

ILLINOIS POLLUTION CONTROL BOARD

September 1, 1977

CENTRAL ILLINOIS PUBLIC SERVICE )  
COMPANY, )  
 )  
Petitioner, )  
 )  
v. ) PCB 77-145  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

DISSENTING OPINION (by Mr. Dumelle):

My reason for dissenting in this case lies principally in the length of the variance granted. I feel it is excessive and not warranted.

The Board has granted the variance until November 3, 1979. I would have granted it only until November or December of 1978.

The Petitioner makes a strong case that its Double Alkali Flue Gas Desulfurization System will significantly advance the state of the art. I fully agree that it will do so. Thus it is important for both Illinois and the nation that it come on line as soon as possible.

The arguments for the additional year of delay are (a) cash flow imbalance, (b) labor supply problems, and (c) unknown completion problems. We can reject the third argument since a future variance proceeding could give relief if unforeseen problems do in fact arise.

The cash flow argument is one never before made to the Board by a major utility in my memory. Large utilities have sophisticated finance experts available to them. The money can be raised without a doubt. The cost of raising that money is a legitimate business expense and will be recovered by the Petitioner. Thus I fail to see that "smoothing the cash flow" for this large utility is a proper basis for recognizing an arbitrary and unreasonable hardship.

Lastly, the Petitioner fears some sort of labor disruption if overtime is to be granted. An enigmatic memo of June 2, 1977 states that completion of the scrubber by late 1978 would "ruin the labor climate of this area for which we have worked so hard

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to cultivate" (Addendum II, p. 2). I read this not as a labor supply problem but a fear that area labor will demand a higher wage rate after the overtime ends. That fear is speculative and thus lacks credence.

The Clean Air Act Amendments of 1977 are now law (as of August 7, 1977) but an analysis of their effect, if any, upon this case and the Board's role is not yet available. I leave that determination for a later case.

I would have granted a shorter variance, until late 1978, and the additional year to November 1979 is not warranted.

Respectfully submitted,

  
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Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 7<sup>th</sup> day of October, 1977.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board

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