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POLLUTION CONTROL BOARD

State of Illinois }
County of Sangamon } SS:

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

Environmental Protection Agency,

Complainant,

v.

City of Springfield and Springfield

City Water, Light and Power Company,

Respondent.

No. PCB 70-9

BRIEF OF THE ENVIRONMENTAL PROTECTION AGENCY

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matter and sulfur dioxide from the City of Springfield's power plants. The Board will be asked to enter an order to abate both by use of available technology in the shortest practicable time.

I. INTRODUCTION

A. Springfield City Water, Light & Power Department's Facilities.

The City Water, Light & Power Department of the City of Springfield ("City") owns the largest municipally-owned power plant in the State of Illinois, among the largest in the Midwest (TR 230-235, 260-265), as well as one of the most profitable (See EPA Exhibits 2, 11-A). This power plant is divided into two facilities: "Lakeside" and "Dallman." "Lakeside" is further divided into two units: "Lakeside I" and "Lakeside II." These facilities are located nearly adjacent to each other immediately adjacent to residential neighborhoods, west of Lake Springfield.

Lakeside I consists of the following equipment: 4 boilers, 3 generators and 4 stacks. Lakeside II consists of 4 boilers, 5 generators and 5 stacks. At Lakeside I each boiler (1-4) exhausts through its respective stack. There are no air pollution devices on these 4 stacks. The City has no intention of installing any. Instead the City "hopes" to have converted Lakeside I to an oil burning operation by the summer of 1972, but this is a very tenuous proposition. They have no firm contracts, no performance dates, nor any deadline to even commence this conversion (TR 60-70).

At Lakeside II Boilers 5, 6, 7 and 8, and Stacks 5, 6, 7 and 8 are in various stages of connection to a common exhaust to Precipitator #1, and then Stack #9.¹ These two plants are somewhat interconnected by a

¹Boiler No. 7 has common breaching with Stack 9 which has an electrical precipitator. The other three boilers have not been blocked off, so they still can also feed into these other stacks...(TR 34)

common steam header system which connects boilers 1-4 and generators 1-3, which in turn connects generator 4 and boiler 5 and generator 5 and boiler 6.²

The Dallman Plant consists of 1 boiler, 1 generator and 2 stacks (TR 26). Boiler 1 discharges into Stack 1 which has a mechanical dust collector (TR 38). Stack 2 is still under construction.

Both plants burn bituminous (soft) coal with a sulfur content of approximately 4% (TR 39). The ash is piped to a fly ash pit at the north end of the dam, near Sugar Creek (TR 573). The approximate total capacity of the plants is 226-260 megawatts.

This case can be briefly summarized by a reading of Respondent's Answers to Interrogatories No. 2, 4 and 11, received in evidence at various points in the hearing.

Interrogatory No. 11. "State the nature of all air contaminant emissions which have emanated from each stack of the Lakeside Plant and Dallman Plant from July 1, 1970 to present."

Answer of City. "Normal end products of combustion from coal burning plant."

Interrogatory No. 2. "With respect to each stack of the Lakeside Plant and the Dallman Plant state the nature of any smoke monitoring equipment installed."

Answer of City. "None."

Interrogatory No. 4. "With respect to each stack of the Lakeside Plant and the Dallman Plant state: a) the date of any stack test conducted; b) the method used for each stack test; c) the person or persons conducting such stack test; and d) the results of each stack test."

Answer of City. "No stacks tests were made on Lakeside stacks (TR 17-18) (EPA Exhibit 1)."

²Generator 6 connects to Boiler 7, and Generator 7 connects to Boiler 8. This allows steam from one boiler to be diverted to other generators.

D. THE FINDINGS

The Agency seeks the maximum remedial relief, with immediate implementation of its recommendations, as opposed to a punitive posture.³ In short, the Board is being asked to exercise its remedial powers to the fullest extent.

