

ILLINOIS POLLUTION CONTROL BOARD
August 7, 1975

CITY OF MASCOUTAH,)
Petitioner,)
)
v.) PCB 75-295
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

This matter comes before the Pollution Control Board (Board) upon the City of Mascoutah's (Mascoutah) petition for variance to temporarily operate, "in emergency situations only," its No. 2 coal-fired boiler. Specifically, Mascoutah seeks a variance from Section 9(a) of the Environmental Protection Act and Rules 103(b)(2), 104, 203(g)(1)(B), 203(i)(4), 204(c)(1)(A), 204(h)(2) of the Air Regulations and the Order in PCB 72-219.


This is Mascoutah's third petition for variance in case of emergency. The Board does not grant variances for use in emergency situations as the variance procedure was not intended to excuse remote possibilities of violations of the regulations. See State of Illinois, Department of Mental Health, Manteno State Hospital v. EPA PCB 74-352 (1974); Stein Hall and Company v. EPA PCB 73-561. As Mascoutah seeks its variance for emergency purposes, the Board must dismiss its petition.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Board that the City of Mascoutah's petition for variance from Section 9(a) of the Environmental Protection Act and Rules 103(b)(2), 104, 203(g)(1)(B), 203(i)(4), 204(c)(1)(A), 204(h)(2) of the Air Regulations and the Order in PCB 72-219 be and is hereby dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 7th day of August, 1975 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board