regulation registration requirement as registration is currently required under federal regulations affecting such operations.

The proposed revisions are not considered to be controversial and, in fact, are supported by the affected industries. The proposed revisions will repeal redundant or outdated regulations and offer the business owner flexibility in meeting current requirements. Such flexibility could result in a reduction in business operating costs as well as a decrease in emissions. Feedback from outreach conducted by the Illinois Department of Commerce and Economic Opportunity Small Business Environmental Assistance Program (“SBEAP”) and the Illinois EPA has indicated widespread support for the proposed revisions.

As the Statement of Reasons for this proposal thoroughly details the evolution of the above regulations, this document will address the current regulations and the proposed revisions/deletions.

2.0 Gasoline Volatility Regulations

The State of Illinois enacted limits to the summertime volatility of gasoline through regulations at 35 Ill. Adm. Code Section 215.585 for the Illinois ozone attainment area, 218.585 for the Chicago ozone NAA, and 219.585 for the Metro-East St. Louis ozone NAA. These regulations have since been replaced or essentially superseded by federal regulations adopted pursuant to Sections 211(c) (later Sections 211(h)) and 211(k) of the CAA. For this reason, and to relieve an administrative burden in times of regional fuel shortage, the Illinois EPA is proposing that the State regulations be repealed. Below is a discussion of each of the current regulations and the associated federal regulation.

2.1 Statewide Ozone Attainment Area

The 215.585 State gasoline volatility regulation for the ozone attainment area applied only to the year 1991 and limited the Reid vapor pressure (“RVP”) of gasoline sold, offered for sale, dispensed, supplied, offered for supply or transported for use in Illinois between June 1 and September 15 to 9.0 pounds per square inch (“psi”) sold. Ethanol blends containing 9 to 10 percent ethanol by volume were allowed to have an RVP up to 10.0 psi. As described in the Statement of Reasons, pursuant to Section 211(c) of the CAA, the United States Environmental Protection Agency (“USEPA”) adopted gasoline volatility standards which set maximum RVP limits for gasoline sold during the May 1 to September 15 control period. Beginning in 1992, these regulations limited the RVP of gasoline sold in Illinois to 9.0 psi. These regulations also allowed an additional 1.0 psi for ethanol blends containing 9 to 10 volume percent ethanol.

As the Section 215.585 State gasoline volatility regulation was only in force in 1991, and the standards adopted therein are identical to the national RVP standards which apply in the State attainment areas, the Illinois EPA believes that there is no longer any utility in maintaining the State gasoline volatility standard and is proposing that it be repealed.

2.2 Chicago Ozone Nonattainment Area

The State gasoline volatility standards affecting the Chicago ozone NAA are found at 35 Ill Adm. Code 218.585. The Chicago ozone NAA includes Cook, DuPage, Kane, Lake, McHenry and Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County. This regulation limits the RVP of gasoline sold, offered for sale,

dispensed, supplied, offered for supply or transported for use in the Chicago ozone NAA during the May 1 through September 15 control period to 9.0 psi. A 1.0 psi allowance is granted for 9 to 10 volume percent ethanol blends.

Section 211(k) of the CAA requires the use of reformulated gasoline (“RFG”) in the nine ozone NAAs having a 1990 population in excess of 250,000 and having the highest ozone design value during the period 1987 through 1989. The Chicago NAA met this criteria and the use of RFG was required beginning in 1995. As described in the Statement of Reasons, Phase II of the RFG program went into effect in 2000 and requires a 27.4% (averaging) reduction in summertime (May 1 through September 15) VOC emissions from RFG in VOC control region 2 (northern areas), which includes Chicago. Compliance with the RFG standards is measured by inputting specific gasoline characteristic parameters into the “complex model.” The fuel parameters include RVP, oxygen, sulfur, aromatics, olefins, benzene, and the percent of fuel evaporated at 200 and 300 degrees Fahrenheit (E200 and E300, respectively.) The model evaluates the emissions from the RFG blend compared to the 27.4% reduction baseline. Although the RVP of the fuel is an important characteristic in determining the emissions from the fuel blend, the RFG standards do not establish a maximum volatility. Rather a refiner or blender can vary the specific parameters as long as the resultant blend meets the complex model overall emission reduction specification. In general though, the RVP for northern summertime RFG blends is in the range of 6.7 to 7.2 psi, well below the maximum limits established in 218.585. Therefore, the more stringent RFG requirements surpass the State Chicago NAA gasoline volatility regulations and render them obsolete, yet they remain in effect and compliance is still required.

The existence of the Chicago NAA gasoline volatility standards also become an obstacle in times of fuel shortages. In the event of a regional fuel shortage, Section 211(c)(4)(c) of the CAA allows the USEPA, with the concurrence of the Department of Energy, to temporarily waive fuel requirements in order that other fuel can be brought into the area and sold. The USEPA has issued two such emergency fuel waivers since 2005, one due to the impact of Hurricane Katrina, and a second due to damage caused by a severe storm at a Metro-East St. Louis area refinery. In these instances, the USEPA granted a short-term waiver from the RFG regulations, but due to the existence of the State Chicago NAA gasoline volatility standards, the State had to issue a provisional variance to the regulation in order for the USEPA waiver to achieve its intended effect. Repealing the existing Chicago NAA gasoline volatility standards, which are less stringent than the RFG standards, would result in no loss of emissions reduction benefits, and in times of regional fuel shortage, would eliminate the RVP State Implementation Plan (“SIP”) waiver and provisional variance processes, allowing other fuel to be marketed in the affected region in a more efficient manner.

2.3 Metro-East St. Louis Ozone Nonattainment Area

The State gasoline volatility regulation affecting the Metro-East St. Louis ozone NAA is found at 35 Ill Adm. Code 219.585. The Metro-East St. Louis ozone NAA includes Madison, Monroe, St. Clair and Jersey County. As described in the Statement of Reasons, in order to meet the CAA 15% Rate of Progress emissions requirement and to strive for consistency in the fuel required across the St. Louis metropolitan area, the Illinois EPA proposed, and the Illinois

Pollution Control Board adopted, a more stringent gasoline volatility regulation in 1994. This regulation limits the RVP of gasoline sold, offered for sale, dispensed, supplied, offered for supply or transported for use in the Metro-East St. Louis ozone NAA during the May 1 through September 15 control period to 7.2 psi. A 1.0 psi allowance is granted for 9 to 10 volume percent ethanol blends.

In addition to the areas required to market RFG as defined in the CAA, State Governors can petition the USEPA for the inclusion of other NAAs in the RFG program. Accordingly, the State of Illinois “opted-in” to the RFG program for the Metro-East St. Louis ozone NAA in July 2006 with the program becoming effective in July 2007. The required use of VOC control region 1 RFG would achieve additional emissions reductions beyond the Metro-East St. Louis ozone NAA 7.2 psi RVP limit and would harmonize the fuel requirements across the region as Missouri had opted-in the RFG program for the St. Louis portion of the ozone NAA in 1999.