On October 22, 1970, the Agency filed with the Board an Amended Complaint. Count 1 stated that the City of Springfield's Water, Light & Power Company (Respondents) violated the smoke density regulations of the State of Illinois by emitting smoke from the Lakeside and Dallman Plants which equalled or exceeded No. 2 on the Ringelmann Chart on July 29 and 30, 1970. (Rule 3-3.122 of the Rules and Regulations Governing the Control of Air Pollution; continued in effect by Section 49(c) of the Environmental Protection Act.)

Count 2 of the Amended Complaint alleged that the City of Springfield and Springfield City Water, Light & Power Company violated the particulate emission standards of the State of Illinois by emitting particulate matter in excess to 0.6 pounds per million BTU since July 1, 1970. (Rule 3-3.122 of the Rules and Regulations Governing the Control of Air Pollution effective pursuant to Section 49(c) of the Environmental Protection Act.)

Count 3 alleged that Respondents operated Lakeside and Dallman Plants in violation of Section 9(a) of the Environmental Protection Act by allowing emissions of air contaminants in sufficient characteristics and duration as to unreasonably interfere with the enjoyment of life.

³By motion of the Agency, the requested \$10,000 penalty, plus \$1,000 for each day each violation continued was dropped. It was felt that the taxpayers should not be penalized by Respondent's actions.

Count 4 alleged that the Respondents operated Lakeside and Dallman so as to cause, threaten or allow water pollution in violation of Sections 12(a) and 12(d) of the Environmental Protection Act. This Amended Complaint was the one on which the case was ultimately heard. No responsive pleading was filed by Respondent.

The pleadings outlined above boil down to the following elements.

The Agency alleges that:

- 1) On July 29 and 30 the City of Springfield and Springfield City Water, Light & Power Company violated the Ringelmann smoke density regulation at its Lakeside and Dallman Plants.
- 2) Since July 1, 1970 the City of Springfield and Springfield City Water, Light & Power Company violated the particulate regulation at their Lakeside and Dallman Plants.
- 3) Since July 1, 1970 the City of Springfield and Springfield City Water, Light & Power Company caused air pollution in violation of 9(a) of the Environmental Protection Act.
- 4) Since July 1, 1970 the City of Springfield and Springfield City Water, Light & Power Company have caused or threatened water pollution in violation of 12(a) and 12(d) of the Environmental Protection Act.

Respondents filed a petition for variance to which the Agency has objected. This brief will deal only with the Agency's enforcement action. By reply brief, the Agency will address itself to the City's variance petition.

Astonishingly, no evidence presented by the City went to a defense of any of these contentions. Respondent's position in this matter is consistent with its history, documented in EPA Exhibits 1-16, of much verbal concern, but little positive action. Behind their verbal machinations lies a classic case of apathetic footdragging, buttressed by a dash of blissful ignorance.

II. THE CITY OF SPRINGFIELD HAS VIOLATED THE RINGELMANN REGULATION

The Agency has shown by totally uncontroverted evidence that the City of Springfield violated the Ringelmann regulations on the two days cited in Count 1 of the Second Amended Complaint.

The Ringelmann, or smoke density, regulation is Rule 3-3.122, and reads as follows:

The production or emission of dense smoke is prohibited. No person shall cause, suffer or allow to be emitted into the open air from any fuel-burning equipment, internal combustion engine, premise, open fire, or stack smoke the appearance, density, or shade of which is No. 2 or darker, of the Ringelmann Chart except as provided in Rule 3-3.300.

The term "Ringelmann Chart" is defined in Section 1 of the Regulations (Page 1-8) as follows:

RINGELMANN CHART -- The chart published and described in the Bureau of Mines, U. S. Department of Interior, Information Circular 8333 or as revised, and on which are illustrated graduated shades of grey to black for use in estimating the apparent density of smoke.

Accordingly, all that is necessary to prove a violation of the Ringelmann regulation is a showing that smoke emissions occurred which were No. 2 or darker on the Ringelmann Chart.

