

ILLINOIS POLLUTION CONTROL BOARD  
November 6, 1975

ILLINOIS POWER COMPANY, )  
Petitioner, )  
 )  
v. ) PCB 75-110  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
Respondent. )

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

This case arises upon a Petition for Variance filed on March 10, 1975. Amended petitions were filed on May 19 and July 7 in response to Board orders seeking additional information. On September 25, 1975 Petitioner filed a Waiver of Right to Decision in this matter until November 6, 1975. No hearing has been held.

Illinois Power owns and operates an electric power generating station located at Wood River, Madison County, Illinois. Units 1-3 are fired with distillate fuel oil. Unit 4 is coal-fired and is equipped with a catalytic-oxidation ("Cat-Ox") sulfur removal system. Unit 5 is equipped with an electrostatic precipitator to remove fly ash. Illinois Power alleges that the average sulfur content of the coal burned in these latter two units is 3.14%. The Environmental Protection Agency (Agency) claims it to be 2.95%. Sulfur dioxide emissions from Unit 5, according to Illinois Power, are 5.52 lbs per million BTU. According to the Agency, emissions from both boilers are 5.37 lbs per million BTU, although estimated emissions from Unit 4 when the "Cat-Ox" system is operating at designed efficiency would be only .74 lbs/mBTU. Illinois Power seeks variance for Units 4 and 5 from Rule 204(c)(1)(A) of Chapter 2, PCB Rules and Regulations, which requires that a sulfur dioxide emission rate of 1.8 lbs/mBTU have been achieved by May 30, 1975.

Illinois Power proposes to bring its two coal-fired units into compliance by switching to low-sulfur coal. It alleges that prior experience with Unit 4 indicates that the "Cat-Ox" system is not consistent or reliable enough to warrant a renewal of its operating permit, which expired on May 30, 1975. It further alleges that conversion to low sulfur coal will involve several considerations, including acquisition of a coal supplier, delivery and handling facilities, and possible modification to its precipitator if the new coal results in lower efficiency. Thus, a compliance

schedule for both units has been proposed which is identical to that contained in a consent order between Illinois Power and the Federal Environmental Protection Agency. That consent order, attached as an exhibit to the amended petition, calls for conversion of Unit 5 to low sulfur coal as follows:

SELECT FUEL	MARCH 1, 1976
COMPLETE COAL HANDLING FACILITIES	JANUARY 1, 1978
MODIFY ELECTROSTATIC PRECIPITATOR	FEBRUARY 1, 1978
COMPLETE COAL TRANSPORTATION SYSTEM	JUNE 1, 1978
COMPLIANCE WITH RULE 204(c)(1)(A)	JUNE 1, 1978

In its second amended petition Illinois submitted ambient air quality data for the vicinity of its Wood River Power Plant. It alleged that the data, covering a period from April, 1970 to April 30, 1975 showed seven values exceeding Federal standards, but that "those standards allow one value per year to be above the maximums." (Second Amended Petition, p.1). The data for 1974 included 3-hour, 24-hour and annual values from four monitors. It revealed only one infringement - a "daily maximum" standard of .168 ppm in March, 1974 at the Rosewood Heights monitor. The 1975 data, through April, covered three monitors and revealed no infringements. The monitoring locations were recommended to Illinois Power by the Battelle Memorial Institute. On the basis of this data Illinois Power contends that sulfur dioxide emissions from the Wood River Station will not cause or contribute to a violation of national ambient air quality standards.

The Agency Recommendation, filed September 18, 1975, disputes such a contention. It points out that the closest monitor operated by Illinois Power is 2.5 miles from the plant. The closest monitor operated by the Agency is approximately one mile from the plant. The following data for 1974 was provided:

<u>Annual</u> (Standard)	<u>3-hr Average</u>			<u>24-hr Average (Standard)</u>			
	1st	2nd	No.	1st	2nd	No.	
.033 (0.03 ppm)	.587	.543	2	.241	.237	3	(0.14)

The Agency concluded that both an annual and short term sulfur dioxide problem exist near the Wood River Plant. The Agency further pointed out that Illinois Power had not indicated its methodology for determining monitoring locations or performed any dispersion modeling to determine its contributions to air quality violations in Wood River. On the basis of the data presented by both parties in this case we feel that Illinois Power has failed to meet its burden of proving that a variance would not result in a failure to achieve or maintain national ambient air quality standards.

Illinois Power requested a similar variance for Unit 5 soon after Rule 204 was adopted in 1972. In that proceeding the Board found that Illinois Power had failed to demonstrate that alternatives were unavailable or that compliance would create an arbitrary or unreasonable hardship. Illinois Power Co. (Wood River #5) v. Environmental Protection Agency, PCB 72-190, 6PCB 17, 30 (1972). The Opinion noted that Illinois Power had failed to prove that it may take four years (from that time) to arrange for low-sulfur coal. It continued:

We shall entertain a request for more time upon presentation of a control program indicating specifically what is to be done to meet the standard, when, and why it cannot reasonably be done sooner.

6 PCB at 30. In the present case, Illinois Power has requested such additional time and presented a control program. It has totally failed, however, to indicate why such a program could not have been achieved earlier. In the previous case Illinois Power had alleged that conversion to low-sulfur coal might take up to four years (6PCB at 30). If such were the case, the schedule in the instant case need only call for a variance until mid-1976 rather than mid-1978. The record shows no efforts by Illinois Power to secure such coal in the long interim period between the two cases. As noted by the Agency in its Recommendation, a compliance plan should have been submitted to the Agency by May 1, 1973 pursuant to Rules 103(b) and 104 of Chapter 2 (Agency Rec. pp.4-5). For these reasons we must hold that any present hardship to Illinois Power in achieving compliance with Rule 204(c)(1)(A) is self-imposed.

Furthermore, Illinois Power, aside from describing the steps necessary to implement a conversion to low-sulfur coal, has failed to support the relatively lengthy time-frame proposed. The petition merely alleges hypothetical problems in the conversion, rather than indicating specific efforts made at obtaining the coal, preparing unloading and handling facilities, or testing for precipitator degradation. While it is possible that a showing may have been made to the Federal Environmental Protection Agency to support the consent order reached in the Federal proceeding, no such showing has been made here. Illinois Power has thus failed to meet its burden of proving an arbitrary or unreasonable hardship. For this reason, and for failure to prove that the variance would not result in a failure to achieve or maintain national ambient air quality standards, this petition is denied.

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

ORDER

The Petition for Variance from Rule 204(c)(1)(A) for Illinois Power Company's Wood River Station, Units 4 and 5, is denied.

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 6<sup>th</sup> day of November, 1975 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board