ILLINOIS POLLUTION CONTROL BOARD
January 24, 2013

IN THE MATTER OF:	)	
	)	
GASOLINE VOLATILITY STANDARDS	)	R 12-24
AND MOTOR VEHICLE REFINISHING;	)	(Rulemaking - Air)
PROPOSED AMENDMENTS TO 35 ILL.	)	
ADM. CODE PARTS 211, 215, 218, AND 219	)	

Adopted Rule. Final Opinion and Order.

OPINION AND ORDER OF THE BOARD (by C.K. Zalewski):

Today the Board adopts final rules in this docket, to become effective upon their filing with the Secretary of State. At its January 8, 2013 meeting, the Joint Committee on Administrative Rules (JCAR) voted a certificate of no objection to the proposed rules, following its second notice rule review under the Administrative Procedure Act (APA), 100 ILCS 5/5-1 et seq. (2010). There are no substantive changes in these rules from those proposed in the Board's first or second notice orders, as no public comments were received and JCAR suggested no changes.

On April 2, 2012, the Illinois Environmental Protection Agency (Agency) filed a proposal for rulemaking under Sections 10, 27 and 28 of the Environmental Protection Act (Act), 415 ILCS 5/10, 27, 28 (2012). The proposed and adopted amendments concern the Illinois rules for gasoline volatility and for vehicle refinishing, and amend 16 sections of rule text. The proposal consists of a 34-page statement of reasons (SR) with attachments, an 18-page Technical Support Document (TSD) with attachments. The Agency moved for relief from certain copying requirements. Noting no objection had been received, the Board granted the motion.

In summary, IEPA proposed, and the Board today adopts, the repeal of the state gasoline volatility standards in ozone attainment areas codified at 35 Ill. Adm. Code 215.585, since these have been replaced by federal standards. SR at 1-2. Repeal was also proposed and adopted here of the state standards in the Chicago and Metro-East non-attainment areas (respectively, 35 Ill. Adm. Code 218.585 and 35 Ill. Adm. Code 219.585), because they have "essentially been superseded by Illinois participation in the Federal reformulated gasoline (RFG) program." SR at 2. Finally, the Board also adopts the various clean-up amendments proposed, as necessitated by the repealers. *Id.*

The adopted rules impact motor vehicle refinishing operations by a) allowing, in application of spray coatings, alternative use of a High Volume Low Pressure (HVLP) equivalent gun for which USEPA has given written approval (*see* 35 Ill. Adm. Code 218.784 and 219.784) and b) repealing a state registration program codified at 35 Ill. Adm. Code 218.792.784 and 219.792 that overlaps with the federal program. SR at 1.

PROCEDURAL HISTORY

In its April 2, 2012 proposal, the Agency stated that the repeal of these rules should be accomplished as quickly as possible to avoid another ozone season with conflicting regulatory requirements. SR at 24. Consequently, on April 19, 2012, the Board accepted the proposal and authorized first notice proposal of the rule without commenting on the proposal's merits. The proposal was published at 36 Ill. Reg. 6913 (May 19, 2012). No public comments were received during the first notice period.

On May 16, 2012 JCAR filed a Request for Analysis of Economic and Budgetary Effects of this rulemaking under Section 5-40(c) of the APA. On June 27, 2012, under Section 27 (b) of the Act (415 ILCS 5/27(b) 2010), the Board requested that the Department of Commerce and Economic Opportunity (DCEO) prepare an Economic Impact Study (EcIS) concerning the proposal. On August 2, 2012, the Board received DCEO's response (Resp.) respectfully declining the request stating that "the Department is unable to undertake such an economic impact study." Resp. at 1.

The Board held two hearings: the first on August 23, 2012 in Springfield, and the second on September 20, 2012 in Chicago. The dual purpose of each hearing was to receive testimony on the merits and economics of the proposal, including any concerning the DCEO's determination. *See* 415 ILCS 5/27(b) 2012. The only testimony received at hearing was that of Agency employees. The proposal and its effects was presented by Mike Rogers, an Enviromnental Specialist in the Agency's Bureau of Air, and the principal author of the Technical Support Document (TSD) for this proposal. Also present to answer any questions was Annette Fulgenzi, project manager for the DCEO's Small Business Environmental Assistance Program (SBEAP). No public comments were filed during the post-hearing public comment period, which ended October 12, 2012.

On December 6, 2012, the Board adopted its second notice opinion and order and then submitted the proposal to JCAR for its second notice rule review under the APA, 100 ILCS 5/5-1 et seq. (2010). As a result of that review, on January 8, 2013, JCAR voted its certificate of no objection to the rules.

STATUTORY AND REGULATORY UNDERPINNINGS OF THE PROPOSAL

In the proposal's 34-page statement of reasons, prior to presenting the specifics of its proposal, the Agency provided a thorough overview of the regulatory programs being amended in this docket. The Agency relates that the United States Environmental Protection Agency (USEPA) proposed rules to regulate the volatility of gasoline in 1987, and adopted the first federal rules in 1989. SR at 3-5.

Overview of Federal and State Gasoline Volatility Standards and RFG Program

Federal Regulation and Legislation

USEPA-Observed Environmental and Health Effects of Ozone Formation. In its 1987 proposal in the Federal Register, USEPA determined that gasoline had become increasingly volatile resulting in an increase in evaporative emissions from vehicles. 52 Fed. Reg. 31274

(Aug. 19, 1987). USEPA first proposed to control evaporative emissions and regulate gasoline volatility in 1987 to reduce violations of the ozone National Ambient Air Quality Standards ("NAAQS"). *Id.*

Evaporative emissions from gasoline known as volatile organic compounds (VOC)[1] react with other pollutants including nitrogen oxide (NO_x) and carbon monoxide (CO) which are ozone precursors. 52 Fed. Reg. at 31275. Ozone is not emitted directly by most sources. Rather, ozone precursors react in the presence of direct sunlight and high ambient temperatures to form ozone, thereby contributing to the nation's ground-level ozone problem. *Id*. Ozone formation is thus most active during the summer months because of the direct sunlight and high ambient temperatures. *Id.*

As a powerful oxidant, ozone reacts readily with a wide range of substances. Exposure to ground-level ozone can cause harmful human health effects. In humans, ozone acts as an irritant to the respiratory system and may damage lung function, thereby aggravating asthma or other respiratory conditions, and possibly damaging other tissues. *Id*. This damage can lead to impaired breathing and reduced immunity to disease for people in good health. *Id.* This damage may be more severe for people with pre-existing respiratory diseases. *Id.* Further, ozone oxidation can also damage plant tissue, reduce the yield of some crops, and damage certain other materials such as rubber. *Id.*

USEPA's 1989 Phase I Standards. On March 22, 1989, pursuant to Section 211(c) of the federal Clean Air Act ("CAA"), USEPA promulgated these federal Gasoline Volatility Standards which set maximum limits for the Reid Vapor Pressure (RVP)[2] of gasoline sold each year during the regulatory control period, May 1 to September 15. 54 Fed. Reg. 11868 (March 22, 1989).

These regulations were referred to as Phase I of a two-phase nationwide reduction in summertime commercial gasoline volatility. 54 Fed. Reg. 11868 (March 22, 1989). Phase I took effect in 1989 and Phase II took effect in 1992. Phase I, like Phase II, prohibited regulated parties from selling, offering for sale, dispensing, supplying, offering for supply, or transporting gasoline with a volatility in excess of the applicable RVP standard. *Id.* at 11872. The Phase I RVP standard was 10.5, 9.5, or 9.0 pounds per square inch (psi) depending on the area of the country and the month. *Id.* at 11869. Under the Phase I rule, Illinois was required to comply with either the 10.5 psi RVP limit or the 9.5 psi RVP limit depending on the month and area of the State. Id. at 11883-11885. The Phase I rule applied the RVP standard at all points in the distribution network. *Id.* at 11870. Thus, retail outlets and wholesale purchaser-consumers were prohibited from selling gasoline in violation of the RVP standard during the regulatory control period (summer ozone control season), June 1 to September 15. All others such as refiners, importers, and distributors were prohibited from selling gasoline in violation of the RVP

[1] These VOCs are regulated as Volatile Organic Materials (VOM) in the Board's air rules at 35 Ill. Adm. Code Part 200 *et seq.* The terms "VOC" and "VOM" can be used interchangeably.

[2] RVP is one common measure of fuel volatility. The higher the RVP, the faster a fuel evaporates. 54 Fed. Reg. 11868 (March 22, 1989).

standard during their regulatory control period, May 1 to September 15. *Id.* at 11869. The Phase I rule also set forth an interim 1.0 psi RVP allowance for gasoline containing between 9 and 10 percent ethanol, and also contained gasoline sampling and testing requirements. *Id.* at 11868, 11875-11880.

USEPA's 1990 Phase II Standards. In 1990, USEPA promulgated more stringent controls under Phase II of the gasoline volatility control program. 55 Fed. Reg. 23658 (June 11, 1990). The Phase II regulations limit the volatility of summertime gasoline to 9.0 psi RVP or 7.8 psi RVP depending on the state and month. Id. Under these regulations, all Illinois counties are required to comply with the 9.0 psi RVP limit during the regulatory control period. 40 C.F.R. 80.27 (2010). In addition to the increase in stringency of gasoline RVP, the Phase II regulations made permanent the temporary 1.0 psi RVP allowance for gasoline containing 9 to 10 percent ethanol. 55 Fed. Reg. at 23658. SR at 5.

1990 CAA Amendments. The Agency relates that the 1990 CAA Amendments established a new subsection, Section 211(h), to address fuel volatility. SR at 5. Section 211(h)(1) requires USEPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the summer ozone control season. 42 U.S.C. 7545(h)(1) (2010). It also requires USEPA to set more stringent standards as needed in NAAQS. *Id.*

Illinois Gasoline Volatility Standards

Statewide Standard Added in Section 215.585 in Docket R88-30 (A) & (B). In January, 1989, the Board on its own motion opened a docket to address ozone reduction from gasoline. The Board requested written public comment concerning the feasibility of reducing the volatility of gasoline from the then-standard 11.5 psi RVP to 9.0 psi RVP, to begin in the 1989 ozone season.[3] The Board noted that this had been done in California and 7 other states. The Board also welcomed the filing of regulatory proposals by interested persons. *See* In the Matter of: Limits to Volatility of Gasoline, R88-30, slip op. at 1 (Jan. 5, 1989) (R88-30). Public comments received made it clear that no rule could be adopted for the 1989 ozone season, and the Board so announced. R88-30 (Mar. 9, 1989). On April 27, 1989, the Board accepted a proposal from the Chicago Lung Association and ordered that hearings begin. R88-30 (Apr. 27, 1989).

In a September 13, 1989 first notice opinion and order, the Board split the R88-30 docket. In Docket R88-30(A), the Board proposed a new Section 215.585 to the Illinois Administrative Code limiting the volatility of gasoline sold throughout the State to 9.5 psi RVP beginning in the summer of 1990. The summer period was known as the regulatory control period, which covered July 1 through August 31 of each year. The Board's R88-30(A) rulemaking was finalized and adopted February 15, 1990.

[3] As the Agency noted in this R12-24 docket, at the time of the Board's rulemaking initiative, it was estimated that reducing gasoline RVP to 9.0 psi could result in summertime weekday VOC emission reductions of 41,000 tons per year, which was projected to reduce ozone levels by 10-15 percent. SR at 6.

In R88-30(B), the Board proposed a 9.0 psi RVP limitation for the summer of 1991 only, and extended the regulatory control period to June 1 to September 15. The Board made this proposal to parallel the March 1989 federal rule as much as possible. The Agency observes that, while the federal Gasoline Volatility Standards were finalized during the pendency of R88-30(A), the federal rules did not mandate a gasoline volatility standard of 9.0 psi RVP in Illinois until 1992. SR at 7. In its July 19, 1990 first notice order in R88-30(B), the Board stated that gasoline volatility in Illinois in the summer of 1991 would have been left unregulated with the exception of the federal Phase I standard of 10.5 psi RVP and 9.5 psi RVP, as appropriate. R88-30(B) (July 19, 1990). Consequently, the Board proceeded with finalizing its R88-30(B) rulemaking to reduce ozone levels in Illinois during the summer of 1991 only, with federal gasoline volatility standards to apply to Illinois in 1992 and each year thereafter. R88-30(B) (Nov. 8, 1990).

