

ILLINOIS POLLUTION CONTROL BOARD  
October 19, 1978

DEPARTMENT OF THE ARMY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 78-24  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

CAPTAIN WARREN D. HALL, APPEARED ON BEHALF OF THE DEPARTMENT OF THE ARMY.  
JILL L. DRELL, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE ENVIRONMENTAL PROTECTION AGENCY.

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

On February 3, 1978, the Department of the Army filed this Petition for Variance before the Board requesting relief from Rules 102, 103(b)(2), 203(g)(1)(B), 303 and 307 of Chapter 2, Air Pollution Control Regulations, for its boiler plant facility located at the Rock Island Arsenal in Rock Island, Illinois. A hearing was held in this matter on August 14, 1978; the Board has received no written public comment concerning this petition.

Rock Island Arsenal is a U.S. Government arsenal producing various types of armament exclusively for the use of the United States Army. The arsenal is located on Rock Island, an island in the Mississippi River in the center of an area known as the Quad-Cities area, surrounded by the cities of Moline, East Moline, and Rock Island, Illinois and Davenport and Bettendorf, Iowa. The arsenal employs 2700 people directly and provides employment for 4300 additional personnel in tenant activities of the Federal government who share the installation grounds or the arsenal. The approximate annual payroll is \$130,000,000, and approximately \$7,000,000 is channelled into these surrounding communities through local purchases by the various government activities located at the arsenal. Heating at the arsenal is provided by the Rock Island arsenal boiler plant which contains four coal fired boilers which are the subject of this petition. The boilers burn approximately 42,000 tons of coal per year, generating approximately 690,000,000 pounds of process and heating steam during that period. During the last quarter of 1977, tests performed on the boilers indicated that

they were not in compliance with the Pollution Control Board Rules and Regulations with respect to particulate emissions.

The Corps of Engineers recently completed a \$500,000 project to bring the boiler plant into compliance by utilizing upgraded controls on all boilers and by installing mechanical collectors on boilers 3 and 4. When tests indicated the project had failed to bring the boiler plant into compliance, the Corps made further investigations and decided that the mechanical collectors could not be sufficiently improved to meet the standards. It therefore proposes that all boilers be brought into compliance by the use of baghouses at an estimated cost of \$5,627,000 and an estimated completion date of November, 1981. In addition, the Army proposes to operate the boilers in such a manner as to minimize particulate emissions and to minimize the duration of time that the plant will be out of compliance. Due to the demand characteristics of the facility, it is possible to rely on boilers 1 and 2 (which are approximately 5% and 20% above the allowed emissions, respectively) for approximately eight months of the year. A proposed boiler usage schedule is contained in the amended petition on page 5.

Citing the adverse economic affect on the Quad-Cities area, the affect on national defense, and the hardship that would accrue to the numerous tenants of the facility, the Army alleges arbitrary and unreasonable hardship should the request for variance be denied. Details of the Army's activities at the arsenal are contained in the petition for variance and the record. The Army also points out that, although the original equipment installed on the boilers was not approved by the Illinois Environmental Protection Agency (Agency), at the time of installation the facility was not under the authority of the Board's Regulations. The Army alleges that it has made a good faith effort to correct the emissions problem and defends the lengthy construction schedule by citing the various congressional constraints upon such expenditures. The Agency does not seriously contest the allegations in the variance petition, with the exception of the length of time requested for compliance. It is the Agency's opinion that a more reasonable construction schedule would extend for no more than a year and a half, rather than the more than three years requested by the Army. It is the Board's opinion, however, after reviewing the testimony in the record concerning the subject, that the constraints imposed by the United States Congress on the Army concerning expenditures for the equipment make the longer time period reasonable. Nevertheless, we note that the Federal Clean Air Act as amended in 1977 precludes the Board from granting variances beyond July 1, 1979.

Rock Island Arsenal is located in a designated nonattainment area for total suspended particulates. The Agency has estimated total particulate emissions from the four boilers in 1977 to be 113 tons in excess of allowable emissions. The Agency alleges and the Army acknowledges that the particulate emissions in question are in part responsible for continuing ambient air violations in the area. Against this emission situation, the Board must balance the hardship to the Army and, in addition, the potential injury to the populace should the variance be denied. Local civic leaders testified here in person and by letters at the hearing. All were in favor of granting the variance and indicated that hardship would result from a denial of the petition. In addition, the record indicated a complete lack of complaints about the emissions since 1972. On balance, the Board finds that denial of the requested variance would result in an arbitrary and unreasonable hardship. We will grant the variance, subject to conditions listed in our Order, until July 1, 1979. We note that, should the Army fail to comply by that date, it will be subject to noncompliance penalties pursuant to Section 113(d) of the Federal Clean Air Act (42 U.S.C., Section 7401 et seq.).

The Army has requested variance from Rules 102, 103(b)(2), 203(g)(1)(B), 303 and 307. Because Rule 103(b)(6) allows sources operating under a variance to obtain a permit, no variance from the permit requirement of Rule 103(b)(2) is necessary. Furthermore, Rule 303 does not apply in a nonattainment area, and Rule 307 merely recites the ambient air quality standard but does not itself prohibit a violation of the standard. The prohibition is contained in Rule 102. Variance from Rule 303 is, therefore, not appropriate in this situation, and Rule 307 is not a rule from which variances are granted. The Board will grant the variance request as to Rules 102 and 203(g)(1)(B) but will dismiss the request as to Rules 103(b)(2), 303 and 307.

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

#### ORDER

It is the Order of the Pollution Control Board that:

1) The Department of the Army's request for variance from Rules 103(b)(2), 303 and 307 of Chapter 2 for its Rock Island Arsenal is hereby dismissed;

2) The Department of the Army is hereby granted variance from Rules 102 and 203(g)(1)(B) of Chapter 2 until July 1, 1979, for particulate emissions from its Rock Island Arsenal, subject to the following conditions:

a) During the term of this variance, the Department of the Army shall not allow particulate emissions at its Rock Island Arsenal to exceed, during any one hour period, the following limitations:

<u>Boiler</u>	<u>lbs./hr.</u>	<u>lbs./MBTU</u>
1	21.38	.207
2	26.66	.245
3	66.67	.57
4	26.85	.32

b) During the term of this variance, the Department of the Army shall operate its boilers in such a manner as to minimize particulate emissions and shall adhere to the schedule of boiler operations outlined in paragraph 10 of its Amended Recommendation;

c) The Department of the Army shall, within 45 days of the date of this Order, apply to the Illinois Environmental Protection Agency for all necessary construction permits for the baghouses it intends to install on its boilers;

d) The Department of the Army is hereby notified that it will be subject to noncompliance penalties under Section 120 of the Clean Air Act (42 U.S.C. 7401 et seq.) if it fails to achieve final compliance with Rules 102 and 203(g)(1)(B) by July 1, 1979;

e) Within 45 days of the adoption of this Order the Department of the Army shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), \_\_\_\_\_, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-24, hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 19<sup>th</sup> day of October, 1978 by a vote of 4-0.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board