Similar to the situation in Chicago, when regional fuel shortages occurred and the USEPA issued a waiver from the RFG requirements to allow the flow of other fuels into the region, the State had to issue a provisional variance to the Metro-East St. Louis ozone NAA volatility regulation in order for the USEPA waiver to achieve its intended effect. Repealing the existing Metro-East St. Louis ozone NAA gasoline volatility standards, which are less stringent than the RFG standards, would result in no loss of emissions reduction benefits, and in times of regional fuel shortage, would eliminate the RVP SIP waiver and provisional variance processes, allowing other fuel to be marketed in the affected region in a more efficient manner.

2.4 Clean-up Amendments and Update of Technical References

The Illinois EPA proposes clean-up amendments to 35 Ill. Adm. Code Parts 211, 215, 218 and 219 to update references and to be consistent with the proposed repeal of the State Gasoline Volatility Standards. The Illinois EPA proposes to update the reference to ASTM D 323 to its current version, ASTM D 323-08, in Section 211.101, and also in the definitions of Heavy Liquid, Section 211.2870, and RVP, Section 211.5510. In addition, the Illinois EPA proposes to remove the reference to Section 215.105 in the definition of Heavy Liquid, Section 211.2870, because the Illinois EPA has proposed removing ASTM D 323-82 from Part 215 with this proposal.

The Illinois EPA proposes removing the definition of RVP contained in Section 215.104 because this term is only used in Section 215.585, which is proposed to be repealed, and is also defined in 35 Ill. Adm. Code Part 211. The Illinois EPA proposes to remove ASTM D 323-82, ASTM D 4057, ASTM D 4177, and 40 CFR Part 80, Appendices D, E, and F contained in Section 215.105 because these incorporations by reference are only found in Section 215.585, are outdated, and are no longer necessary with a repeal of the State Gasoline Volatility Standards.

Further, the Illinois EPA proposes to remove 40 CFR Part 80 and 40 CFR Part 80, Appendices D, E, and F contained in Sections 218.112 and 219.112 (Incorporations by Reference) because this Part will no longer be necessary with a repeal of Sections 218.585 and 219.585, and the appendices have already been repealed. Also, the Illinois EPA proposes to update the reference to ASTM D-323 in Sections 218.112, 218.128, 219.112, and 219.128 to its current version,

ASTM D-323-08, for measuring vapor pressure.

It is the Illinois EPA's position that the repeal of these State Gasoline Volatility Standards is appropriate at this time in view of the need for consistency between the Board's rules and USEPA regulations. Further, it is the Illinois EPA's position that the repeal of these rules should be accomplished as quickly as possible to avoid another ozone season with conflicting regulatory requirements.

2.5 Impacts of Gasoline Volatility Regulation Proposal

The repeal of the 215.585 ozone attainment area gasoline volatility standards would result in no loss of emissions reductions as it applied only in 1991. The intent of the rule has been fulfilled through the USEPA's volatility standards adopted pursuant to Section 211(c) of the CAA. The repeal of the Chicago and Metro-East St. Louis gasoline volatility standards, Sections 218.585 and 219.585, respectively, would result in no loss of emissions reductions as the current federal RFG standards achieve additional emissions reductions benefits beyond the State standards. The repeal of the Chicago and Metro-East St. Louis ozone NAA gasoline volatility standards would relieve the administrative burden associated with the development and submission of SIP waivers and provisional variances in times of regional fuel shortage when the USEPA has issued waivers to the RFG standards for either area, allowing a more expeditious flow of permitted fuel into the affected areas. The proposed deletions will not result in any increase in costs to entities currently affected by the State regulations.

3.0 Motor Vehicle Refinishing

As thoroughly discussed in the Statement of Reasons, in 1995, the Illinois EPA proposed and the Illinois Pollution Control Board adopted regulations to control volatile organic material (“VOM”) emissions from motor vehicle refinishing operations located in the Chicago and Metro-East St. Louis ozone NAAs at 35 Ill Adm. Code Sections 218.780 – 218.792 and 219.780 – 219.792, respectively. These regulations were developed based on a USEPA Alternative Control Techniques document which recommended technologically feasible and economically reasonable control measures to reduce emissions from such operations. The Illinois EPA’s proposed revisions affect two elements of the motor vehicle refinishing regulation: the equipment specifications and the registration requirements. Each of these is discussed below.

3.1 Motor Vehicle Refinishing Equipment Specifications

One of the controls included in the adopted regulation at 218/219.784(a) was an equipment specification that required the use of either electrostatic spray equipment or HVLP spray equipment. HVLP is defined at 35 Ill Adm. Code Section 211.2990 meaning “equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10 psig [pounds per square inch gauge] air pressure.” Limiting the pressure of the paint spray stream reduced the amount of overspray of paint from the surface being painted, thereby reducing paint usage and VOM emissions. HVLP equipment was considered “state-of-the-art” in minimizing paint usage in the mid-1990s. Since that time, however, paint applicator gun technology has advanced and

equivalent or better transfer efficiency has been demonstrated by spray guns that exceed the 10 psig HVLP upper limit. Acknowledging this, the USEPA's National Emission Standards for Hazardous Air Pollutants ("NESHAP") (40 CFR 63, Subpart HHHHHH) that affects surface coating of motor vehicles includes HVLP spray guns among those guns permitted for such coating, but also allows the use of an equivalent technology demonstrated to be equal in transfer efficiency to HVLP. The USEPA's Office of Air Quality Planning and Standards reviews technical spray gun testing documentation provided by spray gun manufacturers and, when appropriate, issues official determinations that the subject spray guns "are capable of achieving equivalent or better transfer efficiency than the HVLP spray equipment." As such, these guns are approved for the application of coatings subject to the NESHAP. A copy of a USEPA letter making a finding of HVLP equivalence is included as Attachment A. The NESHAP requires that shops maintain documentation from each spray gun manufacturer for each model of spray gun that does not meet the definition of an HVLP spray gun, electrostatic spray gun, airless spray gun, or air-assisted airless spray gun but that demonstrates the subject spray gun achieves a transfer efficiency equal to one of the other allowed types of guns. The proposed State motor vehicle refinishing rule revision includes the same equivalency documentation requirement. The Agency understands that there are at least 12 non-HVLP spray guns produced by several different manufacturers that have been determined by the USEPA to be HVLP equivalent. A table identifying USEPA-approved HVLP-equivalent spray guns is included as Attachment B. Therefore, in order to provide the flexibility for auto refinishing operations to use such equivalent equipment, the Agency is proposing the following underscored revision to the Section 218/219.784(a) equipment specifications:

