

Board Adopts Amendments to Vapor Recovery Rules

The Board, on November 7, 2013, adopted a second-notice opinion and order to amend the Board's air pollution rules. The Illinois Environmental Protection Agency (IEPA) filed the rulemaking on March 18, 2013. The rulemaking is docketed as Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219 (R13-18).

The Board proposed amendments to its air pollution rules at 35 Ill. Adm. Code 201, 218, and 219 for second-notice review by the Joint Committee on Administrative Rules (JCAR). After JCAR's second-notice review, the Board intends to adopt final amendments and file them with the Secretary of State to provide a calendar year 2013 effective date for these amendments. A 2013 calendar-year effective date will allow the State of Illinois to timely realize additional emission reduction benefits achievable by using only on-board refueling vapor recovery (ORVR) systems.

The amendments include the phase-out of Stage II vapor recovery systems at the pump nozzles of gasoline dispensing facilities (GDFs) in the Chicago ozone nonattainment area (NAA). The phase-out is based upon the determination of the United States Environmental Protection Agency (USEPA) that there is widespread use of ORVR throughout the national motor vehicle fleet. ORVR systems are incompatible with most of the Stage II equipment used at GDFs in the Chicago NAA. Simultaneously using ORVR and incompatible Stage II systems results in greater refueling emissions than if only ORVR were to be used. Modeling shows that starting in January 2014, due to this incompatibility, ORVR alone will produce greater reductions in refueling emissions than ORVR plus Stage Two.

Owners and operators of existing GDFs (*i.e.*, operating at any time before January 1, 2014) in the Chicago ozone NAA will be allowed to begin decommissioning Stage II systems on January 1, 2014, but must comply with Stage II requirements until decommissioning begins. Decommissioning must be completed by December 31, 2016. Additionally, the amendments will remove the requirement for installing Stage II systems at new GDFs in the Chicago ozone NAA (*i.e.*, operating for the first time on or after January 1, 2014).

As proposed at first notice, the second-notice amendments also reflect the repeal of overlapping Stage I registration requirements in the Chicago and Metro-East ozone NAAs. Finally, applicable throughout the State are proposed clarifications to State air permitting exemptions and proposed amendments for Title V or CAAPP "insignificant activities."

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk's Office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].

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