ILLINOIS POLLUTION CONTROL BOARD
May 20, 1993

IN THE MATTER OF:	)	
	)	
EMERGENCY RULE AMENDING THE STAGE II GASOLINE VAPOR RECOVERY RULE IN THE METRO-EAST AREA, 35 ILL. ADM. CODE 219.586(d)	)	R93-12 (Rulemaking)

Adopted Rule. Emergency Rule.

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

This matter comes before the Board on a motion, dated April 30, 1993 and filed with the Board May 3, 1993, submitted by the Illinois Environmental Protection Agency (Agency). The Agency petitions the Board to adopt an emergency rule that modifies a compliance date found in the Board's Stage II vapor recovery regulations. These regulations were adopted in August 1992 in response to a petition from the Agency.

The compliance date at issue is the May 1, 1993 date found at 35 Ill. Adm. Code 219.586(d)(1). Pursuant thereto, gasoline dispensing facilities located in the Metro-East area that commenced construction after November 1, 1990 are required by May 1, 1993 to install vapor collection and control equipment. This equipment is commonly known as Stage II equipment.

Stage II rules have been applied to the Metro-East area, consisting of Madison, Monroe, and St. Clair counties, because the Metro-East area has been classified by the United States Environmental Protection Agency (USEPA) as a "moderate ozone nonattainment area". Areas so designated are required to reduce low-altitude atmospheric ozone levels under the mandate of the Federal Clean Air Act Amendments of 1990, Public Law 101-549 (CAAA). Stage II rules are one of the state's strategies to achieve this end. Nothing in today's proceeding affects the obligations for Stage II in the Chicago area.

The Agency seeks to have the May 1, 1993 date replaced by a September 28, 1993 date. The Agency concludes its motion by stating that it "offers whatever support for the emergency rule that the Board may require". (Motion, p. 4.)

On May 5, 1993, the Board issued an order noting that the Agency's motion for emergency rulemaking was defective as regards service and incomplete in that essential information was missing. Accordingly, the Board reserved ruling on the motion, and solicited additional information and comments to be received by the Board by May 17, 1993.

For the reasons stated below, the Board today grants the Agency's motion and adopts the emergency rules as contained in the order below. The Board today also repeats the necessary portions of the history of this proceeding also contained in the Board's May 5 order.

THE STAGE II VAPOR RECOVERY RULES

Prior to presentation of the substance of the Agency's motion, the Board will provide a brief background concerning the circumstances of our adoption of the Stage II rules at issue here.

On August 13, 1992, the Board adopted the Stage II rules in Docket R91-30, In the Matter of: Stage II Gasoline Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 215, 218 and 219. These were regulations for the installation and operation of systems for recovery of gasoline vapor emissions from the fueling of motor vehicles. These regulations are effectuated through amendments to the Board's reasonably available control technology (RACT) regulations found at 35 Ill. Adm. Code 215, 218, and 219[1]. Pursuant to Section 182(b)(3) of the CAAA, Illinois was to submit these regulations for the recovery of gasoline vapors as a revision to its state implementation plan (SIP) by November 15, 1992.

The CAAA requires that owners or operators of gasoline dispensing facilities located in nonattainment areas for ozone designated as moderate or above (i.e., serious, severe, or extreme) install and operate gasoline vehicle refueling vapor recovery systems (Stage II systems). The Chicago nonattainment area has been designated by USEPA as "severe", and the Metro-East nonattainment area has been designated by USEPA as "moderate". The CAAA requires in pertinent part:

> (3) GASOLINE VAPOR RECOVERY
>
> (A) GENERAL RULE
>
> Not later than 2 years after November 15, 1990, the State shall submit a revision to the applicable implementation plan to require all owners or operators of gasoline dispensing systems to install and operate, by the date prescribed under subparagraph (B), a

[1] The Chicago area RACT regulations are found at Part 218; the Metro-East area RACT regulations occur at Part 219; Part 215 contains RACT regulations applicable to areas other than the Chicago and Metro-East nonattainment areas.

> system for gasoline vapor recovery of emissions from the fueling of motor vehicles. * * * (42 USC 7511a(b)(3)).

To enable the State of Illinois to comply with these requirements, the state legislature amended Section 10 of the Illinois Environmental Protection Act (415 ILCS 5/10)(Act), to mandate that the Board adopt gasoline vapor recovery regulations[2]:

> 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 [USEPA] 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[3]. (Ill. Rev. State. 1989, ch. 111 1/2, par. 1010)

The Agency proposed the Stage II rules on January 22, 1992. At the request of the Agency, the Board expedited the rulemaking proceeding and adopted the amendments seven months later on August 13, 1992.

The adopted amendments apply to gasoline dispensing facilities located in the Chicago nonattainment area[3], in addition to gasoline dispensing facilities in the Metro-East nonattainment area.

