

ILLINOIS POLLUTION CONTROL BOARD
January 23, 1975

HART, SCHAFFNER & MARX

Petitioner

v.

ENVIRONMENTAL PROTECTION AGENCY

Respondent

PCB 74-406

OPINION AND ORDER of the Board (by Mr. Zeitlin)

This Petition for Variance was filed on October 30, 1974 by Petitioner Hart, Schaffner & Marx. As filed, the Petition sought variance from Rule 104, Compliance Programs and Project Completion Schedules, and Rule 203 (i)(4), Compliance Dates, of Chapter 2, Air Pollution Regulations ("New Air Rules").

Petitioner, a Delaware corporation qualified to do business in Illinois, operates a clothing manufacturing plant at 728 W. Jackson Blvd., in Chicago. The plant has 2200 employees. As part of its manufacturing operation petitioner operates three Heine stoker coal-fired 225 horsepower high pressure water tube boilers to generate high pressure steam, at an operating pressure of 100 pounds per square inch. These boilers are the subject of the instant Variance Petition.

These boilers operate 16 hours per day, five days per week. They consume approximately twelve to fifteen tons of coal per day, and approximately 2,760 tons per year. Only two of the boilers are normally used at one time. The flue gases from the boilers exhaust into a breaching vented into a 158 foot high stack which is 8 feet in diameter. The boilers, approximately fifty years old, are not equipped with air emission control equipment.

Petitioner is presently in the process of replacing those boilers. By December 31, 1975, Petitioner intends to replace all three coal-fired boilers with natural gas-fired high pressure water tube boilers at a cost of approximately \$600,000, and convert totally to the use of natural gas as a fuel. As only two of the present coal-fired boilers are normally in use at one time, Petitioner feels that it can adhere to the following conversion schedule:

<u>DATES</u>	<u>COAL-FIRED BOILER</u>	<u>NATURAL GAS-FIRED BOILER</u>
Present - July 31, 1975	2 in use, 1 for cold weather standby	first installed by July 31, 1975
Aug. 1 - Sept. 30, 1975	2 on emergency standby use; 1 to be dismantled	1 new boiler in use; second to be installed by Sept. 30, 1975
Oct. 1 - Dec. 31, 1975	1 on emergency standby use; 1 to be dismantled	2 new boilers in use; third to be installed by Dec. 31, 1975

Petitioner also states that if the present estimated delivery dates for the natural gas-fired boilers can be advanced, the conversion schedule will be correspondingly advanced.

The Environmental Protection Agency (Agency) filed its Recommendation in this matter on January 2, 1975. The Recommendation correctly points out the fact that Petitioner erred in requesting a Variance from New Air Rule 203 (i) (4). That Rule merely provides a compliance date for the emission requirements of New Air Rule 203(g), which sets emission standards for fuel combustion emission sources. Petitioner's three boilers are specifically covered in New Air Rule 203(g)(1)(A), which sets standards for existing coal-using sources located in the Chicago Major Metropolitan Area. The emission standards of New Air Rule 203(g)(1)(A) must be complied with by May 30, 1975, and allow a maximum of 0.1 pounds of particulate matter per million btu of actual heat input.

The Board therefore accepts, as did the Agency, an interpretation of this Petition as including a request for variance on New Air Rule 203(g)(1)(A), as well as on 203(i)(4) which is merely the implementation date for New Air Rule 203(g). As was the Agency, the Board is of the opinion that the grant of this Variance will best serve the public interest.

Petitioner alleged that the installation of air emission control equipment on its present coal-fired boilers would involve a cost of \$330,000, and might in fact be impractical due to space and structural limitations in the area of those boilers. The Agency agreed in its Recommendation that for the Board to require such installation would constitute an arbitrary and unreasonable hardship, especially in light of Petitioner's plans to install new natural gas-fired boilers during the same period. The Agency also expressed the opinion that the installation of natural gas-fired boilers, as compared to the installation of emission control equipment on its present boilers, is the better solution to Petitioner's compliance with the emission standards. Such gas-fired boilers will emit particulates at a rate of 0.017 pounds per million btu, which is well within the allowable limits of Rule 203(g)(1)(A).

