

ILLINOIS POLLUTION CONTROL BOARD  
August 29, 1972

ILLINOIS POWER CO. )  
 )  
 )  
 v. ) #72-297  
 )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY )

Preliminary Order of the Board (by Mr. Currie):

This petition seeks a modification of the variance we granted September 30, 1972, allowing Illinois Power to operate its Hennepin generating station while completing a program approved by the old Air Pollution Control Board to bring its particulate emissions into compliance with that Board's regulations (Illinois Power Co. v. EPA, #71-193). Under that program Hennepin Unit #2 was to be controlled by a highly efficient precipitator by June 30, 1972, and Unit #1, which was not to be as effectively controlled, was to be operated on such fuels and at such capacities that emissions from the two units through a common stack would not exceed regulation limits after the June 1972 date. The company now informs us that a deteriorating natural gas supply situation and increasing potential for electric supply problems may make it necessary in "very limited situations" to operate the poorly-controlled Unit #1 by itself, in violation of the regulations, when #2 is out of service. At the same time, the company has decided to install a 99.5% precipitator on #1 in order to eliminate this problem and to comply with our new and more restrictive regulations. A variance is sought to allow occasional operation of Unit #1 in excess of regulation limits until June 30, 1974, when the new precipitator is to be completed.

We scheduled no hearing, believing that the issue relating to this substantially improved control program could probably be resolved on the basis of the petition and the Agency's recommendation. That recommendation, however, raised a significant factual issue on which we should appreciate the company's response. The Agency maintains that Illinois Power stated, after filing the petition, that construction of the precipitator was expected to be completed no later than February of 1974, and that in another communication to the Agency the company declared that bids had been sent out some six months in advance of the date contemplated even by

the February 1974 completion schedule. Consequently EPA asks that the terminal date for construction be placed at September, 1973, with compliance by November 1, 1973 rather than June 30, 1974 as requested by the company. This difference is important, as the law requires compliance as soon as is practicable.

We invite the Agency to submit within twenty days written or sworn documentation of these facts so they may be considered as in evidence and request the company to respond within twenty days with whatever additional argument or factual material, supported by affidavit or documentation, may be necessary to our decision. We also call the company's attention to the other specific conditions the Agency asks us to impose on the grant of any variance and invite its response. Should the company desire the opportunity to present evidence in a formal hearing in support of its petition, we shall be glad to authorize such a hearing provided an appropriate waiver is filed extending the 90-day period in which otherwise we are required to render a decision.

It is so ordered.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Order this 29<sup>th</sup> day of August, 1972 by a vote of 5:0.

Christan S. Moffett