

ILLINOIS POLLUTION CONTROL BOARD
June 28, 1977

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
)
 v.) PCB 75-486
)
)
CITY OF HIGHLAND,)
)
 Respondent.)

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

This matter comes before the Pollution Control Board (Board) on the December 19, 1975 Complaint of the Environmental Protection Agency (Agency) which charges Respondent, the City of Highland (Highland), with violations of Rule 103(b)(2) of the Air Regulations and Section 9(b) of the Environmental Protection Act. Hearings were held on June 8, 1976 and July 22, 1976. A "Stipulation of Facts and Proposal for Settlement" was filed December 9, 1976, and amended by a "Second Stipulation of Facts and Proposal for Settlement" filed June 10, 1977.

Highland owns and operates an electric generating and distribution facility located at Highland, Madison County, Illinois. Equipment at this facility include four (4) diesel units and three (3) coal-fired boilers.

Under Rule 103(b)(2), operation of an electric generating facility such as Highland's requires an operating permit from the Agency after May 1, 1973. Highland has never received an operating permit to permit operation of the three coal-fired boilers, but nevertheless operated its coal-fired boilers between May 1, 1973 and March 20, 1976. The coal-fired boilers have not been operated since the above date.

The reason for the shut down was the completion of an interconnect with Illinois Power Company (IP). IP and Highland made an agreement which provides for the interconnect to continue until July 1, 1979, with IP to provide Highland with short-term firm capacity, emergency power, off-peak energy, and emergency start-up energy. The interconnect has been operational since March 19, 1976, and Highland maintains that as a result of the interconnect its coal-fired boilers will not be operated except in emergency situations.

Respondent, in its stipulation, admits that it has operated its coal fired boilers between May 1, 1973 and March 20, 1976, without having received an operating permit from the Agency as required and therefore is in violation of Section 9(b) of the Act.

Respondent agrees that it will not operate the coal-fired boilers except in emergency situations. Prior to any such emergency use, Highland agrees to utilize all available interconnect capacity with IP. Further, Highland agrees to provide telephone notification to EPA prior to use of the coal-fired boilers in emergency situations and to confirm said notification in writing within ten days. For its violation of Rule 103(b)(2) of the Air Regulations and Section 9(b) of the Act, Highland has stipulated to a penalty of \$250.00.

The Board accepts the stipulation and Settlement of the parties and finds Respondent to have violated Rule 103(b)(2) of the Air Regulations and Section 9(b) of the Act between May 1, 1973 and March 20, 1976. The Board assesses the stipulated penalty of \$250.00 for the violations.

This Opinion constitutes the finding of facts and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that:

1. The City of Highland is found to have violated Rule 103(b)(2) of the Air Regulations and Section 9(b) of the Act between May 1, 1973 and March 20, 1976;

2. The City of Highland shall pay the stipulated sum of \$250.00 as a penalty for the aforesaid violations payment to be made within 30 days of receipt of this Order by certified check or money order to:

Control Program Coordinator
Division of Air Pollution Control
Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

3. The City of Highland shall comply with all the terms of the Second Stipulation of Facts and Proposal for Settlement submitted by the parties on June 10, 1977, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 28th day of June, 1977 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board