

ILLINOIS POLLUTION CONTROL BOARD
June 4, 1992

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

Proposed Rule.

Second Notice.

OPINION AND 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 recovery of gasoline vapor emissions from the fueling of motor vehicles. The changes are to be accomplished through amendments to the Board's reasonably available control technology (RACT) regulations found at 35 Ill. Adm. Code 215, 218, and 219¹. Pursuant to Section 182(b)(3) of the Clean Air Act, as amended in 1990, Illinois is to submit these regulations for the recovery of gasoline vapors as a revision to its state implementation plan (SIP) by November 15, 1992.

Also in this docket, the Board is proposing non-substantive changes to Section 215.123 involving the form of the incorporation by reference. Although not part of the Agency's proposal, the Board believes this docket serves as a means to make that section conform to current requirements.

Today the Board adopts the proposal for second notice as modified and after consideration of the testimony, exhibits, and comments received, as discussed below.

PROCEDURAL HISTORY

In anticipation of the need to promulgate regulations required under Title I of the Federal Clean Air Act Amendments of 1990, Public Law 101-549 (CAAA), the Board on October 24, 1991

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

opened this and several related dockets². The expressed purpose of opening these dockets as early as October 1991 was to:

- 1) Facilitate notification of the pending rulemakings;
- 2) Solicit views of interested persons on the timing of the various rulemaking proceedings;
- 3) Ensure, to the maximum extent possible, that the rulemakings would be completed in a timely fashion.

Action in several of these dockets has now been completed; several others are currently active, and in several other dockets proposals have yet to be filed with the Board. In the immediate docket the Agency filed its proposal for rulemaking on January 22, 1992.

The Board accepted the proposal for hearing on February 6, 1992. By the same order the Board accepted the Agency's certification that this rulemaking is federally required pursuant to Section 28.2 of the Environmental Protection Act (Act) (Ill.Rev.Stat. 1991, ch. 111½, par. 1028.2), as amended by P.A. 86-1409.

On February 27, 1992, the Board sent the proposal to first notice, pursuant to Section 5.01 of the Illinois Administrative Procedure Act. First notice publication occurred on March 20, 1992 at 16 Ill. Reg. 4170, 4184, and 4200 (for Parts 215, 218, and 219, respectively). The Board took no substantive position on the merits of the proposal as part of the first notice adoption order, and made only minor nonsubstantive changes to the rules as proposed by the Agency, in order to conform to Administrative Code Unit requirements. Hearings were held on March 30, 1992, in Chicago, and on April 2, 1992 in Collinsville.

FEDERAL AND STATE LAWS

The CAAA require 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

² Covered in this package are regulations directed to facets of RACT, Stage II vapor recovery, employee trip reduction, SO₂ emissions, and PM-10 control, as found in Board dockets R91-27 through R91-37.

recovery systems (Stage II systems³). The Chicago nonattainment area has been designated by the United States Environmental Protection Agency (USEPA) as "severe", and the Metro-East nonattainment area has been designated by USEPA as "moderate". The CAAA require 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 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 Act, mandating the Board to adopt gasoline vapor recovery regulations⁴:

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

³ Stage II systems capture and collect vapors released during gasoline fueling, preventing the vapors' release to the atmosphere.

⁴ 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.

the federal Clean Air Act (42 USC 7521(a)(6) by November 15, 1992⁵). (Ill. Rev. Stat. 1989, ch. 111½, par. 1010)

The proposed amendments would apply to gasoline dispensing facilities located in the Chicago nonattainment 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 County⁶; and the Metro-East nonattainment area, consisting of Madison, Monroe, and St. Clair counties.

Applicability of the regulations is also reviewed in the discussion section of the opinion.

PUBLIC HEARING AND COMMENTS

In addition to testimony presented by the Agency, testimony was given by Ron L. Burke of the Chicago Lung Association in association with the American Lung Association and the Illinois Chapter of the Sierra Club (collectively, CLA), and Philip S. Bush of Amoco Oil Company (Amoco) and Daniel H. Moenter of Marathon Oil Company (Marathon), as introduced by David A. Sykuta of the Illinois Petroleum Council.

The Board received 12 public comments during the 45-day first notice comment period. These are:

1. United States Environmental Protection Agency (USEPA) submitted by Stephen Rothblatt, Chief, Regulation Development Branch
2. The Department of Energy and Natural Resources (DENR) on the Appropriateness of an Economic Impact Study submitted by Stanley Yonkausk
3. City of Chicago's (Chicago) Comments on the Proposed Rules for Stage II Gasoline Vapor Recovery Rules

⁵ USEPA has decided not to promulgate regulations for on-board gasoline vapor recovery at this time. (57 Fed. Reg. 13220, April 15, 1992.) Therefore, should USEPA later decide to promulgate such regulations, it appears that the regulations would not be in effect by November 15, 1992.

⁶ Oswego township in Kendall County and Aux Sable and Goose Lake townships in Grundy County are proposed to be added to the Chicago area nonattainment area in pending docket R91-28. Should the Board proceed to final adoption with these regulations, docket R91-28 would be adopted before or contemporaneously with this docket.

submitted by Henry L. Henderson, Commissioner,
Department of Environment, City of Chicago

4. USEPA comments submitted by Stephen Rothblatt, Chief, Regulation Development Branch
5. Connie Bradway, Administrative Code Division (Code Division) (Parts 215, 218, and 219)
6. Agency's Comments submitted by Kathleen C. Bassi
7. USEPA submitted by Stephen Rothblatt, Chief, Regulation Development Branch
8. Ford Motor Company (Ford) Comments on Stage II Vapor Recovery submitted by John C. Baguzis
9. Outboard Marine Corporation (OMC) submitted by Robert Evangelisti, P.E., Manager, Environmental Compliance
10. The Bureau of Business Development (DCCA)
11. Waukegan Port District (District) submitted by Mary S. Walker, Harbor Manager
12. Mobil Corporation (Mobil) submitted by Robert S. Elvert, Environmental Regulatory Advisor

The Board received 2 additional comments after the close of the public comment period. These include comments of Larsen Marine Service (Larsen Marine), submitted by Jerry Larsen (P.C.#13), and supplemental comments submitted by the Agency (P.C.#14)⁷.