The Ringelmann violations, as to both days in question, were convincingly proved by the testimony of Mr. Maxim Rice, an Environmental Control Engineer employed by the Environmental Protection Agency. Mr. Rice testified that he had detailed knowledge of the Ringelmann Chart, had been in extensive schooling with respect to taking readings using the Ringelmann Chart, and that he used such Chart in readings of the smoke emissions from the Lakeside and Dallman stations on the days in question (TR 115-131).

Mr. Rice testified that on July 29 and 30, 1970 he took Ringelmann readings with the assistance of Mr. Otto Klein, who promptly recorded the results (TR 119-122). See EPA Exhibits 25, 26-A, B, C, D and 27-A, B, C,

which are submitted in evidence. On July 29, Mr. Rice took four sets of readings from two vantage points. Two sets were taken from the Holiday Inn East parking lot, located northwest of Lakeside, observing stacks #1 and #3 (TR 119), and two sets were taken from Spaulding Dam, located northeast of Lakeside observing stacks #1 and #7.

On July 30, Mr. Rice and Mr. Klein went to the same observation points and took readings of stack #1. All readings were 5 Ringelmann (TR 128-130).

It must be emphasized that Ringelmann violations are quite uncomplicated. They are proved simply by the testimony of a trained observer that smoke emissions equalled or exceeded No. 2 on the Ringelmann Chart. Here Mr. Rice's testimony clearly and convincingly establishes the violations for the two days in question. In fact, 5 Ringelmann is the maximum figure in determining the blackness of smoke and each reading taken by Mr. Rice was this. At no time did the Respondent rebut Mr. Rice's testimony with another witness. Counsel for Respondent twisted and hammered at Mr. Rice for 20 pages of the record, but failed to shake his testimony.

Residents of the area reinforced Mr. Rice's readings by their own observations of the color of the smoke. See EPA Exhibits 35-64 entered in evidence.

Mr. Krachik said:

- Q. ...The next [picture] is No. 45. What does it show sir?
A. That shows...all the stacks are black and all throwing out garbage" (TR 202).

Mrs. LaMontague stated:

- Q. ...Tell us what the smoke looks like Mrs. LaMontague.
A. Well, it's black from about 6:00 am until 9:00 a.m. (TR 432).

The smoke was and is black.

111. CITY OF SPRINGFIELD AND SPRINGFIELD CITY WATER, LIGHT
& POWER COMPANY VIOLATED THE PARTICULATE REGULATIONS

The rule governing particulate emissions (Rule 3-3.112) is complex. For this case it is, however, summarized as follows:

"Emissions of particulate matter from the combustion of fuel [shall be limited by a certain calculated amount]. However, irrespective of stack height or number of stacks, maximum allowable emission for any stack or plant shall be 0.6 pounds of particulates per million BTU input."

Particulate matter is defined in Section 1 of the regulations (Pages 1-7) as "any matter, except water, that exists in a finally divided form as a liquid or solid." Therefore, all that is necessary to prove a violation of the particulate regulation is a showing that particulate matter was emitted in excess of 0.6 per million BTU input.

The Respondents themselves have proven this. Based upon their letter of intent of July 25, 1967, filed with the Agency, and upon the lack of any contrary evidence in the Record, Respondents have conceded that its emissions exceed the regulatory limit for the period in question. In addition, the Agency has shown by uncontroverted evidence that the emissions did exceed the limitations prescribed.

In Environmental Protection Agency v. Lindgren Foundry Co., PCB 70-1, the Board held that estimates of particulate emissions which are contained in forms prepared and submitted by pollution sources constitute sufficient proof of the existence of a violation. This is based on the principle that these calculations by polluters constitute evidentiary admissions.

