

ILLINOIS POLLUTION CONTROL BOARD
June 30, 1980

IN THE MATTER OF:) R78-3
) R78-4
VOLATILE ORGANIC EMISSIONS.)

SUPPLEMENTARY OPINION OF THE BOARD (by I. Goodman):

The Board finds that compliance by July 1, 1980 with Rule 205(m)(B) of Chapter 2 would work an unreasonable hardship upon many owners or operators of small gasoline dispensing facilities. It has come to the Board's attention that many of these owners and operators never learned of the Board's promulgation of the instant regulations.

If the compliance dates are not interpreted correctly, fuel supply wholesalers may not deliver supplies on or after July 1, 1980, thus creating a shortage of gasoline and other fuels in the state. The Board finds that such a possibility creates a hazard to the public health and welfare. For example, if fire engines could not obtain fuel, they could not be utilized to fight fires.

Although Rule 205(m)(B) can be interpreted, in situations where two or more facilities are owned by one owner, to require the compliance of at least one of those facilities by July 1, 1980, the Board's Opinion of August 23, 1979 was intended to have the percentage compliance provisions apply only where three or more facilities are owned. The alternative application, e.g., computing 33% of two facilities, or 66% of one facility, would impose an unreasonable administrative burden and could constitute an arbitrary application of the regulation.

The Board, therefore, declares its intent that owners of either one or two facilities shall achieve 100% compliance on or before July 1, 1981, and owners of three or more facilities shall achieve the percentages of compliance on or before the dates listed in Rule 205(m)(B), (C), and (D).

Notice of this Opinion shall be published by the Clerk of the Board in a newspaper of general circulation in each county of the state affected for three consecutive days beginning immediately.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution

Control Board hereby certify that the above Supplementary Opinion was adopted on the 30th day of June, 1980 by a vote of 3-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board