GENERAL ISSUES

In this section, the Board presents discussion of general issues presented during the course of this proceeding. Thereafter a provision-by-provision description of the contents of the proposed rules is presented.

Technical Aspects of Stage II Vapor Control

Stage II vapor recovery systems are designed to control and capture hydrocarbon vapors during the fueling of vehicle tanks. Vehicle fuel emissions consist of gasoline vapors displaced from

⁷ The Agency's supplemental comments are accompanied by a motion to accept the filing instant. That motion is hereby granted.

the automobile tank by dispensed liquid gasoline as the tank is filled. The Stage II system captures vapors as they exit the vehicle's fuel fillpipe, thereby preventing the vapors' escape into the atmosphere. The captured vapors flow through a vapor passage in the fuel pump nozzle into a vapor hose and then through a plumbing system to the underground storage tank. The gasoline withdrawn from the storage tank creates a void in the storage tank which is filled by the collected vapors. The recovered vapors further prevent the evaporation of liquid gasoline in the underground storage tank. (St. at 6; Exh. 8⁸ at 1.⁹)

Three basic types of Stage II systems are in use in the United States. These are the vapor balance system, the vacuum assist system, and the aspirator assist or hybrid system. The vapor balance system is the most commonly used system. In general, these three types of systems differ based on whether they use a "balance" method or "vacuum" method or a combination of the two. In a balance system, the vapors and liquid are "balanced" between the vehicle and underground storage tanks, using pressure to force the vapors from the fuel tank into the fill pipe. In a vacuum system, a vacuum-generating device draws vapors from the fuel tank into the fillpipe. (Exh. 8 at 3-6.)

The Agency terms Stage II vapor recovery systems as "a proven technology" (St. at 6; Exh. 8 at 1). Stage II vapor systems have been a part of hydrocarbon emission control in California for some time. It was introduced in San Diego in 1974 and has become one of California's major volatile organic compound (VOC) control strategies. Sixteen areas in California designated as nonattainment for ozone have Stage II control programs in place, and it has been estimated that the program reduces hydrocarbon emissions in California by 48,000 tons annually and saves 15 million gallons of gasoline. (Exh. 8 at 1-2.)

The Agency reports that a number of other areas of the United States have also established Stage II systems. These include the District of Columbia, Missouri (St. Louis area), New

⁸ Exhibit 8 is the testimony of Terry A. Sweitzer, P.E., who testified on behalf of the Agency.

⁹ Cites to the record will be as follows: Statement of Reasons as "St. at X"; the transcript of hearing as "Tr. at X" (only the 3/30/92 transcript is cited); exhibits as "Exh. X at X"; and public comments as P.C.#X at X"

Jersey, New York, Massachusetts, Philadelphia, and Florida (Dade County)¹⁰.

The Agency reports that Stage II systems are "effective in the control of vehicle refueling emissions" (St. at 7). The California Air Resources Board (CARB) certifies that Stage II systems used in California are at least 95% effective. (Exh. 8 at 1.) The states and local agencies that have operational Stage II programs have demonstrated that 95% control of VOC emissions is practicable¹¹. (St. at 7.)

Using gasoline consumption figures for the ozone nonattainment counties and the Stage II control and in-use efficiencies of 95% and 84%, the Agency calculated estimated emissions reductions for Stage II systems in Illinois. The calculations show that emissions reductions of nearly 32 tons per day for the Chicago area, and nearly 3 tons per day in the Metro-East area can be expected; total emissions reductions for the State are thus expected to be 35 tons per day¹². (Exh. 8 at 17; Exh. 5 at 3.) The Agency reports that this reduction in emissions would be a "significant portion" of the CAAA required 15% reduction in overall VOC emissions (Exh. 8 at 17).

CARB Certification

The control system minimum efficiency design requirements are contained as part of the general preamble of Title I of the CAAA. The CAAA prescribe that Stage II systems must be certified to have at least 95% control effectiveness. (St. at 4.) Nearly all states and local agencies rely on CARB for Stage II system guidance due to CARB's expertise and experience with the systems. California state law requires that CARB develop methods and procedures for the certification of Stage II systems. CARB maintains a program that specifies by executive order those systems that have been tested and approved. The executive orders

¹⁰ David Sykuta, Illinois Petroleum Council, testified that no states have established Stage II requirements where the state is in compliance with limits for ozone (Tr. at 61).

¹¹ The record contains information that the in-use efficiency of Stage II systems has been estimated to vary between 92% and 62%, depending on the frequency of the inspection program. The Agency intends to conduct annual inspections; this has an associated installation in-use efficiency of 86% (Exh. 5).

¹² 13,000 tons annually (P.C.#6 at 4).

are maintained through a CARB manual (Exh. 3). These orders are routinely updated as new systems are certified¹³.

At hearing, Philip S. Bush of the planning department of Amoco Oil Company raised issues related to Illinois' reliance on CARB certification. Mr. Bush expressed concern over the fact that under the Agency's proposal Illinois would not be performing its own certification:

If no other agency certifications are acceptable, Amoco would have to maintain facilities in California (even though we don't market there) simply for the purpose of requalifying subcomponents of the system. This may prove to be not worthwhile. Consequently, we are asking the * * * [USEPA] to step up to their responsibility under the CAAA and begin certifying Stage II gasoline vapor recovery systems and hardware. (Tr. at 84.)

Mr. Bush noted that with over 50 areas requiring Stage II systems, it is his belief that USEPA will take on the process of certification. Mr. Bush expressed the desire to add language allowing for future USEPA certification, or certification by another approved pollution control agency. (Id.)

The Agency states that the preamble to Title I of the CAAA provides that CARB-approved Stage II systems meet CAAA requirements -- with no additional individual efficiency testing required. However, if a state desires to approve other systems (i.e., those that are not CARB-certified), it must develop test methods and procedures and submit these to USEPA as a SIP revision. (St. at 7-8; Exh. 8 at 12.) The Agency believes that this process would be costly and time-consuming. The Agency explains that the time needed to complete the process for SIP approval of Illinois' own certification process would result in missing the CAAA November 15 deadline. (Exh. 8 at 12-13.)

