

ILLINOIS POLLUTION CONTROL BOARD
March 8, 1984

IN THE MATTER OF:)
)
SULFUR DIOXIDE EMISSION) R80-22(B)
LIMITATIONS: VILLAGE OF)
WINNETKA)

SECOND NOTICE. PROPOSED OPINION.

OPINION OF THE BOARD (by J. D. Dumelle)

The rule proposed at Section 214.141(c) for First Notice in this matter provided a mass emission limit for the Village of Winnetka (Village) power plant. Along with this emission limit of 5.7 pounds of sulfur dioxide per million British thermal unit (lbs/mBtu), a limit of 3.2 percent was imposed on the sulfur content of the coal burned. During this notice period, three public comments were received. Having considered each and the codification scheme of the Board's air regulations, the proposed rule has been relocated and revised.

In commenting, the Illinois Environmental Protection Agency (Agency) was primarily troubled by the measurement method to demonstrate compliance it believed applicable to the Village. Pursuant to Section 214.101(c), sources regulated under Section 214.141 may use a sixty day averaging period to demonstrate compliance, if they are burning low sulfur coal. The Agency alleged that under this rule Winnetka could emit 6.8 lbs/mBtu 95% of the time, and still demonstrate compliance with its 5.7 lbs/mBtu limit. The Board must assume that the Village would be burning coal with a sulfur content of 3.2 percent during this time, since the Agency goes on to state that during the remaining 5% of the time there is no numerical limitation on the coal's sulfur content. (Public Comment 38)

It had previously been the Board's belief that burning coal of 3.2 percent sulfur would allow emissions no greater than 5.7 lbs/mBtu, and that the modeling demonstrated that in no one hour of the modeled year would this emission rate cause violation of the air quality standard. More importantly, coal with a sulfur content of 3.2 percent is not a low sulfur coal. Thus, the Board did not consider the sixty day averaging rule applicable to the Village. Instead Section 214.101(a) would have been applicable. That subsection requires that compliance be demonstrated in accordance with 40 CFR 60, App. A, Method 6 or Agency rules. The federal rule provides for gas sampling. Since the Village does not have an on-site sampler, the Board did not believe the Village would demonstrate compliance by that method. The only applicable

Agency rules are those for coal contracts.* For the reasons stated above, the Board believed that enforcement of a 3.2 percent limit, would have sufficiently assured compliance with 5.7 lbs/mBtu limit.

Nevertheless, the rule proposed for the Village's power plant has been relocated to Subpart V: Electric Power Plants to coincide with the codification scheme set out at Section 214.100. Relocation provides a second benefit. It is now clear that the measurement methods contained in Section 214.101 are not applicable to the Village's power plant. In accordance with the Agency's comment and a letter setting out the United States Environmental Protection Agency's (USEPA) guidance (attached to Agency Motion of 5/27/83 and Public Comment 38) the proposed rule now provides that the Village demonstrate compliance based on daily averages. Presumably these daily averages shall be calculated using the coal's sulfur content.

Citizens for a Better Environment (CBE) asked that the Board reduce the sulfur content limit from 3.2 percent to 3.0 percent. CBE noted that the Village agreed to burn the lowest sulfur coal available in Illinois, and that coal with a sulfur content lower than 3.2 percent is available from three Illinois companies. CBE advised that in so reducing the sulfur content limitation, public health would be protected. (Public Comment 36).

At Second Notice, the limit on the sulfur content of the coal burned is eliminated. According to the Agency's comments, limiting the coal's sulfur content does not correspond to limiting sulfur emissions. For the protection of public health, it is important, as demonstrated by the modeling, that emissions do not exceed 5.7 lbs /mBtu in any one hour period. It is unimportant what the sulfur content of the coal burned is. If Winnetka can demonstrate compliance on a daily average burning coal with a sulfur content greater than 3.2 percent, it is free to burn that coal.

Finally, in its comments the Village agreed to a 1400 pounds per hour sulfur dioxide emission limit. It demonstrated that this limit was no different than the 5.7 lbs/mBtu limit proposed. (Public Comment 37) In the above referenced guidance letter, the USEPA expressed its reservations about articulating emission limits in units other than mass emission limits. Given this, and since the two limits are comparable, to avoid redundancy the proposed rule will not recite the 1400 pounds per hour limit.

*These rules were filed on an emergency basis on 12/31/77 and as of yet are not codified. Application of the same is therefore dubious. (c.f. Illinois Power Company v. IEPA, PCB 83-103,104)

The proposed rule as drafted is ordered to Second Notice in accordance with Section 5.01(b) of the Administrative Procedure Act. (Ill. Rev. Stat. 1981, ch. 127, par. 1005.01(b).

IT IS SO ORDERED.

Board Member B. Forcade abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion was adopted on the 8th day of March, 1984 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board