The forms to which the Lindgren decision referred are the so-called "A forms" which are appended to the "Letter of Intent" filed in accordance with Rule 2-2.3. Respondents filed such a "Letter of Intent" along with "A forms" covering its Lakeside and Dallman Plants in July, 1967. These documents were introduced into evidence as EPA Exhibit 3. The "A forms"

contain the "calculated emission factors" recognized by experts on the basis of experience with similar equipment. The "A forms" also contain the "allowable emission rate," which is the figure derived through the use of the formula contained in the regulation. If the "calculated emission rate" exceeds the "allowable emission rate," then a violation of Rule 3-3.112 exists.

EPA Exhibit 3, which includes the "A forms," and the testimony of Mr. Otto Klein (TR 627-646), clearly show that the Lakeside Plant is in violation of the particulate regulation. This evidence is in violation of the particulate regulation. This evidence can be summarized as follows (references are to EPA Exhibit 3; emission rates are given in pounds per million BTU input):

Stack #1 (sheet 1 of 9) (Lakeside I)

The calculated stack emission rate (item j) is 2.66, which exceeds the allowable stack emission rate (item k) of 0.60.

Stack #2 (sheet 2 of 9) (Lakeside I)

The calculated stack emission rate (item j) is 2.66, which exceeds the allowable stack emission rate (item k) of 0.60.

Stack #3 (sheet 3 of 9) (Lakeside I)

The calculated stack emission rate (item j) is 2.66, which exceeds the allowable stack emission rate (item k) of 0.60.

Stack #4 (sheet 4 of 9) (Lakeside I)

The calculated stack emission rate (item j) is 1.77, which exceeds the allowable stack emission rate (item k) of 0.60.

Stack #5 (sheet 5 of 9) (Lakeside II)

The calculated stack emission rate (item j) is 1.77, which exceeds the allowable stack emission rate (item k) of 0.60.

Stack #6 (sheet 6 of 9) (Lakeside II)

The calculated stack emission rate (item j) is 1.77, which exceeds the allowable stack emission rate (item k) of 0.60.

Stack #7 (sheet 7 of 9) (Lakeside II)

The calculated stack emission rate (item j) is 1.47, which exceeds the allowable stack emission rate (item k) of 0.60.

Stack #8 (sheet 8 of 9) (Lakeside II)

The calculated stack emission rate (item j) is 1.47, which exceeds the allowable stack emission rate (item k) of 0.60.

Stack #9 (sheet 9 of 9) (Dallman)

The calculated stack emission rate (item j) is 0.52, which does not exceed the allowable stack emission rate (item k) of 0.60.

The total pounds of particulate matter emitted each year based on the City's figures are:

Lakeside: 12,083,000 pounds (TR 632)
Dallman: 2,620,800 pounds (TR 642)

This deluge has literally driven the residents indoors for a good portion of the summer months (TR 205-206). And even inside they are not safe. The house must be sealed; windows and doors closed; lest the particulates ruin the interior (TR 433,434). There is no hope of enjoying a summer evening outdoors. Instead the residents can only look at the moon, the trees and flowers through their windows. They cannot feel the breeze; except the harsh and frigid blast of their air conditioners, which are needed to allow them at least some ventilation (TR 598).

Thus considering the stacks individually, eight out of nine violate the regulation. More significantly, the plant taken as a whole (Lakeside) violates the regulation. There is no contrary evidence in the record, nor was any attempt made to contradict this evidence as indicated in Answers to Interrogatories, which states that Springfield City Water, Light & Power Company has made no "stack tests" on any of the 9 stacks.

IV. CITY OF SPRINGFIELD AND SPRINGFIELD CITY WATER, LIGHT
& POWER COMPANY HAS CAUSED AIR POLLUTION AS DEFINED IN
THE ENVIRONMENTAL PROTECTION ACT

The Agency has proved by convincing evidence that in the words of Section 9(a) of the Statute, Respondents have caused or allowed the discharge or emission of contaminants into the environment so as to cause or allow the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution, either alone or in combination with contaminants from other sources.