The Agency relates that, in addition to the 9.0 psi RVP limit and regulatory control period, the State rule included a 1.0 psi waiver for ethanol-blended gasolines that had an ethanol content between 9 and 10 percent by volume. SR at 7, citing 35 Ill. Adm. Code 215.585(c). In addition, the rule required that refiners and suppliers state that each shipment of gasoline or gasoline-ethanol blends leaving the refinery or distribution operation comply with the RVP limit and required refiners and suppliers to maintain records. *Id.*, citing 35 Ill. Adm. Code 215.585(h). Further, the rule required each retail outlet and facility operated by a wholesale purchaser/ consumer to maintain records regarding each delivery of gasoline. *Id.*, citing 35 Ill. Adm. Code 215.585(i). Gasoline sampling and testing requirements were included in the rule to assure compliance. *Id.*, citing 35 Ill. Adm. Code 215.585(d)-(g).

Chicago Ozone NAA Standard Added in Part 218 in Docket R91-7, Amended in R93-9. The Illinois gasoline volatility standards applicable to the Chicago ozone NAA are codified at 35 Ill. Adm. Code 218.585. The Agency reminds that, in January 1991, the Agency filed a proposed rulemaking seeking to correct deficiencies identified by USEPA in Illinois' SIP for the Chicago ozone NAA. SR at 8, citing In the Matter of RACT Deficiencies in the Chicago Area: Amendments to 35 Ill. Adm. Code Part 215 and the Addition of Part 218, R91-7. The Chicago ozone NAA is currently comprised of the following Illinois counties: Cook, DuPage, Kane, Lake, McHenry, Will, Grundy (townships of Aux Sable and Goose Lake only), and Kendall (Oswego township only).

The R91-7 proposal contained regulations requiring the implementation of reasonably available control technology (RACT) for certain sources of VOCs. Among other things, the proposal contained a new Part 218 to the Illinois Administrative Code limiting the volatility of gasoline sold in the Chicago ozone NAA to 9.5 psi RVP during the regulatory control period in 1990 and each year thereafter. As adopted in the original R91-7 docket, the regulatory control period was defined as July 1 to August 31. R91-7 (July 25, 1991).

Among other amendments, this rulemaking amended Section 218.585 by further limiting the volatility of gasoline sold in the Chicago ozone NAA to 9.0 psi RVP and lengthened the regulatory control period to May 1 through September 15. The R91-7 and R93-9 rulemakings were approved by USEPA for inclusion into the Illinois SIP. *Id.*, citing 59 Fed.

Reg. 46562 (Sept. 9, 1994). Inclusion of Section 218.585 into the Illinois SIP makes it federally enforceable, thereby requiring federal approval of any action, such as a temporary waiver, affecting the rule.

Currently, Section 218.585 requires the volatility limit of 9.0 psi RVP during the regulatory control period (May 1 to September 15). SR at 9, citing 35 Ill. Adm. Code 218.585(a)-(b) (2010). Also, the rule grants a 1.0 psi waiver for ethanol-blended gasolines that have an ethanol content between 9 and 10 percent by volume. *Id.*, citing 35 Ill. Adm. Code 218.585(c). In addition, the rule requires that refiners and suppliers state that each shipment of gasoline or gasoline-ethanol blends leaving the refinery or distribution operation complies with the RVP limit and requires refiners and suppliers to maintain appropriate records demonstrating such compliance. *Id.*, citing 35 Ill. Adm. Code 218.585(h) (2010). Gasoline sampling and testing requirements are included in the rule to assure compliance. *Id.*, citing 35 Ill. Adm. Code 219.585(d)-(g) (2010).

Metro-East NAA Standard Added in Part 219 in Docket R91-8, Amended in R93-9, R94-10, R95-10, and R96-2. The Illinois gasoline volatility standards relating to the Metro-East ozone NAA are codified at 35 Ill. Adm. Code Section 219.585. The Agency reminds that, in January 1991, the Agency filed a rulemaking proposal seeking to correct deficiencies identified by USEPA in Illinois' SIP for ozone in the Metro-East ozone NAA. SR at 9, citing In the Matter of RACT Deficiencies in the Metro-East Area: Amendments to 35 Ill. Adm. Code Part 215 and the Adoption of Part 219, R91-8 (adopted July 25, 1991). At that time, the Metro-East ozone NAA was comprised of the following Illinois counties: Madison, Monroe, and St. Clair. In addition to these counties, Jersey County was later included in the NAA boundaries established for the 8-hour ozone standard. SR at 9.

The R91-8 rulemaking required the implementation of RACT for certain sources of VOCs. SR at 9. Among other things, the amendments contained a new Section 219.585 to the Illinois Administrative Code limiting the volatility of gasoline sold in the Metro-East ozone NAA counties of Madison, Monroe, and St. Clair to 9.5 psi RVP during the regulatory control period in 1990 and each year thereafter. *Id.* As adopted in the original R91-8 rule, the regulatory control period was defined as July 1 to August 31.

Subsequently, the Agency filed a rulemaking for purposes of a cleaning up the VOC RACT rules, finalized by the Board in 1993. SR at 9-10, citing In the Matter of Omnibus Cleanup of the Volatile Organic Material RACT Rules Applicable to Ozone Nonattainment Areas: Amendments to 35 Ill. Adm. Code Parts 203, 211, 218 and 219, R93-9 (Sept. 9, 1993). Among other amendments, this rulemaking amended Section 219.585 by further limiting the volatility of gasoline sold in the Metro-East ozone NAA counties to 9.0 psi RVP, and lengthened the regulatory control period to May 1 through September 15. The R91-7 and R93-9 rulemakings were approved by USEPA for inclusion into the Illinois SIP. *Id.*, citing 59 Fed. Reg. 46562 (Sept. 9, 1994). Inclusion of Section 215.585 into the Illinois SIP makes it federally enforceable, thereby requiring federal approval of any action, such as a temporary waiver, affecting the rule.

The Agency relates that Section 182(b)(1) of the CAA requires all moderate and above ozone NAAs to achieve a 15% reduction of 1990 emissions of VOC by 1996. 42 U.S.C. 7511a(b)(1) (2010). SR at 10. The Metro-East ozone NAA was subject to this requirement. On November 15, 1993, the Agency submitted to USEPA its plan for achieving this 15% reduction in VOC emissions in the Metro-East ozone NAA (15% Rate-of-Progress (ROP) Plan), outlining the VOC emission control measures that Illinois would implement and identifying one of the measures to be an RVP limit of 7.8 psi. The 7.8 psi RVP limit was originally chosen to coincide with the gasoline volatility requirement for the adjacent St. Louis, Missouri NAA. However, in December 1993, the Missouri Department of Natural Resources proposed lowering the St. Louis, Missouri NAA RVP limit to 7.2 psi. *Id.*

In order to maintain consistency within the area, the Agency proposed, and the Board adopted, a similar 7.2 psi RVP limit. SR at 10, citing In the Matter of 15% ROP Plan Control Measures for VOM Emissions Part I: Pressure/Vacuum Relief Valves and 7.2 RVP: Amendments to 35 Ill. Adm. Code 201, 211, 218, and 219, R94-12 (Sept 15, 1992). The Agency formally submitted the amendments to USEPA on October 25, 1994, as a revision to the Illinois SIP, and the revisions were subsequently approved. *Id.*, citing 60 Fed. Reg. 15233 (March 23, 1995). The Agency estimated that limiting the RVP of gasoline to 7.2 psi would reduce emissions in the Metro-East ozone NAA by approximately 8.5 tons per day, or 26% of the total reduction needed in the area to meet the 15% ROP requirement. *Id.*

Another inconsistency issue, related to differing compliance dates between state and federal rules, resulted in an emergency rulemaking in 1995 and a permanent rulemaking in 1996 to reconcile differences. As described above, the state compliance date for 7.2 psi RVP was May 1 of each year. In contrast, the federal gasoline volatility standards lower the RVP of gasoline in two steps. Step I requires the entire country to have 9.0 psi RVP at supply facilities (*i.e.*, gasoline terminals and bulk plants) beginning May 1 of each year. SR at 11, citing 40 C.F.R. § 80.27. Step II requires southern ozone NAAs, such as St. Louis, Missouri, to have 7.8 psi RVP at both supply and retail levels beginning June 1 of each year. *Id.* As a result, the Illinois Metro-East ozone NAA gasoline volatility standards required 7.2 psi RVP gasoline at supply facilities in May when the rest of the country was only required to have a gasoline RVP of 9.0 psi under the federal regulations.

This inconsistency of state and federal compliance dates was the subject of an emergency rule in 1995. SR at 12, citing In the Matter of Emergency Rule Amending 7.2 psi Reid Vapor Pressure Requirement in the Metro-East Area: 35 Ill. Adm. Code 219.585(a), R 95-10 (Feb 23, 1995.) The emergency rule extended the compliance date to June 1 by deleting the May 1 date, but was effective for only 150 days under the APA (*see* 5 ILCS 100/5-45(b) (2010)). In September 1995, the Agency proposed an amendment to the Metro-East ozone NAA Gasoline Volatility Standards, and adopted by the Board February 1, 1996. SR at 11, citing In the Matter of 15% ROP Plan: Clean-Up Part I Amendments to 35 Ill. Adm. Code 219.585(a) and 219.Appendix E, R96-2 (Feb. 1, 1996). The R96-2 amendments changed the compliance date for all sources that had an annual compliance date of May 1 each year for 7.2 psi RVP gasoline to June 1 of each year, to resolve inconsistency with the federal compliance dates. *Id.* In 1997, USEPA approved Illinois' SIP revision relating to this change in the regulatory control period. 62 Fed. Reg. 43100 (Aug. 12, 1997).

Currently, the Illinois Metro-East ozone NAA gasoline volatility standards limit the volatility of gasoline sold in Madison, Monroe, St. Clair, and Jersey Counties to 7.2 psi RVP during the regulatory control period beginning in 1995 and each year thereafter. SR at 12, citing 35 Ill. Adm. Code 2 19.585(b). The regulatory control period included in the rule is June 1 to September 15. *Id.*, citing 35 Ill. Adm. Code 219.585(a) (2010). Also, the rule grants a 1.0 psi waiver for ethanol-blended gasolines that have an ethanol content between 9 and 10 percent by volume. *Id.*, citing 35 Ill. Adm. Code 219.585(c) (2010). In addition, the rule requires that refiners, distributors, and owner/operators maintain records and reports indicating that the volatility of each gasoline shipment is in compliance with the 7.2 psi RVP limit. *Id.*, citing 35 Ill. Adm. Code 219.585(h) (2010). Gasoline sampling and testing requirements are included in the rule to assure compliance. *Id.*, citing Code 219.585(d)-(g).

Federal RFG Program

In its statement of reasons, the Agency relates that, on February 16, 1994, USEPA published a final rule establishing various content and emission reduction standards for reformulated gasoline pursuant to Section 211(k) of the CAA, 42 U.S.C. 7545(k). SR at 12, citing 59 Fed. Reg. 7716 (Feb. 16, 1994). The purpose of the RFG program is to improve air quality in certain ozone NAAs of the country by requiring reductions in emissions of ozone-forming VOCs and emissions of toxic air pollutants through the reformulation of conventional gasoline. *Id.* Section 211(k) of the CAA requires that RFG be sold in the nine ozone NAAs having a 1980 population in excess of 250,000 and having the highest ozone design value during the period 1987 through 1989, which includes the Chicago ozone NAA, as well as areas that are reclassified to "Severe," and in other ozone NAAs, such as the Metro-East ozone NAA, where a state chooses to participate or "opt in" to the program. *Id* at 12-13, citing 42 U.S.C. § 7545(k)(1), (k)(6), (k)(10)(D) (2010). Further, Section 211(k) of the CAA also includes other compositional specifications for RFG, such as a minimum oxygen content of 2.0 percent by weight, a 1.0 percent by volume benzene maximum and a prohibition on heavy metal content. 59 Fed. Reg. at 7720. Currently, ethanol blending is permitted, but must be at least 9% but no more than 10% (by volume) of the gasoline. *Id* at 13, citing 40 C.F.R. 80.40(c)(l) (2010).

