

ILLINOIS POLLUTION CONTROL BOARD  
December 2 , 1976

ENVIRONMENTAL PROTECTION AGENCY, )  
)  
Complainant, )  
)  
v. ) PCB 75-62  
)  
CITY OF CHICAGO, a municipal )  
corporation, )  
)  
Respondent. )

Mr. Michael A. Benedetto, Assistant Attorney General, Attorney  
for Complainant  
Mr. Henry F. Weber, Assistant Corporation Counsel, Attorney  
for Respondent

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

This matter comes before the Board on a two count Complaint filed on February 11, 1975, by the Environmental Protection Agency charging that the City of Chicago owned and operated two coal fired boilers and two gas fired boilers without the requisite Agency operating permits in violation of Rule 103(b)(2) of Chapter 2: Air Pollution Control Regulations (Rules) and in further violation of Section 9(b) of the Environmental Protection Act (Act). Three hearings were held in this matter with the first on December 2, 1975, and the last on March 12, 1976. At this last hearing an Oral Stipulation of Fact was entered into the record by the parties. No agreement was reached in regards to either a monetary penalty or a program for compliance with the permit requirements, and neither party chose to submit argument to the Board concerning this entire matter.

The City admits that it has owned and operated two coal fired and two gas fired boilers at its Central Park Avenue Pumping Station without the requisite operating permits as alleged in Counts I and II of the Complaint (R. 33). In 1974 this facility pumped 50 billion gallons of water to approximately 600,000 persons living in Chicago and nearby suburbs (R. 31). The area surrounding this facility is largely industrial and commercial (R. 31) with two hospitals located approximately 1.3 miles to the southwest (R. 36).

The City at one time operated five coal fired boilers as a power source at this facility. Since 1969, the City has been engaged in the process of replacing these boilers with gas or oil fired substitutes (R. 36). The changeover of Boiler No. 1 was completed in 1971, and No. 2 in 1972. The changeover of Boiler No. 3 was resumed in late 1974, and the changeover in Boilers No. 4 and No. 5 should be completed by September, 1976 (R. 37). Without elaborating, the Stipulation provides that a 2 1/2 year delay in this changeover process occurred as a result of difficulties involving flame impingement, chemical carryover to the super heater, erratic functioning of the boiler controls, and litigation between the contractor and the City (R. 37).

In 1974, the ambient air quality standard for particulates was exceeded at the pumping station while the sulfur oxide standard was met (R. 36). Included in Joint Exhibit #1, Table 1, is emission data for various combinations of coal and gas or oil fired boilers, and it is evident after reviewing this data that both particulate and sulfur dioxide emissions will be reduced as a result of the boiler changeover.

In regards to the permitting process itself the Stipulation provides that on December 12, 1974, the Agency sent the City a warning letter advising that the boilers were operating without the requisite permits. The City finally applied for an operating permit for the pumping station on April 18, 1975, almost 20 months after the permits were required and not until after this enforcement case had been filed. This permit application was denied due to excessive particulate and sulfur dioxide emissions. A subsequent variance request was also dismissed by the Board (R. 32, 33). No information was provided relative to the present permit status nor was any fact or reason included why the City was not, and is not, able to comply with the permit requirements.

In view of the foregoing, the Board finds the City of Chicago in violation of the operating permit requirements as alleged in Counts I and II of the Complaint. While the Board realizes the City was engaged in a changeover of equipment at the pumping station and experienced some unexpected delays in this endeavor, these facts do not excuse violation of the permit requirements. The City was required to have permits for this equipment, and whether the boilers were gas or coal fired, the fact remains that permits were, and are, required. Simply stated, the Stipulation provides no adequate reason why the City ignored the permit system for such a long period of time. Taking these facts into consideration, the Board finds that a penalty is necessary to protect the integrity of the permit system, thus aiding in the enforcement of

the Act, and will assess a penalty of \$1,000.00 for these admitted violations, \$500.00 for each count. The Board will also order the City to cease and desist further violations unless the City institutes an acceptable program for compliance with the permit requirements.

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

ORDER

1. Respondent, City of Chicago, is found to have operated two gas fired and two coal fired boilers at its Central Park Avenue Pumping Station without operating permits in violation of Rule 103(b)(2) of the Air Regulations and in further violation of Section 9(b) of the Act and shall pay a penalty of \$1,000.00 for these violations. Penalty payment by certified check or money order payable to the State of Illinois shall be made within 35 days of the date of this Order to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

2. The City shall cease and desist further violations of the operating permit requirements within 120 days of the date of this Order or submit a program for compliance with the permit requirements which is acceptable to the Agency.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 2<sup>nd</sup> day of December, 1976 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board