

ILLINOIS POLLUTION CONTROL BOARD  
January 14, 1976

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 75-382  
 )  
 )  
 CENTRAL ILLINOIS PUBLIC SERVICE )  
 COMPANY, )  
 Respondent. )

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

On October 2, 1975, the Environmental Protection Agency (Agency) filed a complaint against Respondent Central Illinois Public Service Company (CIPS). The complaint alleged that CIPS violated conditions of a construction permit issued by the Agency and §9(b) of the Environmental Protection Act (Act) by causing or allowing construction work to be done toward erection of a coal-fired boiler whose emissions will violate Rule 204(a)(1) of the Air Pollution Regulations (Chapter 2) and by choosing a design option which would not result in "full compliance" with Chapter 2. The complaint further alleged that CIPS was erroneously issued a construction permit, in violation of Rule 103(a)(5)(A) of Chapter 2.

A hearing was held on December 11, 1975, in the Jasper County Courthouse, Newton, Illinois. At the hearing a Settlement Proposal representing the final agreement of the parties was entered into evidence. No additional evidence was presented, and no citizen witnesses testified.

On June 6, 1973, the Agency issued CIPS, an Illinois public utility corporation, a construction permit for one 575 MW pulverized coal-fired boiler to be installed at a new electric power generating facility located near Newton, Jasper County, Illinois (Exhibit No. 1).

The installation of this new 575 MW boiler at the proposed Newton generating facility subjects CIPS to achieving compliance with Rule 204(a)(1) of the Air Pollution Control Regulations (Chapter 2). Rule 204(a)(1) requires CIPS to reduce sulfur dioxide emissions upon start-up of said boiler to 1.2 lbs/million BTU. CIPS in its construction permit application (Exhibit 2) for construction of said boiler stated that there were design options available to CIPS which would enable CIPS to be in full compliance with Chapter 2.

Condition 8 of the aforesaid construction permit provides, in pertinent part:

The equipment shall not be constructed in such a manner that operation or disposal of air contaminants will cause a violation of the Environmental Protection Act or of applicable regulations.

Condition 3 of said permit states:

There shall be no deviation from the approved plans and specifications unless additional or revised plans are submitted to the Environmental Protection Agency and a supplemental written permit issued.

On October 11, 1974, CIPS applied for a construction permit for particulate control equipment for the Newton generating station. Although the application indicated that emissions of sulfur dioxide from the combustion of coal in the new boiler when operated would exceed the 1.2 lbs/million BTU sulfur dioxide limitation contained in Rule 204(a)(1), the application did not contain any provision for sulfur dioxide removal equipment. On November 19, 1974, the Agency rejected the permit application due to the lack of specifications for a sulfur dioxide removal system.

On April 9, 1975, CIPS entered into an agreement with Chemical Air Pollution Control Company (Chemico) which provided that Chemico would proceed with engineering plans for a sulfur dioxide removal system for CIPS' Unit No. 1 involving the use of a wet lime scrubber. The contract was limited to a three month period, with the cost not to exceed \$225,000.

On or about August 25, 1975, CIPS submitted a proposal (No. A184) to the U.S. Environmental Protection Agency for demonstration of a double alkali flue gas desulfurization system, designed by Envirotech Corp., on its Newton power plant, Unit No. 1. This proposal was based upon the treatment of all of the flue gas from the unit (based

upon the unit being rated at 575 MW ) and would allow for the design of the system which would comply with Rule 204(a)(1) upon start-up of said Unit No. 1. CIPS also submitted an alternative double alkali sulfur dioxide removal proposal designed to treat approximately 25% of the flue gas. In the proposal submitted to the U.S. Environmental Protection Agency, Environtech Corp. states that the mechanical completion of the double alkali sulfur dioxide removal system is scheduled for October 1, 1977, and commercial, operation of the system by December 1, 1977. Unit No. 1 at the Newton generating station is scheduled to begin commercial operation on December 1, 1977.