The RFG program is divided into two phases. Phase I ran from 1995 through 1999 and the more stringent Phase II began in 2000. SR at 13, citing 59 Fed. Reg. at 7716-7717. Section 211(k)(3) of the CAA requires RFG to meet the more stringent of either a formula standard or VOC and toxic air pollutant performance standards. During the rulemaking process, USEPA determined that these performance standards were more stringent. *Id.*, citing 59 Fed. Reg. at 7723-7724. The performance standards require specific minimum reductions in emissions of VOCs (during the high ozone season or summertime) and toxics (year-round). *Id.* During Phase I, the rule required VOC emission and toxic air emission reductions from RFG measured on a mass basis at least equal to 15% of baseline emissions. *Id.*, citing 59 Fed. Reg. at 7717. For Phase II, the rule requires VOC and toxics performance standards, each of which must be at least equal to a 25% reduction from baseline emissions. *Id.* USEPA may adjust the performance standard upward or downward, but the reduction can be to no less than a 20% reduction from baseline emissions. *Id.*

Phase II RFG regulations require a 29% (averaging) reduction in VOC emissions from RFG in VOC control region 1 (southern areas), and a 27.4% (averaging) reduction in VOC emissions from RFG in VOC control region 2 (northern areas). SR at 13, citing 59 Fed. Reg 40 C.F.R. 80.41.[4] Missouri is located in control region 1 and Illinois is located in control region 2. SR at 14, citing 40 C.F.R. 80.71. As a result, the St. Louis, Illinois-Missouri ozone NAA (which includes portions of Missouri and Illinois) is located partially in control region 2 and partially in control region 1. Therefore, the Illinois portion of the St. Louis, Illinois-Missouri ozone NAA (referred to herein as the Metro-East ozone NAA) is subject to the more stringent emission requirements for VOC control region 1. *Id.*, citing 40 C.F.R. § 80.71(c).

The Agency explains that the federal RFG regulations set forth a method of certification through a "simple" and then "complex" model, based on fuel characteristics such as oxygen, benzene, aromatics, RVP, sulfur, olefins and the percent of fuel evaporated at 200 and 300 degrees Fahrenheit (referenced as E200 and E300, respectively). SR at 14, citing 59 Fed. Reg. at 7717. One method of reducing VOC emissions from RFG is to further decrease the gasoline RVP level during summer months because summer RFG has a significantly lower RVP than winter RFG. *Id.*, citing 66 Fed. Reg. 60163, 60164 (Dec. 3, 2001). Gasoline RVP is permitted to be relatively high during cold months because colder temperatures reduce the tendency of gasoline to evaporate and reduce emissions of volatile material. *Id.*, citing 66 Fed. Reg. at 61064. During summer or warmer months, refiners must reduce gasoline RVP by removing the most volatile portion of the gasoline in order to reduce evaporative emissions from the gasoline. *Id.* Each spring, refiners and importers must reduce RVP of gasoline to comply with the summertime RFG requirements. *Id.* Under the RFG rule, the summer period runs from May 1 through September 15 and the winter period runs from September 16 through April 30. 40 C.F.R. 80.42 (2010).

The RFG regulations provide that gasoline retailers and wholesale purchaser-consumers must be selling only summer grade RFG by June 1 of each year. SR at 14, citing 40 C.F.R. 80.78. In order to meet this requirement, the regulations specify that RFG at terminals and all other facilities upstream of the retailer must meet the summertime RFG requirements by May 1. SR at 14-15, citing 40 C.F.R. 80.78. This is identical to the federal RFG rule. In the RFG rule, USEPA set a VOC performance standard derived based on a fuel RVP of 6.7 psi to allow refiners some flexibility to meet the performance-based VOC standard. SR at 15, citing 59 Fed. Reg. at 7754. The RFG rule does not require refiners to meet a fuel RVP of 6.7 psi, however. Rather, a fuel RVP of 6.7 psi was chosen as a target level, not a maximum or minimum limit, which, along with target levels for other fuel properties, such as oxygen, sulfur, aromatics, olefins, benzene, etc., could achieve the VOC performance standard required by the RFG rule (i.e. 29% or 27.4%). The RFG rule does set a permissible range of fuel RVP of 6.4-10.0 psi, as well as ranges for other fuel properties, for purposes of calculating the VOC performance standard. *Id.*, citing 40 C.F.R. § 80.45(f)(1)(i) (2010).

[4] The RFG oxygen content requirement was removed from the rule in 2006. 71 Fed. Reg. 26691 (May 8, 2006).

The Agency comments that, theoretically then, refiners may utilize a fuel RVP of more or less than 6.7 psi, but must have a corresponding reduction or increase in another fuel property in order to meet the VOC performance standard. In such a case, the result is an equivalent percentage reduction in VOC emissions as would be achieved if a fuel RVP of 6.7 psi was utilized. SR at 15. Even though the RFG requirements do not specifically establish an RVP limit, historical data indicates the RVP of RFG sold during the summertime (high ozone season) in the Chicago ozone NAA is considerably less than the RVP limits established in the federal and state gasoline volatility standards, and has a range of averages from 6.7 to 7.2 psi for the Metro-East ozone NAA. SR, Attachment A. The RFG rule also includes provisions for the certification of RFG and enforcement of RFG standards, reporting and recordkeeping, and establishes certain requirements regarding unreformulated or conventional gasoline. SR at 15, citing 40 C.F.R. 80.Subpart D.

Overview of Motor Refinishing Requirements

As discussed supra, Section 182(b)(1) of the CAA required all moderate or worse ozone NAAs to achieve a 15% reduction of 1990 emissions of VOCs by 1996. SR at 16, citing 42 U.S.C. 751 l a(b)(1) (2010). In 1993, the Chicago and Metro-East areas were classified as severe and moderate nonattainment areas, respectively, and as such were subject to the 15% reduction requirement. Therefore, at that time, the Agency reviewed available control measures that could provide reductions by 1996 and selected a group of measures for Chicago and a group for the Metro-East area that would reduce VOM emissions to meet the 15% requirement. The Agency developed and submitted a plan to USEPA incorporating the reduction measures for each NAA as its 15% ROP Plan. VOM emissions from motor vehicle refinishing operations were included in the 15% ROP Plan for both areas. The Agency filed numerous rulemaking proposals with the Board to adopt the reduction measures of the 15% ROP Plan. *Id.*

Regulations pertaining to the motor vehicle refinishing portion of the 15% ROP Plan were proposed and adopted in In the Matter of 15% ROP Plan Control Measures for VOM Emissions--Part VI. Motor Vehicle Refinishing: Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219, R94-32 (Apr. 20, 1995). These regulations are codified at Subparts HH of both 35 Ill. Adm. Code Parts 218 and 219. SR at 16. At the time of adoption, the R94-32 motor vehicle refinishing regulations required all motor vehicle refinishing operations to comply with specified VOM content limitations for coatings and surface preparation materials, required the use of specified coating applicators (or spray guns) and coating applicator cleaning equipment, specific work practices, testing, recordkeeping and reporting, registration with the Agency, and provided for a control equipment alternative.

In 2004, the Agency proposed, and the Board adopted, relatively minor amendments to Subparts HH in Parts 218 and 219. SR at 16, citing In the Matter of Clean-up Part III Amendments to 35 Ill. Adm. Code Parts 211, 218 and 219, R04-20 (cons. with R04-12) (May 4, 2006). Specifically, and as it pertains to this proposal, the Board's motor vehicle refinishing regulations require the use of either an electrostatic spray gun or HVLP spray gun. SR at 17, citing 35 Ill. Adm. Code 218.784(a) and 219.784(a). In addition, these regulations require affected sources to register with the Agency. *Id.*, citing 35 Ill. Adm. Code 218.792, 219.792. Registration includes providing source contact information, descriptions of coating operations,

and certain certifications. *Id.* In addition to the registration program, motor vehicle refinishing operations are required to meet the substantive provisions of Subpart HH, which include, among other things, VOM content limitations, coating preparation and applicator requirements, and work practices.

In 2008, USEPA promulgated national emission standards for hazardous air pollutants (NESHAPs) for area sources engaged in paint stripping, surface coating of motor vehicles and mobile equipment, and miscellaneous surface coating operations. SR at 17, citing 73 Fed. Reg. 1738 (Jan 9, 2008). As it relates to surface coating of motor vehicles and mobile equipment, this NESHAP requires that all subject surface coating operations apply coatings with a HVLP spray gun, electrostatic spray gun, airless spray gun, air-assisted airless spray gun, or an equivalent technology demonstrated to be equal in transfer efficiency to one of these spray guns. *Id.*, citing 40 C.F.R. 63.11173 (e)(3). In addition, this NESHAP requires these operations to submit an initial registration notification, an annual notification of changes, and also contains recordkeeping requirements. *Id.*, citing 40 C.F.R. § 63.11175, 63.11176, 63.11177. Proper registration includes providing source contact information, description of coating operations, and certain certifications. *Id., citing* 40 C.F.R. § 63.11175. These registration notifications are submitted to the Agency because it has been delegated authority to implement and enforce this NESHAP. This NESHAP targets sources that the Board's motor vehicle refinishing rules target. *Id.* In addition to the NESHAP's registration requirements, subject sources must comply with the substantive portions of this NESHAP, which include, among other things, extensive training, coating preparation and application requirements, coating applicator requirements, management practices, maintenance of equipment requirements, and recordkeeping. *Id* at 17-18, citing 73 Fed. Reg. at 1738-1768.

Overview of Applicable Air Quality Standards

The Agency states that the federal 1997 8-hour ozone standard had an effective date of June 15, 2004. SR at 18, citing 40 C.F.R 81. The change from the previous 1-hour standard to the 8-hour standard was based on extensive air pollution research that indicated ozone is more harmful when a person is exposed to it over a longer period of time even if the ozone concentration is lower. The 8-hour standard is more stringent than the previous 1-hour standard. *Id.* In Illinois, there are two areas designated as nonattainment (moderate) under the 1997 8-hour ozone NAAQS: 1) the Chicago ozone NAA, which includes Cook, DuPage, Kane, Lake, McHenry, Will, Grundy (townships of Aux Sable and Goose Lake only), and Kendall (Oswego township only); and 2) the Metro-East ozone NAA, which includes Madison, Monroe, St. Clair, and Jersey Counties. *Id.*, citing 40 C.F.R. 81.314.

As it relates to the Illinois gasoline volatility standards portion of this rulemaking, the 8-hour ozone nonattainment classification required the Agency to develop a plan to further reduce ozone precursor emissions in the Chicago and Metro-East ozone NAAs. SR at 18. One element of the strategy for the Metro-East ozone NAA was to opt into the RFG program under the provisions of Section 211(k)(6) of the CAA. *Id.* In a letter dated July 10, 2006, to USEPA Administrator Stephen L. Johnson, former Governor Rod R. Blagojevich formally requested the USEPA to extend the requirement for the sale of RFG into the Metro-East ozone NAA. *Id.* On April 24, 2007, the USEPA issued a final rule requiring the sale of RFG in the requested area

beginning on July 1, 2007. SR at 18-19, citing 72 Fed. Reg. 20237 (April 24, 2007). This federal rule essentially superseded the Illinois Metro-East gasoline volatility standards.

