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State of Illinois )  
County of Sangamon ) SS:

**POLLUTION CONTROL BOARD**

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

REPLY BRIEF OF THE ENVIRONMENTAL PROTECTION AGENCY

John McCreery  
Bureau of Legal Services  
Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706  
217/525-2752

I. In perfect harmony with their past equivocations, Respondents' brief and actions since the November hearing continue to leave doubt as to when, if ever, they will cease polluting the air.<sup>1</sup>

...."If no emergency arises as a result of the failure of other generating equipment, ....there would be no need to operate Lakeside I!...Respondent's Brief p.15. But,<sup>2</sup>

Their concern for the control of air pollution remains largely verbal.<sup>3</sup>

<sup>1</sup>"Lakeside Plant I has not been operated during recent months." Respondent's Brief p. 15. But as Mr. Porter testified:

Q. "I will ask you whether you can from your own recollection tell us if Stack No. 4 [Plant I] during any period of time from the close of the record back in November, 1970 emitted particulate or gases into the atmosphere?

A. Stack No. 4.

Q. Yes, sir.

A. I believe it has." (TR2-826)

<sup>2</sup>Respondents have now contrived three new reasons for operating Lakeside I. How many more are there?

1. "Well, during the winter....we had to hold a fire in that boiler [No. 4] in order to keep Plant I from freezing up." (TR2-827)

2. Q. Now I notice on here, sir, for example on December 12, 1970, it says the reason boiler No. 4 was in operation was "burning hot coal from bunkers." Could you tell me what this means, sir?

A. Yes sir. Coal when stored will catch fire by itself, and when you have a...wekept a minimum amount of coal up there. And by "minimum amount" I mean about 20 tons.

But once you start a fire with 20 tons of coal, you have got to get it out of there....all you can do is put it in the boiler, but in out and put fresh coal in.

Q. ....In other words, it was not being used to generate electricity?

A. I said for the most part. (TR2-904).

3. A. And, as long as we were keeping that one boiler on for heat, it certainly makes sense to generate some electricity with it. (TR2-857)

<sup>3</sup>"[Mr. Porter]" at technical conferences in 63-64 this [air pollution] was a subject of prominent importance. And everybody, including myself, that was associated with power plants was certainly interested and trying to decide what was the best course of action." (TR1-379)

During the next eight years, Respondents' major accomplishment in controlling air pollution was the installation of a mechanical dust collector, leaving only eight out of nine of their stacks in violation of Rule 3-3.112 of the Rules and Regulations Governing the Control of Air Pollution, effective pursuant to Section 49(c) of the Environmental Protection Act.

when that someday is, is a matter of speculation. The timing for installation of Lakeside I controls largely is left to the discretion of various independent contractors. (TR2-864-875). Although this delegation of responsibility is reprehensible, the situation at Lakeside II is even more serious.

- Q. "Now during this period of time in question between mid-November 1970 until today, as I understand it the Electrostatic Precipitator has been down most of the time....
- A. This is correct. (TR2-925)

In fact it has only worked for two weeks during this period. (TR2-919). This has necessitated the continued cycling of uncontrolled emissions through stacks 5-8. But the real bite comes when you discuss remedying this situation. It appears that the complete particulate control system of Lakeside II (routing all boiler emissions (5-8) through stack #9) is dependent upon an independent contractor (American Standard) repairing said precipitator.<sup>4</sup> (TR2-844). Thus the residents of Springfield are being "whip-sawed" between Respondents and American Standard. Further intolerable emissions will be the natural prodigy of these "two scorpions in a bottle."<sup>5</sup>

But as stated in the Agency's original brief, the particulate emissions are not the most serious problem. Rather the sulfur dioxide emissions are the principle irritant in driving the nearby residents in-doors and even out of the vicinity altogether. (TR1-216-217)

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<sup>4</sup>Query as to whether this will ever be repaired since the practice of retaining 5-10% of the contract price until satisfactory installation appears rather simple to circumvent by taking this "penalty" into consideration as a cost in submitting the initial bid.

<sup>5</sup>Respondents have also additional Ringlemann violations (TR2-791,792) and a permit violation of Section 9(b) of the Act. (TR-854). As of this date, they have failed to submit application for the Lakeside I plant. Yet they state that they are proceeding on schedule. It goes without saying that to build without a permit is not only illegal, but risky in that the present steps may be inadequate.

general assurance that:

"When such equipment is available and standards are set, Springfield will take immediate steps necessary to bring its plant into compliance as soon as possible." Respondent's Brief p. 22.

The record in this case would indicate that these words are but empty vessels. The people and the environment in this beleaguered area need relief now.

As Glen Andresen, the sales manager for Babcock and Wilcox stated:

- Q. Are there methods available for reduction of sulfur dioxide.  
A. We think so, we think so.  
Q. What kind of reduction can be achieved?  
A. We have run tests at Tennessee Valley Authority plant at Widow's Creek with a process wherein we have....anticipated a SO<sub>2</sub> reduction in the order of 40%.....  
Q. ....I take it there are systems that have been built and operated.  
A. On pilot plant basis and demonstration basis, as I indicated Tennessee Valley Authority and Commonwealth Edison.  
Q. And Commonwealth Edison?  
A. Yes  
Q. They plan to have that Commonwealth Edison installation on line fairly soon, don't they?  
A. .... We just received the order here about a week ago and I think it would be 71....late 71 or early 72 before it could be put into service. (TR1-500-502).


## II. CONCLUSION:

Yet Respondents continue to sell power elsewhere, rather than clean up their own backyard. (TR2-840). This is intolerable.. The Board must lead Mr. Krachik, Mrs. LaMontague, Mr. Frisch and all other suffering residents out of this choking and stifling wilderness. This can be easily achieved by pointing the Respondents in the right direction. As creators of this polluted area, they clearly are responsible for cleaning it up. The knowledge is available to do it. The only thing lacking is desire on Respondent's part.

"all the stacks [be permitted] to throw out  
garbage [on the residents of this area]."  
(TR1-202).

No stacks can! Proper particulate and sulfur dioxide control equipment  
must be installed now.

Respectfully submitted,

  
John McCreery  
Bureau of Legal Services  
Environmental Protection Agency