In the Settlement Proposal, the parties agree to the following terms:

1. Respondent CIPS agrees to install a system which will control sulfur dioxide emissions in accordance with all applicable air pollution Regulations and the Environmental Protection Act. It is the present intention of CIPS to install either a lime scrubbing system or a double alkali scrubbing system. Respondent agrees that whatever system is selected it will have a complete SO<sub>2</sub> removal system installed and fully operational by the time Unit 1 at Newton begins service. Respondent agrees that said system will treat the flue gas to meet the 1.2 lbs/10<sup>6</sup> BTU sulfur dioxide standard.
2. Complainant states that CIPS has been cooperative and has dealt with the Agency in good faith. Therefore, the parties request that no penalty be assessed in this case.
3. Respondent shall construct and install a SO<sub>2</sub> removal system designed to meet all applicable Air Pollution Control Regulations and the Illinois Environmental Protection Act at its Newton Unit No. 1 electric generating plant according to the following schedule:
  - A. Respondent shall select a vendor for a sulfur dioxide removal system, designed to meet the 1.2 lbs/10<sup>6</sup> BTU sulfur dioxide limitation of Rule 204(a)(1) upon start-up of Newton Unit No. 1, within thirty days of a decision by the Federal EPA on proposal No. A184 or in no event later than February 1, 1976.
  - B. Beginning December 1, 1975 and continuing quarterly thereafter Respondent shall submit within 20 calendar days of the end of each period, progress reports to:

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

Said progress reports shall include but not be limited to progress made on the installation of the flue gas desulfurization device during the preceding quarter

and an estimate of the work to be completed during the following quarter. Said report shall include an assessment of the schedule for installation of said scrubbing system and a certification by Respondent that said schedule will enable said system to be operational by the date Newton Unit 1 is scheduled to begin service. Said progress reports shall include as exhibits all schedules developed for installation of said system. In the event the Environmental Protection Agency deems any report insufficient, CIPS agrees to furnish any additional information reasonably responsive to the intent of this paragraph.

- C. Respondent shall apply for a construction permit pursuant to Rule 103(a) of the Pollution Control Board's Air Pollution Control Regulations within thirty days from the date of a decision by the Federal EPA on Proposal No. A184 or in no event later than February 1, 1976. Information in said permit application shall include specifications for a flue gas desulfurization system to meet the 1.2 lbs/10<sup>6</sup> BTU sulfur dioxide standard in Rule 204(a)(1) upon the start-up of Newton Unit No. 1 and said system shall be designed to treat the flue gas upon the start-up of Newton No. 1.

The Board finds that CIPS has violated Condition 8 of the construction permit and Section 9(b) of the Act by causing or allowing construction work to be done toward erection of a coal-fired boiler whose emissions will violate Rule 204(a)(1) of Chapter 2. CIPS has violated Condition 3 of the permit and Section 9(b) of the Act by deviating from the approved plan by choosing a design option which would not result in "full compliance" with Chapter 2. Finally, Respondent was erroneously issued said construction permit in violation of Rule 103(a)(5) of Chapter 2 in that Respondent did not submit adequate proof to the Agency that the emission source or air pollution control equipment would be constructed so as not to cause a violation of the Act or Chapter 2 by the plant's on line date. However, due to CIPS' good faith efforts to comply and lack of any injury to the public, the Board accepts the stipulation of no penalty. The Board finds the Settlement Proposal to be an adequate plan of compliance and orders the parties to adhere to its terms.

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

#### ORDER

It is the Order of the Pollution Control Board that:

1. Respondent Central Illinois Public Service Company is found

to have violated Section 9(b) of the Act, Rule 103(a)(5) of Chapter 2 and Conditions 3 and 8 of the construction permit issued by the Agency for construction of a coal-fired boiler at its Newton Power Plant.

2. Respondent is Ordered to cease and desist from violating §9(b) of the Act, Rule 103(a)(5) of Chapter 2, and Conditions 3 and 8 of said construction permit.

3. Respondent shall comply with the terms of the Settlement Proposal submitted by the parties on December 11, 1975 which is hereby incorporated by reference as if fully set forth herein.

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 14<sup>th</sup> day of January, 1976 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board