PURPOSE, EFFECT, AND SPECIFICS OF THE PROPOSAL

The Agency explains that the gasoline volatility standards portion of this rulemaking has three purposes:

1) to eliminate the potential for requesting fuel supply waivers for the Chicago and Metro- East ozone NAAs and issuing provisional variances, and to avoid inconsistency between federal and State rules,
2) to remove the obsolete State attainment area gasoline volatility standards, and
3) to effectuate rule clean-ups and update technical references. SR at 19.

The motor vehicle refinishing portion of this rulemaking has two purposes:

1) to allow for the use of HVLP equivalent spray guns in motor vehicle refinishing operations (where USEPA has approved such use), and
2) to repeal the state registration program. *Id.*

Following an exploration of the intended purpose and effects of the proposal, the Board sets forth a section-by-section review of the specifics of the proposal.

Repeal of Illinois Gasoline Volatility Standards

Repeal of Illinois Ozone Attainment Area Gasoline Volatility Standards

As previously explained, the ozone attainment areas of the State are required to comply with the federal gasoline volatility standards contained in 40 C.F.R. 80.27. SR at 19. These standards set an RVP limit of 9.0 psi during the regulatory control period under 40 C.F.R. 80.27(a)(2)(i). As also previously discussed, Illinois gasoline volatility standards for the ozone attainment areas were promulgated by the Board as an interim measure to control gasoline volatility until USEPA finalized its regulations and set an RVP limit of 9.0 psi. Therefore, the Board promulgated its standards for 1991 only. Once USEPA finalized its gasoline volatility standards and Phase II became effective, the Board's standards were no longer necessary. As a result, the Agency contends that there is no longer any utility in maintaining the State Gasoline Volatility Standards for the ozone attainment areas and that these standards should be repealed.

Repeal of Chicago and Metro-East Ozone NAA Gasoline Volatility Standards

Fuel Supply Waiver Issue. The Agency explains that, in the event of a fuel supply emergency, the USEPA, with the concurrence of the Department of Energy, may temporarily waive fuel requirements if doing so will alleviate the fuel supply emergency. SR at 19. Section 211(c)(4)(C) of the CAA authorizes USEPA to issue fuel waivers and specifies criteria for granting waivers and conditions which must be included in a waiver.

Since 2005, the USEPA has issued two emergency fuel waivers affecting the sale of fuel in Illinois. SR at 19. The first, issued on August 31, 2005, in the aftermath of Hurricane Katrina, waived the summertime RFG emissions reduction requirements through the remainder of the high ozone season. The second waiver was issued on July 25, 2006, as a result of a fuel supply shortage when a severe thunderstorm caused widespread power outages and refinery damage in the Metro-East area. In this instance, the State requested, and the USEPA granted, a waiver of the 7.2 RVP SIP requirement from July 25 through August 4, 2006. However, due to the existence of the Metro-East ozone NAA gasoline volatility standards (35 Ill. Adm. Code 219.585), the Agency also had to issue a provisional variance from this rule under Section 36 of the Act in order for the USEPA waiver to achieve its intended effect. *Id.*

The Agency concludes that repealing the existing Chicago and Metro-East ozone NAA gasoline volatility standards, which are equivalent to, or less stringent than the RFG standards, would result in no loss of emissions reduction benefits, and in times of extreme and unusual fuel supply shortages would eliminate the RVP SIP waiver and provisional variance processes and, as a result, ease the transition to a temporary fuel requirement allowing other fuel to be marketed in the affected region.

Repeal of the Chicago Ozone NAA Gasoline Volatility Standards. As previously discussed, the purpose of the federal RFG program is to improve air quality by requiring that gasoline be reformulated to reduce motor vehicle emissions of toxic and tropospheric ozone-forming compounds. SR at 21. Section 211(k)(1) and 211(k)(10)(D) of the CAA mandate that reformulated gasoline be sold in the nine ozone NAAs having a 1980 population in excess of 250,000 and having the highest ozone design value during the period 1987 through 1989. The Chicago ozone NAA was designated as one of these areas in 40 C.F.R. 80.70(f).

Consequently, the Agency states, the RFG program essentially supersedes the Chicago ozone NAA's summertime 9.0 psi RVP gasoline volatility limit with a VOC performance standard derived based on a fuel RVP of 6.7 psi and other fuel parameters. SR at 21. This increase in stringency was intended to result in the greatest reduction in emissions of ozone-forming and toxic air pollutants achievable through the reformulation of conventional gasoline. Subsequently, in 2001, USEPA adjusted the VOC performance standard under Phase II of RFG for ethanol RFG blends containing 3.5 weight percent oxygen (10 volume percent ethanol) sold in the Chicago ozone NAA. *Id.*, citing 66 Fed. Reg. 37156 (July 17, 2001). This adjustment reduced the summertime VOC performance standard by 2.0 percentage points, which is equivalent to an increase in RVP of approximately 0.3 psi. *Id.* Since, due to federal and state tax incentives, virtually 100% of the gasoline sold in the Chicago ozone NAA contains 10 volume percent ethanol, the result is an RFG RVP level of approximately 7.0 psi in the Chicago ozone NAA, which is still more stringent than the 9.0 psi RVP limit.

The Agency believes that, as long as the Chicago ozone NAA gasoline volatility standards remain in place and compliance is still technically required, there is an inconsistency between Illinois and federal rules. SR at 21. The Agency proposes that, in light of the RFG program, the gasoline volatility standards for the Chicago ozone NAA should be repealed as unnecessary. Moreover, repeal of the Illinois standards would mean that any USEPA waivers to

maintain gasoline supply in emergencies could take immediate effect without Illinois action, which would allow other fuel to be marketed in the affected region in a more efficient manner.

Repeal of the Metro-East Ozone NAA Gasoline Volatility Standards. The Agency relates that Section 211(k)(6) of the CAA allows the governor of a state containing an ozone NAA to opt into the RFG program for that area. SR at 22. Under the 8-hour ozone NAAQS adopted in 2004, the Metro-East ozone NAA was designated as a moderate ozone NAA. In order to attain and maintain this NAAQS, the State is required to adopt regulations and control strategies to further reduce ozone-forming emissions in the Metro-East ozone NAA.

As part of the strategy to attain the 8-hour ozone standard in this area, Illinois requested to opt into the RFG program in 2006, and USEPA subsequently approved this request. SR at 22, citing 72 Fed. Reg. at 20237. In addition to providing ozone precursor and toxic emissions reduction benefits, the use of RFG would simplify fuel marketing in the entire St. Louis metropolitan area and, as a result, provide the petroleum industry with greater flexibility in meeting short-term fuel shortages and minimize distribution-related price fluctuations. The RFG program essentially supersedes the Metro-East ozone NAA gasoline volatility standards, including the 7.2 psi RVP limit, with a VOC performance standard derived based on a fuel RVP of 6.7 psi, the same fuel being sold in St. Louis, Missouri.[5]

In justifying Illinois's request for admission into the RFG program for the Metro-East ozone NAA, the Agency analyzed the emission benefits which could be achieved by switching from gasoline with a 7.2 psi RVP to RFG limits, and projected that year 2010 motor vehicle emissions could be reduced by 5.4% and carbon monoxide reductions by 2.2%. 72 Fed. Reg. at 20240. SR. at 23. The Agency also found that the use of RFG in the Metro-East ozone NAA would decrease benzene emissions by 75 tons per year, which equates to a 44% reduction from motor vehicles. *Id.* As to toxic emissions, the Agency found that the use of RFG would reduce emissions of the five primary motor vehicle-related air toxics by 63 tons per year in 2010, a total percentage reduction of 23.5%. *Id.*

The Agency believes that, as long as the Metro-East ozone NAA gasoline volatility standards remain in place and compliance is still technically required, there is an inconsistency between Illinois and federal rules. SR at 23. The Agency proposes that, in light of the RFG program, the gasoline volatility standards for the Metro-East ozone NAA should be repealed as unnecessary. Moreover, repeal of the Illinois standards would mean that any USEPA waivers to maintain gasoline supply in emergencies could take immediate effect without Illinois action, which would allow other fuel to be marketed in the affected region in a more efficient manner.

Clean-up Amendments and Update of Technical References. The Agency proposes clean-up amendments to 35 Ill. Adm. Code Parts 211, 215, 218 and 219 to update references and to be consistent with the proposed repeal of the Illinois gasoline volatility standards. SR at 23. The Agency proposes to update ASTM D-323 to its current version, ASTM D-323-08, in Section 211.101, and also in the definitions of Heavy Liquid, Section 211.2870, and RVP, Section

[5] St. Louis, Missouri opted into the RFG program in 1999. 40 C.F.R. 80.70(k)(1). *See* SR at 22, n.2.

211.5510. *Id.* In addition, the Agency proposes to remove the reference to Section 215.105 in the definition of Heavy Liquid., Section 211.2870, because the Agency has proposed removing ASTM D 323-82 from Part 215 with this proposal. SR at 23-24.

The Agency proposes removing the definition of RVP contained in Section 215.104 because this term is only used in Section 215.585, which is proposed to be repealed, and is also defined in 35 Ill. Adm. Code Part 211. SR. at 24. The Agency proposes to remove ASTM D 323-82, ASTM D 4057, ASTM D 4177, and 40 CFR Part 80, Appendices D, E, and F contained in Section 215.105 because these incorporations by reference are only found in Section 215.585, are outdated, and are no longer necessary with a repeal of the Illinois gasoline volatility standards.

Further, the Agency proposes to remove references to 40 CFR Part 80 and its Appendices D, E, and F contained in Sections 218.112 and 219.112 (Incorporations by Reference) because this Part will no longer be necessary with a repeal of Sections 218.585 and 219.585, and the appendices have already been repealed. SR. at 24. Also, the Agency proposes to update the reference to ASTM D-323 in Sections 218.112, 218.128, 219.112, and 219.128 to its current version, ASTM D-323-08, for measuring vapor pressure.

It is the Agency's position that the repeal of these Illinois gasoline volatility standards is appropriate at this time in view of the need for consistency between the Board's rules and USEPA regulations. Further, it is the Agency's position that the repeal of these rules should be accomplished as quickly as possible to avoid another ozone season with conflicting regulatory requirements. SR at 24.

Motor Vehicle Refinishing Amendments

The Agency states that, as discussed earlier, Sections 218.784 and 219.784 set forth equipment specifications for owners and operators of applicable motor vehicle refinishing operations. SR at 24. Specifically, these sections require the use of listed coating applicators, or spray guns, when coating motor vehicles, mobile equipment, or their parts and components, and also require owners and operators to clean all coating applicators with devices capable of performing specific functions. Also as discussed earlier, Sections 218.792 and 219.792 require motor vehicle refinishing operations to register with the Agency.

The purpose of this portion of the proposal is to allow the use of a new spray gun that is demonstrated to achieve transfer efficiency comparable to HVLP spray guns with prior USEPA approval. The Agency proposes that documentation of USEPA's approval must be maintained at the motor vehicle refinishing operation. This will provide flexibility to affected sources by allowing them to choose an alternate means of compliance that is approved by USEPA. SR at 25.

Another purpose of this portion of the proposal is to repeal the registration program due to the corresponding, overlapping NESHAP registration program. This is intended to streamline the registration of motor vehicle refinishing operations and eliminate source confusion over multiple registrations. The Agency asserts that this portion of the Agency's proposal answers a

need that exists in the motor vehicle refinishing industry. SR at 25. The Agency has included a list of affected sources with this proposal, which numbers some 2,250 sources. See SR at 27, and Attachment C.

Section by Section Review of the Proposal

35 Ill. Adm. Code Section 211.101: Incorporations by Reference

This Section sets forth the documents that are incorporated by reference within this Part. SR at 30. The Agency proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring RVP or vapor pressure.

35 Ill. Adm. Code Section 211.2870: Heavy Liquid

This Section sets forth the definition of Heavy Liquid. SR at 30. The Agency proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring vapor pressure. In addition, the Agency proposes to remove the reference to Section 215.105 in this definition, because the Agency is proposing to remove ASTM D-323 from Section 215.105.