The particular contaminants upon which this charge is based, and which are amply supported by the record, are sulfur dioxide and particulates. Mr. Otto Klein testified, based on the "A forms" supplied by the Respondents, that 80,314,048 pounds per year of sulfur dioxide are emitted from both plants (TR 643). Add to this the nearly 15,000,000 pounds per year of particulate matter emitted by these facilities and it is easy to see that such astronomical quantities of contaminants emitted into a heavily populated area have resulted in air pollution.

A. First the residents are showered with particulates varying in size from dust and ashes to a submicron size which can be easily inhaled (TR 628). These particulates get everywhere: in gutters; on the house; in the house; on drapes, rugs, dishes, childrens heads, etc. (TR 201-220, 432-435, 547-557). In other words it sifts into every nools and cranny in this area.

It is a very heavy shower.

Mr. Frisch said:

...Ordinarily the smoke billows up, so if I walk around Greencastle Circle I would see smoke clouds billowing over my house. And if I didn't know better, I would think it was on fire (TR 552).

Mr. Frisch continued:

...By last summer, this continuing soot fall had despite the rain, had become imbedded [in the trellis]...and the paint was damaged to the extent that fragments...it left the wood exposed.

The paint...the soot is quite evident on the south side of my house and on the patio floor... The soot on the window sills became so heavy that I could not wash them off even with detergent, and had to use sandpaper. And the deposit of soot on the patio floor is so heavy during the summer that if swept in the evening it will be extremely dirty the next morning (TR 549).

Mrs. LaMontague said:

Q. Has anything else affected your property as a result of the smoke from --

A. Yes. We have a redwood stained home with white trim. And then we did put white shutters. The shutters I can wash off. Sometimes I have to wash them every week, I can do that. I can't say that I like the job, but I can do it. But the painted trim I cannot handle and it is black.

Q. Has it had any other effect on the outside of your property?

A. We cannot sit on our patio, there's no way. I would love to have nice patio furniture and entertain there. But there is absolutely no way. I would be so embarrassed. (TR 433).

It causes interior damage.

Q. Has it had any effect on the inside of your house?

A. Absolutely, I have enamel painted woodwork, and the window sills are constantly full of it. This isn't only in the summer, its' in the winter too. You just don't dust it off, you have to, well, I have to use Ajax to get it off, because its a film, it's greasy, and it's like little tiny cinders. It's in my two little blond girls' heads all the time.

Q. Has it had any other effect on the inside of your house?

A. It is just all over. Can I tell you an incident about four years ago --

A. --when that fan--

Q. Go ahead.

A. It was a beastly hot day and night. And don't know what I never thought of the smoke. I was just warm, and the fan does cool us off a lot. So, I turned it on the timer for eight hours at night when we went to bed. When we woke up in the morning, we just had white around our eyes here, the whole family (indicating). I ran to the kitchen, my feet -- well, I can't tell you how black they were. That was all over the place. The drapes had to be cleaned, the walls, ceilings had to be washed. The upholstery and furniture had to be cleaned, and the rugs had to be cleaned. And we had many oak parquet floors that had to be cleaned (TR 433-434).

B. Then these residents suffer an additional burden; sulfur dioxide. 80,000,000 pounds of SO₂ per year billows down upon them. See "A forms." As shown by the Burns & McDonnell Report to the Respondents of 1968 (EPA Exhibit 5) the Respondents plan to continue these emissions even though the recommended ground level concentration of SO₂ of 0.5ppm violates Rule 103 of the Episode Regulations (1970) which permits only 0.4ppm. This condition will prevail over a 2 mile area if there were no wind (TR 645-646).

Consequently,

A. There are times when you can't even walk in your own yard, you get in the house.

Q. Why...

A. On account of the gas...you just can't even breathe out there, you just have to get in the house. Anyone who lives out there will tell you that (TR 205-206) There were people that brought their children to school, and when they come to the dam, they had them put wet rags across their mouths, and were told to hold their breath until they got across.