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[2] The Act at Section 10 had previously contained a prohibition against Board adoption of regulations requiring Stage II systems in Illinois. That prohibition remained in effect until the legislature's action in response to the CAAA noted here.

[3] The Chicago nonattainment area consists of the counties of Cook, DuPage, Kane, Lake, McHenry, and Will, plus Oswego Township in Kendall County and Aux Sable and Goose Lake Townships in Grundy County.

The Stage II rules establish a phased-in compliance schedule for existing sources affected by the rule. The first phase of the compliance schedule requires operations that commenced construction after November 1, 1990 to install and begin operating Stage II equipment by May 1, 1993. It is this date that is at issue today. Facilities that commenced construction before November 1, 1990 are required to achieve compliance by November 1, 1993 or November 1, 1994, depending upon their size; these dates are not at issue today.

THE EMERGENCY MOTION

In support of its motion, the Agency recites that at Section 202(a)(6), the CAAA requires the USEPA to promulgate rules for onboard vapor recovery systems by November 15, 1991. USEPA failed to do so. Instead, USEPA determined that Stage II accomplished the same or nearly the same reduction in emissions of volatile organic materials (VOM) as onboard vapor recovery and was safer. (57 Fed. Reg. 13200, April 15, 1992.)

As explained in more detail above, Section 182(b)(3) of the CAAA (42 USC § 7511a(b)(e)) requires implementation of Stage II vapor recovery in moderate nonattainment areas by November 15, 1992. However, Section 202(a)(6) provides that Stage II shall not apply in moderate nonattainment areas once USEPA has promulgated onboard vapor recovery rules. Because USEPA did not promulgate the onboard vapor recovery rules by the date required in the CAAA, the Agency proposed and the Board adopted Stage II vapor recovery rules for Metro-East in R91-30 in accordance with the requirements of the CAA.

The National Resources Defense Council (NRDC) and others brought suit against USEPA for its failure to promulgate the onboard vapor recovery rules. The Court found in NRDC v. Reilly, No. 92-1137, slip op. (D.C. Cir. Jan. 22, 1993) that the USEPA did not have the discretion to forego promulgation of onboard vapor recovery rules; the court accordingly ordered USEPA to proceed with the rules.

Section 202(a)(6) of the CAAA does not excuse implementation of Stage II vapor recovery in moderate nonattainment areas until such time as USEPA promulgates the onboard vapor recovery rules. The Agency asserts that:

> This raises the specter of very large capital outlay in an economically depressed area of the State for what theoretically should be a relatively short period of time. Specifically, the Agency estimates that the capital outlay for installation of Stage II vapor recovery systems at the Metro-East's approximately 400 affected stations to be approximately $14 million.

> Once the onboard vapor recovery rules are merely promulgated, there is no longer a federal requirement that those Stage II vapor recovery systems be there. Moreover, once onboard vapor recovery begins penetrating the market, the Stage II systems in Metro-East will be duplicative [of] controls in an area that does not require them. (Motion, p. 2)

On March 25, 1993, the Director of the Agency wrote a letter to USEPA Administrator Browner (Motion, Attachment 2). After relating the cost estimates stated above, the Director states:

> Therefore, I request that you immediately develop national guidance in light of the Court's order. In the meantime, absent national guidance, the Illinois Environmental Protection Agency must assume that USEPA is leaving the discretion to the states whether to implement the initial phase Stage II vapor recovery, which is due May 15, 1993 [sic], in the moderate ozone nonattainment areas. Illinois intends to invoke emergency measures to delay the initial implementation date for the Metro-East area unless we receive national guidance by mid-April. (Id., p. 2; emphasis added)

The Agency asserts that USEPA has not issued definitive guidance with regard to this problem; the Director has not received a response to her letter. (Motion, p. 3)

Under these circumstances, it is the Agency's opinion that "enforcement of compliance with the Stage II rules in the Metro-East area, at this time, is onerous and not in the best interests of the welfare of the people of the State". (Motion, p. 3)

The Agency further notes that Illinois is the first state in the nation, according to Region V, to have adopted Stage II rules pursuant to the CAAA requirement[4]. Other states, not having proceeded as far as Illinois, are accordingly in the position of being able to wait and see what transpires regarding the promulgation of the onboard vapor recovery rules.

Given the uncertainty of USEPA's position with regard to onboard vapor recovery, the Agency requests that the May 1, 1993 compliance date be delayed by the 150 days provided by emergency rules pursuant to Section 5.02 of the Administrative Procedure Act [5 ILCS 100/5-45].

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[4] Other states that have employed Stage II for a number of years have done so at their discretion: that is, Stage II is a control measure they chose to implement; it was not required by the CAAA at the time these states adopted the Stage II rules.