35 Ill. Adm. Code Section 211.5510: Reid Vapor Pressure

This Section sets forth the definition of RVP. SR at 30. The Agency proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring RVP.

35 Ill. Adm. Code Section 215.104: Definitions

This Section sets forth definitions used in this Part. SR at 30. The Agency proposes to remove the definition of RVP because this term is only used in Section 215.585, which is proposed to be repealed, and is also defined in 35 Ill. Adm. Code Part 211.

35 Ill. Adm. Code Section 215.105: Incorporations by Reference

This Section sets forth the documents that are incorporated by reference within this Part. SR at 31. The Agency proposes to remove ASTM D-323-82, ASTM D 4057-81, ASTM D 4177-82 and 40 CFR Part 80, Appendices D, E, and F because these incorporations by reference are outdated and only applicable to Section 215.585.

35 Ill. Adm. Code Section 215.585: Gasoline Volatility Standards

The Agency is proposing a repeal of this Section because these standards were in effect for 1991 only, and the federal Gasoline Volatility Standards now apply in the attainment areas. SR at 31.

35 Ill. Adm. Code Section 218.112: Incorporations by Reference

This Section sets forth the documents that are incorporated by reference within this Part. SR at 32. The Agency proposes to remove 40 CFR Part 80 and 40 CFR Part 80, Appendices D, E, and F because this Part will no longer be necessary with a repeal of Section 218.585 and the appendices have already been repealed. Also, the Agency proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring vapor pressure.

35 Ill. Adm. Code Section 218.128: Monitoring VOL Operations

This Section sets forth requirements for measuring vapor pressure in storage vessels. SR at 32. The Agency proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring vapor pressure.

35 Ill. Adm. Code Section 218.585: Gasoline Volatility Standards

The Agency is proposing a repeal of this Section as a result of the applicability of RFG in the Chicago ozone NAA. SR at 32-33.

35 Ill. Adm. Code Section 218.784: Equipment Specifications

This Section sets forth equipment specifications for owners and operators of applicable motor vehicle refinishing operations. SR at 33. The Agency proposes to amend this Section by allowing for the use of an alternative spray gun that is demonstrated to achieve transfer efficiency comparable to the HVLP spray gun referenced in subsection (a)(2) of this Section and which is approved by USEPA. The Agency also proposes that documentation of USEPA's approval must be maintained at the motor vehicle refinishing operation.

35 Ill. Adm. Code Section 218.792: Registration

This Section sets forth the registration program for motor vehicle refinishing sources. SR at 33. The Agency proposes to repeal this Section due to the overlapping federal NESHAP registration program.

35 Ill. Adm. Code Section 219.112: Incorporations by Reference

This Section sets forth the documents that are incorporated by reference with this Part. The Agency proposes to remove 40 CFR Part 80 and 40 CFR Part 80, Appendices D, E, and F because these regulations will no longer be necessary with a repeal of Section 2 19.585 and the appendices have been repealed. The Agency proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring vapor pressure.

35 Ill. Adm. Code Section 219.128: Monitoring VOL Operations

This Section sets forth requirements for measuring vapor pressure in storage vessels. The Agency proposes to update ASTM D-323 to its current version, ASTM D-323-08, for measuring vapor pressure.

35 Ill. Adm. Code Section 219.585: Gasoline Volatility Standards

The Agency is proposing a repeal of this Section as a result of the applicability of RFG in the Metro-East ozone NAA.

35 Ill. Adm. Code Section 219.784: Equipment Specifications

This Section sets forth equipment specifications for owners and operators of applicable motor vehicle refinishing operations. The Agency proposes to amend this Section by allowing for the use of an alternative spray gun that is demonstrated to achieve transfer efficiency comparable to the HVLP spray gun referenced in subsection (a)(2) of this Section and which is approved by USEPA. The Agency also proposes that documentation of USEPA's approval must be maintained at the motor vehicle refinishing operation.

35 Ill. Adm. Code Section 219.792: Registration

This Section sets forth the registration program for motor vehicle refinishing sources. The Agency proposes to repeal this Section due to the overlapping federal NESHAP registration program.

TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

Section 27 of the Act requires the Board to consider the technical feasibility and economic reasonableness of all rulemaking proposals. With respect to the Gasoline Volatility Standards portion of this rulemaking, the Agency states that it is not proposing any new technology or requirements. SR. at 27. With respect to the motor vehicle refinishing portion of this rulemaking, the Agency is proposing a HVLP equivalent spray gun as an alternative compliance option and proposing to repeal the corresponding registration program due to overlapping federal registration requirements. The Agency addresses the technical feasibility and economic reasonableness of both facets of the proposal in its TSD, and concludes that both facets are economically reasonable and technically feasible. SR at 27-29.

As the Illinois gasoline volatility standards have been superseded by federal requirements, there are no issues regarding this portion of the proposal in the Agency's view. SR at 27-28. As to the motor vehicle refinishing amendments (SR at 28-29), the Agency notes that HVLP equivalent spray gun technology is both technically feasible and economically reasonable. Such equivalent spray guns are readily available, more efficient, the same or better in controlling emissions, and may result in cost savings. Furthermore, HVLP equivalent spray guns are allowed by federal regulations and must be approved by USEPA. 40 C.F.R. § 63.11173(e)(3).

The Agency believes that repealing the Board's motor vehicle registration program is also both technically feasible and economically reasonable. SR at 28. The corresponding NESHAP for coating operations targets the sources that the Board's motor vehicle registration program targets and the registration programs are very similar in what they require. The NESHAP registration program is more stringent than the Board's registration program in that it requires an annual notification of any change from the initial registration, which the Board's registration does not require. SR at 29, citing 40 C.F.R. 63.11176. Moreover, irrespective of the existence of either registration program, subject motor vehicle refinishing operations must comply with the substantive provisions of both the NESHAP and the Board's motor vehicle refinishing requirements which contain the applicable control requirements that limit emissions from such operations. Repealing the Board's registration program and the continued applicability of the NESHAP registration program will streamline registration for motor vehicle refinishing sources and avoid confusion over two separate registration requirements.

AGENCY COMMUNICATION WITH INTERESTED PARTIES

Repeal of the Illinois Gasoline Volatility Standards

The Agency reports that it has engaged in outreach regarding this aspect of its proposal by contacting the following stakeholders: Illinois Petroleum Council; Illinois Petroleum Marketers Association; Illinois Corn Growers Association; Renewable Fuels Association (Ethanol National Trade Association); Illinois Department of Commerce and Economic Opportunity; and the American Lung Association. SR at 29. The Agency has not received any indication of concern regarding this aspect of its proposal.

Motor Vehicle Refinishing Amendments

The Agency has also engaged in outreach regarding this aspect of its proposal. SR. at 29. The Agency partnered with the Illinois Small Business Environmental Assistance Program (IL SBEAP) to conduct outreach regarding allowing for an equivalent HVLP spray gun. The IL SBEAP has provided notice, and requested comment, regarding this aspect of Agency's proposal in its October 2010 newsletter. SR at 29-30. The Agency has received only positive support regarding this aspect of the proposal. In addition, the Agency has been in contact with USEPA, Region V regarding allowing for an equivalent HVLP spray gun and repealing the registration program. Region V has provided its support.

HEARING TESTIMONY

As previously stated, the Board held two hearings: the first on August 23, 2012 in Springfield, and the second on September 20, 2012 in Chicago.[6] The dual purpose of each hearing was to receive testimony on the merits and economics of the proposal, including any concerning the DCEO's determination. *See* 415 ILCS 5/27(b) 2012; 8/23/12 Tr. at 9. As previously stated, testimony concerning the proposal and its effects was presented by Mike

[6] The transcripts of the two hearings are not consecutively paginated. They are cited as "8/23/12 Tr. at" and "9/20/12 Tr. at."

Rogers, an Environmental Specialist in the Agency's Bureau of Air, and the principal author of the TSD for this proposal. Also present to answer any questions was Annette Fulgenzi, project manager for the DCEO's SBEAP. No members of the public were present at either of the two hearings, the only persons in attendance being affiliated with the Board, the Agency, or DCEO.

August 23, 2012 Hearing

The only prepared testimony received at hearing was that provided by Mike Rogers, an Environmental Specialist in the Agency's Bureau of Air, as the principal author of the TSD for this proposal. Mr. Rogers sponsored a 12 page testimony, prefiled July 30, 2012, and admitted into record as if read at the August 23, 2012 hearing. *See* 8/23/12 Tr. at 7, and Exh. 1, and Mr. Rogers commented, prior to discussing the proposal's specifics, that:

> The proposed revisions to both regulations are not considered to be controversial and, in fact, are supported by the affected industries. The proposed revisions will repeal redundant or outdated regulations and offer the business owner flexibility in meeting current requirements. Such flexibility could result in a reduction in business operating costs as well as a decrease in emissions. Feedback from outreach conducted by the [DCEO BEAP] and the Illinois EPA has indicated widespread support for the proposed revisions. The Illinois EPA also consulted with representatives of theUnited States Enviromnental Protection Agency [] during the development of the proposed revisions and they have no concerns regarding the proposed revisions.

Mr. Rogers also commented at hearing that he believed repeal of the RVP rules would make it easier for businesses to comply with less bookkeeping, and reduce the number of potential waivers due to fuel shortage. 8/23/12 Tr. at 11. As to the change in the vehicle refinishing rule, Mr. Rogers stated that the documentation of USEPA approval would require business only to keep on file documentation available from HVP spray equipment manufacturers. *Id.* at 12. Dropping of state registration requirements would also slightly reduce paperwork, and would "allow business a little more flexibility, and, in a very small way, reduce their administrative burden." *Id.* Ms. Fulgenzi, project manager for the DCEO's SBEAP, concurred with Mr. Roger's assessment, noting that elimination of redundant state/federal registrations is "positive for the industry". No public comments were filed during the post-hearing public comment period, which ended October 12, 2012.

September 20, 2012 Hearing

At the second hearing, the hearing officer posed a question at the request of JCAR staff concerning three incorporations by reference sections of the proposal: Sections 215.105, 218.112, and 219.112. The Agency proposed to delete or update some, but not all, of the specific materials incorporated by reference, leaving unchanged in the rule some ASTM standards with dates from the 1970's and 1980]s. JCAR staff wondered if the unamended materials were "the latest applicable." 9/20/12 Tr. at 5-6.

The Agency's counsel stated that the Agency proposed "to delete or update only those incorporations by reference that relate to the specific rule the Agency was proposing to amend in this docket, i.e. rules concerning gasoline volatility and motor vehicle refinishing, and not other rules in Sections 215, 218, or 219. *Id* at 6. Mr. Mohr agreed that amending ASTM standards can have unintended effects, and so should not be attempted without comment from the entire regulated community. *Id.*

The post-hearing comment period was set to close October 12, 2012. 9/20/12 Tr. at 7. No public comments have been filed at any time since the opening of this docket.

BOARD DISCUSSION AND SECOND NOTICE PROPOSAL

Section 27(a) of the Act directs the Board to take into account the "technical feasibility and economic reasonableness of measuring or reducing the particular type of pollution" when conducting a substantive rulemaking. 415 ILCS 5/27(a) (2010). The Agency stated the proposed changes are clearly technically feasible and economically reasonable. SR. at 27-29, and there is no evidence in this record to the contrary. There is no evidence of adverse effect to the environment from eliminating duplicative regulations, or from allowing use by metal refinishers of equipment approved by USEPA.

Section 27(b) of the Act requires the Board to determine whether a proposed substantive regulation "has any adverse economic impact on the people of the State of Illinois." 415 ILCS 5/27(b) (2010). As previously stated, DCEO has determined not to conduct an EcIS concerning the proposal, and no testimony or comment has been received concerning that DCEO determination. Personnel from both the IEPA and DCEO agree that the effects of this rulemaking will be a decrease in administrative burdens to industry, and will accordingly have a positive economic effect on it. *See, infra*, at 21. Accordingly, the Board finds that the adopted rules will have no "adverse impact on the people of the State of Illinois" within the meaning of Section 27(b) of the Act.