The Board recognizes the inconvenience Amoco faces regarding CARB certification. However, the Board can not provide for possible certification by USEPA or "other approved pollution control agency" in these rules. Although it may seem reasonable that USEPA or some "other approved pollution control agency" might take on such certification, this is still very much uncertain and therefore too speculative to be implementable under Illinois administrative law. Moreover, the State is unable to provide its own certification system -- even if the resources were available and their expenditure justified -- and still meet

¹³ The regulations proposed today contain an incorporation by reference to the CARB manual. The Board's regulations will not include any updates or amendments pursuant to APA requirements.

the November 15 deadline. If at some later date either the national or State certification picture changes, the Board can then amend the instant rules to recognize the changes.

Economic Considerations

Affected Facilities. The state legislation and the CAAA specify that Stage II systems are required at gasoline dispensing facilities that dispense more than an average of 10,000 gallons of gasoline per month. The facilities covered include retail service stations and private fueling facilities (such as government and company fleet fueling facilities). (Exh. 4; St. at 3.) The Agency's estimates indicate that "16,000 retail and private gasoline dispensing facilities are located in Illinois and that nearly 4400 are located in the ozone nonattainment areas and would be subject to the Stage II system requirements" (Exh. 4 at 5.) The Agency provides an estimate of affected facilities by county:

Table 3
Number of Gasoline Dispensing
Facilities Subject to Stage II Controls

<u>County</u>	<u>Retail</u>	<u>Private</u>
Cook	2453	446
DuPage	300	69
Grundey (portion)	9	0
Kane	143	28
Kendall (portion)	5	0
Lake	244	45
Madison	166	22
McHenry	84	16
Monroe	17	2
St. Clair	147	23
Will	<u>148</u>	<u>31</u>
Total	3716	682
Total retail and private facilities		<u>4,398</u>

Costs. The Agency has undertaken a cost analysis based upon consideration of the cost of each piece of necessary equipment, installation and maintenance costs, and monthly amount of gasoline throughput (see Exh. 6 at 1-4). From this analysis the Agency concludes that the total implementation costs would be \$17 million. The estimated annualized cost is expected to range from \$1331 to \$4954 per facility, with the smaller throughput facilities having the larger cost. (Id. at 4.) The average cost effectiveness, assuming a 35 ton per day reduction in emissions, is estimated at \$1330 per ton. (Id.)

The cost analysis includes cost savings to consumers. Mr. Sweitzer testified that in doing the cost analysis, the cost of gasoline recovered during the process was figured in their analysis. He stated that the price increase of a penny a gallon may have been a penny to two cents per gallon, had they not taken the cost of the recovered gasoline into account (Tr. at 31). The Agency estimates that Stage II systems will save approximately 4 million gallons of gasoline in Illinois (P.C.#6 at 4).

Statewide Regulation

At hearing CLA asked the Board to require Stage II systems to be used throughout the state, as opposed to requiring the systems solely in certain nonattainment areas. As support for its position, CLA presented evidence that certain communities in attainment areas have experienced 8 hour exposures to ozone at concentrations of 0.08 ppm or more¹⁴, stating that this constitutes a "serious health hazard" (Tr. at 50). CLA also discussed that public exposure to petroleum vapors results in exposure to carcinogens such as benzene, and alkenes that may convert to genotoxic epoxides and other highly mutagenic products. CLA presented data on exposure during fueling that would result in exposures to these chemicals reaching NIOSH and OSHA short-term limits. (Tr. at 52-54.) CLA believes that Stage II systems, when used properly, virtually eliminate the significant exposure to these chemicals. (Tr. at 49.)

CLA believes that the Board may adopt statewide Stage II regulations based on a reading of section 10(d) of the Act¹⁵ in conjunction with the part of section 10 that requires Stage II regulations to be adopted (see above). (Tr. at 49-52.)

The Board notes that section 10 of the Act includes a restriction on adoption of Stage II regulations for areas of the state that are below moderate for attainment: "These regulations shall apply only in areas of the State that are classified as moderate, serious, severe, or extreme nonattainment areas for ozone". The language of section 10(d) may not be read to render later portions of section 10 meaningless. (See, Niven v. Siqueira (1985), 109 Ill.2d 357, 487 N.E.2d 937.) Therefore, the Board can not adopt statewide regulations under this legislation.

Watercraft

¹⁴ These communities are Champaign-Urbana, Decatur, Peoria, Rantoul, Rockford, and Springfield.

¹⁵ "The Board may adopt regulations * * * [which] may * * * prescribe: (d) Standards and conditions regarding the sale, offer, or use of any fuel, vehicle, or other article determined by the Board to constitute an air-pollution hazard;"

OMC and the District observe that there is a "fundamental difference" in the fuel system in watercraft and automobiles, and that it follows that the Stage II program under consideration should not be applied to watercraft fueling. (P.C. #9 and #11.) OMC continues:

United States Coast Guard regulations deal with fuel systems in watercraft and has been (sic) addressed by the National Marine Manufacturers Association's (NMMA) Permanent Fuel Systems Standards (ABYC H-24-89, H-33-84 as required to meet 33 CFR Subpart J). Typically the gasoline vent line is several inches from the fuel fill line. Additionally, there must be a separation between the engine and/or fuel compartment ventilation and fuel fill openings of at least 15 inches. In either case, the vapor recovery system envisioned in Illinois would not work for most watercraft with permanent fuel systems because of the distances between fuel fill and vent lines.

The definition of watercraft as motor vehicles is inconsistent with the United States Environmental Protection Agency's definition. In fact, U. S. EPA has developed a separate category for non-road engines.

Since U. S. Coast Guard rules for watercraft with permanent fuel systems require that the fuel tank vent line be separated from the fuel fill port, this would make the gasoline vapor recovery devices as envisioned for Illinois ineffective in recovering gasoline vapors. In order to make vapor recovery nozzles work for recreational watercraft, all new watercraft systems retrofitted. This design change would have to undergo approval by the U.S. Coast Guard and be fundamentally different from those systems covered by the current NMMA standard.

