

ILLINOIS POLLUTION CONTROL BOARD

July 26, 2012

IN THE MATTER OF: )  
)  
PETITION OF MIDWAY RACS, LLC FOR ) AS 12-3  
ADJUSTED STANDARD FROM 35 ILL. ) (Adjusted Standard – Air)  
ADM. CODE 218.586 )

ORDER OF THE BOARD (by D. Glosser):

On April 11, 2012, Midway RACS, LLC (Midway) filed a petition for an adjusted standard (Pet.). The petition seeks an adjusted standard from the Stage II Vapor Recovery requirements in 35 Ill. Adm. Code 218.586. On May 15, 2012, Midway filed proof that notice of the adjusted standard was published in the *Sun Times* on April 18, 2012. On May 17, 2012, the Board directed Midway to file an amended petition addressing certain deficiencies in the petition. On July 6, 2012, Midway filed an amended petition (Am.Pet.). In Midway's original petition Midway requested that a hearing be held (*see* Pet. at 11).

Midway seeks relief from the provisions at 35 Ill. Adm. Code 218.586 that require the installation of a Stage II vapor recovery system at its new gasoline dispensing facility for rental cars at Midway Airport. In lieu of installing a Stage II vapor recovery system at the dispensing facility, Midway would ensure its entire fleet of rental cars is equipped with onboard refueling vapor recovery (ORVR) required by federal regulation of newer model cars and light duty trucks.

Midway is in the process of constructing a new Consolidated Rental Car Facility including a common-use fueling system. Construction on the facility began in October 2011, and the fueling system will begin construction in May 2012 with completion expected by September 2012. The petition states that 100 percent of the Midway rental car fleet is equipped with ORVR<sup>1</sup>. According to USEPA, Stage II vapor recovery systems at dispensing facilities are incompatible with ORVR, causing the emission reduction of the two systems used together to be less than the emission reduction achieved by either system alone. USEPA states that this incompatibility can result in a 1 to 10 percent decrease in control efficiency. Pet. at 8; Am.Pet. at 8.. This occurs because the Stage II and ORVR systems compete to capture displaced gasoline vapors during the fueling process, essentially rendering each less effective. 76 FR 41735 (July 15, 2011).

Midway RAC states that USEPA has issued guidance to the states concerning the removal of Stage II gasoline vapor recovery systems where States demonstrate to the USEPA that "widespread" use of onboard refueling vapor recovery (ORVR) has occurred in specific

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<sup>1</sup> USEPA first began phase-in of ORVR for 40% of model year 1998 passenger cars. For model year 2000 passenger cars, the ORVR requirement was increased to 100%. Phase-in continued on virtually all other new vehicle types (light trucks, etc.) sold since model year 2006. 76 FR 41733 (July 15, 2011).

portions of the motor vehicle fleet, including refueling of rental cars at rental car facilities. Pet. at 9. More recently, USEPA has proposed rules for determining whether an ORVR system is in widespread use for purposes of controlling motor vehicle refueling emissions throughout the motor vehicle fleet. 76 FR 41735 (July 15, 2011). USEPA states, “In these specific cases where all or nearly all of the vehicles being refueled are ORVR-equipped, the [US]EPA could conservatively conclude that widespread use of ORVR had occurred in these fleets. We indicated that we could approve a SIP [State Implementation Plan] revision removing Stage II requirements from these facilities with a demonstrative that 95 percent of the fleet being refueled is equipped with ORVR.” 76 FR 41737 (July 15, 2011).

The Board finds that the notice meets the requirements of Section 28.1 of the Act and that the petition meets the content requirements of Section 104.406 of the Board’s rules (35 Ill Adm. Code 104.406). The Board accepts this matter for hearing. Hearings shall be scheduled and completed in a timely manner. The Board through its hearing officer, may direct Midway to provide additional information concerning its request prior to or at hearing. *See* Petition of BFI Waste Systems of North America, Inc. for Waste Delisting, AS 08-5, slip op. at 1 (Jan. 10, 2008) (accepting petition for hearing while noting that orders may issue requiring more information from petitioner before or at hearing). The assigned hearing officer shall inform the Clerk of the Board of the time and location of hearing at least 40 days in advance of hearing so that a 30-day public notice of hearing may be published.

IT IS SO ORDERED.

Chairman T.A. Holbrook abstains.  
Board Member C.K. Zalewski abstains.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 26, 2012, by a vote of 3-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board