Q. When did that occur?

A. Everytime you went over when you had a low pressure area, when its hanging right over the dam. There's times there when a man couldn't walk across there (TR 216-217).

Sulfur dioxide is borne, in part, by the particulate over long distances and deposited on people and the property, and when you add water to it, it will form SO_3 and very quickly, a very dilute solution of sulphuric acid, which is damaging to plants, people, materials, and paint particularly.

Simply stated, the particulate matters from the burning coal are a vehicle for some of this reason to be carried a great distance (TR 627).

This synergistic effect between particulates and sulfur dioxide, contaminates a very wide area (TR 625). This results in damage to plant life (TR 621-623), animal life and human life (TR 624).

- Q. Tell us what effect that odor [from sulfur dioxide and particulates] has on you.
- A. Well, the odor I suppose you could stand. The blowing it out of your nose and the coughing it out of your lungs, it's just terrible (TR 433).

And,

- Q. Have you noticed any odor...as you drive across the bridge?
- A. Occasionally.
- Q. Would you describe it?
- A. Well, its unpleasant and acrid.
- Q. Does it affect you?
- A. In the five years that I have lived at this address, I have experienced unusual prolonged and severe respiratory problems...(TR 548).

But both of these contaminants can be controlled. Electro-static precipitators which have been commercially available since 1948 (TR 716) can be used on the Respondents smoke stacks to reduce particulate emissions. Presently they have only one and it works only part-time.

Next there are three ways to control the sulfur dioxide emissions.

Mr. Otto Klein testified that:

- A. There are 3 methods of not putting sulfur dioxide into the air. You can burn very low sulfur fuel; you can take a relatively high sulfur fuel and remove the sulfur from the fuel before you burn it; or you can take a high sulfur fuel and burn it

from the gas plume before it leaves the stacks.

Q. Based on your experience, your information the information contained in EPA Exhibit 69 in evidence, do you have an opinion as to whether devices for reduction of sulfur dioxide in a gas plume can be engineered today for application and installation in coal fired power plants?

A. It is my opinion that it can be done today...

Q. ...Do you have an opinion as to the percentage of reduction that can be achieved?

A. 50 to 80% (TR 650-651).

The Respondents own witness stated that sulfur dioxide controls were used on their Kansas City plant and was to be installed on their new one.

The technology is available (TR 533-536, 658-663, 699).

Q. Are there methods available for reduction of sulfur dioxide?

A. We think so, we think so (TR 500).

Are these Springfield residents less deserving? For the sake of their health and property and the protection of the environment the Respondent's violation of Section 9(a) must cease. Their polluting of the air has nullified any enjoyment of the property and environment.⁴

⁴See Air Quality Criteria for Sulfur Dioxides Coal Combustion (EPA Exhibit 68) published by the U. S. Department of HEW introduced into evidence by the Agency and shown to be relied upon by those working in the field of air pollution (TR 618). This Board has already relied upon this document and its contents as partial basis for the Board's Implementation Plan for Sulfur and Particulate Air Quality Standards for the Chicago Metropolitan Interstate Air Quality Control Region. This document shows that sulfur dioxide can and must be controlled.

v. CITY OF SPRINGFIELD AND SPRINGFIELD CITY WATER, LIGHT & POWER COMPANY HAVE CAUSED WATER POLLUTION IN VIOLATION OF THE ENVIRONMENTAL PROTECTION ACT

Section 12 of the Environmental Protection Act says that no person shall:

- a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act;

* * *

- d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

The facts are simple and not contested. Mr. Ward L. Akers, a staff engineer in the Bureau of Water Pollution Control and of the Environmental Protection Agency testified that the fly ash pit at the North end of the Lake Springfield dam in which the Respondents discharge fly ash and was so poorly constructed that it leaks and has polluted Sugar Creek, a tributary of the Sangamon River (TR 573-577).