Based on the record in this proceeding, the Board finds that the amendments adopted today are technically feasible and economically reasonable and will not have an adverse economic impact on the People of Illinois. *See* 415 ILCS 5/27(a), (b) (2010). Based on the lack of public comments, the Board has made no substantive changes in the rules from those proposed at first or second notice.

The Board specifically also finds that a general updating of the incorporations by reference in Sections 215.105, 218.112, and 219.112 is beyond the scope of this rulemaking, and is not supported by the record here. In so finding, the Board notes that many of the substantive rules adopted in Parts 215, 218, and 219 date from the 1970's and 1980's. These Parts have been updated in various rulemakings since then, and the incorporations by reference have been added to or deleted from time to time. The Board has had no input from the regulated or environmental communities indicating that changes are needed. The Board will be responsive to any such communication it may receive, as necessary in future dockets.

ORDER

The Board directs the Clerk to submit the following adopted rules tothe Secretary of State, to become effective upon filing. Additions to existing rules are underlined and deletions appear stricken; rule text begins on the following page:

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

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section

SUBPART B: DEFINITIONS

Section

211.1490 Control Device
211.1510 Control Device Efficiency
211.1515 Control Period
211.1520 Conventional Air Spray
211.1530 Conventional Soybean Crushing Source
211.1550 Conveyorized Degreasing
211.1560 Cove Base
211.1565 Cove Base Installation Adhesive
211.1570 Crude Oil
211.1590 Crude Oil Gathering
211.1610 Crushing
211.1630 Custody Transfer
211.1650 Cutback Asphalt
211.1655 Cyanoacrylate Adhesive
211.1670 Daily-Weighted Average VOM Content
211.1690 Day
211.1700 Deadener
211.1710 Degreaser
211.1730 Delivery Vessel
211.1740 Diesel Engine
211.1745 Digital Printing
211.1750 Dip Coating
211.1770 Distillate Fuel Oil
211.1780 Distillation Unit
211.1790 Drum
211.1810 Dry Cleaning Operation or Dry Cleaning Facility
211.1830 Dump-Pit Area
211.1850 Effective Grate Area
211.1870 Effluent Water Separator
211.1872 Ejection Cartridge Sealant
211.1875 Elastomeric Materials
211.1876 Electric Dissipating Coating
211.1877 Electric-Insulating Varnish
211.1878 Electrical Apparatus Component
211.1880 Electrical Switchgear Compartment Coating
211.1882 Electrodeposition Primer (EDP)
211.1883 Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885 Electronic Component
211.1890 Electrostatic Bell or Disc Spray
211.1900 Electrostatic Prep Coat
211.1910 Electrostatic Spray
211.1920 Emergency or Standby Unit
211.1930 Emission Rate
211.1950 Emission Unit
211.1970 Enamel

211.1990 Enclose
211.2010 End Sealing Compound Coat
211.2030 Enhanced Under-the-Cup Fill
211.2040 Etching Filler
211.2050 Ethanol Blend Gasoline
211.2055 Ethylene Propylenediene Monomer (DPDM) Roof Membrane
211.2070 Excess Air
211.2080 Excess Emissions
211.2090 Excessive Release
211.2110 Existing Grain-Drying Operation (Repealed)
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AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, 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. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in

R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-23 at 35 Ill. Reg. 13451, effective July 27, 2011; amended in R12-24 at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 211.101 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

a) Incorporations by Reference

1) "Evaporation Loss from Floating Roof Tanks," American Petroleum Institute Bulletin 2517 (1962)

2) Standard Industrial Classification Manual, Superintendent of Documents, Washington, D.C. 20402 (1972)

3) American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken PA 19428-2959

ASTM	D 86
ASTM	D 240-64
ASTM	D 323-08
ASTM	D 369-69 (1971)
ASTM	D 396-69
ASTM	D 523-80

ASTM D 523-89
ASTM D 900-55
ASTM D 975-68
ASTM D 1826-64
ASTM D 2015-66
ASTM D 2880-71

4) 40 CFR 51.100 (1987)

5) American Architectural Manufacturers Association, 1827 Walden Office Square, Suite 550, Schaumburg, IL 60173-4268, Specification 2604-05 (Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels) (2005)

6) American Architectural Manufacturers Association, 1827 Walden Office Square, Suite 550, Schaumburg, IL 60173-4268, Specification 2605-05 (Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels) (2005)

b) Referenced Materials
Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136)

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART B: DEFINITIONS

Section 211.2870 Heavy Liquid

"Heavy liquid" means liquid with a true vapor pressure of less than 0.3 kPa (0.04 psi) at 294.3^{o}K (70^{o}F) established in a standard reference text or as determined by ASTM method D2879-86 (incorporated by reference in 35 Ill. Adm. Code 218.112 and 219.112); or which has 0.1 Reid Vapor Pressure as determined by ASTM method D323-08~~D323-82~~ (incorporated by reference in 35 Ill. Adm. Code ~~215.105,~~ 218.112 and 219.112); or which when distilled requires a temperature of 421.95^{o}K (300^{o}F) or greater to recover 10 percent of the liquid as determined by ASTM method D86-82 (incorporated by reference in 35 Ill. Adm. Code 215.105, 218.112 and 219.112).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 211.5510 Reid Vapor Pressure

"Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases as determined by the method referenced in the Section where the term is used or by ASTM D323-08~~D323-89~~ (if not

referenced in the Section where the term is used), incorporated by reference in 35 Ill. Adm. Code 218.112 and 219.112.

(Source: Amended at 36 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 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

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SUBPART T: PHARMACEUTICAL MANUFACTURING

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SUBPART V: AIR OXIDATION PROCESSES

SUBPART W: AGRICULTURE

SUBPART X: CONSTRUCTION

SUBPART Y: GASOLINE DISTRIBUTION

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SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section

AUTHORITY: Implementing Sections 9.1 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.1, 10 and 27].

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 Corrected 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; emergency amendments in R88-30A at 14 Ill. Reg. 6421, effective April 11, 1990, for a maximum of 150 days; 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 15, 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 R91-24 at 16 Ill. Reg. 13555, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13849, effective August 24, 1992; amended in R98-15 at 22 Ill. Reg. 11427, effective June 19, 1998; amended in R12-24 at 36 Ill. Reg._____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 215.104 Definitions

The definitions of 35 Ill. Adm. Code 201 and 211 apply to this Part, as well as the definitions contained in this Section. WhenWhere the definition contained in this Section is more specific than that found in 35 Ill. Adm. Code 201 or 211, it shall take precedence in application of this Part.

"Furniture Coating Application Line": The combination of coating application equipment, flash-off area, spray booths, ovens, conveyors, and other equipment operated in a predetermined sequence for purpose of applying coating to wood furniture.

"In Vacuum Service:": For the purposes of Subpart Q, Sections 215.430 through 215.438 equipment thatwhich is operating at an internal pressure that is at least 5 kPa (0.73 psia) below ambient pressure.

"Opaque Stains": All stains containing pigments not classified as semi-transparent stains including stains, glazes and other opaque material to give character to wood.

"Reid vapor pressure": is the standardized measure of the vapor pressure of a liquid in pounds per square inch absolute (psia) at 100° F (37.8° C).

(Source: Amended at 36 Ill. Reg._____, effective _____)

Section 215.105 Incorporations by Reference

The following materials are incorporated by reference:

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-95551916 Race Street, Philadelphia, PA 19103:

1) ASTM D 1644-59 Method A

2) ASTM D 1475-60

3) ASTM D 2369-81

4) ASTM D 2879-83 (Approved 1983); ASTM D 2879-86 (Approved 1986)

5) ASTM D 323-82 (Approved 1982)

5)6) ASTM D 86-82 (Approved 1982)

6)7) ASTM E 260-73 (Approved 1973), E 168 - 67 (Reapproved 1977), E 169 - 63 (Reapproved 1981), E 20 (Approved 1985)

7)8) ASTM D 97-66

8)~~9)~~ ASTM D 1946-67

9)~~10)~~ ASTM D 2382-76

10~~11)~~ ASTM D 2504-83

11)~~12)~~ ASTM D 2382-83

~~13) ASTM D-4057-81 (Approved 1981)~~

~~14) ASTM D-4177-82 (Approved 1982)~~

12)~~15)~~ ASTM D-4953-89

13)~~16)~~ ASTM D-4457-85

b) Federal Standard 141a, Method 4082.1.

c) National Fire Codes, National Fire Protection Association, Battery March Park, Quincy, Massachusetts 02269 (1979).

d) United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026, Appendix A.

e) United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051 Appendix A and Appendix B (December 1978).

f) Standards Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1972.

g) 40 CFR 60 (1989).

h) United States Environmental Protection Agency, Washington D.C., EPA-450/2-78-041.

~~i) 40 CFR 80, Appendices D, E, and F (1989).~~

i)~~j)~~ Elsevier Scientific Publishing Co., New York, "The Vapor Pressure of Pure Substances" (1973), Boublik, T., V. Fried and E. Hala.

j)~~k)~~ McGraw-Hill Book Company, "Perry's Chemical Engineer's Handbook" (1984).

k)~~l)~~ Chemical Rubber Publishing Company, "CRC Handbook of Chemistry and Physics" (1968-87).

l)~~m)~~ McGraw-Hill Book Company, "Lange's Handbook of Chemistry" (1985) John A. Dean, editor.

m)~~n)~~ United States Environmental Protection Agency, Washington D.C., "Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products", (EPA-450/2-78-029).

BOARD NOTE: The incorporations by reference listed in this Section~~above~~ contain no later amendments or editions.

(Source: Amended at 36 Ill. Reg._____, effective _____)

SUBPART Y: GASOLINE DISTRIBUTION

Section 215.585 Gasoline Volatility Standards (Repealed)

~~a)~~ ~~No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) during the regulatory control periods, which shall be June 1 to September 15 for retail outlets, wholesale purchaser-consumer facilities, and all other facilities.~~

~~b)~~ ~~The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 9.0 psi (62.1 kPa) during the regulatory control period in 1991 only.~~

~~c)~~ ~~The Reid vapor pressure of ethanol blend gasolines shall not exceed the limitations for gasoline set forth in subsection (b) by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.~~

~~d)~~ ~~All sampling of gasoline required pursuant to the provisions of this Section shall be conducted by one or more of the following approved methods or procedures which are incorporated by reference in Section 215.105.~~

~~1)~~ ~~For manual sampling, ASTM D4057;~~

~~2)~~ ~~For automatic sampling, ASTM D4177;~~

~~3)~~ ~~Sampling Procedures for Fuel Volatility, 40 CFR 80 Appendix D.~~

~~e)~~ ~~The Reid vapor pressure of gasoline shall be measured in accordance with a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by reference in Section 215.105. For purposes of enforcement of the Reid vapor pressure limitations set forth in subsections (b) and~~

(c), no enforcement action shall be initiated unless the Reid vapor pressure measured by the Agency is more than 0.3 psi (2.1 kPa) greater than the applicable standard.

f) The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR 80, Appendix F, incorporated by reference in Section 215.105.

g) Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative. Upon approval of the alternate sampling or test methods or procedures contained in subsections (d), (e), and (f), the Agency will submit the methods or procedures to the United States Environmental Protection Agency (USEPA) as a revision to the State plan pursuant to Section 110 of the Clean Air Act (42 U.S.C.A. 7410). Alternate methods or procedures become effective only upon approval of the incorporation of the alternate method or procedure in the State plan by USEPA, unless such alternate method or procedure (i.e., the "Grabner" test, ASTM Emergency Standards 14 and 15, approved February 6, 1990; this incorporation includes no later editions or amendments.) has previously been approved by USEPA for use in conjunction with a federally promulgated gasoline volatility regulation, in which case the alternate method or procedure becomes effective immediately upon approval by the Agency.

h) Each refiner or supplier that distributes gasoline or ethanol blends shall:

1) During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois complies with the Reid vapor pressure limitations set forth in Section 215.585(b) and (c). Any facility receiving this gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.