The Agency also recommended that Petitioner be granted a variance from Rule 3-3.112 of the Old Rules and Regulations Governing the Control of Air Pollution, ("Old Air Rules"), continued in effect under Section 49(c) of the Environmental Protection Act (Act) and Rule 114 of the Board's Chapter 2, Air Pollution Regulations ("New Air Rules"). In addition to constituting a violation of New Air Rule 203(g)(1)(A), the Agency feels that the present operation of Petitioner's three coal-fired boilers is resulting in a violation of the 0.6 pounds per million btu maximum under Old Air Rule 3-3.112, effective as against Petitioner through Old Air Rule 2-2.11. Old Air Rule 3-3.112 will remain effective as a limitation on Petitioner's emissions until superseded on May 30, 1975 by New Air Rule 203(g)(1)(A). The Agency has estimated that present operations are resulting in an emission level of 0.78 pounds per million btu. The Board agrees with the Agency that to require Petitioner's compliance with Old Air Rule 3-3.112, while Petitioner is implementing an effective control plan, would work an unreasonable and arbitrary hardship. The Board will, therefore, grant a variance from Old Air Rule 3-3.112 until May 30, 1975, at which time New Air Rule 203(g)(1)(A) will take effect. The variance from New Air Rule 203(g)(1)(A) will run from May 30, 1975 until December 31, 1975. The same reasoning for the grant of variance applies to New Air Rule 104. The Agency has also recommended that the Board grant such a variance until December 31, 1975.

Petitioner's facility is located in an industrial and commercial area of Chicago. The Agency reported that no citizen complaints had been received regarding the operation of Petitioner's boilers. The Agency feels that Petitioner is following a practical course towards compliance, and that the program and time schedule submitted by Petitioner are reasonable for achieving such compliance. The Agency is troubled, however, by Petitioner's lack of a firm commitment for natural gas supplies, and feels that it would be unable to recommend extensions of this variance if such supplies are not available. For this reason, we will condition this variance on the submission to the Agency of a firm commitment of 35,000 cfh for the required natural gas to Petitioner from the People's Gas Light and Coke Company.

The Agency recommends that the Board require a performance bond, although no amount has been stated for such a bond. The Board is of the Opinion that a performance bond in the amount of \$50,000 will be sufficient to assure completion of the work contemplated in Petitioner's variance request, and to assure that Petitioner will act expeditiously to correct its emission problems.

No hearing was held in this matter.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that:

1. Petitioner Hart, Schaffner & Marx be granted a variance from Rule 3-3.112 of the Rules and Regulations Governing the Control of Air Pollution ("Old Air Rules") until May 30, 1975, subject to the conditions set out below.

2. Petitioner Hart, Schaffner & Marx be granted a variance from Rules 203(g)(1)(A), 203(i)(4) and 104 of the Air Pollution Control Regulations ("New Air Rules") until December 31, 1975, subject to the conditions set out below.

3. The variances herein granted are subject to the following conditions:

a. Petitioner Hart, Schaffner & Marx shall submit to the Illinois Environmental Protection Agency within sixty (60) days of the adoption of this Order a firm commitment from the People's Gas, Light and Coke Company for the natural gas necessary to operate the natural gas-fired boilers contemplated in the Petition for Variance submitted by Petitioner in this matter. If such commitment is not forthcoming within sixty (60) days after the adoption of this Order, Petitioner shall instead supply to the Illinois Environmental Protection Agency an alternate compliance plan acceptable to that Agency, or shall reinstitute proceedings for Variance before the Board.

b. Petitioner shall comply with the schedule of conversion from coal-fired to natural gas-fired boilers at the subject facility as contained in its Petition for Variance in this matter and summarized in the above Opinion. Petitioner shall when and if possible install and use such natural gas-fired boilers prior to the dates contemplated in that Petition.

c. Petitioner shall apply for all applicable construction permits within thirty (30) days of the adoption of this Order.

d. Petitioner shall submit to the Illinois Environmental Protection Agency a firm time schedule for its boiler replacement program, including all existing delivery commitments from the relevant suppliers, within thirty (30) days of the adoption of this Order. That schedule shall be submitted to:

ENVIRONMENTAL PROTECTION AGENCY
Division of Air Pollution Control
Control Program Coordinator
2200 Churchill Road
Springfield, Illinois 62706

e. Petitioner shall submit bi-monthly progress reports, on or before the 15th of the month, regarding its boiler replacement program, such reports to commence in the month following the adoption of this Order, to:

ENVIRONMENTAL PROTECTION AGENCY
Division of Air Pollution Control
Control Program Coordinator
2200 Churchill Road
Springfield, Illinois 62706

f. Petitioner shall post a performance bond, to run until December 31, 1975, in the amount of \$50,000, in a form satisfactory to the Agency, within thirty (30) days of the adoption of this Order, pursuant to Section 36 of the Illinois Environmental Protection Act. Such performance bond shall be posted with the Agency at:

ENVIRONMENTAL PROTECTION AGENCY
Fiscal Services
2200 Churchill Road
Springfield, Illinois 62706

Mr. Henss dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion & Order were adopted on the 23rd day of January, 1975 by a vote of 3 to 1.


Christan L. Moffett, Clerk
ILLINOIS POLLUTION CONTROL BOARD