- A. Sugar Creek channel and bottom has major deposits of fly ash observable from some distance downstream.
- Q. Do you have an opinion as to whether the location and the operation and construction of the fly ash pit constitutes a water pollution threat to Sugar Creek?
- A. It is my opinion that the construction-the conditions that exist are such that additional failures can and are likely to occur with the potential breaking of the berm, rupturing of the berm and sluicing of fly ash solids in major portions into the Sugar Creek channel and therefore the waters of the State.
- Q. What will be the effect of that sluicing of fly ash on Sugar Creek?
- A. The fly ash solids...are disruptive to the bottom forms of the aquatic life in that stream, with destruction of their habitat and the consequent effect on the overall aquatic life in the stream including fish life...
- Q. Based on what you have seen of the fly ash pit, would you recommend approval...for a permit to operate the pit as it exists now, sir?
- A. No, I would not (TR 578-579).

These uncontested facts show a clear violation of the Statute.

VI. RECOMMEND ORDER

A summary of the facts will place the Agency's recommendations in better perspective. Springfield City Water, Light & Power Company, a municipally owned power company, has over the years been a very profitable operation⁵ (TR 751-752). It produces approximately 10% excess power for sale to other areas. It belongs to a nationwide grid system which often enables it to buy power at a lower rate than it sells it. Yet this same power company has spent hardly any money in the areas of pollution control.

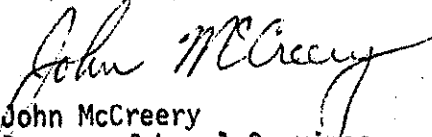
The problems and solutions are there. The only thing apparently lacking is the willingness of Respondents to face and solve them. The result of Respondents dereliction is that eight of the nine smoke stacks now operating continue to nakedly pour a combined total of 95,000,000 pounds of contaminants per year upon the heads of these residents. Respondents have no excuse. Their only tactic was the old excuse of "passing the buck." Translated this means: We [Respondents] can't get [sulfur and particulate controls] because you [manufacturers] don't have them; we [manufacturers] don't have them because you [Respondents] didn't ask for them. [TR 490-510]. . . This irresponsible game of "hot potato" must cease. Meaningful programs must be implemented now. The only way this advanced sulfur dioxide control technology will be utilized is if there is a demand for it. We have shown the need for it. It is up to you, the Board, to create the demand for it. And lest we be hasty and forget about the water in this beleaguered area, the Respondents have managed to befoul that with the ashes they did not spew in the air. e.g. by storing them in such a manner as to pollute Sugar Creek, and to cause a constant threat of further water pollution.

⁵It has carried a \$10,000 debt of the City of Jacksonville on its books for 4 years.

WHEREFORE: The Agency seeks an order directing the respondent to accomplish the following specifics:

1. Close Lakeside Plant #1 (Stacks 1-4); not to be reopened without prior approval of the Environmental Protection Agency based on a showing of emergency; to serve only Springfield and immediate vicinity.
2. Convert Lakeside Plant #1 to an oil burning operation by not later than December 31, 1971.
3. Submit to the Environmental Protection Agency within ninety (90) days a detailed plan containing evidence of financial commitments that Respondents are proceeding with a stepped up program to achieve a sulfur dioxide reduction of not less than 50% by means of flue gas cleaning on all coal-fired facilities by July 1, 1972.
4. A re-evaluation and general shoring up of the fly ash pit; to include the following procedures.
 - a. An evaluation by engineering consultants, competent in the field of soil mechanics as it relates to the existing berm construction, to include a detailed description of proposed modifications or changes to the existing structure.
 - b. Reconstruction in accordance with the recommendations of a competent soil mechanics consulting engineer.
 - c. A submission of these proposed changes in outline form along with plan documents as part of a permit application to be viewed and approved by the Environmental Protection Agency prior to the starting of construction.
5. Enter a cease and desist order of all the violations.

Respectfully submitted,


John McCreery
Bureau of Legal Services
Environmental Protection Agency