

ILLINOIS POLLUTION CONTROL BOARD
January 20, 1994

IN THE MATTER OF:	)	
	)	
STAGE II VAPOR RECOVERY IN	)	R93-28
THE METRO-EAST AREA: REPEAL	)	(Rulemaking)
OF 35 ILL. ADM. 219.586	)	

Proposed Rule.

Second Notice.

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

On October 21, 1993 the Illinois Environmental Protection Agency (Agency) filed a rulemaking petition in which it proposes that the Board repeal the Stage II vapor recovery controls applicable in the Metro-East area (Madison, Monroe, and St. Clair Counties, Illinois). By today's action the Board adopts the repeal proposal for second notice.

The Board's responsibility in this matter arises from the Illinois Environmental Protection Act (Act) (415 ILCS 5/1 et seq.). The Board is charged under the Act to "determine, define and implement the environmental control standards applicable in the State of Illinois" (Act at Section 5(b)). More generally, the Board's rulemaking charge is based on the system of checks and balances integral to Illinois environmental governance: the Board bears responsibility for the rulemaking and principal adjudicatory functions, whereas the Agency is responsible for carrying out the principal administrative duties.

PROCEDURAL HISTORY

On November 4, 1993 the Board adopted the repeal proposal for first notice. Publication occurred at 17 Ill. Reg. 20203, November 29, 1993.

Hearing was held on December 7, 1993 in Collinsville, Illinois. Testimony was presented by representatives of the Agency, the Illinois Petroleum Marketers Association (IPMA), the Illinois Association of Convenience Stores, Piasa Motor Fuels, Inc. (Piasa), Clinton County Oil Company, Inc., and the Illinois Petroleum Council.

The 45-day first-notice comment period closed on January 14, 1994. Comments were filed by the Department of Commerce and Community Affairs (DCCA) (PC #1), IPMA (PC #2), Administrative Code Division (PC #3) and the Agency (PC #4). Administrative Code Division recommended one non-substantive change which the Board accepts. DCCA has determined that the proposed rule will not "significantly impact small businesses". (PC #1.)

Repeal of the Stage II regulations is predicated upon adoption by the United States Environmental Protection Agency (USEPA) of rules that govern on-board vapor recovery (OBVR) systems (see discussion following). The OBVR rules are scheduled for signing on January 22, 1994. (PC #4 at ¶2.) The Board believes that it is in the public interest that Illinois respond to adoption of the OBVR rules expeditiously. Pursuant thereto, the Board today adopts repeal of the Stage II controls for second notice.

RATIONALE

Stage II vapor recovery systems are designed to control and capture hydrocarbon vapors during the fueling of motor vehicle tanks. Vehicle fuel emissions consist of gasoline vapors displaced from the vehicle tank by dispensed liquid gasoline as the tank is filled. The Stage II system captures these vapors as they exit the vehicle's fuel fillpipe, thereby preventing escape of the vapors into the atmosphere. Vapor capture is accomplished by one of several types of devices attached to or part of the nozzle of the fuel dispensing system.

The Stage II regulations at issue occur at 35 Ill. Adm. Code 219.586. They were adopted by the Board in August 1992¹ in response to requirements of both the federal Clean Air Act and the Illinois Environmental Protection Act. In particular, the Clean Air Act requires that areas classified as "moderate ozone nonattainment areas" have Stage II regulations in place and submitted for approval to the USEPA by November 15, 1992. (42 USC 7511a(b)(3).) The Metro-East area is classified by the USEPA as a moderate ozone nonattainment area.

The Clean Air Act, however, does provide for a circumstance under which Stage II regulations are not required in moderate ozone nonattainment areas. That circumstance is that the USEPA promulgate regulations for OBVR².

