

## **Board Adopts First-Notice Opinion and Order for Proposed Amendments to Vapor Recovery Rules**

The Board, on April 4, 2013, adopted a first-notice opinion and order to amend the Board's air pollution rules. The Illinois Environmental Protection Agency (IEPA) filed the rulemaking on March 18, 2013. The rulemaking is docketed as In the Matter of: Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219 (R13-18).

IEPA proposes phasing out the Chicago ozone nonattainment area (NAA) Stage II vapor recovery systems program. The amendments would phase out the requirement for gasoline dispensing operations to install, maintain, and operate Stage II vapor recovery systems. The amendments would also require the decommissioning of existing Stage II equipment in the Chicago ozone NAA. Specifically, owners and operators of existing gasoline dispensing operations (*i.e.*, operating at any time before January 1, 2014) would be allowed to begin decommissioning Stage II systems on January 1, 2014, but would have to comply with Stage II requirements until decommissioning begins. Decommissioning would have to be completed by December 31, 2016. Additionally, the amendments would remove the requirement for Stage II systems at new gasoline dispensing operations that commence operating for the first time on or after January 1, 2014.

IEPA seeks these Stage II amendments based upon the United States Environmental Protection Agency (USEPA) determination that there is widespread use of on-board refueling vapor recovery nationwide. This USEPA determination, effective May 16, 2012, resulted in a waiver of the federal Clean Air Act's Stage II requirement. The waiver means that states now have the option of removing Stage II programs from their ozone State Implementation Plans (SIPs), subject to USEPA approval.

IEPA also seeks to clarify and streamline permitting rules for storage tanks and fuel dispensing. Specifically, clarifications would be made to State air permitting exemptions for Stage II gasoline dispensing operations and Stage I storage tank filling operations at gasoline dispensing operations. In addition, the amendments would add Title V (*i.e.*, Clean Air Act Permit Program (CAAPP)) "insignificant activities" related to small gasoline storage tanks and fuel dispensing.

The geographic regions subject to the Board's Stage I regulations are the Chicago ozone NAA and the Metro-East ozone NAA. The Stage II regulations apply to the Chicago ozone NAA. The Board's permitting rules apply to the entire State of Illinois.

The Board accepted the IEPA's rulemaking proposal for hearing and granted the IEPA's motion for expedited review. Without commenting on the merits of IEPA's proposal, the Board adopted the proposed amendments for first-notice publication in the *Illinois Register*. Publication in the *Illinois Register* will begin a public comment period of at least 45 days, during which anyone may file a public comment with the Board. The docket number for this rulemaking, R13-18, should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address:

Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

In addition, public comments may be filed electronically through COOL on the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk's Office at 312-814-3629.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk's Office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].

For more information, please contact Richard McGill at 312-814-6983 or by email at [richard.mcgill@illinois.gov](mailto:richard.mcgill@illinois.gov).