

ILLINOIS POLLUTION CONTROL BOARD
April 10, 1975

CITY OF BREESE,)
 Petitioner,)
))
))
 v.) PCB 73-209
))
))
ENVIRONMENTAL PROTECTION AGENCY,)
 Respondent.)

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

The City of Breese (Breese) filed a variance petition on May 21, 1973 seeking relief from the appropriate particulate standards. We interpret this as a request for variance from Rule 2-2.53 of the Rules and Regulations Governing the Control of Air Pollution and from Pollution Control Board Regulations, Chapter 2, Part II, Rule 203(g)(1)(B). A motion for continuance was granted on August 10, 1973 and an amended petition seeking the same relief was filed on September 11, 1973. Breese waived the statutory 90-day decision period on July 13, 1973. One day of hearing was held on December 18, 1973.

Breese operates an electric power generating station located in the City of Breese, Clinton County, Illinois. The station has four generating units with a total operating capacity of 6,650 kw. Two diesel units can produce a combined total of 3,900 kw. The remaining 2,750 kw are supplied by two coal-fired boilers, which are the subject of this variance petition.

Breese initially applied for operating permits from the Environmental Protection Agency for the two coal-fired boilers on January 23, 1973. Revised applications were submitted March 27, 1973. On April 25, 1973 the Agency refused to grant the permits on the grounds that neither boiler has adequate emission control devices to control excessive particulate emissions.

Data submitted by the Agency (Amended Recommendation, p. 2) and stipulated to by Breese (R. 88) indicate the following for the coal-fired boilers:

	Boiler No. 1	Boiler No. 2
Generating Rate (MW)	0.75	2.0
Fuel Type	Coal	Coal
Ash Content	10%	10%
Sulfur Content	2.86%	2.86%
BTU Value Per Pound	11,300 BTU	11,300 BTU
Stack Height	75(A)	75(B)
Collection Device	None	None
Stack Particulate Standard 2-2.53	0.8	0.8
Stack Particulate Emissions lb/10 ⁶ BTU	2.14	2.14
May 1975 Particulate Standard	0.2	0.2
SO ₂ Standard lb/10 ⁶ BTU	6.0	6.0
Calculated SO ₂ Emissions lb/10 ⁶ BTU	4.88	4.88

As can be seen from the above chart, neither of the coal-fired units has any particulate controls. The emissions from these boilers drastically exceed the allowable standard for particulates of 0.8 lb/10⁶ BTU.

At hearing Breese indicated it planned to expand the diesel engine generating capacity of its power plant in the range of 3,000 to 5,000 kw. The system peak load in 1973 was 5,000 kw. Anticipated peak loads through 1980 were estimated between 6,900 and 8,900 kw. Breese requested a variance for Boiler No. 1 (750 kw) until such time as the new diesel engine was installed (expected in late 1974). It requested a variance for Boiler No. 2 (2,000 kw) until a favorable decision from the Federal Power Commission (FPC) (Docket No. E-7512) allowed interconnection with the Illinois Power Company, at which time it would also retire Boiler No. 2. If the FPC decides unfavorably, or if rates established under a favorable decision are economically undesirable to the City, Breese intends to operate Boiler No. 2 until conversion to oil burners can be accomplished. Such conversion was estimated to require five months from the FPC decision date, with actual installation made during non-summer months.

On October 31, 1973 the Agency filed an amended recommendation to deny the variance petition. It felt that retirement of Boiler No. 1 was contingent on the completion of the new diesel generator, on locating adequate supplies of diesel fuel oil and on the maintenance of a reserve generating capacity adequate to protect against forced outages. It also felt plans for Boiler No. 2 were too tenuous. It pointed out that the interconnection case has been before the FPC since May, 1972 and that there is no indication a decision is imminent. Moreover, it objected that Breese had not developed any specifications or schedule for the contingent conversion of Boiler No. 2 failing an interconnection agreement, nor had Breese indicated that it had located a sufficient fuel oil supply to operate the converted unit.

With respect to the proposed interconnection with Illinois Power, petitioner's request is similar to that in City of Highland v. EPA, PCB 73-288, 13 PCB 167 (July 25, 1974) and City of Carlyle v. EPA, PCB 73-264 (January 16, 1975), in which the Board dismissed variance petitions, and the compliance plan in the enforcement case decided today, EPA v. City of Peru, PCB 73-516. All of these cities are co-petitioners in the proceeding before the FPC to seek an interconnection ruling. We reject this proposal as an inadequate compliance plan. We cannot grant variances on contingent possibilities. Moreover, we find that our order of February 14, 1974 seeking additional information on the current status of contract offered by Illinois Power Company was inadequately answered by Breese, in a letter filed March 25, 1974, which stated only that such an offer was under consideration and negotiation was moving forward in a favorable manner.

In response to the same Board order Breese stated that it had awarded a contract for the furnishing and installation of a new 5,000 kw dual fuel engine to augment existing equipment. However, no completion schedule or evidence of sufficient fuel commitments was indicated. At hearing the Superintendent of Utilities for the City of Breese testified that the city's oil supply rested on a verbal agreement, with supplies based on a month to month allocation (R. 64). He also testified that in the event the oil necessary to maintain its oil burners was unobtainable, there would be no other alternative than to use a boiler (R. 70). The consulting engineer which prepared the variance petition could not forecast what the oil availability would be for the city (R. 54).

The Board recognizes that compliance programs based on additional utilization of fuel oil are tenuous because of availability difficulties. The city's new 5,000 kw engine would seem adequate to replace both coal-fired boilers, effectively eliminating the need for variances. Breese, however, indicated in its petition, and at hearing, that it intended to retire only Boiler No. 1 and to retain Boiler No. 2 on stand-by in case of engine breakdown and for carrying a portion of the system load after 1976-1979. Although Breese does not state the contract completion date, it did suggest in its petition, before the contract was awarded, an estimated completion during the latter part of 1974. We are willing to grant a retroactive variance, for Boiler No. 1, based on this adequate compliance plan, from January 1, 1974 to December 31, 1974. Since the compliance plan intended the continuing use of Boiler No. 2, however, we refuse to extend such a variance (and its resultant immunity from prosecution) to this latter boiler. Stand-by operation of Boiler No. 2 would result in continued violation of the

appropriate particulate standards. Breese has presented no ambient air quality data which reflect the effect of its emissions in excess of allowable limits. Nor has Breese presented a case of economic hardship which would demonstrate an arbitrary or unreasonable hardship if required to comply with the existing, or future standards.

ORDER

The City of Breese is hereby granted a variance for its electric power generating Boiler No. 1 from Rule 2-2.53 of the Rules and Regulations Governing the Control of Air Pollution from January 1, 1974 to December 31, 1974. Variance is denied without prejudice as regards Boiler No. 2.

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 10th day of April, 1975 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board