

ILLINOIS POLLUTION CONTROL BOARD
February 6, 1973

ENVIRONMENTAL PROTECTION AGENCY)
)
) #72-199
 v.)
)
 SOUTHERN ILLINOIS POWER COOPERATIVE)
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 SOUTHERN ILLINOIS POWER COOPERATIVE)
) #72-238
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

DELBERT D. HASCHEMEYER, ASSISTANT ATTORNEY GENERAL, ON BEHALF OF
ENVIRONMENTAL PROTECTION AGENCY
CHARLES D. WINTERS, ON BEHALF OF PETITIONER-RESPONDENT

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

On October 17, 1972, we entered an interim order in the above consolidated proceeding.

Case #72-199 is an enforcement action alleging that Southern Illinois Power Co-Operative's electric generating station near Marion, Illinois, has emitted sulphur dioxide, fly ash and other contaminants into the atmosphere, causing air pollution and violating Section 9(a) of the Environmental Protection Act and Rule 2-2.53 of the Rules and Regulations Governing the Control of Air Pollution.

Case #72-238 is a variance requested by SIPC seeking until April 19, 1975 to achieve full compliance with the Act and the Rules.

As our earlier opinion stated, SIPC generates electric power at its 100 megawatt coal burning steam turbine power plant in Williamson County. The plant consists of three 33-megawatt units, each fired by double 7-foot radial cyclone burners equipped with mechanical multiple-cyclone dust collectors. Two of the boilers exhaust into one stack and a third exhausts into a separate stack. Each stack is 210 feet high. The plant serves 27,000 customers. Stack tests made in October, 1971 indicated an average emission rate of particulates at 0.67 pounds per million BTU, which rate continues to the present time. Rule 2-2.53 sets a limit of 0.45 pounds per million BTU (see also Rule 203, Air Pollution Regulations effective April 14, 1972). Our opinion goes on to state as follows:

"SIPC intends to install three electrostatic precipitators having an efficiency of 96% removal for particulates so that the average emission rate will be reduced to .04 pounds per million BTU. The cost is estimated at \$2,000,000. SIPC has proposed a time schedule as follows:

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|--------------------------------------|---------------|
| Start design | May, 1972 |
| Start erection of first precipitator | May, 1973 |
| Startup of first precipitator | April, 1974 |
| Startup of second precipitator | October, 1974 |
| Startup of third precipitator | April, 1975 |

The Agency's recommendation states that the program submitted by the petitioner is adequate to satisfy particulate emission regulations under the Pollution Control Board Regulations, Chapter 2, Part II, Rule 203(g), but is excessively prolonged by a period of three months. We also question the length of time requested. We are unsure from the record as to why the startup time for the three precipitators must each be six months apart. It would appear that all three precipitators could be installed within only one six-month period.

In years past, the ash storage area has on the occasion of strong southerly winds caused objectionable situations with residents in the immediate vicinity. The Agency recommends that the petitioner notify the Division of Land Pollution and Water Pollution Control within 60 days of the Board order of the procedure used to dispose of their fly ash in their ash ponds. We also find the need for the submission of a dust and ash control program. In addition, we need more information regarding the availability of alternate power, particularly from Central Illinois Public Service or Illinois Power since the testimony indicates that there will be a new transmission line in use by the end of 1972.

We will grant only a 90-day variance at this time. During that period we expect that the petitioner will submit a verified statement to the Board and Agency indicating any reasons why all three precipitators cannot be started up within the six months beginning April, 1974. Furthermore, the petitioner should submit its dust and ash control program within those 90 days. We will decide the question of penalties in our final order."

The Order entered on October 17, 1972 provided as follows:

"Southern Illinois Power Cooperative is granted a variance for 90 days until January 17, 1973, during which time the following shall be submitted to the Board and Agency:

1. A verified statement indicating any reasons why all three precipitators cannot be started up within the six months period beginning April, 1974.

2. A dust and ash control program.

The Agency shall respond within 21 days from the receipt of said additional information. This proceeding shall remain open for further orders."

