

ILLINOIS POLLUTION CONTROL BOARD  
September 29, 1975

ASHLAND CHEMICAL COMPANY, )  
division of Ashland Oil, )  
Petitioner, )  
 )  
vs. ) PCB 75-174  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
Respondent. )

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

This matter comes before the Board on a Petition for Variance, submitted by Petitioner Ashland Chemical Company, (Ashland), a division of Ashland Oil, Inc. The Petition, filed April 25, 1975, seeks relief for Ashland's Mapleton plant, from Rules 203(g)(1)(B) and 204(c)(1)(A) of the Pollution Control Board (Board) Air Pollution Regulations. PCB Regs., Ch. 2, Rules 203(g)(1)(B), 204(c)(1)(A). Following the Board's May 8, 1975, Interim Order requiring supplemental information to conform with the U.S. Supreme Court decision of Train v. Natural Resources Defense Council, 43 U.S.L.W. 4467 (U.S., April 15, 1975), an Amended Petition was filed by Ashland on June 11, 1975. A Recommendation from the Illinois Environmental Protection Agency (Agency) was received August 25, 1975, recommending that the requested variance be granted. No hearing was held in this matter.

Ashland's Mapleton, Illinois, plant is engaged in the manufacture of fatty acids, fatty nitrogen chemicals, and various derivatives thereof. The plant employs approximately 286 people, and has an annual payroll of approximately 4 1/2 million dollars. Variance is sought for two 60,000 pound-per-hour coal-fired steam boilers, which are presently fired with southern Illinois coal at a rate of approximately 54,000 tons per year. Those boilers presently emit particulate matter at a rate of 0.50 pounds per million btu of heat input, and have sulfur dioxide emissions of 5.7 pounds per million btu. Rule 203(g)(1)(B), which became effective on May 30, 1975, permits particulate emissions of .138 pounds per million btu; Rule 204(c)(1)(A) allows SO<sub>2</sub> emissions of 1.8 pounds per million btu.

Ashland originally proposed compliance with both the particulate and sulfur dioxide regulations through the use of low sulfur oil to fire its boilers. In fact, during 1973, one 70,000 lb/hr natural gas-fired boiler was converted to low sulfur oil firing. However, subsequent directives from the Federal Energy Office ruled out such conversion for the two 60,000 lb/hr. coal-fired boilers at issue here. Presently, Ashland proposes to achieve compliance with the particulate and SO<sub>2</sub> regulations through the use of:

- a) western low sulfur coal, with improved particulate control, or
- b) similar improved particulate control, to be used with a dry reaction sulfur removal process.

As the Agency Recommendation notes, either of these alternatives will result in compliance with present regulations. Regardless of the method eventually chosen for SO<sub>2</sub> control, Ashland projects compliance with the particulate limitations of Rule 203 (g)(1)(B) by June 1, 1976. With either of the proposed SO<sub>2</sub> control strategies, Ashland should be in compliance with Rule 204(c)(1)(A) by December 31, 1976.

Ashland's efforts to achieve compliance with these two regulations indicate good faith. The present, 85% efficient multiclones used for particulate emission control will be supplemented by a 99% efficient, fabric filter baghouse, at a cost of \$976,000. To control SO<sub>2</sub>, Ashland has conducted extensive investigations, at considerable expense, into several control technologies. These have included wet-scrubbing, (using any of several processes), the use of low-sulfur western coal, and a dry reaction SO<sub>2</sub> control system which would allow the use of Illinois coal, and which can be used in conjunction with the planned baghouses.

Ashland rejected wet-scrubbing for sulfur control due to projected costs of between \$1,700,000 and \$2,100,000. It is expected that if the dry reaction control system is used, its total cost will be approximately \$750,000. Should western coal be adopted as the control technology, costs of at least \$500,000 are projected.

Based on these, and other good faith efforts shown by Ashland, the Board would normally have approved Ashland's compliance plan, and have granted the variances requested for the appropriate periods, without further consideration. We must, however, consider the factors mandated in the Train decision, supra.

In its Recommendation in this matter, the Agency questioned the validity of air quality monitoring and modeling data submitted in Ashland's Amended Petition. Without so stating, it is apparently the gist of the Agency Recommendation that Ashland's modeling techniques and assumptions are not valid. However, the Agency further contended that air quality is but one of many factors to be considered by the Board in any Variance grant, and stated that compliance with Ambient Air Quality Standards, under the Train decision, should not be a prerequisite to the grant of a Variance by this Board. While we reject the Agency's position on the Train case, the Board nonetheless feels that the grant of a Variance is warranted here. The Agency failed to overcome the evidence on ambient air quality submitted by Ashland.