Section 5.02 Illinois Administrative Procedure Act provides in pertinent part:

> "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare. If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. . . . Subject to applicable constitutional or statutory provisions, an emergency rule become effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.
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> An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded.

Section 27(c) of the Environmental Protection Act provides:

> When the Board finds that a situation exists which reasonably constitutes a threat to the public interest, safety or welfare, the Board may adopt regulations pursuant to and in accordance with Section 5.02 of the Illinois Administrative Procedure Act.

Emergency rules are scrutinized by both the Joint Committee on Administrative Rules and by the courts to determine whether "there exists a situation which reasonably constitutes a threat to the public interest, safety or welfare". Citizens for a Better Environment v. Illinois Pollution Control Board, (1st Dist. 1983) 152 Ill. App.3d 105, 504 N.E. 2d 166, 169 (emphasis in original) (vacating rules on the basis that no emergency existed).

RECENT FILINGS

In its May 5, 1993 order, the Board observed as follows:

> The Board may only adopt rules on the basis of the record before it, and this record contains no information or legal argument to support the Agency's conclusion that an emergency exists. While the Agency states that it estimates there are some 400 affected

> gas stations in the Metro-East area and that required capital expenditures are estimated at $14 million, its unsworn motion contains no information to lead the Board to conclude that any of these stations were out of compliance as of May 1. The Board itself has received no petitions for variance or adjusted standards which could lead it to conclude that non-compliance exists. The Agency motion as worded speaks of "the specter of a very large capital outlay", rather than of a reality. While the Agency may well have identified or been approached by sources who have yet to comply with the Stage II requirements, evidence of this has not been submitted into this record.

On or before May 17, 1993, the Board received the Agency's response to the Board's May 5 order and additional comments from:

PC #1	U.S. Representative Jerry F. Costello
PC #2	Dickerson Petroleum, Inc.
PC #3	Clinton County Oil Company
PC #4	Illinois Petroleum Marketers Association (IPMA)
PC #5	L. Keller Oil Properties, Inc.
PC #6	Thomeczek Oil Company
PC #7	Tri Star Marketing, Inc.
PC #8	Martin & Bayley, Inc.

The Agency's argues that:

> Installing Stage II vapor recovery controls imposes a significant hardship on small businesses. Gasoline stations operate on a very slim profit margin of two to four cents a gallon. It will cost each gas station between $40,000 and $100,000 to install Stage II controls. Clearly the cost of the control outweighs the marginal benefit of immediate reduction in emissions. This expense is clearly a hardship on these businesses, and some may have to close or reduce staff. The Metro-East area already has a high rate of unemployment; clearly more is not in the public interest nor is restricting access and increasing the cost of a necessary commodity.

The Agency further submits that its proposed emergency rules are offered to alleviate "a clear and present threat to the public interest".

Also, U.S. Representative Costello notes that the current requirements would impact small businesses with costs ranging to $14 million, at a time when the USEPA is in the process of formulating the onboard vapor recovery rules that would make Stage II rules inapplicable. (PC #1.)

Comments from Dickerson Petroleum, Clinton County Oil, L. Keller Oil Properties, Thomeczek Oil Company, Tri Star Marketing, and Martin & Bayley indicate costs per facility ranging from approximately $13,000 to $267,000 for compliance with existing Stage II requirements. In addition, the IPMA listed eight affected facilities with costs ranging from $40,000 to $120,000 per facility, and adds:

> Unless the applicable compliance deadline is extended in accordance with the Agency's request, the affected IPMA members * * * may be subject to enforcement actions brought by the Agency for failure to comply with the applicable Board rules. In light of these circumstances, the enforcement of such compliance with the Stage II rules in the Metro-East area, at this time, constitutes an unreasonable hardship and is not in the best interest of the State of Illinois. (PC #4 at 3.)

The USEPA also was invited to comment on the instant matter in the Board's May 5, 1993. Given that the Agency is today asking the Board to alter a rule that was adopted as a federally required rule, this Board would have been most receptive to the USEPA's perspective. The USEPA, however, has not responded.

CONCLUSION

Emergency rulemaking by the Board is justified when there is a threat to the public interest. The record in this case demonstrates that facilities in the Metro-East area that should have complied with Stage II vapor recovery requirements by May 1, 1993, would suffer extreme economic hardship if forced to comply at this time. The court mandate for USEPA to promulgate onboard controls, which potentially may eliminate the need for Metro-East facilities to comply with Stage II requirements, creates intolerable uncertainty until the USEPA provides guidance. Moreover, the affected facilities have been placed in a position where they are subject to legal action by the Agency, or any citizen, if they fail to comply with the Stage II requirements which should have taken effect on May 1, 1993.