Section 218.784 Equipment Specifications

Every owner or operator of a motor vehicle refinishing operation, unless the source uses less than 20 gallons of coating per calendar year from all motor vehicle refinishing operations combined, shall:

- a) Coat motor vehicles, mobile equipment, or their parts and components using one of the following coating applicators:
 - 1) Electrostatic spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications; or
 - 2) High Volume Low Pressure (HVLP) spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications; or and
 - 3) An equivalent coating applicator technology that is demonstrated by the manufacturer to achieve transfer efficiency comparable to the HVLP spray equipment technology listed in subsection (a)(2) of this Section for a comparable operation, and for which written approval has been obtained from the USEPA. The owner or operator must maintain documentation of the USEPA's approval at the motor vehicle refinishing operation; and

The Illinois EPA believes that the Board's adoption of the proposed equipment specification revision would allow motor vehicle refinishing operations to choose to use more efficient equipment that achieve the same or better emissions controls and reduce costs. This proposed rule revision does not impose any additional requirements on motor vehicle refinishing operations choosing to continue using the currently required electrostatic or HVLP spray guns. If shop owners choose to use HVLP-equivalent spray guns they must maintain documentation from the spray gun manufacturer of USEPA's approval of such gun(s) being determined equivalent. The NESHAP contains this same requirement. The Agency believes that the cost to maintain such records is negligible.

3.2 Motor Vehicle Refinishing Registration Requirement

The second element of the proposed revision to the Chicago and Metro-East St. Louis ozone NAA motor vehicle refinishing regulations deals with the repeal of the registration requirement found at 35 Ill. Adm. Code 218/219.792. The registration requirements include providing source contact information, descriptions of coating operations, and certain certifications. The USEPA NESHAP also contains a registration requirement which includes an annual notification of changes, and also contains recordkeeping requirements. Copies of both the current Illinois EPA “Motor Vehicle Refinishing Operations Registration Form” adopted for compliance with the State regulations and the SBEAP “Motor Vehicle Refinishing Initial Notification/Compliance Certification/Notification of Changes & Illinois EPA Motor Vehicle Refinishing Registration” form are included in Attachment C. The SBEAP form is used to certify compliance with both the State regulation and the NESHAP. These registration notifications are submitted to the Illinois EPA because it has been delegated authority to implement and enforce this NESHAP. This NESHAP targets the same sources that the State motor vehicle refinishing rules affect and the SBEAP form includes all the information requested by the State form as well as additional information specific to the NESHAP requirements. Based on these redundant registration requirements, the Illinois EPA is proposing that the State 218/219.792 registration requirements be deleted. Deletion of these requirements would slightly ease the compliance burden on regulated entities while still providing the Illinois EPA all needed facility information.

4.0 Affected Sources

The sources affected by the proposed deletion of the three Illinois gasoline volatility regulations include: petroleum refiners, importers, marketers, distributors, and carriers; gasoline retailers;

and gasoline wholesale purchaser-consumers. Listings of Illinois gas stations, gasoline bulk plants and terminals are included in this rulemaking proposal.

However, as the Illinois regulations have been replaced or essentially been superseded by federal regulations, no additional compliance burden would be imposed on any of these entities due to the Illinois Pollution Control Board adoption of the proposed repeals and revisions. In fact, by no longer needing to seek a fuel waiver and provisional variance from the State in times of regional fuel shortage, the Illinois EPA believes that their administrative burden will be slightly relieved. As discussed, the Chicago and Metro-East ozone NAAs and affected sources will not be negatively impacted by the repeal of Sections 218.585 and 219.585 because gasoline with an RVP of 9.0 is no longer produced for the Chicago ozone NAA during the summer ozone season and gasoline with an RVP of 7.2 psi is no longer in production for the Metro-East St. Louis ozone NAA. Further, RFG is currently the required standard and is widely available for production, distribution, sale, and consumption. However, the Gasoline Volatility Standards for the Chicago and Metro-East St. Louis ozone NAAs are still required standards and compliance with them is still technically required.

The proposed revisions to the 35 Ill. Adm. Code Parts 218 and 219, Subpart HH (Motor Vehicle Refinishing) regulations affect owners and operators of new and existing sources in the Chicago and Metro-East St. Louis ozone NAA that engage in “motor vehicle refinishing” as defined by 35 Ill. Adm. Code 211.3965 and meet the applicability criteria specified in 35 Ill. Adm. Code Parts 218 and 219, Subpart HH. The Illinois EPA has included a list of affected motor vehicle refinishing operations in this rulemaking proposal.

5.0 Technical Feasibility and Economic Reasonableness

The proposed revisions to the State gasoline volatility and motor vehicle refinishing regulations impose no new requirements on affected parties. The proposed revisions to the State attainment area gasoline volatility standards (215.585) delete an expired and duplicative regulation. The proposed deletions of the Chicago ozone NAA (218.585) and Metro-East St. Louis ozone NAA (219.585) gasoline volatility standards remove requirements that have essentially been superseded by the provisions of the more stringent federal RFG program. Gasoline meeting the federal RFG requirements has been required in the Chicago ozone NAA since 1995 and in the Metro-East St. Louis ozone NAA since July 2007. The discussed repeal of the regulations will also reduce the administrative burden of seeking fuel waivers and provisional variances during times of regional fuel shortages. As the proposed revisions reduce impacts on affected sources, the Illinois EPA believes that there is no issue of technical feasibility or economic reasonableness.

With respect to the Motor Vehicle Refinishing portion of this rulemaking, the Illinois EPA is proposing to allow the use of an HVLP-equivalent spray gun as an alternative compliance option and proposing to repeal the corresponding registration program due to overlapping federal registration requirements. Regarding the equipment specifications, the USEPA NESHAP allows the use of HVLP-equivalent paint spray guns. The USEPA has approved the use of twelve such HVLP-equivalent spray gun models, listed in Attachment B, demonstrating that they are

technically feasible and readily available. The Illinois EPA understands the HVLP-equivalent spray guns can be less expensive than the currently required HVLP guns. Therefore, allowing the use of HVLP-equivalent guns would provide a direct economic benefit to affected sources purchasing such equipment. Even if the HVLP-equivalent guns were the same price or more expensive, an indirect economic benefit could be afforded sources wishing to purchase such guns due to their increased paint transfer efficiency. Therefore, allowing the use of HVLP-equivalent spray guns is economically reasonable.

Regarding the proposed deletion of the State motor vehicle refinishing facility registration requirement, since the USEPA NESHAP includes a registration provision requesting similar and additional information, deletion of the State requirement would remove a duplicative regulation. Such action would decrease the administrative burden on such sources while still providing the Illinois EPA all necessary information. Therefore, the Illinois EPA believes that decreasing such administrative burden is technically feasible and economically reasonable.

