ILLINOIS POLLUTION CONTROL BOARD
January 8, 1987

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS   )   R85-21
TO 35 ILL. ADM.   )   DOCKET A
CODE 211 AND 215   )

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

This matter comes before the Board upon a motion of the
Illinois Environmental Protection Agency ("Agency") filed on
December 17, 1986.

The Board published the Second Notice Opinion and Order in
this docket on November 20, 1986. The Board has not as of yet,
however, forwarded the Opinion and Order and related materials to
the Joint Committee on Administrative Rules ("Joint
Committee"). The Second Notice period for this proceeding has
not, therefore, officially begun to run.

The Agency's December 17 motion suggests that there is a
significant omission in 35 Ill. Adm. Code 215.584(b) and (d), as
proposed by the Board. Those subsections, as adopted at Second
Notice, do not contain compliance dates specifying the time by
which gasoline delivery vessels in Illinois must display the
required sticker(s) indicating that the vessel has passed a leak
test. Proposed Subpart Y requires such display as prerequisite
to the loading of gasoline delivery vessels. The Agency states
that without inclusion of a compliance date, the effective date
will be the date of publication in the Illinois Register. That
development, contends the Agency, would cause delivery vessels to
be denied loading privileges at terminals in the Chicago and East
St. Louis urbanized areas.

The Agency proposes that December 31, 1987, be adopted as
the date for compliance with the sticker display requirement.
The Illinois Petroleum Council filed a comment on December 18,
1986, in support of both the necessity of inclusion of a
compliance deadline, as well as the selection of December 31,
1987, as the date itself.

The Board finds that inclusion of a compliance deadline in
section 215.584(b) and (d) is necessary, and that the December
31, 1987, date is technically feasible and economically
reasonable. The Board will therefore add that date to both
subsections, in the manner suggested by the Agency.

The Board also takes this opportunity to make additional
changes to proposed section 215.584(d). These alterations, which
are made for the sole purpose of clarifying the requirements of
subsection (d) and do not substantively modify it in any way,
consist of the following. The word "that" has been deleted from

the fourth line of subsection (d) and "(a)" has been added
immediately after the word "Subsection" in that same line. Also,
the words "acceptable to" in line five have been deleted and
replaced by the words "approved by".

Section 215.584(b) and (d), as adopted at Second Notice and
forwarded to the Joint Committee, shall therefore read as
follows:

b). Any delivery vessel meeting the requirements of
Subsection (a) shall have a sticker affixed to the tank
adjacent to the tank manufacturer's data plate which
contains the tester's name, the tank identification
number and the date of the test. The sticker shall be
in a form prescribed by the Agency and shall be
displayed no later then December 31, 1987.

d). Any delivery vessel which has undergone and passed a
test in another state which has a USEPA-approved leak
testing and certification program will satisfy the
requirements of Subsection (a). Delivery vessels must
display a sticker, decal or stencil approved by the
state where tested or comply with the requirements of
Subsection (b). All such stickers, decals or stencils
shall be displayed no later then December 31, 1987.

Finally, the Agency's December 17 motion also correctly
notes that there is a typographical error in 35 Ill. Adm. Code
215.249, as proposed by the Board at Second Notice. That section
refers to Subpart "N", when it should in fact refer to Subpart
"H". Correction of this error is hereby made.

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 _____ day of _____, 1987, by a vote
of _____ .
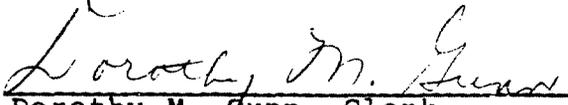
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board