

LINOIS POLLUTION CONTROL BOARD
June 6, 1974

CPC INTERNATIONAL, INC.)
PETITIONER)
)
)
v.) PCB 74-23
)
)
ENVIRONMENTAL PROTECTION AGENCY)
RESPONDENT)
)

MR. JAMES W. GLADDEN, JR., ATTORNEY, in behalf of CPC INTERNATIONAL, INC.
MR. JOHN PALINCSAR, ATTORNEY, in behalf of the ENVIRONMENTAL PROTECTION AGENCY

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

Corn Products Corporation, Incorporated (CPC) filed a Variance Petition on January 18, 1974. On March 11, 1974, Petitioner filed an Amended Variance Petition and a Waiver of the 90-day decision period. The Agency filed a Recommendation on April 30, 1974. No hearing was held.

Petitioner operates a wet corn milling plant located in Pekin, Tazewell County, Illinois. Petitioner seeks a variance from the compliance program requirements of Rule 401 (e), and the particulate emission compliance dates established by Rule 203 (i) (4) and SO₂ compliance dates established by Rule 204 (c) (1) (A) of the Air Pollution Regulations. The Agency recommends the granting of the variance which would enable CPC to revise its compliance program and project completion schedule for one of three coal-fired boilers for the generation of process steam and in-plant electrical power.

The Agency filed an enforcement action against CPC in October of 1971 after receiving a petition signed by approximately 200 residents of the Pekin area alleging that CPC was a source of air pollution. The Board found CPC to have violated Section 9 (a) of the Illinois Environmental Protection Act and Rule 3-3.112 of the Rules and Regulations Governing Air Pollution (EPA v. CPC, International, Inc., PCB 71-338, 5-541 (October 3, 1972)). The Board ordered that CPC burn low ash-high heating coal in order to assure compliance with the applicable air pollution particulate limitation of 0.6 lbs. per million Btu from Boiler C and ordered CPC to pay a penalty of \$15,000 (EPA v. CPC, International, Inc., supra at 5-546). Boiler C is the subject of the present variance petition. The Agency

granted CPC an operating permit for Boiler C on March 9, 1973, contingent upon CPC's compliance program and project completion schedule which indicated the installation of an electrostatic precipitator and the use of low sulfur coal to comply with Rule 203 (i) (4) and 204 (c) (i) (A) of the Air Pollution Regulations.

CPC entered into a contract with American Standard, Inc., Air Quality Division of Dearborn, Michigan, to design and install an electrostatic precipitator. On November, 1973, American Standard, Inc., notified CPC that it would no longer design and install electrostatic precipitators. However, American Standard, Inc., guaranteed it would honor CPC's existing order, including erection and maintenance. CPC notified American Standard to cancel the contract because CPC felt it was "essential to have technical support people from the supplier of equipment as technically complex as electrostatic precipitators." The Agency agrees that CPC's reluctance to complete the contract for the installation of electrostatic precipitators with American Standard, Inc., should not be construed as a self-imposed hardship.

CPC entered into negotiations with Freeman Coal Company which were to lead to a long-term contract to supply CPC's facility with coal from one of Freeman Coal Company's southern Illinois mines which was being equipped with coal preparation facilities. Freeman predicted that coal with a sulfur content of 1.09% and a Btu rating of 12,100 Btu per pound could be supplied in a sufficient quantity to meet CPC's total coal requirements. By August of 1973, Freeman began supplying CPC with coal with the following characteristics: 1.25% sulfur; and 11,800 Btu per pound. Therefore CPC determined that it would have to blend coal with a lower sulfur content in order to still meet the SO₂ standard while using 75% mixture of the Freeman coal.

However, Freeman Coal Company then notified CPC that it would not and could not supply all of CPC's needs and would not negotiate a long-term commitment. In February, 1974, CPC began burning only coal from Orient #3 mine from Freeman Coal Company in Boiler C which was low in ash content and had a sulfur content of less than 1.25% as opposed to previously burned coal with a sulfur content of approximately 3%. While this was not required by Pollution Control Board's Air Regulations, CPC alleged that coal supply negotiations indicate that this action is necessary in order to establish a claim in the future of the limited supply of low sulfur coal available in Illinois. This has had a result in increasing the price per ton from \$11.04 to \$15.78 per ton.

Because of the coal supply situation and the cancelling of the electrostatic precipitator contract, CPC has determined that its present compliance program no longer appears capable of achieving compliance. CPC states that by April 15, 1974, it will have been presented an in-depth engineering study evaluating five alternative means of control. Three of the five alternatives (sodium scrubber, water scrubber, and electrostatic precipitators) would result in compliance by August, 1976. Two other alternatives (double alkaline scrubber and lime scrubber) would result in compliance by November, 1976. The Agency states that "petitioner has now limited its choice of control systems to two alternatives. The final decision on control systems will be made when all bids of these two systems have been received."