In summary, the proposed revisions are intended to repeal expired or duplicative regulations and allow the use of equipment which is equivalent to current specifications, but that may be less expensive or provide even better efficiency. The proposed revisions do not require the purchase, installation, or operation of any emissions control equipment or any operational practices other than the maintenance of documents already required by the NESHAP. Therefore, the Illinois EPA believes that the proposed rule revisions are technically feasible and economically reasonable.

6.0 Conclusion

The Illinois EPA is requesting the Illinois Pollution Control Board to repeal the State ozone attainment area Gasoline Volatility Standards at 35 Ill. Adm. Code Section 215.585 as it is no longer in force and has been superseded by Federal gasoline volatility standards. In addition, the Illinois EPA proposes a repeal of the Chicago and Metro-East St. Louis ozone NAA Gasoline Volatility Standards at 35 Ill. Adm. Code Sections 218.585 and 219.585 as these regulations have essentially been superseded by the applicability of the federal RFG program in those areas. Further, the Illinois EPA proposes clean-up amendments to 35 Ill. Adm. Code Parts 211, 215, 218 and 219 to make necessary updates and to be consistent with the repeal of the State Gasoline Volatility Standards. Finally, the Illinois EPA proposes amendments to the Subpart HH Motor Vehicle Refinishing Equipment Specifications at 35 Ill. Adm. Code Sections 218.784 and 219.784 to allow for the use of HVLP-equivalent spray guns in motor vehicle refinishing operations, and proposes a repeal of the registration program at 35 Ill. Adm. Code Sections 218.792 and 219.792 due to overlapping federal registration requirements.

Adoption of this proposal will reduce the administrative burden on businesses involved in gasoline marketing and motor vehicle refinishing. It will also allow motor vehicle refinishing shops to utilize less expensive and/or more efficient paint applicator guns, thereby reducing costs and possible emissions. Through feedback during outreach conducted by the Illinois EPA and the SBEAP with the affected industries, affected sources are in favor of the proposed changes. For these reasons, the Illinois EPA hereby submits this regulatory proposal and respectfully requests that the Board amend Parts 211, 215, 218 and 219 for the State of Illinois.

Attachment A

Example USEPA letter certifying HVLP equivalent spray gun



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

Mr. Marvin Burns
Senior Project Engineer
DeVilbiss Automotive Refinishing
11360 South Airfield Road
Swanton, Ohio 43558

JUL 20 2011

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

Dear Mr. Burns:

This letter is in response to your May 4, 2011, request for approval of the DeVilbiss TEKNA Pro and TEKNA Pro Lite spray guns, hereinafter referred to as the DeVilbiss spray guns, as equivalent to the transfer efficiency achieved by high-volume, low-pressure (HVLP) spray guns for use when spray applying automotive refinish coatings under subpart HHHHHH of 40 CFR Part 63.

We have completed our review of your reports entitled:

- Final Report; Evaluation of the DeVilbiss Tekna Pro (and Tekna Pro Lite) for use as equivalent technology to HVLP, as defined in 40 CFR 63.11173(e);
- Standard Test Protocol For Demonstrating Equivalency of DeVilbiss Non-HVLP Gravity Feed Spray Guns For EPA approval per 40 CFR 63.11173(e);
- Supplement to the DeVilbiss Automotive Refinishing “Standard Test Protocol for Demonstrating Equivalency of DeVilbiss Non-HVLP Gravity Feed Spray Guns For EPA approval per 40 CFR 63.11173(e),” dated 2/8/11;

The results of the transfer efficiency testing performed indicate that the DeVilbiss spray guns are capable of achieving equivalent or better transfer efficiency than the HVLP spray equipment. As a result, the DeVilbiss spray guns are approved for use in operations subject to §63.11173(e)(3) of 40 CFR part 63 subpart HHHHHH, Paint Stripping and Miscellaneous Surface Coating Operations. This approval is subject to the following conditions.

1. DeVilbiss Automotive Refinishing shall supply written notification with each DeVilbiss spray gun sold or distributed that the spray gun is approved as providing equivalent transfer efficiency as HVLP spray guns for the application of coatings subject to 40 CFR Part 63 Subpart HHHHHH
2. This approval is only valid for the DeVilbiss spray guns if the air pressure supplied is equal to or less than that stated for each spray gun below:

TEKNA Pro spray gun with TE10 air cap	35 psig
TEKNA ProLite spray gun with TE10 air cap	35 psig
TEKNA Pro spray gun with TE20 air cap	26 psig
TEKNA ProLite spray gun with TE20 air cap	26 psig

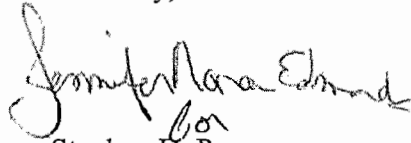
Additionally, DeVilbiss Automotive Refinishing shall supply written notification with each DeVilbiss spray gun sold or distributed that the maximum air pressure supplied to the spray gun shall not exceed the values stated above for each spray gun for the application of coatings subject to 40 CFR part 63 subpart HHHHHH.

3. DeVilbiss Automotive Refinishing shall supply an appropriate pressure gauge to allow precise measurement of the inlet air pressure, reflecting the maximum air pressure for the specific gun, with each DeVilbiss spray gun sold or distributed for the application of coatings subject to 40 CFR part 63 subpart HHHHHH. DeVilbiss Automotive Refinishing shall supply written notification with each DeVilbiss spray gun sold or distributed that the pressure gauge shall be attached to the spray gun and be in good working condition whenever the spray gun is in operation for the application of coatings subject to 40 CFR part 63 subpart HHHHHH.

4. This approval is only valid if during actual operation the DeVilbiss spray gun is equipped with a properly operating pressure gauge as described in condition number 3 and operated at or below the operating pressures as listed in condition number 2.

If you have any questions regarding this approval, please contact Kim Teal, of my staff, at (919) 541-5580 or teal.kim@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen D. Page". The signature is written in a cursive style with a large initial "S".