2) Maintain records for a period of one year on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois. The Agency shall be provided with copies of such records if requested.

i) Each retail outlet and facility operated by a wholesale purchaser-consumer shall, during the regulatory control period, maintain records regarding each delivery of

~~gasoline, which shall include documentation of compliance with the Reid vapor pressure, limitations set forth in Section 215.585(b) and (c), quantity received and date received. The Agency shall be provided with copies of such records, if requested.~~

~~j)~~ ~~This Section is effective for 1991 only.~~

(Source: Repealed at 36 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 218
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE CHICAGO AREA

SUBPART A: GENERAL PROVISIONS

Section

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

SUBPART E: SOLVENT CLEANING

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SUBPART G: USE OF ORGANIC MATERIAL

SUBPART H: PRINTING AND PUBLISHING

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

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SUBPART Y: GASOLINE DISTRIBUTION

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SUBPART DD: AEROSOL CAN FILLING

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SUBPART GG: MARINE TERMINALS

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SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section
218.960 Applicability
218.963 Permit Conditions (Repealed)
218.966 Control Requirements
218.967 Compliance Schedule
218.968 Testing

SUBPART TT: OTHER EMISSION UNITS

Section
218.980 Applicability
218.983 Permit Conditions (Repealed)
218.986 Control Requirements
218.987 Compliance Schedule
218.988 Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section
218.990 Exempt Emission Units
218.991 Subject Emission Units

218.APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
218.APPENDIX B VOM Measurement Techniques for Capture Efficiency (Repealed)
218.APPENDIX C Reference Methods and Procedures
218.APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation
218.APPENDIX E List of Affected Marine Terminals
218.APPENDIX G TRE Index Measurements for SOCMI Reactors and Distillation Units
218.APPENDIX H Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5].

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective May 22, 1995;

amended in R96-13 at 20 Ill. Reg. 14428, effective October 17, 1996; amended in R97-24 at 21 Ill. Reg. 7708, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3556, effective February 2, 1998; amended in R98-16 at 22 Ill. Reg. 14282, effective July 16, 1998; amended in R02-20 at 27 Ill. Reg. 7283, effective April 8, 2003; amended in R04-12/20 at 30 Ill. Reg. 9684, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7086, effective April 30, 2007; amended in R08-8 at 32 Ill. Reg. 14874, effective August 26, 2008; amended in R10-10 at 34 Ill. Reg. 5330, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9096, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14174, effective September 14, 2010; amended in R10-8(A) at 35 Ill. Reg. 469, effective December 21, 2010; amended in R11-23 at 35 Ill. Reg. 13473, effective July 27, 2011; amended in R11-23(A) at 35 Ill. Reg. 18813, effective October 25, 2011; amended in R12-24 at 36 Ill. Reg._____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 218.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments.

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-9555:

1) ASTM D 2879-86

2) ASTM D 323-08~~ASTM D 323-82~~

3) ASTM D 86-82

4) ASTM D 369-69 (1971)

5) ASTM D 396-69

6) ASTM D 2880-71

7) ASTM D 975-68

8) ASTM D 3925-81 (1985)

9) ASTM E 300-86

10) ASTM D 1475-85

11) ASTM D 2369-87

12) ASTM D 3792-86

13) ASTM D 4017-81 (1987)

14) ASTM D 4457-85

15) ASTM D 2697-86

16) ASTM D 3980-87

17) ASTM E 180-85

18) ASTM D 2372-85

19) ASTM D 97-66

20) ASTM E 168-67 (1977)

21) ASTM E 169-87

22) ASTM E 260-91

23) ASTM D 2504-83

24) ASTM D 2382-83

~~25) ASTM D 323-82 (approved 1982)~~

25)~~26)~~ ASTM D 2099-00

b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February 1980.

d) 40 CFR 60 (July 1, 1991) and 40 CFR 60, Appendix A, Method 24 (57 FR 30654, July 10, 1992).

e) 40 CFR 61 (July 1, 1991).

f) 40 CFR 50 (July 1, 1991).

g) 40 CFR 51 (July 1, 1991) and 40 CFR 51, appendix M, Methods 204-204F (July 1, 1999).

h) 40 CFR 52 (July 1, 1991).

~~i) 40 CFR 80 (July 1, 1991) and 40 CFR 80, appendixes D, E, and F (July 1, 1993).~~

i)~~j)~~ "A Guide for Surface Coating Calculation", July 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.

j)~~k)~~ "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating" (revised June 1986), United States Environmental Protection Agency, Washington, D.C., EPA-450/3-84-019.

k)~~l)~~ "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-88-003.

l)~~m)~~ "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-018.

m)~~n)~~ "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", December 1978, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.

n)~~o)~~ "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", December 1978, Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/-78-051.

o)~~p)~~ "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", September 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.

p)~~q)~~ "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.

q)~~r)~~ "Portable Instrument User's Manual for Monitoring VOC Sources", June 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.

r)~~s)~~ "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP", October 1988, Unites States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.

s)~~t)~~ "Petroleum Refinery Enforcement Manual", March 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.

t)~~u)~~ "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.

u)~~v)~~ "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", December 1977, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.

v)~~w)~~ "Technical Guidance – Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", November 1991, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.

w)~~x)~~ California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. November 1993) (CARB Manual).

x)~~y)~~ South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 309-91, Determination of Static Volatile Emissions (February 1993).

y)~~z)~~ South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 312-91, Determination of Percent Monomer in Polyester Resins (April 1996).

z)~~aa)~~ "Guidelines for Determining Capture Efficiency", January 1995, Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park NC.

aa)~~bb)~~ Memorandum "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emissions", February 1995, John S. Seitz, Director, Office of Air Quality Planning and Standards, United States Environmental Protection Agency.

bb)~~cc)~~ "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations", September 2008, United States Environmental Protection Agency, Washington, D.C., EPA-453/R-08-002.

cc)~~dd)~~ 40 CFR 63, subpart~~Subpart~~ PPPP, appendix A (2008).

dd)~~ee)~~ 46 CFR subchapter~~Subchapter~~ Q (2007).

ee)~~ff)~~ 46 CFR subchapter~~Subchapter~~ T (2008).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section 218.128 Monitoring VOL Operations

a) Except as provided in subsection (d) ~~below~~, the owner or operator of each storage vessel with a design capacity greater than or equal to 40,000 gallons storing a liquid with a maximum true vapor pressure that is normally less than 0.75 psia shall notify the Agency within 30 days when the maximum true vapor pressure of the liquid exceeds 0.75 psia.

b) Available data on the storage temperature may be used to determine the maximum true vapor pressure.

1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.

2) For other liquids, the vapor pressure:

A) Determined by ASTM Method D2879-83, incorporated by reference at Section 218.112(a)~~218.112(a)(1)~~ of this Part;

B) Measured by an appropriate method approved by the Agency and USEPA; or

C) Calculated by an appropriate method approved by the Agency and USEPA.

c) The owner or operator of each vessel storing a mixture of indeterminate or variable composition shall be subject to the following:

1) Prior to the initial filling of the vessel, the maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in subsection (b)~~ above~~.

2) For vessels in which the vapor pressure of the anticipated liquid composition is 0.5 psia or greater but less than 0.75 psia, an initial physical test of the vapor pressure is required; a physical test at least once every 6 months thereafter is required as determined by the following methods:

A) ASTM Method D2879-83, incorporated by reference at Section 218.112(a)~~218.112(a)(1)~~ of this Part;

B) ASTM Method D323-08~~D323-82~~, incorporated by reference at Section 218.112(a)~~218.112(a)(25)~~ of this Part; or

C) As measured by an appropriate method approved by the Agency.

d) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specifications of Section 218.120 of this Subpart is exempt from the requirements of subsections (a) and (b) ~~above~~.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART Y: GASOLINE DISTRIBUTION

Section 218.585 Gasoline Volatility Standards <u>(Repealed)</u>

~~a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) of this Section during the regulatory control periods, which shall be May 1 to September 15 for retail outlets, wholesale purchaser-consumer, operations, and all other operations.~~

~~b) The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 9.0 psi (62.07 kPa) during the regulatory control period in 1990 and each year thereafter.~~

~~c) The Reid vapor pressure of ethanol blend gasolines shall not exceed the limitations for gasoline set forth in subsection (b) of this Section by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.~~

~~d) All sampling of gasoline required pursuant to the provisions of this Section shall be conducted by one or more of the following approved methods or procedures which are incorporated by reference in Section 215.105.~~

~~1) For manual sampling, ASTM D4057;~~

~~2) For automatic sampling, ASTM D4177;~~

~~3) Sampling procedures for Fuel Volatility, 40 CFR 80 Appendix D.~~

~~e) The Reid vapor pressure of gasoline shall be measured in accordance with either test 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 reference in 35 Ill. Adm. Code 218.112 of this Part. For gasoline - oxygenate blends which contain water-extractable oxygenates, the Reid vapor pressure shall be measured using the dry method test.~~

~~f)~~ ~~The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR 80, Appendix F, incorporated by reference in 35 Ill. Adm. Code 218.112 of this Part.~~

~~g)~~ ~~Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) of this Section must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative.~~

~~h)~~ ~~Each refiner or supplier that distributes gasoline or ethanol blends shall:~~

~~1)~~ ~~During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution operation for use in Illinois complies with the Reid vapor pressure limitations set forth in 35 Ill. Adm. Code 218.585(b) and (c). Any operation receiving this gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.~~

~~2)~~ ~~Maintain records for a period of one year on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution operation for use in Illinois. The Agency shall be provided with copies of such records if requested.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

SUBPART HH: MOTOR VEHICLE REFINISHING

Section 218.784 Equipment Specifications

Every owner or operator of a motor vehicle refinishing operation, unless the source uses less than 20 gallons of coating per calendar year from all motor vehicle refinishing operations combined, shall:

a) Coat motor vehicles, mobile equipment, or their parts and components using one of the following coating applicators:

1) Electrostatic spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications; ~~or~~

2) High Volume Low Pressure (HVLP) spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications; or ~~and~~

3) An equivalent coating applicator technology that is demonstrated by the manufacturer to achieve transfer efficiency comparable to the HVLP spray equipment technology listed in subsection (a)(2) of this Section for a comparable operation, and for which written approval has been obtained from USEPA. The owner or operator must maintain documentation of the USEPA's approval at the motor vehicle refinishing operation; and

b) Clean all coating applicators with a device that:

1) Recirculates solvent during the cleaning process;

2) Collects spent solvent so it is available for disposal or recycling; and

3) Minimizes evaporation of solvents during cleaning, rinsing, draining, and storage.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 218.792 Registration (Repealed)

~~a) Every owner or operator of a motor vehicle refinishing operation shall register with the Agency on or before the date specified in Section 218.791 of this Subpart. The following information shall be included in this registration:~~

~~1) The name and address of the source, and the name and telephone number of the person responsible for submitting the registration information;~~

~~2) A description of all coating operations of motor vehicles, mobile equipment, or their parts or components, and all associated surface preparation operations at the source;~~

~~3) A description of all coating applicators used at the source to comply with Section 218.784(a) of this Subpart, if applicable;~~

~~4) A description of all cleanup operations at the source, including equipment used to comply with Section 218.784(b) of this Subpart, if applicable;~~

~~5) A description of all work practices at the source used to comply with Section 218.787 of this Subpart;~~

~~6) If a source claims to be exempt from the equipment requirements in Section 218.784 of this Subpart because it uses less than 20 gallons of~~

~~coating per year, the owner's or operator's certification that the annual usage is below this level;~~

~~7)~~ ~~A written declaration stating whether the source is complying with this Subpart by using coatings that comply with the applicable VOM content limits in Section 218.780 of this Subpart or by control equipment as specified in Section 218.782; and~~

