

ILLINOIS POLLUTION CONTROL BOARD  
December 4, 1980

UNITED STATES DEPARTMENT OF ENERGY, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 80-158  
 )  
 ) ILLINOIS ENVIRONMENTAL PROTECTION )  
 ) AGENCY, )  
 )  
 ) Respondent. )

VICKIE ALSPAUGH AND DAVE SMITH APPEARED ON BEHALF OF PETITIONER.

PETER E. ORLINSKY APPEARED ON BEHALF OF RESPONDENT.

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

On August 28, 1980 the United States Department of Energy filed a petition for a variance before the Board requesting relief from certain of the Board's rules and regulations for boiler #5 located at Argonne National Laboratory (ANL) in Downers Grove Township, DuPage County, Illinois. Hearing was held in this matter on November 20, 1980 and the Board has received some public comment.

On September 4, 1980 the Board entered an Order herein dismissing the action without prejudice and stating that the petition failed to request relief which the Board could grant. Upon reconsideration of the petition, the Board on October 2, 1980 entered an Order herein reinstating the case, striking certain portions of the petition, and ordering hearing to be held.

The subject of this petition is boiler #5 at ANL which is undergoing conversion from the presently used natural gas and oil fuels to coal under a prohibition order issued by the United States Department of Energy pursuant to the Power Plant and Industrial Fuel Use Act of 1978. The boiler has a rated capacity of 212 million Btu's/hr. and was originally designed and continues to have the capability to burn coal. In order to meet state and federal air pollution regulations ANL plans to install a fabric filter baghouse and a dry sulfur dioxide scrubber. Final testing of the control equipment is proposed to be completed by April, 1982. ANL requests variance from Rule 307(a)(2)(B) (secondary particulates air quality standard) of Chapter 2 of the Board's Air Pollution Control Regulations in order to immediately institute the use of Illinois coal as fuel during the period of construction and testing of the new equipment. Completion of the proposed equipment installation will result in full compliance with the Board's regulations.

The United States Environmental Protection Agency has proposed to issue a delayed compliance order (DCO) which would give relief to ANL from federal regulations promulgated under the Illinois State Implementation Plan and the Clean Air Act's primary ambient air quality standards where applicable. Concurrence of the state is necessary for the issuance of the DCO. The Illinois Environmental Protection Agency is of the opinion that the proposed use of Illinois coal during the project construction period would result in a violation of both Rule 307(a)(2)(B) and Rule 204(b)(1), which sets emission limitations on sulfur dioxide.

ANL alleges an arbitrary and unreasonable hardship would occur should it be forced to burn gas or oil rather than coal during the period before installation of the equipment is completed. ANL estimates an additional cost of over \$800,000 to burn natural gas as opposed to coal would be incurred and states that an insignificant increase in sulfur dioxide and particulate emissions would result from the variance. The Agency responds that although the area is attainment for sulfur dioxide, it is not attainment for particulates with respect to the non-health related secondary standards and that the projected increase in particulate emissions would not be insignificant. The Agency, therefore, recommends that the Board deny ANL's request for variance.

Although it is true, as the Agency states in its recommendation, that the Board's policy in the past has been that economic hardship in and of itself is not sufficient to grant a variance under the Illinois Environmental Protection Act, the Board has granted variance where other factors exist in addition to the economic factor, and where the harm to the environment is de minimus. A 1980 report by PEDCO Environmental, Inc. projects that the maximum increase to the ambient air concentration of particulates from boiler #5 will be  $3 \text{ ug/m}^3$ , expressed as an annual geometric mean. The nearest monitoring station to ANL is located at Darien, Illinois, where the annual geometric means for particulates in 1978 and 1979 were  $69 \text{ ug/m}^3$  and  $60 \text{ ug/m}^3$ , respectively. The secondary standard for particulates is  $60 \text{ ug/m}^3$  as an annual geometric mean.

Considering the very slight maximum potential increase in the concentration of particulates, the relatively short length of time involved, and federal policy, the Board finds that the increase in pollution caused by burning coal during the interim period will not be significantly harmful to the citizens of this state. The Board takes notice of both national and the state policies concerning energy consumption and the use of coal as a primary fuel. The State of Illinois in particular has vast resources of that fuel and it is established state policy to utilize Illinois coal consistently with the attainment of environmental goals. The Board also takes notice of the status of the Illinois coal mining industry and its workers, many whom are unemployed in part because of the depressed condition of their industry. Weighing these factors against the insignificant increase in pollution which will result from the burning of coal,

on an interim basis, without air pollution control equipment, the Board finds that it would impose an unreasonable hardship upon ANL were variance not to be granted.

Since boiler #5's operation will be altered by switching fuels, it is termed a "new" source and thus is subject to Rule 204(b)(1) (sulfur dioxide emission limitations). The Board shall, therefore, grant variance to ANL from Rules 204(b)(1) and 307(a)(2)(B) consistent with this Opinion until June 1, 1982 or until the completion of the installation and testing of the proposed pollution control equipment, whichever first occurs.

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

ORDER

The United States Department of Energy, Argonne National Laboratory, is hereby granted variance from Rules 204(b)(1) and 307(a)(2)(B) of Chapter 2: Air Pollution Control Rules and Regulations until June 1, 1982 or until the completion of the installation and testing of the control equipment proposed in its petition on boiler #5, whichever first occurs.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 4<sup>th</sup> day of December 1980 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board