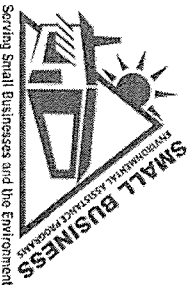
Stephen D. Page

Director

Office of Air Quality Planning
and Standards

Attachment B

Table identifying USEPA-approved HVLP and HVLP-equivalent spray guns



HVLP AND EQUIVALENT GUNS LIST

Approved by California and other states and accepted by USEPA for 40 CFR 63 Subpart HHHHHH

Spring 2010

Below is a list of approved HVLP (high volume low pressure) and HVLP -equivalent guns are listed on the second page that can be used in addition to traditional HVLP guns to satisfy requirements under the area source National Emission Standard for Hazardous Air Pollutants found in 40 CFR 63 Subpart HHHHHH for Paint Stripping and Miscellaneous Surface Coating Operations. For more information on these approvals, please check California Approvals page <http://www.agmd.gov/permit/spraytransferefficiency.html>

CA Technology (CAT)	DeVilbiss (continued)	Graco	Others
<ol style="list-style-type: none"> 1. Cougar A-A HVLP 2. Jaguar Low-air (4-6 CFM) HVLP 3. Lynx Low-air (6-8 CFM) HVLP 4. Techline HVLP 	<ol style="list-style-type: none"> 9. Finishline FLG-648 10. Finishline FLG-654 11. GTI-620G 12. GTI-520P-11 13. GTI-546P-14 14. GTI-620S 15. GTI (802172) 16. M1-G (6924-0000-0) 17. MACH 1 (6202-1202-8) 18. PRI-612G 19. SRI-630G-10 20. SRI-631G-10 21. SRIPRO-635G-10 22. Startingleine (802342) 23. Startingleine (802343) 24. Startingleine (802405) 25. Startingleine (802789) 26. Startingleine (803067) 27. TEKNA (703063) 28. TEKNA (703064) 29. TEKNA (703086) 30. TEKNA (703087) 	<ol style="list-style-type: none"> 1. 3800 PROCOMP HVLP 2. 4900 PROCOMP HVLP 3. 4900 HVLP 4. Finish Pro HVLP 7.0 5. Finish Pro HVLP 9.0 6. Finish Pro HVLP 9.5 7. Graco Edge HVLP 8. M-1265 HVLP 	<ol style="list-style-type: none"> 1. 3M Accuspray 10 Turbine or Compressor HVLP 2. Accuspray 10G series HVLP 3. Apollo True HVLP 4. Astro Pneumatic HVLP 5. Astro Quantum QUL HVLP 6. Asturo WB HVLP 7. Campbell Hausfeld DH7900 or DH790000AV HVLP 8. Campbell Hausfeld PH811000AV HVLP 9. Capspray Maxum II HVLP 10. Fuji GX-T2, Q3 and Q4 Turbine HVLPs 11. Krenlin Airmix MVX & MVXtra 12. Krenlin M22HTI HVLP 13. Krenlin M22 P HTV 14. Krenlin S3 HTI 15. Nordson Maverick HVLP 16. Optima Motorguard 500i HVLP 17. Optima Motorguard Pressure HVLP 18. SATA jet3000 HVLP 19. Titan Products HVLP
<p>Binks</p> <ol style="list-style-type: none"> 1. Spray Vantage Pro HVLP 2. SV100 HVLP 		<p>Sharpe</p> <ol style="list-style-type: none"> 1. 998HVLP 2. 3013 HVLP 3. Finex Pro 3000 HVLP 4. FX100 and FX300 HVLP 5. LW Cobalt 6. Platinum HVLP 7. T1-Titanium HVLP 8. Topcoat and Primer HVLP 	
<p>DeVilbiss</p> <ol style="list-style-type: none"> 1. Blue Compact HVLP 2. EXL HVLP 3. JGA HVLP 4. JGHV-520 5. MSHTE HVLP 6. VTX HVLP 7. CVI 501-510-10 8. Finishline FLG-647-WB 			

Please note that if you USE MORE THAN 20 GALLONS of coating AND are located in the Chicago nonattainment area of Cook, DuPage, Kane, Lake, McHenry and Will Counties and Aux Sable Township and Goose Lake Township in Grundy County and Oswego Township in Kendall County or the Metro-East nonattainment area of Madison, Monroe or St. Clair counties, you MUST USE HVLP or ELECTROSTATIC SPRAY GUNS ONLY. HVLP-Equivalent guns are not approved by state regulations under 35 Ill. Adm. Code 218.784 and 219.784.

DISCLAIMER: This list is based on the best information currently available. The list will be updated as time allows but the reader should understand that the list may not be complete or current. It is the reader's responsibility to obtain current documentation of claims and requirements from the manufacturer/supplier and appropriate governments. For approval of an HVLP equivalent gun not listed for compliance with 40 CFR 63 Subpart HHHHHH, please contact USEPA – Region V.	HVLPE-EQUIVALENT GUN TYPE	California VOC and USEPA HHHHHH NESHAP	KEY Operating Requirements - Click on "X" to see approval letters for details of operating requirements.
	SATAjet 3000 B RP/SATAjet 3000 RP (digital and non-digital; "B" indicates gravity-feed)	X	≤35 psi inlet pressure; psi limit label on gun; inlet gauge must be supplied and in use
	ITW DeVilbiss GFG-670 Plus	X	≤40 psi inlet pressure; psi limit label on gun; inlet gauge and control valve must be supplied and in use
	ANEST IWATA W400-LV	X	≤20 psi inlet pressure; psi limit label on gun; inlet gauge must be supplied and in use
	DeVilbiss CVI High Efficiency	X	≤26 psi inlet pressure; psi limit label on gun; inlet gauge must be supplied and in use
	DeVilbiss GTI Pro High Efficiency	X	≤26 psi inlet pressure; psi limit label on gun; inlet gauge must be supplied and in use
	DeVilbiss ITW Tekna High Efficiency	X	≤22 psi inlet pressure; psi limit label on gun; inlet gauge must be supplied and in use
	Graco/3M Compliant	X	≤29 psi inlet pressure; psi limit label on gun; inlet gauge and control valve must be supplied and in use
	SATAjet RP & RP Digital 2	X	≤35 psi inlet; psi limit label on gun; inlet gauge must be supplied and in use
	TEKNA Pro with TE10 air cap ≤35 psig		Approved by USEPA Region V on July 20, 2011
	TEKNA ProLite with TE10 air cap ≤35 psig		Approved by USEPA Region V on July 20, 2011
	TEKNA Pro with TE20 air cap ≤26 psig		Approved by USEPA Region V on July 20, 2011
	TEKNA ProLite with TE20 air cap ≤26 psig		Approved by USEPA Region V on July 20, 2011

Attachment C

Illinois Environmental Protection Agency's

and

Illinois Small Business Environmental Assistance Program's

Motor Vehicle Refinishing Operations Registration Forms



For IEPA use only

Motor Vehicle Refinishing Operations Registration Form

Company Name: _____

Owner/operator: _____

Shop Address: _____

City: _____ State: _____ Zip Code: _____

County: _____

Shop Phone Number: (_____) _____

Please circle "Yes" or "No" to each of the following questions.

The Subpart HH of 35 Illinois Administrative Code 218.780-218.792 and 219.780-219.792 requires that all fresh and used solvent, solvent-laden cloths and paper, waste paint, and sludge are stored in closed containers in order to reduce emissions.

1. Yes No Will all such materials be stored in closed containers?

The regulations require all sources that use over 20 gallons of coatings per year to: (1) use either electrostatic or high volume low pressure (HVLP) spray equipment; AND (2) clean all coating applicator guns with a device that recirculates solvents during cleaning, collects used solvent, and minimizes solvent evaporation.