~~8)~~ ~~A description of any control devices used to comply with Section 218.782 of this Subpart and the date(s) the device was installed and became operational.~~

~~b)~~ ~~At least 30 calendar days before changing the method of compliance to or from Sections 218.780 and 218.782, the owner or operator of a motor vehicle refinishing operation shall notify the Agency and certify that the source is in compliance with the applicable requirements for the new method of compliance.~~

(Source: Repealed at 36 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
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE METRO EAST AREA

SUBPART A: GENERAL PROVISIONS

Section

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

SUBPART E: SOLVENT CLEANING

SUBPART F: COATING OPERATIONS

SUBPART G: USE OF ORGANIC MATERIAL

SUBPART H: PRINTING AND PUBLISHING

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

SUBPART T: PHARMACEUTICAL MANUFACTURING

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SUBPART AA: PAINT AND INK MANUFACTURING

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SUBPART GG: MARINE TERMINALS

SUBPART HH: MOTOR VEHICLE REFINISHING

SUBPART II: FIBERGLASS BOAT MANUFACTURING MATERIALS

SUBPART JJ: MISCELLANEOUS INDUSTRIAL ADHESIVES

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

SUBPART TT: OTHER EMISSION UNITS

SUBPART UU: RECORDKEEPING AND REPORTING

AUTHORITY: Implementing Section 10 and authorized by Sections 27, 28 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28 and 28.5].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6958, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7385, effective May 22, 1995; amended in R96-2 at 20 Ill. Reg. 3848, effective February 15, 1996; amended in R96-13 at 20 Ill. Reg. 14462, effective October 28, 1996; amended in R97-24 at 21 Ill. Reg. 7721, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3517, effective February 2, 1998; amended in R04-12/20 at 30 Ill. Reg. 9799, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7110, effective April 30, 2007; amended in R10-10 at 34 Ill. Reg. 5392, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9253, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14326, effective September 14, 2010; amended in R10-8(A) at 35 Ill. Reg. 496, effective December 21, 2010; amended in R11-23 at 35 Ill. Reg. 13676, effective July 27, 2011; amended in R11-23(A) at 35 Ill. Reg. 18830, effective October 25, 2011;

amended in R12-24 at 36 Ill. Reg._____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 219.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments:

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-9555

1) ASTM D 2879-86

2) ASTM D 323-08~~ASTM D 323-82~~

3) ASTM D 86-82

4) ASTM D 369-69 (1971)

5) ASTM D 396-69

6) ASTM D 2880-71

7) ASTM D 975-68

8) ASTM D 3925-81 (1985)

9) ASTM E 300-86

10) ASTM D 1475-85

11) ASTM D 2369-87

12) ASTM D 3792-86

13) ASTM D 4017-81 (1987)

14) ASTM D 4457-85

15) ASTM D 2697-86

16) ASTM D 3980-87

17) ASTM E 180-85

18) ASTM D 2372-85

19) ASTM D 97-66

20) ASTM E 168-87 (1977)

21) ASTM E 169-87

22) ASTM E 260-91

23) ASTM D 2504-83

24) ASTM D 2382-83

~~25) ASTM D 323-82 (approved 1982)~~

b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February 1980.

d) 40 CFR 60 (July 1, 1991).

e) 40 CFR 61 (July 1, 1991).

f) 40 CFR 50 (July 1, 1991).

g) 40 CFR 51 (July 1, 1991) and 40 CFR 51, appendix M, Methods 204-204F (July 1, 1999).

h) 40 CFR 52 (July 1, 1991).

~~i) 40 CFR 80 (July 1, 1991) and 40 CFR 80, appendixes D, E, and F (July 1, 1993).~~

i)~~j)~~ "A Guide for Surface Coating Calculation", July 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.

j)~~k)~~ "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating"~~;~~ (revised June 1986), United States Environmental Protection Agency, Washington D.C., EPA-450/3-84-019.

k)~~l)~~ "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington D.C., EPA-340/1-88-003.

l)~~m)~~ "Protocol for Determining the Daily Volatile Organic Compound Emission Rate

of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington D.C., EPA-450/3-88-018.

m)~~n)~~ "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", December 1978, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.

n)~~o)~~ "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", December 1978, Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051.

o)~~p)~~ "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", September 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.

p)~~q)~~ "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.

q)~~r)~~ "Portable Instrument User's Manual for Monitoring VOM Sources", June 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.

r)~~s)~~ "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOM and VHAP", October 1988, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.

s)~~t)~~ "Petroleum Refinery Enforcement Manual", March 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.

t)~~u)~~ "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.

u)~~v)~~ "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", December 1977, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.

v)~~w)~~ "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", November 1991, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.

w)~~x)~~ California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. November 1993) (CARB Manual).

x)~~y)~~ "Guidelines for Determining Capture Efficiency", January 1995, Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park NC.

y)~~z)~~ Memorandum "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emissions", February1995, John S. Seitz, Director, Office of Air Quality Planning and Standards, United States Environmental Protection Agency.

z)~~aa)~~ "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations", September 2008, United States Environmental Protection Agency, Washington, D.C., EPA-453/R-08-002.

aa)~~bb)~~ 40 CFR 63 subpart~~Subpart~~ PPPP, appendix A (2008).

bb)~~cc)~~ 46 CFR subchapter~~Subchapter~~ Q (2007).

cc)~~dd)~~ 46 CFR subchapter~~Subchapte~~ T (2008).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section 219.128 Monitoring VOL Operations

a) Except as provided in subsection (d)~~ below~~, the owner or operator of each storage vessel with a design capacity greater than or equal to 40,000 gallons storing a liquid with a maximum true vapor pressure that is normally less than 0.75 psia shall notify the Agency within 30 days when the maximum true vapor pressure of the liquid exceeds 0.75 psia.

b) Available data on the storage temperature may be used to determine the maximum true vapor pressure.

1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.

2) For other liquids, the vapor pressure:

A) Determined by ASTM Method D2879-83, incorporated by reference at Section 219.112(a)~~219.112(a)(1)~~ of this Part;

B) Measured by an appropriate method approved by the Agency and USEPA; or

C) Calculated by an appropriate method approved by the Agency and USEPA.

c) The owner or operator of each vessel storing a mixture of indeterminate or variable composition shall be subject to the following:

1) Prior to the initial filling of the vessel, the maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in subsection (b)~~ above~~.

2) For vessels in which the vapor pressure of the anticipated liquid composition is 0.5 psia or greater but less than 0.75 psia, an initial physical test of the vapor pressure is required; a physical test at least once every 6 months thereafter is required as determined by the following methods:

A) ASTM Method D2879-83, incorporated by reference at Section 219.112(a)~~219.112(a)(1)~~ of this Part;

B) ASTM Method D323-08~~D323-82~~, incorporated by reference at Section 219.112(a)~~219.112(a)(25)~~ of this Part; or

C) As measured by an appropriate method approved by the Agency.

D) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specifications of Section 219.120 of this Subpart is exempt from the requirements of subsections (a) and (b)~~ above~~.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART Y: GASOLINE DISTRIBUTION

Section 219.585 Gasoline Volatility Standards (Repealed)

~~a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) below during the regulatory control periods, which shall be June 1 to September 15.~~

b) The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 7.2 psi (49.68 kPa) during the regulatory control period in 1995 and each year thereafter.

c) The Reid vapor pressure of ethanol blend gasolines having at least nine percent (9%) but not more than ten percent (10%) ethyl alcohol by volume of the blended mixture, shall not exceed the limitations for gasoline set forth in subsection (b) of this Section by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.

d) All sampling of gasoline required pursuant to the provisions of this Section shall be conducted in accordance with the procedures contained in 40 CFR Part 80, Appendix D, Sampling Procedures for Fuel Volatility, which are incorporated by reference in Section 219.112 of this Part.

e) The Reid vapor pressure of gasoline shall be measured in accordance with the procedures contained in "Tests for Determining Reid Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends" as set forth in 40 CFR 80, Appendix E, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part.

f) The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR Part 80, Appendix F, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part.

g) Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) of this Section must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative.

h) Recordkeeping and reporting:

1) Each refiner or supplier that distributes gasoline or ethanol blends shall:

A) During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois complies with the Reid vapor pressure limitations set forth in 35 Ill. Adm. Code 219.585(b) and (c) of this Part. Any source receiving this gasoline shall be

~~provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.~~

~~B)~~ ~~Maintain records for a period of three years on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois. The Agency shall be provided with copies of such records if requested.~~

~~2)~~ ~~Records and reports required by subsections (h)(2)(A) and (h)(2)(B) below shall be made available to the Agency upon request. During the regulatory control period, the owner or operator of a gasoline dispensing operation subject to this Section shall:~~

~~A)~~ ~~Retain a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard as provided in subsection (h)(1)(A) above; and~~

~~B)~~ ~~Maintain records for a period of three years on the Reid vapor pressure, quantity received and date of delivery of any gasoline or ethanol blends arriving at the gasoline operation.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

SUBPART HH: MOTOR VEHICLE REFINISHING

Section 219.784 Equipment Specifications

Every owner or operator of a motor vehicle refinishing operation, unless the source uses less than 20 gallons of coating per calendar year from all motor vehicle refinishing operations combined, shall:

a) Coat motor vehicles, mobile equipment, or their parts and components using one of the following coating applicators:

1) Electrostatic spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications; ~~or~~

2) High Volume Low Pressure (HVLP) spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications; or ~~and~~

3) An equivalent coating applicator technology that is demonstrated by the manufacturer to achieve transfer efficiency comparable to the HVLP spray equipment technology listed in subsection (a)(2) of this Section for a comparable operation, and for which written approval has been obtained from USEPA. The owner or operator must maintain documentation of USEPA's approval at the motor vehicle refinishing operation; and

b) Clean all coating applicators with a device that:

1) Recirculates solvent during the cleaning process;

2) Collects spent solvent so it is available for disposal or recycling; and

3) Minimizes evaporation of solvents during cleaning, rinsing, draining, and storage.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 219.792 Registration (Repealed)

~~a) Every owner or operator of a motor vehicle refinishing operation shall register with the Agency on or before the date specified in Section 219.791 of this Subpart. The following information shall be included in this registration:~~

~~1) The name and address of the source, and the name and telephone number of the person responsible for submitting the registration information;~~

~~2) A description of all coating operations of motor vehicles, mobile equipment, or their parts or components, and all associated surface preparation operations at the source;~~

~~3) A description of all coating applicators used at the source to comply with Section 219.784(a) of this Subpart, if applicable;~~

~~4) A description of all cleanup operations at the source, including equipment used to comply with Section 219.784(b) of this Subpart, if applicable;~~

~~5) A description of all work practices at the source used to comply with Section 219.787 of this Subpart;~~

~~6) If a source claims to be exempt from the equipment requirements in Section 219.784 of this Subpart because it uses less than 20 gallons of coating per year, the owner's or operator's certification that the annual usage is below this level;~~

~~7)~~ ~~A written declaration stating whether the source is complying with this Subpart by using coatings that comply with the applicable VOM content limits in Section 219.780 of this Subpart or by control equipment as specified in Section 219.782; and~~

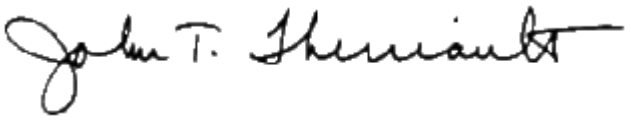
~~8)~~ ~~A description of any control devices used to comply with Section 219.782 of this Subpart and the date(s) the device was installed and became operational.~~

~~b)~~ ~~At least 30 calendar days before changing the method of compliance to or from Sections 219.780 and 219.782, the owner or operator of a motor vehicle refinishing operation shall notify the Agency and certify that the source is in compliance with the applicable requirements for the new method of compliance.~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on January 24, 2013 by a vote of 5-0.



_____
John Therriault, Assistant Clerk
Illinois Pollution Control Board