The District's and Larsen Marine's comments mainly echo OMC's comments, with the addition that the District states that while an automobile gasoline station typically has underground storage tanks within 100 feet of the pumps, the District has a distance of 1000 feet between the pumps and the tanks. The District questioned whether a gasoline vapor recovery system would be 95% effective under these circumstances. (P.C.#11 at 1.)

The Agency in its supplemental comments states that it contacted USEPA and the San Diego County, California, Air Pollution Control District with regard to the questions raised about the applicability of Stage II rules to watercraft. The

Agency agrees with OMC, the District, and Larsen Marine that there are indeed physical problems with using Stage II equipment in the fueling of watercraft. The Agency reports that it was not USEPA's intent that watercraft or aircraft be included within the applicability of the Stage II vapor recovery requirements. Therefore, the Agency is recommending that a sentence be added to the definition of "motor vehicle" (Section 218/219.586(a)(10)) specifically excluding watercraft and aircraft from the rule. The Board accepts the Agency's recommended changes.

"Refueling" vs "Fueling"

Ford asks that the Board use the term "refueling" instead of "fueling" in the rule. (P.C.#8.) Ford claims that since Ford would be "fueling" new vehicles, there are no vapors to be captured from the cars' tank.

The Preamble to Title I of the Clean Air Act does refer to "refueling". The Preamble states that the Clean Air Act ". . . requires owners or operators of gasoline dispensing systems to install and operate gasoline vehicle refueling vapor recovery ("Stage II") systems in ozone nonattainment areas designated as moderate and above" (57 Fed. Reg. 13513) (emphasis added). However, Section 182(b)(3), the controlling section of the Clean Air Act does not refer to refueling systems, but rather refers to "dispensing systems" and "a system for gasoline vapor recovery of emissions from the fueling of motor vehicles" (42 U.S.C. §7511a(b)(3)(A) (emphasis added). Also, Section 10 of the Act applies to the fueling of motor vehicles.

The Agency's description of how vapor recovery systems work indicates that the vapors formed in the tank of a car are forced out during refueling. (St. at 6; Exh. 8 at 1.) Ford argues that since new cars would have no vapors to be forced out, "refueling" rather than "fueling" should be used in the rule. The Agency, in its supplemental comments, states that:

Even in the initial fueling of new automobiles and trucks, there are vapors released into the atmosphere from the volatilization of the gasoline as it enters the tank. These vapors are captured by Stage II systems. (P.C.#14 at 2).

The Board finds that there is conflicting information in the record and legislation on the issue raised by Ford. Therefore, the Board will not alter the proposed rule as suggested. The Board notes that future rulemakings or adjusted standard proceedings are available should Ford wish to further pursue this matter.

PROVISION-BY-PROVISION DISCUSSION

Section 215.123

In this section the Board is only adding required language involving the incorporation by reference. No comments were received concerning this change.

Sections 215.583, 218.583, 219.583 Gasoline Dispensing Facilities

The title of these sections is amended to indicate that the provisions of the Section apply only to storage tank filling operations (Stage I controls). Stage II vapor recovery rules are to be provided in subsequent sections.

Section 218.586(a), 219.586(a)

These proposed subsections include definitions specific to gasoline dispensing facilities. The definitions are necessary to clarify the requirements for implementation of Stage II vapor recovery systems as provided in the proposed rules.

Mobil suggests that the time period contained in the definition of Average Monthly Volume (subsection (a)(1)) be changed to one year (January 1990 through December 1991). (P.C.#12 at 1.) The Agency states that the two-year time period included in the subsection is needed for consistency with CAAA requirements; the Agency states that the time period is based on language in the preamble to the CAAA which states that the monthly volume average is to be "based upon the 2-year period before the adoption date. (P.C.#6 at 10.) Since it is required that the rules be in place by November 15, 1992, the two year period becomes November 1990 through October 1992. The Board agrees and will not make the suggested changes to this subsection.

The definition of "certified" (subsection (a)(2)) is modified from first notice to reflect incorporation by reference of the CARB manual. USEPA also suggests that the words "or will be" be added to this definition to include systems that will be tested and certified by CARB in the future. (P.C.#4 at 1.) The Board and Agency believe that this would lead to the conclusion that the CARB manual updates would be included in this rule. The state legislature in the Administrative Procedure Act specifically prohibits any agency from including references to updates in an incorporation by reference (Ill. Rev. Stat. 1991, ch. 127, par. 1006.2). The phrase could also be interpreted to allow for systems to be considered certified before actual certification takes place, since USEPA's wording would state, "Certified: Any vapor collection and control system which has been or will be tested and approved by CARB . . ." For these reasons, the Board can not accommodate USEPA's suggested change.

USEPA further recommends that at subsection (a)(2), the rules require that any CARB certified system be allowed except those using remote check valves. USEPA states that systems with remote check valves greatly complicate the Dynamic Backpressure Test procedure, thereby making the test less practical for inspection and auditing purposes at the individual facilities. (P.C.#4 at 2.) In answer to this comment, the Agency chooses to make no exceptions to CARB certification. (P.C.#6 at 5.) USEPA made a similar recommendation concerning the use of CARB certified coaxial hose systems. (P.C.#4 at 2.) The Agency comments that CARB allows only coaxial hoses in new balance systems, and that the use of coaxial hoses is expected for all new systems. The Board recognizes the Agency's choices regarding these suggested changes.

The Board added a definition of "completion of installation" to the definitions. The definition had been previously included in subsection (h) (see discussion following). This addition is placed at subsection (a)(3), and the following definitions were renumbered in sequence.

Section 218.586(b), 219.586(b)

These proposed subsections provide that any gasoline dispensing facility that dispenses an average monthly volume of motor vehicle fuel of more than 10,000 gallons is subject to Stage II vapor recovery requirements and is subject to the compliance schedule as provided in the CAAA.