2. Estimated number of gallons of coatings and solvents used annually? _____

3. Yes No Will all of your coating applicator equipment (spray guns) either be of electrostatic or high volume low pressure (HVLP) type? If not, describe the type: _____

4. Yes No Will the coating applicator guns be cleaned with equipment that recirculates and collects solvents as described above?

The above information is correct and accurate to the best of my knowledge.

Signature

Title

Printed Name

Date

Please return this form to:

Motor Vehicle Refinishing Program
Division of Mobile Source Programs #6
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, IL 62794-9276

If you have any questions, please call Jerry Clark at 217-557-1441.

Pursuant to 415 I.L.C.S. 5/4 (1992), the Agency is authorized to obtain this and any other information as may be required to carry out the purposes of the Illinois Environmental Protection Act. The failure to provide such information may result in the imposition of civil penalties, criminal fines or imprisonment for up to one year. This form has been approved by the Form Management Center.



Motor Vehicle Refinishing Initial Notification/ Compliance Certification/Notification of Changes & Illinois EPA Motor Vehicle Refinishing Registration

Instructions on page 5

Applicable Regulations:

National Emission Standards for Hazardous Air Pollutants (NESHAP)

Paint Stripping and Misc. Surface Coating Operations 40 CFR Part 63, Subpart HHHHHH

Subpart HH of 35 Illinois Administrative Code 218.780-218.792 and 219.780-219.792 ORGANIC MATERIAL EMISSION STANDARDS for Motor Vehicle Refinishing

Please review the attached instructions before completing this form. Please print or type all information.

Identify the Type of Notification Being Made (check all that apply)

- Initial Notification
- Compliance Certification (check if facility is already in compliance with all new requirements, see Part C below)
- Annual Notification of Changes (complete if changes in ownership, equipment, or location and/or see Part D below)
- Illinois EPA Motor Vehicle Refinishing Registration (Check ONLY for those motor vehicle refinishing facilities that are located in the following counties: McHenry, Lake, DuPage, Kane, Cook, Kendall (Oswego Township only), Grundy (Goose Lake and Aux Sable Townships only), Will, Madison, Monroe and St. Clair) *Subpart HH of 35 Illinois Administrative Code 218.780-218.792 and 219.780-219.792 ORGANIC MATERIAL EMISSION STANDARDS for Motor Vehicle Refinishing*

Mail 1 copy to each if Initial Notification/Compliance Certification/Notification of Changes Form (if Motor Vehicle Refinishing Registration Only mail one copy to Springfield):

Illinois Environmental Protection Agency
Bureau of Air, Compliance Section MC 40
1021 N. Grand Ave East
P.O. Box 19276
Springfield, IL 62794

USEPA Region 5
Air Enforcement & Compliance Assurance Branch AE-17J
77 West Jackson Blvd
Chicago, IL 60604

Air Operating Permit No. (if available): _____ Air Quality Facility ID No. (if available): _____

Part A - General Information

A.1 Company Information

Business Name: _____

Street Address (physical location): _____

City, State, Zip: _____

A.2 Owner Information

Name: _____ Title: _____

Mailing Address: _____

City, State, Zip: _____

Telephone: _____ E-mail (if available): _____

A.3 Operator Information

Is the Operator the same as the Owner? Yes No

If Operator information is different, please provide the following:

Name: _____ Title: _____

Mailing Address: _____

City, State, Zip: _____

Telephone: _____ E-mail (if available): _____

A.4 Certifying Official Information

Is the certifying company official the same as the Owner or Operator? Yes No

If certifying official information is different, please provide the following:

Name: _____ Title: _____

Mailing Address: _____

City, State, Zip: _____

Telephone: _____ E-mail (if available): _____

A.5 Records Location Information

Is the source a motor vehicle or mobile equipment surface coating operation that repairs vehicles at the customer's location, rather than at a fixed location? Yes No

If yes, please provide the address where records demonstrating compliance are kept:

Mailing address: _____

City, State, Zip: _____

Part B - Initial Notification

B.1 Identification of Regulatory Standard

I am subject to 40 CFR Part 63 Subpart HHHHHH, National Emissions Standards for Hazardous Air Pollutants for Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources Yes No *(You must check this box.)*

B.2 New or Existing Source

Please check whether the area source is a new or existing source.

- New Source Startup after 9/17/2007
- Existing Source Startup on or before 9/17/2007

B.3 Paint Stripping Operations

Do you use paint strippers containing methylene chloride? Yes No *If you answer "No," go to B.4.*

Methods of paint stripping employed (check all that apply):

- Chemical
- Mechanical
- Other (please describe): _____

Substrates stripped (check all that apply)

- Wood
- Metal
- Plastic
- Other (please describe): _____

Do you/will you use more than one (1) ton of methylene chloride annually? Yes No
(1 ton equals approximately 150 gallons of methylene chloride)

B.4 Surface Coating Operations

Do you surface coat motor vehicles or mobile equipment? Yes No

Do you surface coat non-automotive plastic and/or metal parts with paints containing cadmium, chromium, lead, manganese, or nickel? Yes No

Enter number of each		
Spray booths	Prep stations	Painters

Are you located in McHenry, Lake, DuPage, Kane, Cook, Kendall (Oswego Township only), Grundy (Goose Lake and Aux Sable Townships only), Will, Madison, Monroe and St. Clair counties? Yes No (If NO skip to C.1)

What is the total estimated number of gallons of coatings and solvents used annually? _____ (if less than 20 gallons annually skip to C.1)

Are all fresh and used solvent, solvent-laden cloths and paper, waste paint, and sludge stored in closed containers in order to reduce emissions? Yes No

Are all coating applicator guns cleaned with a device that recirculates solvents during cleaning, collects used solvent, and minimizes solvent evaporation? Yes No

Are electrostatic or high volume low pressure (HVLV) spray systems used to apply coatings? Yes No

Part C - Compliance Certification

C.1 Compliance Certification for Methylene Chloride Paint Stripping

Do you use paint strippers containing methylene chloride? Yes No *If you answer "No," go to C.2.*

If you use paint strippers containing methylene chloride, you must meet the following requirements:

- Evaluate each application to ensure there is a need for paint stripping.
- Evaluate each methylene chloride paint stripping operation to ensure there is no alternative technology that can be used.
- Reduce exposure of paint strippers containing methylene chloride to the air.
- Optimize application conditions to reduce evaporation.
- Practice proper storage and disposal of paint strippers.

If you use more than one (1) ton of methylene chloride annually, you must do the following:

- Implement the requirements above.
- Maintain records on site at all times of annual usage of paint strippers containing methylene chloride.
- Develop and implement a written methylene chloride minimization plan. The plan must be kept on site.
- Post a placard or sign outlining the methylene chloride minimization plan in each area where the paint stripping occurs.

