

ILLINOIS POLLUTION CONTROL BOARD
September 21, 1978

ILLINOIS POWER CO. (BALDWIN STATION),)	
)	
Petitioner,)	
)	
v.)	PCB 78-189
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

On June 30, 1978, Illinois Power Co. (IPC) filed a Motion to Amend Order seeking amendment of the Board's Order in PCB 75-109, entered on February 2, 1978. On July 20, 1978, the Board construed IPC's Motion as a variance petition, assigned it docket no. PCB 78-189 and incorporated the record in PCB 75-109 into this proceeding. The Environmental Protection Agency (Agency) filed its recommendation on July 17, 1978.

The Board's Order in PCB 75-109 granted IPC a variance from Rule 204(e) of the Air Pollution Regulations "until the resolution of R75-5 or June 1, 1979, whichever occurs first." IPC had previously petitioned the Board for a site-specific rule change for Baldwin Station, docketed R77-9. The Board on May 11, 1978 proposed a Final Draft Order in R75-5, Sulfur Dioxide Revisions, and proposed a revised Order on August 24, 1978. The Board has not proposed a Final Draft Order in R77-9.

IPC requests that it be granted a variance until favorable action by the Board in R77-9, grant of similar relief in a proceeding under Rule 204(e)(3) if R75-5 is adopted, or July 1, 1979, whichever occurs first. IPC alleges that it will face a dilemma under its current variance if the Board acts in R75-5 prior to acting in R77-9 because its variance would terminate, leaving it in violation of the standards, before resolution of its site-specific rule request.

The Board notes that Baldwin has installed an intermittent control system at its Baldwin Station in order to predict when its emissions may threaten to breach ambient air quality standards so that it may prevent such a breach. The Board tied Baldwin's variance in PCB 75-109 to R75-5 so that it could review the situation upon resolution of R75-5. However, the Board agrees that forcing Baldwin to control its sulfur dioxide emissions to whatever level may be required by R75-5, if adopted, prior to resolving Baldwin's site-specific rule request would result in an arbitrary and unreasonable hardship. The Board will therefore grant Baldwin a variance from Rule 204(e) until favorable action by the Board in R77-9, the grant of similar relief in a proceeding under Rule 204(e) if R75-5 is adopted, or July 1, 1979, whichever occurs first. IPC will be required to continue to adhere to the conditions detailed in the Board's Order in PCB 75-109.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that Illinois Power Co. be granted a variance for its Baldwin Station from Rule 204(e) of Chapter 2 until favorable action by the Board in R77-9, the grant of similar relief in a proceeding under Rule 204(e) if R75-5 is adopted, or July 1, 1979, whichever occurs first, subject to the following conditions:

1. IPC shall continue to adhere to the conditions detailed in the Board's Order in PCB 75-109, entered on February 2, 1978, which is incorporated by reference as if fully set forth herein, and
2. Within 45 days of the adoption of this Order, Illinois Power Company shall execute and forward to Mr. John D. Williams, Technical Advisor, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-189, hereby accept said Order and agree to be bound by all of the terms and conditions thereof. I (We) also certify that an intermittent control system was installed at the Baldwin Plant on _____, 1978 as required under the terms and conditions of the above-mentioned Order and the Board's Order in PCB 75-109, entered on February 2, 1978.

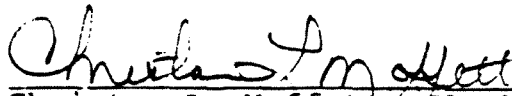
SIGNED _____

TITLE _____

DATE _____

Jacob D. Dumelle concurs.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 21st day of September, 1978 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board