The Clean Air Act specifies that USEPA was to promulgate the OBVR regulations by November 15, 1991. However, USEPA had still not promulgated the OBVR regulations by November 15, 1992, the date on which the Clean Air Act required the State to implement

¹ In the Matter of: Stage II Gasoline Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 215, 218 and 219, R91-30, August 13, 1992. In addition to the Metro-East Stage II regulations, Stage II regulations for the Chicago ozone nonattainment area were also adopted in R91-30. The Chicago area regulations are not at issue today. The effective date of the R91-30 regulations was August 24, 1992.

² OBVR systems accomplish vapor recovery through devices built into the vehicle rather than into the fuel pump.

Stage II in the absence of OBVR regulations. The nexus between the Stage II regulations required as of November 15, 1992 and the USEPA's action on the OBVR regulations has also been recognized by the state legislature in its directive to the Board to address Stage II:

The Board shall adopt regulations requiring the owner or operator of a gasoline dispensing system that dispenses more than 10,000 gallons of gasoline per month to install and operate a system for the recovery of gasoline vapor emissions arising from the fueling of motor vehicles that meets the requirements of Section 182 of the federal Clean Air Act (42 USC 7511a). These regulations shall apply only in areas of the State that are classified as moderate, serious, severe or extreme nonattainment areas for ozone pursuant to Section 181 of the federal Clean Air Act (42 USC 7511), but shall not apply to areas classified as moderate nonattainment areas for ozone if the Administrator of the U.S. Environmental Protection Agency promulgates standards for vehicle-based (onboard) systems for the control of vehicle refueling emissions pursuant to Section 202(a)(6) of the federal Clean Air Act (42 USC 7521(a)(6) by November 15, 1992. (415 ILCS 5/10, emphasis added)

Now, however, it appears that federal promulgation of OBVR regulations will in fact occur. The National Resources Defense Council (NRDC) and others have successfully brought suit against USEPA for failure to promulgate the OBVR regulations. (NRDC v. Reilly, No. 92-1137, D.C. Cir. Jan. 22, 1993.) The court has found that USEPA did not have the discretion to forego promulgation of the OBVR regulations, and accordingly ordered USEPA to proceed with the regulations. Additionally, a consent decree has been entered that requires that USEPA promulgate the OBVR regulations by January 22, 1994. (See Exh. 1.)

In recognition of these OBVR developments, the Agency on May 3, 1993 filed a motion with the Board requesting that the Board adopt an emergency rule that would extend the deadline upon which affected facilities in the Metro-East area were required under Section 219.586 to come into compliance with the Stage II requirements. By order of May 20, 1993 the Board granted the Agency's motion and adopted an emergency rule, the net effect of which was to temporarily move out the compliance date to October 15, 1993. That date is now past, and, absent further regulatory amendment, the affected facilities are again required to be in compliance with Stage II requirements.

It is the Agency's observation that absent repeal of the Stage II rules

... the specter is raised of a very large capital outlay in an economically depressed area of the State to satisfy a Clean Air Act requirement for only a very short period of time. Specifically, the Agency estimated that the capital outlay for installation of Stage II at the 400 area station would be approximately \$14 million. In January when the OBVR rules are promulgated, there is no longer a federal requirement for Stage II systems to be in place. (Agency Statement of Reasons at p.2)

COSTS

In the interest of assuring a full record in this matter, the Board asked the Agency and interested persons to present the following particular information: (1) the number of facilities that have already installed some Stage II equipment, including those who may have done installation in conjunction with installing new tanks; (2) the remaining equipment or modifications necessary to operate Stage II vapor recovery in accordance with the in-place rule; and (3) cost estimates to complete installation that has begun, and estimated costs to operate a Stage II program in accordance with the in-place rule.