Please check one:

- The source is currently in compliance with each of the above requirements.
- The source will be in compliance with the above requirements by the compliance date (see below).
- The source is currently not in compliance with the above requirements.

Source Type	Compliance Date
New Source (startup after 1/9/2008)	Date of startup
New Source (startup after 9/17/2007 but on or before 1/9/2008)	1/9/2008
Existing Source (startup on or before 9/17/2007)	1/10/2011

C.2 Compliance Certification for Surface Coating

Do you surface coat motor vehicles or mobile equipment, or do you surface coat plastic and/or metal parts with paints containing cadmium, chromium, lead, manganese, or nickel? Yes No

If you surface coat motor vehicles or mobile equipment you must meet the following requirements or petition the United States Environmental Protection Agency (EPA) Administrator to exempt the operation from the surface coating regulatory requirements by demonstrating that the spray-applied coatings used by the facility do not contain the target hazardous air pollutants (HAP) above (paint stripping requirements still apply):

- All spray equipment operators are to be trained in proper application of surface coatings.
- All spray-applied coatings are to be applied with high volume low pressure (HVLV) spray guns or equivalent technology.
- All spray guns must be cleaned using non-atomizing methods.
- Spray-applied coatings are to be applied in a prep station or spray booth that has:
 - Negative pressure ventilation
 - 98 percent efficient filters
 - A full roof and three to four side walls depending on what will be painted
- Records demonstrating compliance must be kept on site.

Please check one:

- The source is currently in compliance with each of the above requirements.
- The source will be in compliance with the above requirements by the compliance date (see below).
- The source is currently not in compliance with the above requirements.
- The source will petition out of the surface coating portion of the rule prior to the compliance date by demonstrating that the spray-applied coatings used by the facility do not contain cadmium, chromium, lead, manganese, or nickel (paint stripping requirements still apply).

Source Type	Compliance Date
New Source (startup after 1/9/2008)	Date of startup
New Source (startup after 9/17/2007 but on or before 1/9/2008)	1/9/2008
Existing Source (startup on or before 9/17/2007)	1/10/2011

Part D - Notification of Changes in Compliance (Complete if new source indicating non-compliance with appropriate compliance dates above or if changes have occurred from previously filed initial notification or compliance certification)

If you have indicated that your source is not currently in compliance or if you are reporting a change from the previous calendar year, please provide an explanation of the non-compliance or changes. Describe any corrective actions being taken to achieve compliance (attach a separate sheet if necessary).

If you have not had a change in compliance status, go to Part E.

Part E - Compliance Verification Statement

I certify the truth, accuracy, and completeness of the information being submitted. The source has complied with all the relevant standards of 40 CFR Part 63, Subpart HHHHHH.

Name (print): _____ Title: _____

Signature: _____ Date: _____

Owner Operator Certifying official

The Illinois EPA is authorized to require, and you shall disclose, the information requested on this form pursuant to the Illinois Environmental Protection Act (Act), 415 ILCS 5/9. This information shall be provided using this form or by alternative means at your discretion. Failure to disclose the requisite information may result in your application being denied, and/or penalties being imposed as provided for in the Act, 415 ILCS 5/42-45.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Instructions

Instructions for Motor Vehicle Refinishing Initial Notification/ Compliance Certification/ Notification of Changes & Illinois EPA Motor Vehicle Refinishing Registration

Additional information regarding these requirements including the regulations in their entirety can be found at: www.ienconnect.com/enviro

1. Who Must Complete This Form?

On January 9, 2008, the U.S. Environmental Protection Agency (EPA) issued a rule addressing hazardous air pollutant (HAP) emissions at area source facilities conducting paint stripping and miscellaneous surface coating activities. The rule (40 CFR Part 63, Subpart HHHHHH) regulates facilities conducting the following activities:

- Paint stripping operations that use materials containing methylene chloride,
- Spray application of coatings to motor vehicle and mobile equipment, including mobile repair operations, and
- Spray application of coatings to plastic and/or metal parts and products, if the coatings used contain one or more of the target HAPs (chromium, lead, manganese, nickel, or cadmium).

Specific operations and activities exempted from the regulation are described in Section 6 below.

If the auto refinisher conducts any one of the operations listed above and does not meet the exemption criteria in Section 6, this form must be completed and submitted to USEPA and the Illinois Environmental Protection Agency at the addresses listed in Section 4, unless the facility has filed a petition of exemption with USEPA and been granted exemption from the surface coating portion of the rule and does not perform paint stripping using methylene chloride. .

In addition, Illinois motor vehicle refinishers located in the following counties: McHenry, Lake, DuPage, Kane, Cook, Kendall (Oswego Township only), Grundy (Goose Lake and Aux Sable Townships only), Will, Madison, Monroe and St. Clair must also comply with State of Illinois requirements under Subpart HH of 35 Illinois Administrative Code 218.780-218.792 and 219.780-219.792 and must file this form to satisfy registration requirements if they have not already registered with the Illinois Environmental Protection Agency. Facilities cannot petition for exemption from Subpart HH of 35 Illinois Administrative Code 218.780-218.792 and 219.780-219.792 ORGANIC MATERIAL EMISSION STANDARDS for Motor Vehicle Refinishing .

This form should also be submitted to notify the agencies of any changes in ownership, location, equipment, or compliance status.

2. What Parts of the Form Must Be Completed?

This form is a combined form that can be used to satisfy the following four requirements:

- Initial Notification
- Compliance Certification
- Annual Notification of Changes
- Illinois EPA Motor Vehicle Refinishers Registration

Part A is the general information portion of the reporting forms and must be completed for all submittals.

Part B contains the required information to submit the Initial Notification and Illinois EPA Motor Vehicle Refinishers Registration.

Part C contains the required information to submit the Compliance Certification.

New area sources must submit both the Initial Notification and the Compliance Certification by the compliance date specified in Section 3 below, provided they are in compliance with the regulation. Existing area sources must submit the Initial Notification by the specified compliance date, and can submit the Compliance Certification at the later date specified in Section 3. If an existing source is in full compliance with the regulation when the Initial Notification is submitted, the Compliance Certification can be submitted at the same time. "New Source" and "Existing source" are defined in Section 5 below.

Part D should be filled out for the Annual Notification of Changes. You are only required to submit the annual notification of changes report on or before March 1 of each calendar year **if**:

- Initial Notification or Compliance Certification forms previously submitted contain information that has changed in the previous calendar year, **or**
- Deviations from the regulatory requirements occurred during the previous calendar year.

