## ILLINOIS POLLUTION CONTROL BOARD March 14, 1974

SECRETARY OF STATE	) ) )
ν.	) PCB 73-469 )
ENVIRONMENTAL PROTECTION AGENCY	) ) )

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

Petitioner filed a variance petition on October 30, 1973 which sought relief from the Pollution Control Board's Regulations. On November 8, 1973 the Board required that Petitioner amend the Variance Petition within 30 days because the initial Variance Petition was inadequate in that it did not contain information as to the amount of particulate matter to be discharged, the nuisance, if any, or health hazards. Petitioner submitted an Amended Variance Petition on December 20, 1973 which contained emission rates for particulate and sulfur oxide emissions. The Agency filed a Recommendation on March 11, 1974. No hearing was held.

Petitioner operates a steam generating station which supplies steam and hot water to the State of Illinois Capitol Group Governmental Office Complex located in the City of Springfield, County of Sangamon, Illinois. At this steam generating plant, Petitioner operates two 100,000 lb/hr. gas-oil fired Erie boilers and three 50,000 lb/hr. coal-fired Springfield boilers. The three 50,000 1b/hr. coal-fired boilers are the subject of this variance petition. Each boilers is vented to a separate 70-feet high stack. Because Petitioner allegedly cannot obtain fuel oil or natural gas for its Erie boilers it must operate the coal-fired boilers. Petitioner's variance request is for a variance from Rule 203(g)(1)(B) of the Air Pollution Regulations (Air Regulations). The effective date of Rule 203(g)(1)(B) of the Air Regulations is May 31, 1975. Petitioner, an existing source, must comply with Rule 3-3.112 of the Rules and Regulations Governning the Control of Air Pollution (Air Rules) which contains a maximum allowable particulate emission rate of 0.6 lbs./MBtu input. The Agency has calculated that Petitioner's maximum particulate emission rate under Rule 203(g)(1)(B) of the Air Regulations would be 0.16 lbs./MBtu input. Petitioner's calculated emission rate of 2.48 lbs./MBtu is greatly in excess of the allowable under both the emission limitation found in the Air Rules and the Air Regulations. The Agency has recommended that Petitioner's variance request be denied or that in the alternative, if a variance be granted, it should be granted only under limited conditions. The Agency's Recommendation contained a recital of the past six year history of Petitioner's facility. A petition containing the names of 234 individuals who alleged they are adversely affected by emissions from Petitioner's facility was submitted as Exhibit A of the Agency's Recommendation. The Agency states that since 1967, Petitioner has been the subject of hundreds of citizens' complaints encompassing annoyances from smoke, soot, grease, odors, and particulates. The Agency further alleges that citizens have mentioned property damage and have alleged adverse health effects caused by Petitioner's operation.

Petitioner states that "it is not anticipated that under normal operating conditions and weather that the above emissions would present a health hazard or nuisance to the public". This statement is clearly at odds with Petitioner's past history when operating the three coal-fired boilers. Petitioner has failed to provide any compliance schedule to bring its facility into compliance with Board regulations. Petitioner requests a variance to operate its facility without control equipment. Petitioner has failed to explore the feasibility of control equipment for both the control of particulate and sulfur dioxide emissions which become effective on May 31, 1975.

The Agency stated in its Recommendation that the:

"The State of Illinois governmental facility should be no less responsible for a clean and healthful environment than the counterparts in private industry. Indeed, the State of Illinois has no justification for any one Agency to enforce the pollution laws against private citizens, while other State Agencies are given license to degrade air quality without fear of retribution. The Secretary of the State of Illinois' Klein Street Station should be a model for private industry to emulate, not an embarrassing inconsistency in State policy of pollution regulation".

The Board wholeheartedly agrees with the Agency's statement concerning Petitioner's facility and non-compliance with Board regulations. However, the Board has in past cases granted short term variances to petitioners who have been adversely affected by shortages of natural gas and oil; and required these petitioners to file compliance programs with the Agency.

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

The Board hereby grants Petitioner a variance from Rule 203(g)(1)(B) of the Air Regulations until October 1, 1974 subject to the following conditions:

- 1. Petitioner shall develop a sufficient Compliance Program to achieve compliance; said Compliance Program shall be designed to achieve compliance by May 30, 1975.
- 2. Petitioner shall submit within 35 days said Compliance Program to:

Illinois Environmental Protection Agency Division of Air Pollution Control Variance Section 2200 Churchill Road Springfield, Illinois 62706

Illinois Pollution Control Board 309 West Washington Street Chicago, Illinois 60606

3. Petitioner shall submit, in writing, quarterly progress reports to:

Illinois Environmental Protection Agency Division of Air Pollution Control Variance Section 2200 Churchill Road Springfield, Illinois 62706

4. Petitioner's make every effort to obtain and use oil or natural gas for its Erie City boilers.

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 day of March, 1974 by a vote of \_\_\_\_\_\_.

Christan L. Moffett, Glerk Illinois Pollution Control Board