

ILLINOIS POLLUTION CONTROL BOARD  
June 28, 1977

CITY OF CHICAGO, )  
 )  
 ) Petitioner, )  
 )  
 )  
 ) v. ) PCB 77-108  
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 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

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

This matter comes before the Board on a Petition for Variance filed on March 28, 1977. Petitioner seeks relief from the Requirement of Order A 2 entered in Environmental Protection Agency v. City of Chicago, PCB 73-285, 286, and 457, which required a phase-out of the Petitioner's Southwest Incinerator. A new supplementary fuel processing plant is presently being constructed by Petitioner which will convert solid waste refuse into fuel for electric power. This new plant was scheduled for operation by March 31, 1977, but is still not in use due to unforeseen problems in start up operations. Since the Petitioner's Southwest Incinerator is to be replaced by the new supplementary fuel processing plant, Petitioner seeks a variance to permit the operation of its incinerator until December 31, 1977, at which time it plans to have the new plant in working order.

Air quality monitoring data in the vicinity of the incinerator indicate that although the particulate emissions from this facility do not meet current standards, continued short term operation of this incinerator should not cause any significant environmental harm. Since the incinerator and the new fuel processing plant serve in an essential position in the disposal of the City's solid waste, the Board finds that the City would suffer an arbitrary or unreasonable hardship if it was forced to close down its incinerator before the new plant is fully operational.

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


ORDER

Petition for Variance from Order A 2 entered in PCB 73-285, 286 and 457 to allow the operation of the Petitioner's Southwest Incinerator until December 31, 1977 is hereby granted.

IT IS SO ORDERED.

Mr. Dumelle dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 28<sup>th</sup> day of June, 1977 by a vote of 3-1.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board