Information presented at hearing included some answers to these questions. The Agency witness testified that under the current regulations, 377 facilities would be subject to the current Stage II control requirements in the Metro-East area absent the repeal as follows:

Madison County	-	188	
Monroe County	-	19	
St. Clair County	-	170	(Tr. at 13)

Additionally, the Agency provided other documentation that includes costs estimates for Stage II vapor recovery requirements. Using the cost information presented, the Agency calculates Metro-East area figures as follows (Tr. at 13):

<u>Throughput</u> <u>(gal./month)</u>	<u>Number of</u> <u>Facilities</u>	<u>Capital Cost</u> <u>Per Facility</u>	<u>Total Cost</u> <u>By Size</u>
10,000 - 24,999	62	\$ 9,760	\$ 605,120
25,000 - 49,999	97	27,480	1,695,560
50,000 - 99,999	133	24,120	3,207,960
100,000 or more	<u>85</u>	36,710	<u>3,120,990</u>
Totals	377		\$8,361,990

Piasa presents the following cost estimate to install Stage II vapor recovery at an existing location:

COST ESTIMATE TO INSTALL STAGE II VAPOR RECOVERY
AT AN EXISTING LOCATION

	<u>4-6 Hose MPD</u> <u>24 Hoses</u>	<u>6-6 Hose MPD</u> <u>36 Hoses</u>
Nozzles, hoses, etc.		
OPW Nozzle \$155		
Dayco Hose 105		
Whip Hose 44		
Breakaway <u>96</u>		
\$400	\$ 9,600	\$14,400
Labor to Retrofit Dispenses	4,000	6,000
Underground Piping - Materials labor, excavation, paving	20,000	25,000
Vacuum Assist Kits \$3480/each	<u>13,920</u>	<u>20,880</u>
	\$47,520	\$66,280

Annual maintenance cost, for hoses, nozzles, and bellows is \$150-\$200 per hose plus labor

(Estimates prepared by Piasa Motor Fuels with help from Superior Equipment) (Exh. 3.)

Piasa states that estimating costs for retrofitting Stage II is difficult for a "typical" location, because every location and situation is different. (Id.)

No facilities to date have registered Stage II systems with the Agency or have applied for any associated construction and operating permits. Ten to 15 percent of the area retail stations have probably installed the underground vapor recovery lines during station upgrades in the past few years. (Tr. at 17.) The Agency estimates that the average cost to install Stage II vapor recovery at a "typical" service station is approximately \$40,000.00. For the effected facilities in the Metro-East area, the Agency estimates \$8,000,000.00 in capital costs for all facilities, and an ongoing annual operational cost of \$7,000 per station. (Id.)

ADDITIONAL INFORMATION

As a final matter, the Board observed at first notice that the Act at Section 10 specifies that Stage II "... regulations ... shall not apply ... if [USEPA] ... promulgates [OBVR]

standards ... by November 15, 1992" (see full quotation above). In light of this language, the Board at first notice asked interested persons to comment on whether USEPA's failure to promulgate OBVR regulations by November 15, 1992 constitutes an impediment to the Board's moving forward with repeal of the Metro-East Stage II regulations.

At hearing, the Agency observed that in promulgating the Stage II regulations in 1992 the State was acting in accord with the requirements of the Clean Air Act. The Agency further observes that in now proposing to repeal Stage II in the Metro-East moderate nonattainment area the State would be continuing to act not only in accord with the Clean Air Act, but also the Court's order and the consent decree in NRDC v. Reilly and the clear legislative intent of implementing Stage II only if OBVR regulations were not in place. (Tr. at 37.) (See also PC #4 at ¶1.) Other participants at hearing agreed that the timeframes in the state legislation were intended to be consistent with the federal requirements. (Tr. at 35, 36, 20.) IPMA also stated that it believes that the current language in the statute is not an impediment to the current action to repeal the Stage II requirements (Tr. at 35.) IPMA further states that the legislative history of SB 1241 (see full quotation of 415 ILCS 5/10, above) which changed the requirements for Stage II vapor recovery was intended to bring the State into conformance with, but to be no more stringent than the requirements of the federal CAA. (PC #2 at 9.)

