

ILLINOIS POLLUTION CONTROL BOARD  
August 18, 1983

CPC INTERNATIONAL, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 83-11
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by J.Theodore Meyer):

On December 30, 1982 CPC International, Inc. (CPC) filed a pleading requesting an Alternative Emission Standard for its fuel combustion sources located at its Argo, Illinois plant. The Alternative Standard procedure was then under consideration by the Board in R80-22: Sulfur Dioxide Emission Limitations. With that same pleading, CPC also requested a variance from its current operating limit of 1.8 pounds per million Btu (lbs/mBtu). That same limitation was then under consideration in R80-22 and was finally adopted as the general emission limit for sources located in the Chicago major metropolitan area. Pending final adoption of R80-22, on January 27, 1983 the Board stayed action on CPC's Alternative Standard request and variance petition. The Board also assigned a separate docket number to the variance petition. On March 16, 1983 CPC filed a "Supplement to the Petition for Adoption of an Alternative Standard and for Variance." The rules adopted in R80-22 became effective on March 28, 1983. That same day CPC moved to lift the Board imposed stay and to consolidate both matters for hearing. On April 7, 1983, the Board granted the former but denied the request to consolidate because the relief sought and the elements of proof differ in each proceeding. The Board also ordered that the Supplement filed on March 16, 1983 serve as the variance petition. Hearing on the Variance Petition was noticed on April 18, 1983 and held on May 19, 1983. The Illinois Environmental Protection Agency (Agency) filed its Recommendation on May 24, 1983. No public comments were received in this matter.

Pursuant to Section 35 of the Act, CPC requested a variance from the 1.8 lbs/mBtu limit found at Rule 204(f). Since the Board's stay was lifted within twenty days of the effective date of that rule, pursuant to Section 38 of the Act, CPC obtained a statutory stay of the application of Rule 204(f) to its Argo sources pending disposition of this variance petition. The Petition filed March 16, 1983 stated that this was CPC's

intent. At hearing on the variance petition CPC again stated that by so filing its variance petition the application of that rule on CPC was stayed until a decision on the Variance (R.4). Rather than developing an independent record, or expanding the record developed at the hearing held on the Alternative Standard request (PCB 82-153), CPC simply incorporated it to support its request for variance. A briefing schedule was also set at that hearing, and briefs were filed June 17, June 30, and July 12, 1983. Decision on the variance petition was waived until August 19, 1983. (R.7).

CPC operates a corn wet milling plant in Argo, Illinois, which utilizes steam to process in excess of 100,000 bushels of corn per day into finished products including corn sugar, corn starch, corn oil and corn syrup. The necessary steam and energy is generated by three dry-bottom pulverized coal-fired boilers, each of which has a rated capacity of 325 mBtu/hour. Two boilers are vented through one stack; the third is vented through a second stack. Both stacks are 250 feet and equipped with hot-side electrostatic precipitators. In the past CPC has burned low sulfur coal in its boilers to meet the 1.8 lbs/mBtu sulfur dioxide emission limit. CPC seeks to burn coal of higher sulfur content which could generate emissions of up to 6.0 lbs/mBtu from each of its three sources. CPC burns approximately 300,000 tons of coal per year which based on its December, 1981 through November 1982 purchases cost approximately \$51 per ton, or a total of approximately \$15 million. CPC estimates that it could purchase medium sulfur coal between \$43 and \$33 per ton, thereby saving approximately \$2.5 to \$3 million per year. (R.54)

In support of the variance CPC offered an analysis of the air quality impacts should the Variance be granted. That analysis was premised on a previous sulfur dioxide analysis of the Chicago area performed by the Agency. Using the worst case meteorology, the Agency had included among other sources the Argo boilers at a maximum emission rate of 1.8 lbs/mBtu. Thus using that model's meteorology and background, CPC's analysis considered an incremental increase to 6.0 lbs/mBtu from each of its boilers, or a net change of 4.2 lbs/mBtu at each. Initially, it focused on receptors within 10 kilometers of the CPC facility. Subsequently the modeling was expanded to include fifty-nine receptor points not previously included in the Agency's analysis. It also analyzed four years of data in addition to the Agency's worst year, 1975. CPC's analysis demonstrated that increases to 6.0 lbs/mBtu in sulfur dioxide emissions from its three sources would not cause violation of either the 3 hour secondary or 24 hour primary National Ambient Air Quality Standard (NAAQS). Furthermore CPC alleges that the modeling demonstrated that at most receptors concentrations would not be within twenty percent of the NAAQS. (R.99)

The Agency Recommendation found the modeling analysis performed by CPC acceptable. However, it qualified its assessment that CPC could be granted a 6.0 lbs/mBtu limit without possibly causing NAAQS violations. The Agency noted that CPC had been studied as an isolated source, and that the other boilers in the vicinity had been included in the model at a maximum limitation of 1.8 lbs/mBtu. Should any of these sources be similarly granted a relaxed limitation or should new sources be located in the area, the Agency stated that maintaining air quality for sulfur dioxide could become a problem.

CPC's request for variance is deficient. CPC did demonstrate the environmental consequences and consistency with federal law should its sources not have to comply with Rule 204(f). However, CPC did not demonstrate that it is now out of compliance. It did demonstrate the economic benefits should it not have to comply. Finally, CPC did not include a plan or schedule to achieve compliance with Rule 204(f). This is because CPC is not requesting a period of time to make progress towards compliance. Rather CPC is requesting to go out of compliance with Rule 204(f) to save money and possibly increase the use of Illinois coal, i.e. medium sulfur coal, in keeping with Section 9.2 of the Act. This form of relief is inconsistent with Title IX of the Act. Since a variance has, at the most, a five year duration, compliance with the Act or Board regulation is ultimately anticipated. A variance is intended to defer compliance to avoid arbitrary or unreasonable hardship being suffered by a Petitioner. CPC is not anticipating new technology or other changes which necessitate a delay in compliance. In fact, through its pleadings and statements at hearing CPC sought the variance as a means of obtaining a stay pursuant to Section 38. Since CPC did not adequately demonstrate that it is now out of compliance or to be in compliance with Rule 204(f) at this time would impose an arbitrary or unreasonable hardship at its Argo facility, which could be avoided by limited relief from that Rule, CPC's request for variance is denied.

The Board recognizes that CPC is currently seeking exemption from Rule 204(f) through the alternative emission standard procedure provided at Rule 204(g). This, or a site-specific rule-making, is the more appropriate forum for the relief CPC is seeking.

#### ORDER

CPC International, Inc.'s request for variance from Rule 204(f) of Chapter 2: Air Pollution for its three sources located at its Argo facility is hereby denied.

IT IS SO ORDERED.

J. D. Dumelle concurred.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 18<sup>th</sup> day of August, 1983 by a vote of 5-0.

Christian L. Moffett  
Christian L. Moffett, Clerk  
Illinois Pollution Control Board