CPC alleges that the granting of the variance would not have an unduly negative impact on the environment in the Pekin area. CPC estimates that it will contribute 0.54 micrograms per cubic meter (ug/m^3) to the primary ambient air quality standard of $75 \text{ ug}/\text{m}^3$ annual geographic means for particulates. CPC also estimates an addition of $0.35 \text{ ug}/\text{m}^3$ addition to the annual average ambient SO_2 air quality standard of $80 \text{ ug}/\text{m}^3$. In addition, CPC estimates an increase in the peak 24 hour contribution of $1.08 \text{ ug}/\text{m}^3$ for particulates and $0.7 \text{ ug}/\text{m}^3$ for SO_2 . This would be in excess of the peak 24 hour concentration if CPC's facility was in compliance with applicable regulations as of May 30, 1975.

While agreeing that a variance should be granted, the Agency disagrees with CPC's estimates as to particulates and SO_2 contributions. As the Agency points out, CPC's facility is located in a standard metropolitan statistical area. Values contained in the operating permit application for Boiler C list its emissions as 5.34 lbs. per million Btu's for SO_2 and 3.76 lbs. per million Btu's for particulates. CPC claims the existing multiclone collectors have an efficiency of 92.5% particulate removal. The Agency asserts the maximum acceptable efficiency of multiclone collectors systems is 75%. The Agency calculates CPC's particulate emissions to be 2.08 lbs. per million Btu's. The Agency presented the following calculations for air contaminant emissions from CPC's facility:

particulates 1682 lbs. per hour
 SO_2 - 2500 lbs. per hour
hydrocarbons - 7.4 lbs. per hour
CO - 24.2 lbs. per hour
 NO_x - 589 lbs. per hour

In contrast to the estimated contributions to particulate and SO_2 ambient air quality values presented by CPC, the Agency submitted calculated contributions to ambient air quality for various meteorological conditions from the CPC facility. These were attached to the Agency's recommendation as Exhibit A. However, this Agency exhibit lists the calculated contributions for the entire CPC facility while the values presented by CPC apply only to Boiler C's emissions.

The Board finds that because of CPC's demonstrated good faith in complying with air pollution regulations in previous Board Order PCB 71-338, that the variance requested by CPC is reasonable. The environmental consequences of this delayed compliance from 12-15 months do not warrant a denial of the request based upon the estimated contributions resulting from this facility during the non-compliance period and the calculated emissions for all of CPC's Pekin facilities. However, the Board is limited by Section 36 (b) of the Environmental Protection Act to only grant one-year variances from Air Pollution Regulations. Therefore the Board will grant a variance from Rule 104 (e) in order to allow CPC to file a new project completion schedule. Because of the one-year limitation, the Board will grant CPC a variance from Rule 203 (i) (4) and 204 (c) (1) (A) from May 30, 1975, the effective date of these Rules, until June 6, 1975. This short variance would

be extendable upon the appropriate showing of continued good faith in achieving compliance with the particulate and SO₂ standards as outlined in Exhibit G of the Petition for Variance and in the appropriate project completion program filed with the Environmental Protection Agency.

The Board will also extend variance of Rule 3-3.112 of the Rules and Regulations Governing Air Pollution until May 30, 1975. This will serve to allow Petitioner to operate above the limit of the existing rules regarding particulates until May 30, 1975, at which time 203 (i) (4) becomes effective.

This Opinion constitutes the Board's findings of facts and conclusions of law.

ORDER

The Illinois Pollution Control Board hereby grants a variance from Rule 104 (e) of the Air Pollution Regulations to CPC International, Inc., until July 30, 1974. The Board hereby grants a variance to CPC International, Inc., from Rule 3-3.112 until May 30, 1975, and from Rules 203 (i) (4) and 204 (c) (1) (A) of the Air Pollution Regulations from May 30, 1975, until June 6, 1975. These variances are conditioned upon:

1. Outlining a compliance program and project completion schedule with the Environmental Protection Agency by July 30, 1974, which shall conform to the timetable proposed by CPC Exhibit G.
2. CPC shall submit quarterly progress reports to the Agency at the following address: Environmental Protection Agency, Division of Air Pollution Control, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706.
3. CPC shall post a performance bond in the amount of \$100,000 in a form satisfactory to the Agency, pursuant to the Illinois Revised Statute, Chapter 111 1/2 Section 1036 (1973). Said performance bond shall be posted with the Agency at the following address: Environmental Protection Agency, Division of Air Pollution Control, Department of Fiscal Services, 2200 Churchill Road, Springfield, Illinois 62706.

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 6th day of June, 1974, by a vote of 4 to 0.