Based on the information in the record, the Board believes that it is prudent to move forward with the repeal of the Stage II vapor recovery rules for moderate nonattainment areas in Illinois. The rules requiring Stage II vapor recovery in moderate nonattainment areas appear to no longer be economically reasonable. There is further no indication in the record that the VOM reductions accomplished through use of Stage II are necessary to meet CAA objectives in addition to OBVR. As the Agency has observed:

These Stage II systems would provide redundant control when onboard canisters are present, and would provide little additional vapor recovery at great cost. (Tr. at 14.)

ORDER

The Board hereby adopts for second notice the following amendments to 35 Ill. Adm. Code 219 effectuating the repeal of Section 219.586. The Clerk of the Board is directed to submit this proposal with the Joint Committee on Administrative Rules.

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 219
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

SUBPART A: GENERAL PROVISIONS

Section	
219.100	Introduction
219.101	Savings Clause
219.102	Abbreviations and Conversion Factors
219.103	Applicability
219.104	Definitions
219.105	Test Methods and Procedures
219.106	Compliance Dates
219.107	Operation of Afterburners
219.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
219.109	Vapor Pressure of Volatile Organic Liquids
219.110	Vapor Pressure of Organic Material or Solvent
219.111	Vapor Pressure of Volatile Organic Material
219.112	Incorporations by Reference
219.113	Monitoring for Negligibly-Reactive Compounds

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	
219.121	Storage Containers
219.122	Loading Operations
219.123	Petroleum Liquid Storage Tanks
219.124	External Floating Roofs
219.125	Compliance Dates (Repealed)
219.126	Compliance Plan (Repealed)

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
219.141	Separation Operations
219.142	Pumps and Compressors
219.143	Vapor Blowdown
219.144	Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section	
219.181	Solvent Cleaning in General
219.182	Cold Cleaning
219.183	Open Top Vapor Degreasing
219.184	Conveyorized Degreasing
219.185	Compliance Schedule (Repealed)

219.186 Test Methods

SUBPART F: COATING OPERATIONS

Section

- 219.204 Emission Limitations
- 219.205 Daily-Weighted Average Limitations
- 219.206 Solids Basis Calculation
- 219.207 Alternative Emission Limitations
- 219.208 Exemptions From Emission Limitations
- 219.209 Exemption From General Rule on Use of Organic Material
- 219.210 Compliance Schedule
- 219.211 Recordkeeping and Reporting

SUBPART G: USE OF ORGANIC MATERIAL

Section

- 219.301 Use of Organic Material
- 219.302 Alternative Standard
- 219.303 Fuel Combustion Emission Units
- 219.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section

- 219.401 Flexographic and Rotogravure Printing
- 219.402 Applicability
- 219.403 Compliance Schedule
- 219.404 Recordkeeping and Reporting
- 219.405 Heatset-Web-Offset Lithographic Printing

SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER
MANUFACTURING PLANT

Section

- 219.421 General Requirements
- 219.422 Inspection Program Plan for Leaks
- 219.423 Inspection Program for Leaks
- 219.424 Repairing Leaks
- 219.425 Recordkeeping for Leaks
- 219.426 Report for Leaks
- 219.427 Alternative Program for Leaks
- 219.428 Open-Ended Valves
- 219.429 Standards for Control Devices
- 219.430 Compliance Date (Repealed)

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES;
ASPHALT MATERIALS

Section

- 219.441 Petroleum Refinery Waste Gas Disposal
- 219.442 Vacuum Producing Systems
- 219.443 Wastewater (Oil/Water) Separator

219.444 Process Unit Turnarounds
219.445 Leaks: General Requirements
219.446 Monitoring Program Plan for Leaks
219.447 Monitoring Program for Leaks
219.448 Recordkeeping for Leaks
219.449 Reporting for Leaks
219.450 Alternative Program for Leaks
219.451 Sealing Device Requirements
219.452 Compliance Schedule for Leaks
219.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section

219.461 Manufacture of Pneumatic Rubber Tires
219.462 Green Tire Spraying Operations
219.463 Alternative Emission Reduction Systems
219.464 Emission Testing
219.465 Compliance Dates (Repealed)
219.466 Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section