Section 218.586(c), 219.586(c)

These subsections provide the specific requirements for the installation and operation of a Stage II system. Only CARB tested and certified systems can be used, the systems must be properly maintained and operated according to their certifications and manufacturers' specifications, the system must not be operated when malfunctioning, operators and employees must be trained in proper operation and maintenance of the system, and instructions for customers in the dispensing of motor fuel must be properly displayed. The Agency's inspection and enforcement programs would cite provisions of these subsection to allege violations of the rules.

At hearing Marathon expressed a concern over the wording of as proposed at first notice. The wording allowed for the interpretation that if one dispenser is malfunctioning, the station operator would not be allowed to operate the functioning dispensers. Marathon believes the operator should be allowed to shut down only the malfunctioning dispenser, and continue to operate the properly functioning equipment. (Tr. at 70.) The Agency in its comments agrees and proposes language to effectuate

this intent. However, the Board finds that the language proposed by the Agency does not quite cover the situation, as it would continue to prohibit the "dispensing of motor fuel at any time". (See P.C.#6 at 12.) Therefore, the Board adds the phrase "from a motor fuel dispenser" after the word "time". We believe this change makes it clear that the operator is not to operate any malfunctioning equipment, but may continue to operate functioning equipment.

There was also confusion at hearing stemming from the use of the word "testing" in this subsection. (Tr. at 89.) To address this problem, the Agency suggests removing the words "tested and" from subsection (c)(1). This is to make it clear that CARB is the only entity to test systems for certification. Testing of newly installed vapor recovery systems to determine if the system is operating properly is the responsibility of the owner or operator. This type of testing is distinct from testing required for certification. The tests which the owners or operators must perform at installation are included in Section 218/219.586(h)(1).

Other nonsubstantive form changes have been made to the rule text. The Board made nonsubstantive form changes suggested by the Code Division. (P.C.#5.) Chicago expressed its support for these rules. (P.C.#3.) DCCA commented that it has found no negative economic impact from these proposed rules. (P.C. #10.)

Section 218.586(d), 219.586(d)

These subsections provide the compliance dates for affected facilities. These dates coincide with those required under the CAAA.

Language has been clarified in accordance with comments made at hearing by the Board staff and Amoco to eliminate the redundancy in the applicability language. (Exh. 15; Tr. at 89-90.) The changes occur at subsections (d)(2) through (d)(5)¹⁶.

The only substantive change to this subsection is suggested by the Agency (P.C.#6 at 4), which the Board accepts. The change is an addition to the beginning of subsection (d), and is to clarify that once applicability in a geographic area is established by the terms of 218.105 (or 219.105), the compliance dates which subject facilities must meet are contained in 218.586 (or 219.586). This reference is also in response to Marathon's suggestions at hearing that the geographic areas of applicability be included in the rule. (See Tr. at 67.)

¹⁶ The text of subsection (d)(4) was deleted, and (d)(5) and (d)(6) were renumbered as (d)(4) and (5).

Mobil expresses concern that remodeled stations would have to comply under the same schedule as new facilities. (P.C.#12) Remodeled facilities are not to be considered new facilities under these rules, and would not be under a competitive disadvantage. The commenced construction language applies only to new facilities. (P.C.#6) The schedule of compliance dates included in this subsection is needed for consistency with the CAAA requirements. (See 42 USC §7511a.)

Section 218.586(e), 219.586(e)

These subsections provide that once a facility becomes subject to Stage II requirements as provided in subsection (b), it will remain subject at all times.

Section 218.586(f), 219.586(f)

If a facility determines that it is exempt from the Stage II requirements provided in subsection (b), it is the facility's responsibility to retain such records and to provide such upon Agency request.

Section 218.586(g), 219.586(g)

Since permit applications are not to be required, recordkeeping is necessary to demonstrate compliance. These Sections specify that each facility shall retain records that demonstrate a CARB approved systems are being utilized, that the proper maintenance has been performed on the Stage II system, that all time periods when Stage II components have malfunctioned are clearly documented, that average monthly throughputs of motor vehicle fuel are maintained, and that operators and employees are properly trained and that they understand potential penalties. These records will be made available to Agency personnel during facility inspections.

At first notice the proposal required that all records be kept on-site. At hearing Amoco objected to the requirement that these valuable business documents be kept on-site because the stations may not have secure filing systems on-site. Also, in some instances, the same owner or operator may operate more than one station and would keep his or her business documents at a central location. (Tr. at 87-88, 95-98.) The Illinois Petroleum Council and Marathon joined in the objection at hearing, and Mobil filed comments expressing the same concern. (Tr. at 100-109; P.C.#12.) Since the hearing, the Agency discussed the recordkeeping issue with industry representatives and USEPA. The Agency suggests changes in the recordkeeping requirement which would allow for keeping on-site only the registration material required under Section 218/219.586(h)(1), and the location of the

records required under Section 218/219.586(g)(2)¹⁷, including the name, address, and phone number of the contact person for these records.

The Agency believes that this approach to the recordkeeping requirements "allows the Agency to obtain any pertinent information to support its inspections of the facility and yet provides on-site at the time of inspection all the information required to allow a comprehensive inspection" (P.C.#6 at 7). The Agency reports that USEPA agrees with this concept for recordkeeping, and that this constitutes a change in position from the earlier USEPA comments. (Id; P.C.#7.)

In its supplemental comments, the Agency, at USEPA's request, retracts a suggestion made in its earlier comments. The suggestion was that "within 30 calendar days of a" be added at subsection (g)(2). The Agency now wants to leave the sentence to require records be provided "upon request"; the same as at first notice. (P.C.#14 at 3). This would be consistent with other information requirements in other subparts of Parts 218 and 219. The Board accepts the change.

Amoco objected to the need for the keeping of throughput information required by subsection (g)(d)(2). The Agency states that this information is essential in order for the Agency to clearly document the emission reductions gained from the Stage II program and "to facilitate future dispersion modeling activities" (P.C.#6 at 7-8). The Board will not delete the requirement for this information.

Section 218.586(h), 219.586(h)

These subsections exempt any facility subject to Stage II requirements from air pollution control permits required under Sections 201.142, 201.143 and 201.144 for the Stage II equipment. The exemption is allowed provided that the affected facility provides a registration of its Stage II equipment. Any future modifications would require a reregistration. This proposed use of a registration in lieu of formal permits is designed to eliminate a paperwork exercise of submittal, review and processing of permit applications. In addition, unnecessary time delays associated with a 90-day permit review period would be eliminated, thereby providing industry additional time to install the Stage II system and the Agency to focus its resources on the implementation of the Stage II program.

