

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1984

IN THE MATTER OF:)
)
STAGE II VAPOR RECOVERY) R83-17
CONTROLS AT GASOLINE)
DISPENSING STATIONS)

ORDER OF THE BOARD (by B. Forcade):

On September 8, 1983, the Board opened this docket, on its own motion, to authorize preliminary inquiry hearings into the concept of Stage II Vapor Recovery systems. To add focus to the inquiry hearings, the Board included a preliminary draft regulatory proposal based on a California regulation. The Board also solicited comments on six questions pertaining to Stage II systems and encouraged alternative draft proposed regulations from all participants.

While this docket was pending the 83rd General Assembly adopted SB 1945, which would provide a new paragraph 22.9 to the Environmental Protection Act ("Act"):

The Board shall not adopt any regulation requiring the use of a Phase-II Vapor Recovery System at gasoline dispensing facilities until the U.S. Environmental Protection Agency has determined that the use of such system is required for compliance with the federal Clean Air Act.

On September 16, 1984, the Governor vetoed SB 1945. On November 28, 1984, the Senate passed an override motion of the veto by a vote of 40 to 2. On December 11, 1984, the House override motion passed by a vote of 88 to 6. Consequently, SB 1945 is now Public Act 83-1494, effective as Section 22.9 of the Act on December 11, 1984.

U.S. EPA has stated, in a letter dated April 24, 1984, that its final approval of the Illinois 1982 Ozone and Carbon Monoxide SIP is contingent upon adherence to Illinois' commitment to adopt Stage II Vapor Recovery regulations if additional hydrocarbon emission reductions are found to be necessary. The SIP provision involved contains a commitment by the Illinois Environmental Protection Agency to propose Stage II Vapor Recovery regulations to the Board and a commitment by the Board to consider such a proposal if necessary to bring the Chicago and East St. Louis metropolitan areas into compliance with the ozone and carbon

monoxide air quality standards. The Board finds that this U.S. EPA statement, which was known to the General Assembly at the time that P.A. 83-1484 was enacted, is insufficient as a U.S. EPA "determination" that Stage II Vapor Recovery per se is necessary for compliance with the Clean Air Act.

Based on the action of the General Assembly, the Board hereby dismisses the Board preliminary draft proposal and closes the docket.

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 20th day of December, 1984 by a vote of 5-0.

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