

ILLINOIS POLLUTION CONTROL BOARD
May 2, 1974

MOSS-AMERICAN, INC.,)
)
Petitioner,)
)
vs.) PCB 73-532
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

This is a Petition for a Variance filed with the Environmental Protection Agency (hereinafter "Agency") on December 17, 1973 by Moss American, Inc. (hereinafter "Petitioner").

Petitioner's plant located in Madison, Madison County, is primarily engaged in the business of treating wood, mostly railroad ties with cresote. At the present time the wood is air seasoned in the yard. Petitioner is installing a new vapor drying system which will reduce the amount of time required to remove the moisture from the wood. Petitioner is installing a new oil fired boiler but states that it is unable to find complying fuels or to install control equipment adequate to meet the new source performance standard of Rule 204(b)(2)(A) of Chapter 2, Part II of the Regulations of the Pollution Control Board. Petitioner is requesting a variance for one year or until it is able to obtain natural gas or fuel oil with a sufficiently low sulphur content to meet Rule 204(b)(2)(A). A public hearing was held on March 15, 1974 and at that time Petitioner amended its Petition so that the request for one year would, if granted, run from the date of the Board Order. (R. 6).

Petitioner has calculated its SO₂ emissions to be 1.35 lbs/10⁶BTU. (R. 79). The new source standard contained in Rule 402(b)(2)(A) is 1.0 lbs/10⁶BTU. The Agency has calculated SO₂ to be 1.67 lbs/10⁶BTU. There has been some reference to blending No. 2 and No. 6 fuel oil which may account for the lower emission rate calculated by Petitioner.

The objection of hearsay was raised as to Petitioner's Exhibits 1, 3, 6, 7 and 10 all of which tend to indicate that low sulphur oil is in short supply. We overrule that objection and receive these Exhibits for what they are worth.

Peter C. Gaskin, Director of Environmental Control for the Petitioner and William Lamansky, Manager for Petitioner, both testified as to the unavailability of low sulphur oil and the efforts they have made to obtain a supply. (See Petitioner's Exhibits 1 through 11).

The Agency recommended that the Variance be denied, or, if granted, be subject to specified conditions. The Petitioner is located in the Metro-East area which is a priority I SO₂ area. However, we find the testimony presented on behalf of Petitioner convincing.

Petitioner placed the order for the subject boiler in the Fall of 1972 at which time the current fuel crisis could not have been predicted. (R.8). The new boiler and the new system is necessary to maintain production since Petitioner has not been able to obtain seasoned raw material. (R. 13).

Petitioner has investigated the alternative of using electricity to generate steam. Petitioner estimates that the cost of using electricity would approach \$100,000 per month, whereas the cost of using fuel oil varies between four and six thousand dollars per month. (R. 19, 20).

In PCB 73-371 and PCB 73-438 the Board faced similar requests for a Variance because of the shortage of low sulphur fuel. In both cases a one year variance was granted from Rule 204 subject to certain conditions. We feel the same judgement should prevail here; however, we feel that the instant Record warrants no more than a six month variance.

The Agency has received no objection from the public to the grant of this Variance.

This Opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER of the Pollution Control Board that a Variance be granted for a period of six (6) months from the date of this Order from Rule 204(b)(a) of Chapter 2, Part II of the Regulations of the Pollution Control Board provided:

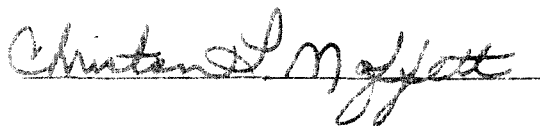
That Petitioner shall diligently search for low sulphur fuels and alternate methods of compliance and report quarterly to:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Control Program Coordinator
200 West Washington
Springfield, Illinois 62706

as to its progress in searching for said fuels.

Mr. Henss dissents.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board certify that the above Opinion and Order was adopted on this 2nd day of May, 1974 by a vote of 3-1.


Christian L. Moffett