Section 218.586(h)(1) (and 219.586(h)(1)) details the specific items to be included when a Stage II system is to be

¹⁷ The list of records to be kept is moved from subsection (g)(1) to (g)(2).

registered. The Board adds to these items the requirement that the location of the records be specified, including the name, address, and telephone number of the contact person. This addition is made at the suggestion of the Agency (P.C.#6 at 14) and USEPA (P.C.#7). The registration information will allow the affected facilities to obtain their exemption from permit requirements and the Agency to establish an inventory of those facilities to be inspected. The Agency expects to adhere to USEPA guidance that specifies annual inspections for the facilities or the development of an inspection schedule approved by USEPA through the Agency's inspection program plan. (St. at 14-15.)

The Agency does not intend to use a specific form for gathering the information required in subsection (h)(1). (P.C.#6 at 3.) Therefore the Board deletes the word "form".

The Board is adding a listing of the specific tests required at installation, at the suggestion of the Agency and USEPA. (P.C.#6 at 5; P.C.#4 at 1.) The tests are the Dynamic Backpressure Test, Pressure Decay/Leak Test, or the Liquid Blockage Test. The Agency had suggested that these tests be added at 218/219.586(h)(1). Since these tests are part of a definition of "Completion of Installation", the Board adds these tests and the definition to the definitions in subsection (a). Further description of these tests is not necessary at this time in the rule because the tests are incorporated by reference, and the tests may be moved to a different location in a general clean-up of Parts 215, 218, and 219 to be proposed by the Agency in a separate rulemaking at a later date. (See P.C.#6 at 5.)

In its supplemental comments, the Agency, after consultation with USEPA, points out that some or all of these tests may be required for a successful demonstration of completion of installation, depending on the system used. Therefore, the Agency requests that the word "and" be used instead of "or" in the series of tests listed in the proposed rule. (P.C.#14 at 3-4.) The Board believes that the use of the word "and" does not effectuate the intent of the Agency and USEPA. Rather, use of "and" would require that all three tests be completed. Therefore, the Board retains the use of the word "or", but adds the phrase "one or more of the following tests applicable to the installed vapor collection and control system: " to the rule to make it clear that some or all of the tests may be required to indicate completion of installation.

Miscellaneous Matters

The Board has made some nonsubstantive form changes relative to the first notice proposal, as suggested by the Code Division (P.C.#5). Chicago expressed its general support for these rules.

(P.C.#3.) DCCA commented that it has found no negative economic impact from these proposed rules. (P.C.#10.)

CONCLUSION

Based on the record developed in this proceeding, the Board adopts the attached rule for second notice. The Board further finds that the proposed rules are technically feasible and economically reasonable.

ORDER

The Board directs the Clerk of the Board to cause the second notice proposed amendments to be sent to the Joint Committee on Administrative Rules. This Order includes changes from first notice, indicated by strike through and underlining.

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS FOR
 STATIONARY SOURCES

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 ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

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<u>215.</u> Appendix A:	Rule Into Section Table
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215.Appendix F: Coefficients for the Total Resource
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AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601; Notice of Corrections at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; amended in R88-19 at 14 Ill. Reg. 7596, effective May 8, 1990; amended in R89-16(A) at 14 Ill. Reg. 9173, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 3309, effective February 13, 1991; amended in R88-14 at 15 Ill. Reg. 8018, effective May 14, 1991; amended in R91-7 at 15 Ill. Reg. 12217, effective August 19, 1991; amended in R91-10 at 15 Ill. Reg. 15595, effective October 11, 1991; amended in R89-7(B) at 15 Ill. Reg. 17687, effective November 26, 1991; amended in R91-9 at 16 Ill. Reg. 3132, effective February 18, 1992; amended in R91-30 at 16 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 215.123 Petroleum Liquid Storage Tanks

- a) The requirements of subsection (b) below shall not apply to any stationary storage tank:
 - 1) Equipped before January 1, 1979 with one of the vapor loss control devices specified in Section

215.121(b) of this Part, except Section
215.121(b) (1) of this Part;

- 2) With a capacity of less than 151.42 cubic meters;
 - 3) With a capacity of less than 1,600 cubic meters (422,400 gallons) and used to store produced crude oil and condensate prior to custody transfer;
 - 4) With a capacity of less than 1,430 cubicmeters (378,000 gallons) and used to store produced oil or condensate in crude oil gathering;
 - 5) Subject to new source performance standards for storage vessels of petroleum liquid, 40 CFR 60, incorporated by reference in Section 215.105 of this Part. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (Ill. Rev. Stat., ch. 111½, par. 1009.1(b)).
 - 6) In which volatile petroleum liquid is not stored;
or
 - 7) Which is a pressure tank as described in Section 215.121(a) of this Part.
- b) Subject to subsection (a) above no owner or operator of a stationary storage tank shall cause or allow the storage of any volatile petroleum liquid in the tank unless:
- 1) The tank is equipped with one of the vapor loss control devices specified in Section 215.121(b) of this Part;
 - 2) There are no visible holes, tears or other defects in the seal or any seal fabric or material of any floating roof;
 - 3) All openings of any floating roof deck, except stub drains, are equipped with covers, lids or seals such that:
 - A) The cover, lid or seal is in the closed position at all times except when petroleum liquid is transferred to or from the tank;

- B) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports; and
- C) Rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting;
- 4) Routine inspections of floating roof seals are conducted through roof hatches once every six months;
- 5) A complete inspection of the cover and seal of any floating roof tank is made whenever the tank is emptied for reasons other than the transfer of petroleum liquid during the normal operation of the tank, or whenever repairs are made as a result of any semiannual inspection or incidence of roof damage or defect; and
- 6) A record of the results of each inspection conducted under subsection (b)(4) or (b)(5) above is maintained.
- c) Owners and operators of petroleum liquid storage tanks were required to have compliance schedules as summarized in Appendix C of this Part.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART Y: GASOLINE DISTRIBUTION