Note: Use of more than one (1) ton methylene chloride (1 ton equals approximately 150 gallons of methylene chloride) in a calendar year when you have declared on a previous Initial Notification form that less than one ton per year would be used is considered a change. If you use more than one ton methylene chloride in a calendar year, you are required to develop and implement a written Methylene Chloride Minimization Plan as described in §63.11173 (b),

and must achieve compliance with this requirement by December 31 of the year in which the Annual Notification of Changes report was submitted.

If you are using this form to satisfy the Annual Notification of Changes reporting requirement, you must complete the following parts:

- ✓ Part A
- ✓ Updated items in Parts B and C, as necessary
- ✓ Part D
- ✓ Part E

Part E requires a certifying official to attest to the truth, accuracy, and completeness of the information being submitted, and must be completed for all submittals.

3. When Must This Form Be Submitted?

The following table details when compliance must be achieved (Compliance Date) and when notifications must be submitted (Initial Notification Date and Certification of Compliance Date).

Notification and Compliance Dates			
Source Type	Initial Notification Date	Compliance Date	Certification of Compliance Date
New Source	Must submit Initial Notification within 180 days after start up or by July 7, 2008 (whichever date is later)	Must be in compliance with regulation upon startup	Must submit Compliance Certification simultaneously with the Initial Notification (this form shall serve as both)
Existing Source	Must submit Initial Notification no later than January 11, 2010	Must be in compliance with regulation no later than January 11, 2011	Must submit Compliance Certification no later than March 11, 2011

4. Where Do I Send The Completed Form?

Please *make a copy of the completed form for your records*, and submit an original signed copy to the USEPA Region 5 Office and Illinois EPA at the following addresses:

**Illinois Environmental Protection Agency
Bureau of Air, Compliance Section MC 40
1021 N. Grand Ave East
P.O. Box 19276
Springfield, IL 62794**

**USEPA Region 5
Air Enforcement & Compliance Assurance Branch AE-17J
77 West Jackson Blvd
Chicago, IL 60604**

Note: Facilities who have been granted exemption from the surface coating portion of the rule by USEPA who do not perform paint stripping using methylene chloride may submit one copy of the form to the Illinois EPA ONLY to satisfy registration requirements under Subpart HH of 35 Illinois Administrative Code 218.780-218.792 and 219.780-219.792

5. Definitions

- **Area source** – any stationary source of hazardous air pollutants (HAP) that is not a major source of HAPs.
- **Existing source** – an area source that was engaged in surface coating and/or paint stripping on or before September 17, 2007 **or** the source began the installation of the surface coating and/or paint stripping equipment on or before this date.
- **Major source** – any stationary source or group of stationary sources located within a contiguous area and under common control that emits, or has the potential to emit, considering controls, 10 tons or more per year of any single HAP, or 25 tons or more per year of any combination of HAPs.
- **NESHAP** – National Emission Standards for Hazardous Air Pollutants.
- **New source** – an area source where initial startup of the surface coating and/or paint stripping operation occurred after September 17, 2007.
- **Paint stripping operations** – those operations that perform paint stripping using methylene chloride for the removal of dried paint (including but not limited to paint, enamel, varnish, shellac, and lacquer) from wood, metal, plastic, and other substrates at area sources where paint stripping is either the principal activity or an incidental activity.
- **Surface coating of miscellaneous metal and/or plastic parts** – those operations at area sources that involve spray application of coatings that contain the target HAP compounds to non-automotive parts or products made of metal and/or plastic.
- **Surface coating of motor vehicles and mobile equipment** – those operations at area sources that involve spray application of coatings to automobiles, light trucks, heavy duty trucks, buses, construction equipment, self-propelled vehicles, and equipment that may be drawn and/or driven on a roadway.
- **Target Hazardous Air Pollutants (HAP)** – compounds of chromium (Cr), lead (Pb), manganese (Mn), nickel (Ni), or cadmium (Cd).

6. Who Is Exempt from the Regulation?

The regulation does not apply to the following activities:

1. Surface coating or paint stripping performed on site at installations owned or operated by the Armed Forces of the United States (including the Coast Guard and the National Guard of any such State), the National Aeronautics and Space Administration, or the National Nuclear Security Administration.
2. Surface coating or paint stripping of military munitions, as defined in §63.11180, manufactured by or for the Armed Forces of the United States (including the Coast Guard and the National Guard of any such State) or equipment directly and exclusively used for the purposes of transporting military munitions.
3. Surface coating or paint stripping performed by individuals on their personal vehicles, possessions, or property, either as a hobby or for maintenance. This subpart also does not apply when these operations are performed by individuals for others without compensation. However, an individual who spray applies surface coating to more than two motor vehicles or pieces of mobile equipment per year is subject to the regulation pertaining to motor vehicles and mobile equipment regardless of whether compensation is received.
4. Surface coating or paint stripping that meets the definition of "research and laboratory activities" in §63.11180.
5. Surface coating or paint stripping that meets the definition of "quality control activities" in §63.11180.
6. Surface coating or paint stripping activities that are covered under another area source NESHAP regulation.

The surface coating portion of the regulation does not apply to the following materials:

1. Coatings applied from a hand-held device with a paint cup capacity that is equal to or less than 3.0 fluid ounces.
2. Surface coating applications using hand-held, non-refillable aerosol containers, powder coating, or non-atomizing application technology, including paint brushes, rollers, hand wiping, flow coating, dip coating, electrodeposition coating, web coating, coil coating, touch-up markers, or marking pens.
3. Thermal spray operations (also known as metallizing, flame spray, plasma arc spray, and electric arc spray) in which solid material is heated to a molten or semi-molten state and propelled to the work piece or substrate by compressed air or other gas, and a bond is produced upon impact.

The surface coating portion of the regulation does not apply to the following coatings:

1. Decorative, protective, or functional materials that consist only of protective oils for metal, acids, bases, or any combination of these substances.
2. Paper film or plastic film that may be pre-coated with an adhesive by the film manufacturer.
3. Adhesives, sealants, maskants, or caulking materials.
4. Temporary protective coatings, lubricants, or surface preparation materials.
5. In-mold coatings that are spray-applied in the manufacture of reinforced plastic composite parts.

Note: *The regulation allows for the owner or operator of motor vehicle or mobile equipment surface coating operations to petition the USEPA and Illinois EPA for an exemption from the regulation if it can be demonstrated that the coatings that are spray applied do not contain compounds that include the target hazardous air pollutants (HAP) chromium, lead, manganese, nickel, or cadmium; however, if the facility has not been granted exemption by Jan 10, 2010 or before commencing operation the facility must still file the initial notification with USEPA and Illinois EPA.*

Should a facility that has been granted exemption from the surface coating regulations begin using the targeted HAP containing coatings all regulatory requirements will apply and compliance must be achieved prior to applying HAP containing coatings.

Forms to petition for exemption can be found at www.iencconnect.com/enviro.

For more information contact the Illinois Small Business Environmental Assistance Program at 800/252-3998.