

ILLINOIS POLLUTION CONTROL BOARD  
June 6, 1975

ILLINOIS YOUTH CENTER, )  
 )  
 Petitioner, )  
 )  
 vs. ) PCB 75-115  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

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

Illinois Youth Center, by its Superintendent Robert J. Thomas, filed its Petition for Variance seeking relief from Rules 103(b) (operating permits) and 203(g)(1)(A) (particulate emission standard) of the Air Pollution Control Regulations. Petitioner seeks variance until September 10, 1975 in order to operate its coal-fired boilers pending conversion of the boilers to burn natural gas.

As a division of the Illinois Department of Correction, Petitioner operates a facility near St. Charles, Illinois for the care and custody of youths committed to the Department of Corrections as juvenile delinquents. Heating, air conditioning and hot water requirements of the facility are supplied through operation of three coal-fired spreader stoker boilers. The facility generated its own electricity until June 1, 1974 on which date Petitioner began purchasing electricity from Commonwealth Edison. This resulted in a 40% decrease in coal consumption at the facility. The facility can now be operated with only one boiler on line.

In PCB 74-240, Petitioner was granted a variance from Rule 3-3.112 of the Rules and Regulations Governing the Control of Pollution until March 31, 1975 subject to certain conditions. One of these conditions required Petitioner to begin using a better grade of coal in its boilers to reduce the emissions. The Agency reports that Petitioner is now burning the higher quality coal in conformance with the Board Order. Petitioner

was also required to apply for all necessary construction and operating permits by December 5, 1974. The Agency reports that Petitioner has not applied for the permits as ordered.

Petitioner plans to achieve compliance by replacing the coal fired boilers with a gas-fired boiler. A contract for natural gas has been signed and the gas will be available when the boiler is installed. Under the original compliance timetable, architect's drawings were to be furnished by December 12, 1974 and contracts let by January 15, 1975. Completion of the project was scheduled for March 31, 1975.

According to Petitioner, the architects were unable to complete the drawings and specifications within the time specified. The bids were in excess of budget and this caused the plans to be re-worked. New bids were requested by the Illinois Capital Development Board and will be received by April 16, 1975.

It was first anticipated that construction period would be 8 to 10 weeks. Petitioner's architect now states construction will begin on April 23, 1975 and be completed on September 10, 1975, a period of 20 weeks. The Agency states that construction "can be completed by October 12, 1975". No information is given to show why the project will take twice as long for completion under the new schedule. The difference between Petitioner's date of September 10, 1975 for completion of construction and the Agency's date of October 12, 1975 is also not explained.

In the prior variance proceeding, the Lake Charlotte Property Owners Association filed an Objection to the Grant of Variance. On condition that Petitioner be placed on an enforceable time schedule, both the Agency and the Lake Charlotte Property Owners Association agreed to the grant of variance. The Board, the Agency and property owners are now entitled to an explanation for the extended construction period and the reason why Petitioner has not applied for the required permits.

On April 16, 1975 the U. S. Supreme Court handed down its Opinion in Train, Administrator, Environmental Protection Agency, et al vs. Natural Resources Defense Council Inc., et al, 43 USLW 4467 (U. S. No. 73-1742, April 15, 1975). In brief, the U. S. Supreme Court ruled that the Clean Air Act authorizes the various states to grant variances from implementation plan requirements if such variances do not interfere with the attainment or maintenance of national ambient air quality standards.

Illinois is required to attain the ambient air standards by July 31, 1975 but the Illinois Implementation Plan provides for the grant of variances in accordance with the provisions of the

Illinois Environmental Protection Act. Therefore, this Board can grant individual variances beyond July 31, 1975 if the variances do not interfere with the attainment and subsequent maintenance of national ambient air quality standards. (See: Opinion and Order of the Board in Texaco, Inc. vs. EPA, PCB 75-59, May 8, 1975).

The record in the instant case is not sufficient for the allowance of variance beyond July 31, 1975. There is no statement, testimony or data in the record from which we could determine whether the grant of this variance will interfere with the attainment or maintenance of national ambient air quality standards.

We will grant variance from March 31, 1975 to and including July 31, 1975. The architect's delays in preparing drawings and specifications and in completing the bidding procedure will postpone the completion date by four months. We cannot extend the variance for more than four months unless there is an explanation for the longer contract schedule and there is compliance with the requirements of Train etc. vs. Natural Resources Defense Council, et al.

If Illinois Youth Center chooses to submit a new Petition for Variance Petitioner should fully address those issues.

This Opinion constitutes the findings of fact and conclusions of law of the Illinois Pollution Control Board.

ORDER

It is the order of the Pollution Control Board that Petitioner Illinois Youth Center be granted variance from Rule 203(g)(1)(A) of the Air Pollution Control Regulations from March 31, 1975 to and including July 31, 1975 pending conversion of its boilers to burn natural gas. Variance from Rule 103(b) of the Air Pollution Control Regulations is denied. Petitioner shall apply to the Illinois Environmental Protection Agency for all necessary construction and operating permits.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 6<sup>th</sup> day of June, 1975 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board