

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

July 25, 2006

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STATE OF ILLINOIS
Pollution Control Board

BP PRODUCTS NORTH AMERICA)	
)	
Petitioner,)	
)	
v.)	
)	IEPA-06-007A-4
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	(Provisional
)	Variance- Air)
Respondent.)	
)	

Re: Request for Provisional Variance – Gasoline Volatility Standards

On July 25, 2006, the Illinois EPA received from BP Products North America (“BP”) a request for provisional variance to allow the sale or offer for sale, dispensing, supply or offer for supply or transport of gasoline and/or ethanol blend gasoline in St. Clair, Madison, and Monroe counties, located in Illinois, exceeding the applicable limitations for Reid vapor pressure without the required vapor collection and control system designed to control volatile organic material (“VOM”) emissions. The request was accepted for review pursuant to the requirements of the Illinois Environmental Protection Act (“Act”) and the applicable regulations.

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

BP seeks provisional variance from 35 Ill. Adm. Code Part 219 Subpart Y (Gasoline Distribution) volatility standards. The Illinois EPA is granting relief to BP from the applicable requirements of 35 Ill. Adm. Code Sections 219.585(b) and (c). Relief is granted beginning July 25, 2006 until such time as the supply of gasoline and/or ethanol blended gasoline is exhausted, or through August 4, 2006, whichever occurs first.

The Illinois EPA grants BP regulatory relief by this provisional variance subject to the following conditions:

1. By September 15, 2006, BP shall provide the Illinois EPA a written report of the estimated total tons of VOM emitted during gasoline and gasoline blend distribution operations conducted during the term of the provisional variance with supporting calculations.
2. During the term of this provisional variance, while conducting terminal storage tank operations operations, BP shall take all reasonable steps to minimize VOM emissions.
3. Each distributor shall document the Reid vapor pressure of all gasoline or ethanol blend gasoline leaving the distribution operation for use in Illinois. Any operation receiving this gasoline or ethanol blend gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating the Reid vapor pressure of the gasoline or ethanol blend gasoline.

Within 3 days from the date of this document, BP shall execute and submit to the Illinois EPA a Certificate of Acceptance and Agreement accepting regulatory relief granted by this provisional variance signed by a responsible person or official authorized by the owner to represent the owner in all matters pertaining to this provisional variance as follows:

Certification

I(We), _____, having read the Illinois EPA's provisional variance, dated July 25, 2006, own and/or operate a facility subject to the requirements of 35 Ill. Adm. Code Part 219, Subpart Y. I(We) hereby accept and agree to be bound by all terms and conditions of the provisional variance.

Petitioner

By: Authorized Representative

Title

Date

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Messina", with a long horizontal flourish extending to the right.

Robert A. Messina
Chief Counsel

cc: IPCB, Clerk