219.480 Applicability
219.481 Control of Reactors, Distillation Units, Crystallizers,
Centrifuges and Vacuum Dryers
219.482 Control of Air Dryers, Production Equipment Exhaust
Systems and Filters
219.483 Material Storage and Transfer
219.484 In-Process Tanks
219.485 Leaks
219.486 Other Emission Units
219.487 Testing
219.488 Monitoring for Air Pollution Control Equipment
219.489 Recordkeeping for Air Pollution Control Equipment

SUBPART V: AIR OXIDATION PROCESSES

Section

219.521 Definitions (Repealed)
219.525 Emission Limitations for Air Oxidation Processes
219.526 Testing and Monitoring
219.527 Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section

219.541 Pesticide Exception

SUBPART X: CONSTRUCTION

Section

219.561 Architectural Coatings
219.562 Paving Operations
219.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section
219.581 Bulk Gasoline Plants
219.582 Bulk Gasoline Terminals
219.583 Gasoline Dispensing Facilities - Storage Tank Filling
Operations
219.584 Gasoline Delivery Vessels
219.585 Gasoline Volatility Standards
219.586 Gasoline Dispensing Operations - Motor Vehicle Fueling
Operations (Repealed)

SUBPART Z: DRY CLEANERS

Section
219.601 Perchloroethylene Dry Cleaners
219.602 Exemptions
219.603 Leaks
219.604 Compliance Dates Repealed
219.605 Compliance Plan (Repealed)
219.606 Exception to Compliance Plan (Repealed)
219.607 Standards for Petroleum Solvent Dry Cleaners
219.608 Operating Practices for Petroleum Solvent Dry Cleaners
219.609 Program for Inspection and Repair of Leaks
219.610 Testing and Monitoring
219.611 Exemption for Petroleum Solvent Dry Cleaners
219.612 Compliance Dates (Repealed)
219.613 Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section
219.620 Applicability
219.621 Exemption for Waterbase Material and Heatset-Offset Ink
219.623 Permit Conditions
219.624 Open-Top Mills, Tanks, Vats or Vessels
219.625 Grinding Mills
219.626 Storage Tanks
219.628 Leaks
219.630 Clean Up
219.636 Compliance Schedule
219.637 Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section
219.640 Applicability
219.642 Emissions Limitation at Polystyrene Plants
219.644 Emissions Testing

219.875 Applicability of Subpart BB (Renumbered)
219.877 Emissions Limitation at Polystyrene Plants(Renumbered)
219.879 Compliance Date (Repealed)
219.881 Compliance Plan (Repealed)
219.883 Special Requirements for Compliance Plan (Repealed)
219.886 Emissions Testing (Renumbered)

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT
MANUFACTURING PROCESSES

Section
219.920 Applicability
219.923 Permit Conditions
219.926 Control Requirements
219.927 Compliance Schedule
219.928 Testing

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section
219.940 Applicability
219.943 Permit Conditions
219.946 Control Requirements
219.947 Compliance Schedule
219.948 Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL
MANUFACTURING PROCESSES

Section
219.960 Applicability
219.963 Permit Conditions
219.966 Control Requirements
219.967 Compliance Schedule
219.968 Testing

SUBPART TT: OTHER EMISSION UNITS

Section
219.980 Applicability
219.983 Permit Conditions
219.986 Control Requirements
219.987 Compliance Schedule
219.988 Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section
219.990 Exempt Emission Units
219.991 Subject Emission Units

- Section 219.Appendix A: List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
- Section 219.Appendix B: VOM Measurement Techniques for Capture Efficiency
- Section 219.Appendix C: Reference Test Methods For Air Oxidation Processes
- Section 219.Appendix D: Coefficients for the Total Resource Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1010) (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/10 and 28.5].

SOURCE: Adopted at R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days, amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. _____, effective _____.