Section 215.583 Gasoline Dispensing Facilities - Storage Tank Filling Operations

- a) Subject to subsection (b) below, no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing facility unless:
 - 1) The tank is equipped with a submerged loading pipe; and
 - 2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:
 - A) A vapor collection system that meets the requirements of subsection (d)(4) below; or

- B) A refrigeration-condensation system or any other system approved by the Agency that recovers at least 90 percent by weight of all vaporized organic material from the equipment being controlled; and.
 - C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 215.584(b) or (d) of this Part.
- b) The requirements of subsection (a)(2) above shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing facility if:
 - 1) The tank is equipped with a floating roof or other system of equal or better emission control as approved by the Agency;
 - 2) The tank has a capacity of less than 2000 gallons and is in place and operating before January 1, 1979;
 - 3) The tank has a capacity of less than 575 gallons; or
 - 4) The tank is not located in any of the following counties: Boone, Peoria, Rock Island, Tazewell, or Winnebago.
- c) Subject to subsection (b) above, each owner of a gasoline dispensing facility shall:
 - 1) Install all control systems and make all process modifications required by subsection (a) above;
 - 2) Provide instructions to the operator of the gasoline dispensing facility describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and
 - 3) Repair, replace or modify any worn out or malfunctioning component or element of design.
- d) Subject to subsection (b) above, each operator of a gasoline dispensing facility shall:
 - 1) Maintain and operate each vapor control system in accordance with the owner's instructions;
 - 2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement

or repair of a major component of a vapor control system;

- 3) Maintain gauges, meters or other specified testing devices in proper working order;
 - 4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:
 - A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B, and
 - B) Avoidable leaks of liquid during the filling of storage tanks; and
 - 5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d)(4)(A) above.
- e) Gasoline dispensing facilities were required to take certain actions to achieve compliance which are summarized in Appendix C of this Part.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS FOR
 STATIONARY SOURCES

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 ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
 FOR THE CHICAGO AREA

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AUTHORITY: Implementing Section 10 and authorized by Section 28.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010 and 1028.2)

SOURCE: Adopted in R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-30 at 16 Ill. Reg. _____, effective _____.

SUBPART Y: GASOLINE DISTRIBUTION

Section 218.583 Gasoline Dispensing Facilities - Storage Tank Filling Operations

- a) Subject to subsection (b) below, no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing facility unless:
 - 1) The tank is equipped with a submerged loading pipe; and
 - 2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:
 - A) A vapor collection system that meets the requirements of subsection (d)(4) below; or
 - B) A refrigeration-condensation system or any other system approved by the Agency and approved by the USEPA as a SIP revision, that recovers at least 90 percent by weight of all vaporized organic material from the equipment being controlled; and
 - C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 218.584(b) or (d) of this Part.
- b) The requirements of subsection (a)(2) above shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing facility if:

- 1) The tank is equipped with a floating roof, or other system of equal or better emission control approved by the Agency and approved by the USEPA as a SIP revision;
 - 2) The tank has a capacity of less than 2000 gallons and was in place and operating before January 1, 1979; or
 - 3) The tank has a capacity of less than 575 gallons.
- c) Subject to subsection (b) above, each owner of a gasoline dispensing facility shall:
- 1) Install all control systems and make all process modifications required by subsection (a) above;
 - 2) Provide instructions to the operator of the gasoline dispensing facility describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and
 - 3) Repair, replace or modify any worn out or malfunctioning component or element of design.
- d) Subject to subsection (b) above, each operator of a gasoline dispensing facility shall:
- 1) Maintain and operate each vapor control system in accordance with the owner's instructions;
 - 2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;
 - 3) Maintain gauges, meters or other specified testing devices in proper working order;
 - 4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:
 - A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B, and
 - B) Avoidable leaks of liquid during the filling of storage tanks; and

- 5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d)(4)(A) above.
- e) Gasoline dispensing facilities were required to take certain actions to achieve compliance which are summarized in 35 Ill. Adm. Code 215~~7~~, Appendix C.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 218.586 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 incorporated by reference. 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, and watercraft. 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 of this Section~~ 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 of this Section~~.
- c) No owner or operator of a gasoline dispensing facility subject to the requirements of subsection (b) ~~above of this Section~~ shall cause or allow the dispensing of motor vehicle fuel at any time from a motor fuel dispenser unless all fuel dispensing operations are the dispenser is equipped with and utilizes a vapor collection and control system which is properly installed and operated as provided below:
 - 1) ~~No~~ Any vapor collection and control system shall be installed, used or maintained ~~unless the system has been tested and CARB certified~~.
 - 2) Any vapor collection and control system utilized ~~shall be~~ is maintained in accordance with the manufacturer's specifications and the certification.
 - 3) No elements or components of a vapor collection and control system ~~shall be~~ 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 ~~shall not be operated with~~ has no defective, malfunctioning or missing components.
 - 5) Operators and employees of the gasoline dispensing facility ~~shall be~~ are trained and instructed in the proper operation and maintenance of a vapor collection and control system.
 - 6) Instructions ~~shall be~~ are posted in a conspicuous and visible place within the motor fuel dispensing area and ~~shall~~ 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 218.105 of this Part, Ffacilities subject to the requirements of subsection (c) above ~~of this Section~~ shall demonstrate compliance according to the following:
- 1) Facilities that commenced construction after November 1, 1990, must comply by May 1, 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) ~~All other f~~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 ~~of this Section~~ upon startup of the facility.
 - 5) Existing facilities previously exempted from but which become subject to the requirements of subsection (c) above ~~of this Section~~ after May 1, 1993 shall comply with the requirements of subsection (c) above ~~of this Section~~ 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 ~~of this Section~~ at any time shall remain subject to the provisions of subsection (c) above ~~of this Section~~ 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 ~~of this Section~~ shall retain at the facility copies of all ~~records and reports adequate to clearly demonstrate~~ the registration

information required at subsection (h) below of this section.

