nonattainment area includes Cook, DuPage, Grundy (only Aux Sable and Goose Lake Townships), Kane, Kendall (Oswego Township only), Lake McHenry, and Will Counties. The Metro-East ozone nonattainment area includes Madison, Monroe, and St. Clair Counties. On April 22, 1994, IEPA filed the proposed P/V relief valves rule with the Illinois Pollution Control Board (Board). A public hearing on the rules was held on June 17, 1994, in Chicago, Illinois, and on September 5, 1994, the Board adopted a Final Opinion and Order for the proposed amendments. The rules became effective on September 21, 1994 and they were published in the Illinois State register on October 7, 1994. The IEPA formally submitted the Pressure/Vacuum Relief Valve rules to USEPA on October 25, 1994, as a revision to the Illinois SIP for ozone.

II. Stage I/II Requirements

In 1975, the USEPA issued regulatory guidance to assist states in preparing regulations for the control of volatile organic material in ozone nonattainment areas. As a result, gasoline dispensing operations located in the Illinois nonattainment areas were required to be equipped with Stage I vapor recovery systems. The Stage I controls collect gasoline vapor losses generated during bulk gasoline delivery. These Stage I rules did not, however, include any requirement for the control of storage tank breathing loss.

The Clean Åir Act Amendments of 1990 further required certain ozone nonattainment areas to implement Stage II vapor recovery. Accordingly, Stage II vapor recovery rules for the Chicago ozone nonattainment area were promulgated in 1992. The Stage II system collects gasoline vapors being expelled from vehicles during refueling. These Stage II systems are highly effective and work in conjunction with the Stage I controls. As with Stage I, Stage II rules did not directly require the control of storage tank breathing losses.

Even with the Stage I and Stage II controls, volatile organic mass (VOM) (gasoline vapor) emissions still occur as vapors are lost (pushed out) through the underground storage tank vent pipe. The vent pipe emissions result from the breathing losses which are caused by vapor and liquid expansion and contraction due to diurnal changes in temperature, barometric pressure and gasoline evaporation.

IEPA's regulations are intended to increase the effectiveness of Stage I and II controls as well as control the gasoline vapor losses being expelled through the vent pipe as stated above. The control of these emissions will be to require that all open vent pipes at gasoline dispensing facilities with a storage tank capacity of at least 575 gallons be equipped with low pressure/ vacuum (P/V) relief valves.

III. Analysis of Rule

The P/V rule amends 35 Ill. Adm. Code Part 201 Subpart K, Part 211 Subpart B, Part 218 Subpart Y, and Part 219 Subpart Y. The P/V relief valve rule requires gasoline dispensing facilities located in the Chicago and Metro-East ozone nonattainment areas with a storage tank capacity of at least 575 gallons to install a P/V relief valve on each gasoline storage tank vent by March 15, 1995. However, tanks installed before January 1, 1979, are exempt from the rule if they have a capacity of less than 2000 gallons, as are tanks that are equipped with floating roofs or equivalent control devices that have been approved by the State and USEPA. The P/V relief valve must be capable of resisting a pressure of at least 3.5 inches water column and a vacuum of at least 6 inches water column. If a facility is subject to the Stage II vapor recovery rules, the P/V relief valve used must comply with its California Air Resources Board (CARB) certification. The P/V rule also requires the owner or operator to register the installation of the P/V relief valve, to maintain records of malfunctions, maintenance, and repair and to annually test for proper system pressure/vacuum. IEPA currently employs an annual inspection program for Stage I and II regulated facilities. The storage tank breathing control program will be incorporated into the existing inspection program. The State currently has the authority to administer and enforce the control program once the rules become effective.

The Illinois Environmental Protection Act (Illinois Act), section 42(a), states that any person that violates any provision of the Illinois Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any determination or order of the Board pursuant to the Illinois Act, shall be liable to a civil penalty not to exceed \$50,000 for the violation and an additional \$10,000 for each day for which the violation continues. In that this submittal is a regulation adopted by the Board, a violation of which subjects the violator to penalties under section 42(a), the submittal contains sufficient enforcement penalties for approval.

IV. Final Rulemaking Action

The USEPA approves the SIP revision submitted by the State of Illinois. The

State of Illinois has submitted a SIP revision that includes an enforceable state regulation which is consistent with Federal requirements. The SIP also includes a commitment from the State to perform enforcement inspections on the regulated stations. Substantial penalties that will provide an adequate incentive for the regulated industry to comply and are no less than the expected cost of compliance are included in current Pollution Control Board Regulation. USEPA is, therefore, approving this submittal.

V. Procedural Background

Because USEPA considers this action noncontroversial and routine, we are approving it without prior proposal. The action will become effective on March 28, 1995. However, if the USEPA receives adverse comments by February 27, 1995, then the USEPA will publish a document that withdraws the action, and will address the comments received in response to this direct final rule in the final rule on the requested SIP revision which has been proposed for approval in the proposed rules section of this Federal Register. The comment period will not be extended or reopened.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for revision to any State Implementation Plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-forprofit enterprises, and government entities with jurisdiction over populations of less than 50,000.