

The Agency has recommended that Petitioner's variance request be denied or that in the alternative, if a variance be granted, it should be granted only under limited conditions. The Agency's Recommendation contained a recital of the past six year history of Petitioner's facility. A petition containing the names of 234 individuals who alleged they are adversely affected by emissions from Petitioner's facility was submitted as Exhibit A of the Agency's Recommendation. The Agency states that since 1967, Petitioner has been the subject of hundreds of citizens' complaints encompassing annoyances from smoke, soot, grease, odors, and particulates. The Agency further alleges that citizens have mentioned property damage and have alleged adverse health effects caused by Petitioner's operation.

Petitioner states that "it is not anticipated that under normal operating conditions and weather that the above emissions would present a health hazard or nuisance to the public". This statement is clearly at odds with Petitioner's past history when operating the three coal-fired boilers. Petitioner has failed to provide any compliance schedule to bring its facility into compliance with Board regulations. Petitioner requests a variance to operate its facility without control equipment. Petitioner has failed to explore the feasibility of control equipment for both the control of particulate and sulfur dioxide emissions which become effective on May 31, 1975.

The Agency stated in its Recommendation that the:

"The State of Illinois governmental facility should be no less responsible for a clean and healthful environment than the counterparts in private industry. Indeed, the State of Illinois has no justification for any one Agency to enforce the pollution laws against private citizens, while other State Agencies are given license to degrade air quality without fear of retribution. The Secretary of the State of Illinois' Klein Street Station should be a model for private industry to emulate, not an embarrassing inconsistency in State policy of pollution regulation".

The Board wholeheartedly agrees with the Agency's statement concerning Petitioner's facility and non-compliance with Board regulations. However, the Board has in past cases granted short term variances to petitioners who have been adversely affected by shortages of natural gas and oil; and required these petitioners to file compliance programs with the Agency.

This Opinion constitutes the Board's findings of facts and conclusions of law.

The Board hereby grants Petitioner a variance from Rule 203(g)(1)(B) of the Air Regulations until October 1, 1974 subject to the following conditions:

1. Petitioner shall develop a sufficient Compliance Program to achieve compliance; said Compliance Program shall be designed to achieve compliance by May 30, 1975.
2. Petitioner shall submit within 35 days said Compliance Program to:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Variance Section
2200 Churchill Road
Springfield, Illinois 62706

Illinois Pollution Control Board
309 West Washington Street
Chicago, Illinois 60606


3. Petitioner shall submit, in writing, quarterly progress reports to:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Variance Section
2200 Churchill Road
Springfield, Illinois 62706

4. Petitioner's make every effort to obtain and use oil or natural gas for its Erie City boilers.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 14th day of March, 1974 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board