The Agency states that the Peoria major metropolitan area, which includes the Ashland Mapleton plant, has a significant sulfur dioxide and particulate air quality problem. That area contains all of Peoria and Tazwell Counties; violations of the particulate and sulfur dioxide standards shown in the Agency Recommendation, however, are not identified with relation to the Mapleton plant.

Conservative data submitted by Ashland, on the other hand, attempted to more closely relate experienced SO<sub>2</sub> and particulate concentrations to the Mapleton location. These figures, taken in conjunction with the modeling performed by Ashland, indicated that, based on the data present, Ashland would probably not cause or contribute to a violation of primary Ambient Air Quality Standards.

Questions were raised by the Board, however, as to the adequacy of the record in this case on the Train issue. To assure a complete basis for our Findings on the matter, the Board on September 4, 1975, entered an Interim Order remanding the case to the parties for further investigation and submission of evidence. Responses containing further information were received from the Petitioner on September 18, 1975, and from the Agency on September 23, 1975.

Dealing first with the Agency's response, we find that it adds little to the record. The Agency apparently questions our application of the Train case to Illinois Variance matters. The data that is contained in the Agency's response is not related to Petitioner's facility, vis-a-vis the likelihood of that facility causing or contributing to ambient air quality violations, and does not aid our consideration.

Petitioner's response adds considerable information. It includes a summary of data amassed by the Batelle Institute on air quality in the Peoria Region, and analyzes that data in light of pollutant contributions by Petitioner's plant. The response shows that those violations existing in the Peoria-Pekin area, approximately 18 miles from the Ashland plant, are not caused or contributed to by that plant.

Petitioner's modelling and data have been confirmed by the information in its response. Ashland has met its burden under the Train case, and its evidence remains essentially unchallenged.

The conditions which we attach to Ashland's Variance are the result of suggestions in the Agency Recommendation. A performance bond, it is felt, will serve to assure completion of the work contemplated by Ashland's compliance programs in a timely fashion. We shall also require a certification of acceptance for the Variance and the conditions under which it is granted. Reporting and stack testing conditions will enable the Agency to monitor results of the compliance programs.

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:

1. Petitioner Ashland Chemical Company is granted a Variance from Rules 203(g) (1) (B) and 204 (c) (1) of Chapter 2: Air Pollution of the Pollution Control Board Rules and Regulations from June 1, 1975 until June 1, 1976, for emissions from two (2) 60,000 pound-per-hour coal-fired boilers at its Mapleton, Illinois plant, subject to the following conditions:

- a. Petitioner shall adhere to the compliance programs detailed in the accompanying Opinion, in accord with the construction time schedules contained in its April 25, 1975 Petition.
- b. Petitioner shall submit quarterly progress reports detailing progress toward compliance with the sulfur dioxide and particulate regulations; such reports shall be submitted within 30 days of the end of three month periods concluding at the end of August, November, February and May, to:

Environmental Protection Agency  
Division of Air Pollution Control  
Control Program Coordinator  
2200 Churchill Road  
Springfield, Illinois 62706

- c. Within 30 days of the date of this Order, Petitioner shall submit a performance bond in the amount of \$100,000 in a form acceptable to the Environmental Protection Agency, to the address as noted above.
- d. Petitioner shall apply for all necessary construction and operating permits from the Environmental Protection Agency.
- e. Within 30 days of completion of installation of the pollution control devices contemplated in this Opinion and Order, Petitioner shall perform stack tests on the relevant boilers, giving notice of the date, time and location of such tests to the Environmental Protection Agency, allowing observation of such tests by said Agency, and submitting the results of such tests to said Agency upon availability.

2. Within 30 days of the date of this Order, Petitioner Ashland Chemical Company shall execute and forward to the Environmental Protection Agency at the address as noted above, a certification of acceptance of this Variance, in the following form:

I (we) \_\_\_\_\_ have read and fully understand the Order of the Illinois Pollution Control Board in PCB 75-174, and hereby accept said Order, understanding that such acceptance renders all terms and conditions thereto binding and enforceable.

Signed By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Mr. Dumelle dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and order were adopted on the 29<sup>th</sup> day of September, 1975, by a vote 3-1.



Christan L. Moffett, Clerk  
Illinois Pollution Control Board