

ILLINOIS POLLUTION CONTROL BOARD  
January 3, 1973

BURLINGTON NORTHERN, INC.

v.

ENVIRONMENTAL PROTECTION AGENCY

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PCB 73-451

MR. MICHAEL GINSBERG, appeared on behalf of the Environmental  
Protection Agency

MR. BARRY N. GUTTERMAN, appeared on behalf of Burlington Northern, Inc.

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

A Motion to Extend Variance (PCB 73-175) was filed with the Board on October 26, 1973. It has been docketed as a new variance from Rule 3-3.112 of the Air Pollution Rules. No public hearing was held.

In an Opinion and Order adopted by the Board on July 26, 1973 variance was granted until November 1, 1973 to Burlington Northern to operate its coal-fired power plants on 14th Street in Chicago until steam could be procured from the Chicago Union Station. The Burlington Northern now alleges in a verified affidavit that the approved time schedule of PCB 73-175 cannot be complied with because of; redesign, time necessary to secure authority for additional funds, contract renegotiation, unexpected track-work, buried concrete foundations causing a delay, and finally, less storage space than anticipated which caused a double handling of pipe.

Petitioner states that the steam and condensate pipes are now being installed but cannot be completed until January 1, 1974.

The Agency in its recommendation filed December 14, 1973 asks for a grant. It states that no complaints have been received from neighboring citizens concerning this source. It repeats the allegation in the original petition that failure to grant the variance would result in the loss of steam for heating, and the loss of compressed air and water heating capacities. There would be a drastic curtailment of commuter train service to Chicago.

We do not agree that failure to grant the variance is equivalent to a shutdown order. But, in absence of complaints and in consideration of the very short period of operation, we grant the variance. Good faith has been shown and the new steam line may very well now be completed and in operation.

ORDER

1. Variance is granted from November 1, 1973 to January 1, 1974 from Rule 3-3.112 of the Air Regulations to operate the three coal-fired steam boilers.
2. Petitioner shall notify the Agency on the date that the boilers are shut down.

IT IS SO ORDERED.

Mr. Henss was not present.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 3RD day of January, 1974 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board