SUBPART Y: GASOLINE DISTRIBUTION

Section 219.586 Gasoline Dispensing Operations - Motor Vehicle Fueling Operations (Repealed)

- a) For the purposes of this Section, the following definitions apply.
- 1) Average monthly volume means the amount of motor vehicle fuel dispensed per month from a gasoline dispensing operation based upon a monthly average for the 2-year period of November, 1990 through October, 1992 or, if not available, the monthly average for the most recent twelve calendar months. Monthly averages are to include only those months when the operation was operating.
 - 2) Certified means any vapor collection and control system which has been tested and approved by CARB as having a vapor recovery and removal efficiency of at least 95% (by weight) shall constitute a certified vapor collection and control system. CARB testing and approval is pursuant to the CARB manual, incorporated by reference at 219.112 of this Part.
 - 3) Completion of installation means the successful passing of one or more of the following tests applicable to the installed vapor collection and

control system: Dynamic Backpressure Test, Pressure Decay/Leak Test, and Liquid Blockage Test, incorporated by reference at 219.112 of this Part.

- 4) Constructed means fabricated, erected or installed; refers to any facility, emission source or air pollution control equipment.
- 5) CARB means California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.
- 6) Employee means any person who performs work for an employer.
- 7) Operation means any building, structure, installation, operation or combination thereof located on contiguous properties and under common ownership that provides for the dispensing of motor vehicle fuel.
- 8) Gasoline dispensing operation means any operation where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.
- 9) Modification means any change, removal or addition, other than an identical replacement, of any component contained within the vapor collection and control system.
- 10) Motor vehicle means any self-propelled vehicle powered by an internal combustion engine including, but not limited to, automobiles and trucks. Specifically excluded from this definition are watercraft and aircraft.
- 11) Motor vehicle fuel means any petroleum distillate having a Reid vapor pressure of more than 27.6 kilopascals (kPa) (four pounds per square inch) and which is used to power motor vehicles.
- 12) Owner or operator means any person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a gasoline dispensing operation.
- 13) Reid vapor pressure for gasoline, shall be measured in accordance with either the method ASTM D323 or a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix

E, incorporated by references in 35 Ill. Adm. Code 219.112 of this Part.

- 14) Vapor collection and control system means any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapors displaced during the dispensing of motor vehicle fuel into motor vehicle fuel tanks.
- b) The provisions of subsection (c) below shall apply to any gasoline dispensing operation which dispenses an average monthly volume of more than 10,000 gallons of motor vehicle fuel per month. Compliance shall be demonstrated in accordance with the schedule provided in subsection (d) below.
- c) No owner or operator of a gasoline dispensing operation subject to the requirements of subsection (b) above shall cause or allow the dispensing of motor vehicle fuel at any time from a motor fuel dispenser unless the dispenser is equipped with and utilizes a vapor collection and control system which is properly installed and operated as provided below:
 - 1) Any vapor collection and control system installed, used or maintained has been CARB certified.
 - 2) Any vapor collection and control system utilized is maintained in accordance with the manufacturer's specifications and the certification.
 - 3) No elements or components of a vapor collection and control system are modified, removed, replaced or otherwise rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications.
 - 4) A vapor collection and control system has no defective, malfunctioning or missing components.
 - 5) Operators and employees of the gasoline dispensing operation are trained and instructed in the proper operation and maintenance of a vapor collection and control system.
 - 6) Instructions are posted in a conspicuous and visible place within the motor fuel dispensing area and describe the proper method of dispensing motor vehicle fuel with the use of the vapor collection and control system.

- d) In conjunction with the compliance provisions of Section 219.105 of this Part, operations subject to the requirements of subsection (c) above shall demonstrate compliance according to the following:
 - 1) Operations that commenced construction after November 1, 1990, must comply by May 1, 1993.