The Board will accordingly proceed to adopt the emergency rule as requested by the Agency.

The Board notes that the extreme action of an emergency rulemaking might have been avoided if the Agency had acted in a more timely fashion. The U.S. Court of Appeals' decision regarding onboard vapor recovery systems, which precipitated the instant circumstance, was delivered almost four months ago on January 22, 1993. It is clear from the Agency Director's March 25, 1993 letter to the Administrator of the USEPA (Motion

Attachment 2) that, at minimum, the Agency was aware of the pending Stage II problem almost two months ago and more than a month before the May 1, 1993 compliance deadline. The Agency did not notify this Board until May 3, 1993, after the compliance deadline had already passed. Compounding the matter, the Agency's May 3 notification was defective, forcing additional delay.

The Agency's untimely actions have reduced the opportunity for this Board to weigh alternative, and perhaps more appropriate, measures in place of the drastic emergency rulemaking action. For example, there is nothing in the record to indicate that the Agency considered the various variance procedures available under the Illinois Environmental Protection Act. Prudently, these should have been considered as alternatives to emergency rulemaking, and seemingly could have been accomplished within the originally available timeframe.

EXPIRATION OF THE EMERGENCY RULE

The Board observes that the Agency's request is to have the May 1, 1993 compliance date replaced with September 28, 1993. The Board is today extending the latter date to October 15, 1993. The basis for selecting the September 28 date was apparently solely that this date is calculated as 150 days (the maximum term of any emergency rule) after May 1. However, today's rule will not become effective until it is filed with the Secretary of State, at some date after today's date. The 150-day term of the rule will begin tolling only thereafter. Thus, October 15 is within the 150-day interval. Given the USEPA's history with promulgation of rules, it is judicious to accept that more time will be taken with the onboard recovery rules than initially contemplated, and therefore we may need all of the 150 days in order to have USEPA's decision before us.

The Board also observes that when the instant emergency rule expires, the May 1, 1993 compliance deadline will again become the law, unless a permanent amendment to Section 219.586 is made. The Board does not wish that the affected parties be placed in retroactive jeopardy due to inaction in addressing this matter. No proposal for a permanent rule change has been made; the Board notes that even "fast-track" rulemaking takes at least 150 days to complete given various statutory requirements. The Board further notes that variances and some adjusted standard proceedings typically are completed in 120 days.

ORDER

The Board adopts the emergency amendments as follows, and directs the Clerk of the Board to initiate publication in the Illinois Register.

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 STATIONARY SOURCES

SUBPART Y: GASOLINE DISTRIBUTION

Section 219.586 Gasoline Dispensing Facilities - Motor Vehicle Fueling Operations

a) For the purposes of this section, the following definitions apply.

1) Average Monthly Volume: The amount of motor vehicle fuel dispensed per month from a gasoline dispensing facility 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 facility was operating.

2) Certified: 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, hereby incorporated by reference (California Air Resources Board, Compliance Division, Compliance Assistance Program: Facilities Phase I & II (October 1988, rev. March 1991 CARB Manual). This incorporation includes no later additions or amendments.

3) Completion of installation: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(United States Environmental Protection Agency, Washington D.C., EPA-450/3-91- 002b). These tests are hereby

This incorporation includes no later additions or amendments.)

4) Constructed: Fabricated, erected or installed; refers to any facility, emission source or air pollution control equipment.

5) CARB: California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

6) Employee: Any person who performs work for an employer.

7) Facility: 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 Facility: Any facility 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: Any change, removal or addition, other than an identical replacement, of any component contained within the vapor collection and control system.

10) Motor Vehicle: 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: 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: Any person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a gasoline dispensing facility.

13) Reid Vapor Pressure: For gasoline, it 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 215.105.

14) Vapor Collection and Control System: 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 facility 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 facility 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 facility 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, facilities subject to the

requirements of subsection (c) above shall demonstrate compliance according to the following:

1) Facilities that commenced construction after November 1, 1990, must comply by ~~May 1~~October 15, 1993.

2) Facilities 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) Facilities 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 facilities constructed after the adoption of this Section shall comply with the requirements of subsection (c) above upon startup of the facility.

5) Existing facilities 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 facility becomes subject.

e) Any gasoline dispensing facility 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 facility 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 facility is in fact exempt.

g) Recordkeeping and reporting:

1) Any gasoline dispensing facility subject to subsection (c) above shall retain at the facility 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 facility 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 facility 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 facility 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 facility submits to the Agency a registration which provides at minimum the facility 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 facility.

4) Upon the modification of an existing vapor collection and control system, the owner or operator of the gasoline dispensing facility 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.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act, 415 ILCS 5/41 (1992), provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.)

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 May, 1993, by a vote of 6-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board