- ~~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 penalties associated with the violation of any provisions of this Section.~~
- 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 of this Section shall be~~ is exempt from the permit requirements specified under 35 Ill. Adm. Code Sections 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 ~~shall submit~~ 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. ~~"Completion of installation" includes the successful passing of vapor leakage and blockage tests as specified by CARB.~~
 - 2) The registration ~~must be~~ is submitted to the Agency within 30 days of completion of such installation.
 - 3) A copy of the registration information shall be 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 ~~shall submit~~ submits to the Agency a registration ~~form~~ 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: Added at _____ Ill. Reg. _____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND
LIMITATIONS FOR STATIONARY SOURCES

PART 219
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FOR THE METRO EAST AREA

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SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT
 MANUFACTURING PROCESSES

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SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

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219.940 Applicability
 219.943 Permit Conditions
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SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL
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SUBPART TT: OTHER EMISSION SOURCES

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SUBPART UU: RECORDKEEPING AND REPORTING FOR NON-CTG SOURCES

Section

219.990 Exempt Emission Sources
 219.991 Subject Emission Sources

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

AUTHORITY: Implementing Section 10 and authorized by Section 28.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010 and 1028.2).

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-30 at 16 Ill. Reg. _____.

SUBPART Y: GASOLINE DISTRIBUTION

Section 219.583 Gasoline Dispensing Facilities - Storage Tank Filling Operations

- a) Subject to subsection (b) below, no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing facility unless:
 - 1) The tank is equipped with a submerged loading pipe; and
 - 2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:
 - A) A vapor collection system that meets the requirements of subsection (d)(4) below; or
 - B) A refrigeration-condensation system or any other system approved by the Agency and approved by the USEPA as a SIP revision, that recovers at least 90 percent by weight of all vaporized organic material from the equipment being controlled; and
 - C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 219.584(b) or (d) of this Part.
- b) The requirements of subsection (a)(2) above shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing facility if:
 - 1) The tank is equipped with a floating roof, or other system of equal or better emission control

as approved by the Agency and approved by the USEPA as a SIP revision;

- 2) The tank has a capacity of less than 2000 gallons and was in place and operating before January 1, 1979; or
 - 3) The tank has a capacity of less than 575 gallons.
- c) Subject to subsection (b) above, each owner of a gasoline dispensing facility shall:
- 1) Install all control systems and make all process modifications required by subsection (a) above;
 - 2) Provide instructions to the operator of the gasoline dispensing facility describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and
 - 3) Repair, replace or modify any worn out or malfunctioning component or element of design.
- d) Subject to subsection (b) above, each operator of a gasoline dispensing facility shall:
- 1) Maintain and operate each vapor control system in accordance with the owner's instructions;
 - 2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;
 - 3) Maintain gauges, meters or other specified testing devices in proper working order;
 - 4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:
 - A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B, and
 - B) Avoidable leaks of liquid during the filling of storage tanks; and
 - 5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair

and retest a vapor collection system which exceeds the limits of subsection (d)(4)(A) above.

- e) Gasoline dispensing facilities were required to take certain actions to achieve compliance which are summarized in 35 Ill. Adm. Code 215~~7~~, Appendix C.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

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 incorporated by reference. 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, and watercraft. 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 of this Section~~ 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 of this Section~~.
- c) No owner or operator of a gasoline dispensing facility subject to the requirements of subsection (b) ~~above of this Section~~ shall cause or allow the dispensing of motor vehicle fuel at any time from a motor fuel dispenser unless all fuel dispensing operations are the dispenser is equipped with and utilizes a vapor collection and control system which is properly installed and operated as provided below:
 - 1) ~~No Any~~ vapor collection and control system shall be installed, used or maintained ~~unless the system has been tested and CARB~~ certified.
 - 2) Any vapor collection and control system utilized ~~shall be is~~ maintained in accordance with the manufacturer's specifications and the certification.
 - 3) No elements or components of a vapor collection and control system ~~shall be 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 ~~shall not be operated with~~ has no defective, malfunctioning or missing components.
 - 5) Operators and employees of the gasoline dispensing facility ~~shall be are~~ trained and instructed in the proper operation and maintenance of a vapor collection and control system.
 - 6) Instructions ~~shall be are~~ posted in a conspicuous and visible place within the motor fuel dispensing area and ~~shall~~ 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, F facilities subject to the requirements of subsection (c) ~~above of this Section~~ shall demonstrate compliance according to the following:

- 1) Facilities that commenced construction after November 1, 1990, must comply by May 1, 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) ~~All other~~ 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 ~~of this Section~~ upon startup of the facility.
 - 5) Existing facilities previously exempted from but which become subject to the requirements of subsection (c) above ~~of this Section~~ after May 1, 1993 shall comply with the requirements of subsection (c) above ~~of this Section~~ 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 ~~of this Section~~ at any time shall remain subject to the provisions of subsection (c) above ~~of this Section~~ 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 ~~of this Section~~ shall retain at the facility copies of all records and reports adequate to clearly demonstrate the registration information required at subsection (h) below of this section.
 - 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 penalties associated with the violation of any provisions of this Section.~~

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.

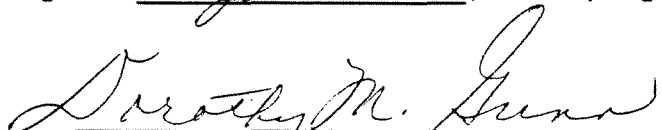
h) Any gasoline dispensing facility subject to subsection (c) ~~above of this Section~~ shall be exempt from the permit requirements specified under 35 Ill. Adm. Code Sections 201.142, 201.143 and 201.144 for its vapor collection and control systems, provided that:

- 1) Upon the installation of a vapor collection and control system, the owner or operator of the gasoline dispensing facility ~~shall~~ 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. ~~"Completion of installation" includes the successful passing of vapor leakage and blockage tests as specified by CARB.~~
- 2) The registration ~~must be~~ is submitted to the Agency within 30 days of completion of such installation.
- 3) A copy of the registration information shall be 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 ~~shall~~ submits to the Agency a registration ~~form~~ 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: Added at _____ Ill. Reg. _____, effective _____)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 4th day of June, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board