

ILLINOIS POLLUTION CONTROL BOARD  
March 25, 1976

JACKSONVILLE MENTAL HEALTH & )  
DEVELOPMENTAL CENTER, )  
 )  
Petitioner, )  
 )  
v. ) PCB 75-451  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

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

This matter is before the Board on an Amended Petition for Variance filed January 21, 1976, wherein Petitioner Jacksonville Mental Health & Developmental Center (Jacksonville) seeks relief from the particulate emission limitations contained in Rule 2-2.53 of the Rules and Regulations Governing the Control of Air Pollution (hereinafter "old rules") and Rule 203(g) of Ch. 2: Air Pollution, of this Board's Rules and Regulations. The Amended Petition supplements an earlier Petition which the Board found inadequate in an Interim Order dated December 4, 1975. A Recommendation was filed by the Environmental Protection Agency (Agency) on February 20, 1976. No hearing was held in this matter.

The Variance requested herein constitutes an extension of a Variance granted in a previous case, PCB 74-356 (December 19, 1974). In that case, the Board granted Jacksonville a Variance from Rule 2-2.53 of the "old rules" and from the compliance date of May 30, 1975 contained in Rule 203(g) of Ch. 2: Air Pollution (hereinafter "Regulations"), until October 1, 1975. The Board's Opinion and Order there approved Jacksonville's compliance plan for control of particulate emissions from four existing coal-fired, steam boilers. That plan, estimated to have a total cost of \$180,000, called for the installation of multi-clone collection devices on the existing boilers. Boilers No. 1 and No. 3 were to be retrofitted with the collection devices by October 1, 1975, while boilers No. 2 and No. 4 were in use. (Only two boilers are used at any one time at the Jacksonville facility.)

However, Jacksonville states that it cannot begin work on No. 3 boiler until the work on No. 1 has been completed, and that it anticipates a "completion date of March 1, 1976." The Agency's Recommendation points out that the Amended Petition filed by Jacksonville is not entirely accurate; work on boiler No. 1 only will be completed by approximately March 1, 1976. It will require until April 1, 1976 to complete work on boiler No. 3. After that, boilers No. 1 and 3 will be in compliance with the applicable particulate standards, and boilers No. 2 and 4 can be taken off line, and will themselves be retrofitted and in compliance by January, 1977. (It is not entirely clear whether boiler No. 2 will in fact be retrofitted for compliance, or retired.)

The Agency Recommendation also points out that Jacksonville has attempted in good faith to comply with the provisions of our Order in PCB 74-356, with the exception of obtaining the appropriate operating permits from the Agency. The required compliance plan information and interim compliance reports have been properly submitted to the Agency. Although the Amended Petition does not directly address the reason for the delays in bringing boilers No. 1 and 3 into compliance, the Agency's Recommendation fills this gap by pointing out that the delays have been caused by a 6-week work stoppage at the project, and by problems in obtaining necessary appropriations for completion of the project, both being beyond Jacksonville's control.

Based on these facts and on our earlier Opinion and Order in PCB 74-356, we are again disposed to grant a Variance.

With its Amended Petition, Jacksonville submitted relevant data from the Agency's 1974 Annual Air Quality Report, citing specific data concerning particulate readings at Petersburg, Illinois (30 miles northeast of Petitioner's facility) and Springfield, Illinois (35 miles east of Petitioner's facility). Air quality monitors in Petersburg recorded an annual concentration in 1974 of 59 ug/m<sup>3</sup>, and two sampling stations in Springfield recorded 72 and 66 ug/m<sup>3</sup>, respectively.

While we agree with the Agency that data from sampling points so far removed from Petitioner's facility cannot fully indicate the effects of that facility on ambient air quality, we nonetheless find that the data is sufficient to allow a grant of a Variance here. The sampling sites cited are the closest ones to Jacksonville at which samples are taken for particulate matter, and would tend to indicate that the area is generally in compliance with the appropriate standard. In light of the relatively small amount of emissions in question (1.148 lbs. particulate per million btu), and the relatively short Variance period (compliance by April 1, 1976), we do not feel that the alternative, an individualized program of modeling and/or monitoring for the site in question, will be necessary here.

Concerning the issue of which boilers a Variance should apply to, and for what period of time, we find that only the operation of boilers No. 2 and 4 need be covered by a Variance here, while boilers No. 1 and 3 are being retrofitted with appropriate controls. Once boilers No. 1 and 3 are operating properly, and since two boilers are normally in use at any one time, no other Variance should be needed for any other boiler. The Supreme Court's affirmation of the Appellate Court's reversal of Rule 203(g)(1) leaves in effect the applicable old rules, as specifically provided for in Section 49 of the Environmental Protection Act and Rule 114 of Chapter 2: Air Pollution, of the Regulations. Ill. Rev. Stat., Ch. 111-1/2, §1049 (1975.) Boilers No. 2 and 4 both constitute "existing sources," as defined in the old rules, and are thus covered under Rule 2-2.53.

Finally, the Agency's Recommendation notes that although controls on boilers No. 1 and No. 3 should be complete by April 1, 1976, a Variance will be necessary until April 15, 1976, to allow sufficient time for "debugging" of the equipment. We agree that this will provide a reasonable time for the completion of controls on boilers No. 1 and 3.

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 Petitioner Jacksonville Mental Health & Developmental Center be granted a Variance from Rules 2-2.53 of the Rules and Regulations Governing the Control of Air Pollution for the period October 1, 1975 until April 15, 1976, to allow the operation of its coal-fired boilers designated boilers No. 2 and No. 4, subject to the following conditions:

1. Petitioner shall apply for and obtain all appropriate operating permits for its coal-fired boilers.
2. Petitioner shall apply for and obtain all appropriate construction permits to cover the installation of controls on its coal-fired boilers, as detailed in the foregoing Opinion.

3. Petitioner shall, during the month of March, 1976, submit to the Illinois Environmental Protection Agency a progress report on its compliance plan for boilers No. 1 and No. 3. Petitioner shall notify the Agency in writing immediately upon completion of that phase of the compliance plan.

4. Petitioner shall subsequently submit quarterly reports to the Environmental Protection Agency detailing progress on its compliance plan for boilers No. 2 and No. 4, and a final report upon completion of the compliance plan.

5. That portion of the Petition for Variance in this matter requesting Variance from Rule 203(g) of Chapter 2: Air Pollution, of the Pollution Control Board Rules and Regulations, is dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 25<sup>th</sup> day of March, 1976, by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board