We received a verified statement of Ora Snider, Assistant Manager of SIPC stating that advancing the start-up date for all three precipitators within a six-month period beginning April, 1974, would only be possible if Central Illinois Public Service could serve as a power source and that no definitive assurance has been given by Central Illinois Public Service that it would be available in this respect and that in the absence of a firm commitment, which has not been received, an accelerated program of shut-down and completion would not be feasible. This position is confirmed by Stanley Consultants, the engineering firm installing the precipitators, which firm concludes that it cannot recommend SIPC committing itself to a complete precipitator program before 1975 without a curtailment of electric power to its customers.

SIPC, however, does commit itself to advance its construction schedule to such time as a source of electric power supply is available, which would allow the installation of the electrostatic precipitators on each of the three units, earlier than that contemplated by its original program, and we are satisfied with SIPC's position.

No response has been received from the Agency with respect to this statement.

A dust and ash control program has been submitted by the Company with respect to its coal yard and ash storage area, which the Agency approves, subject to conditions that we will incorporate in our Order. We will grant a variance for one year subject to extension to April, 1975, to enable installation of the electrostatic precipitator, pursuant to the program proposed by petitioner. Any extension, of course, will be subject to further hearing and a showing of compliance with the improvement program. We likewise approve the dust and ash control program, subject to such conditions as are proposed by the Agency. On the state of the record, a penalty does not appear warranted.

This opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD:

1. That SIPC be granted a variance from the provisions of Rule 2-2.53 of the Rules and Regulations Governing the Control of Air Pollution and Rule 203 of the Air Pollution Control Regulations until January 30, 1974, in order to install three electrostatic precipitators on its coal-fired boilers, subject to a construction program which will bring all facilities into compliance by April of 1975. Any exten-

sion of this variance shall be by further petition and hearing and a demonstration on the part of SIPC that it is pursuing the program of installation as outlined herein.

2. Bond in the amount of \$500,000, in form satisfactory to the Agency, shall be posted to assure compliance as to the installation of the three electrostatic precipitators as proposed by SIPC. Payment provision shall be made for forfeiture in the amount of \$10,000 in the event SIPC is not in compliance with the relevant regulations by April 30, 1975. Bond shall be filed with the Environmental Protection Agency, Fiscal Services Division, 2200 Churchill Drive, Springfield, Illinois 62706, within thirty days from the date hereof.
3. SIPC shall pursue the ash and dust control program as detailed in letter of December 7, 1972 addressed to the Board and subject to the following terms and conditions:
 - (a) With respect to the coal yard, SIPC shall continue its present policy of fugitive dust abatement and specifically:
 - (i) In times of high wind velocity (greater than 20 MPH) in a direction to cause fugitive emissions, coal handling shall be stopped except for the filling of coal bunkers.
 - (ii) All roadways and paths of travel of coal handling equipment shall be regularly sprinkled with a water tank truck to prevent dusting.
 - (b) SIPC shall undertake whatever other measures are necessary to insure that its coal handling facilities are operated in compliance with Rule 203(f).
 - (c) With respect to the ash control program, all fly ash shall be sluiced to Pond #1. Fly ash shall be construed as all particulate matter, generated as the result of fuel combustion, that is separated from a combustion gas stream by an air pollution control device.
 - (d) Water content of Pond #1 shall be maintained at a sufficient level to keep all collected fly ash from becoming airborne.
 - (e) No material collected in Pond #1 shall be removed to any other area except with written permission from the Agency, and subject to conditions the Agency may impose to insure compliance with the Act and Board regulations.

(f) All materials now deposited in ash storage Pond #1 before implementation of (c) above, shall be removed, leveled and covered with vegetation in such a manner so as to prevent blowing of particulate matter.

(g) That SIPC undertake whatever other measures are necessary to insure that its ash storage area is operated in compliance with Rule 203(f).

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 6th day of ~~February~~, 1973, by a vote of 3 to 0.

Christan S. Moffett