[BOARD NOTE: The Board adopted an emergency rule in R93-12, extending the compliance date in Section 219.586(d)(1) from May 1, 1993 to October 15, 1993. This emergency rule became effective on May 24, 1993 and will expire on October 21, 1993.]
 - 2) Operations that commenced construction before November 1, 1990, and dispense an average monthly volume of more than 100,000 gallons of motor fuel per month must comply by November 1, 1993.
 - 3) Operations that commenced construction before November 1, 1990, and dispense an average monthly volume of less than 100,000 gallons of motor fuel per month must comply by November 1, 1994.
 - 4) New operations constructed after the adoption of this Section shall comply with the requirements of subsection (c) above upon startup of the operation.
 - 5) Existing operations previously exempted from but which become subject to the requirements of subsection (c) above after May 1, 1993 shall comply with the requirements of subsection (c) above within six calendar months of the date from which the operation becomes subject.
- e) Any gasoline dispensing operation that becomes subject to the provisions of subsection (c) above at any time shall remain subject to the provisions of subsection (c) above at all times.
- f) Upon request by the Agency, the owner or operator of a gasoline dispensing operation which claims to be exempt from the requirements of this Section shall submit records to the Agency within 30 calendar days from the date of the request which demonstrate that the gasoline dispensing operation is in fact exempt.
- g) Recordkeeping and reporting:
 - 1) Any gasoline dispensing operation subject to subsection (c) above shall retain at the operation

copies of the registration information required at subsection (h) below.

- 2) Records and reports required pursuant to this subsection shall be made available to the Agency upon request. Records and reports which shall be maintained by the owner or operator of the gasoline dispensing operation shall clearly demonstrate:
 - A) That a certified vapor collection and control system has been installed and tested to verify its performance according to its specifications.
 - B) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements.
 - C) The time period and duration of all malfunctions of the vapor collection and control system.
 - D) The motor vehicle fuel throughput of the operation for each calendar month of the previous year.
 - E) That operators and employees are trained and instructed in the proper operation and maintenance of the vapor collection and control system and informed as to the potential penalties associated with the violation of any provision of this Section.
- h) Any gasoline dispensing operation subject to subsection (c) above shall be exempt from the permit requirements specified under 35 Ill. Adm. Code 201.142, 201.143 and 201.144 for its vapor collection and control systems, provided that:
 - 1) Upon the installation of a vapor collection and control system, the owner or operator of the gasoline dispensing operation submits to the Agency a registration which provides at minimum the operation name and address, signature of the owner or operator, the CARB Executive Order Number for the vapor collection and control system to be utilized, the number of nozzles (excluding diesel or kerosene) used for motor vehicle refueling, the monthly average volume of motor vehicle fuel dispensed, the location (including contact person's name, address, and telephone number) of records and reports required by this Section, and

the date of completion of installation of the vapor collection and control system.

- 2) The registration is submitted to the Agency within 30 days of completion of such installation.
- 3) A copy of the registration information is maintained at the gasoline dispensing operation.
- 4) Upon the modification of an existing vapor collection and control system, the owner or operator of the gasoline dispensing operation submits to the Agency a registration that details the changes to the information provided in the previous registration of the vapor collection and control system and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days of completion of such modification.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

IT IS SO ORDERED.

Board Member J. Theodore Meyer concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the _____ day of _____, 1994, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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Directory A:*.*

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the date of completion of installation of the vapor collection and control system.

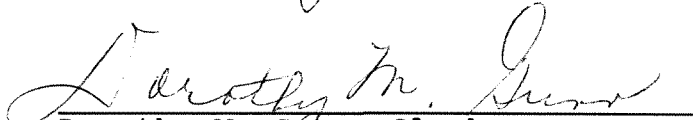
- 2) The registration is submitted to the Agency within 30 days of completion of such installation.
- 3) A copy of the registration information is maintained at the gasoline dispensing operation.
- 4) Upon the modification of an existing vapor collection and control system, the owner or operator of the gasoline dispensing operation submits to the Agency a registration that details the changes to the information provided in the previous registration of the vapor collection and control system and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days of completion of such modification.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

IT IS SO ORDERED.

Board Member J. Theodore Meyer concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 20th day of January, 1994, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board