

ILLINOIS POLLUTION CONTROL BOARD
February 6, 1992

IN THE MATTER OF:)
)
STAGE II GASOLINE VAPOR RECOVERY) R91-30
RULES: AMENDMENTS TO 35 ILL.) (Rulemaking)
ADM. CODE PARTS 215, 218, AND 219)

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

On January 22, 1992, the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking. The proposal is intended to regulate the installation and operation of systems for gasoline vapor recovery of emissions from the fueling of motor vehicles. Pursuant to Section 182(b)(3) of the Clean Air Act, as amended in 1990, Illinois is to submit these regulations as a revision to its state implementation plan (SIP) by November 15, 1992.

This proposal is directed at both Illinois non-attainment areas. These include the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, as well as Oswego township in Kendall County and Aux Sable and Goose Lake Townships in Grundy County; and the Metro-East area, consisting of Madison, Monroe, and St. Clair Counties.

After a review of the proposal, the Board finds that the proposal substantially meets the requirements of the Environmental Protection Act (Act) (Ill.Rev.Stat. 1989, ch. 111 1/2, par. 1001 et. seq) and the Board's procedural rules. The hearing officer is authorized and directed to require the Agency to provide any additional information which may be necessary. The proposal is accepted for hearing. This order starts the timeclock for the Board's economic impact study (EcIS) determination and for first notice publication pursuant to Sections 27 and 28.2 of the Act. (See 35 Ill.Adm.Code 102.160(b).)

The Agency has filed several motions with the proposal. The Agency asks that the Board waive several requirements which govern the filing of a regulatory proposal. Specifically, the Agency asks: 1) that it be allowed to submit four complete copies of the proposal and six partial copies of the proposal, rather than the original and nine complete copies; 2) that it need not supply the Attorney General with a complete copy of the proposal; and; 3) that it need not provide copies of material to be incorporated by reference. The Board grants the Agency's motions. The Agency need not submit ten complete copies of the proposal, and, because the Attorney General has agreed to accept a partial copy of the proposal, the Agency need not serve a

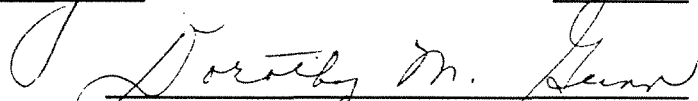
complete copy on the Attorney General. Because the documents which are proposed to be added to the incorporation by reference provisions are Parts of the Code of Federal Regulations, the Agency need not supply the Board with copies of those documents.

The Agency has also submitted a request for expedited hearing, based upon its statement that the 1990 Clean Air Act Amendments require Illinois to submit this revision to USEPA by November 15, 1992. The Board assures the Agency, and all other interested persons, that the Board places a high priority on the quick resolution of this proposal, and will proceed as quickly as possible, within the constraints of notice, publication, and hearing requirements imposed by several statutes.

The Board also notes that the Agency has certified, pursuant to Section 28.2 of the Act, that this rule is federally required. The Board accepts that certification, and will reference the certification in its first notice publication.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 6th day of February, 1992, by a vote of 6-0.



Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board