

ILLINOIS POLLUTION CONTROL BOARD  
January 22, 1976

VILLAGE OF WINNETKA, )  
 )  
 Petitioner, )  
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 )  
 v. ) PCB 75-107  
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 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

OPINION AND ORDER (by Mr. Dumelle):

On March 4, 1975 the Village of Winnetka, Illinois (Winnetka) filed before the Illinois Pollution Control Board (Board) a petition for a variance from the particulate emissions standards of the Illinois Air Pollution Control Regulations (Air Rules) for coal-fired boilers 4, 5, 6, 7, and 8 located at Winnetka's Tower Road electric generating plant (Plant). On April 6, 1975, the Illinois Environmental Protection Agency (Agency) filed its Recommendation to deny the petition. On June 25, 1975, Winnetka filed an amended petition for variance seeking variance from Air Rules 203(g), 103(b) and 104 with respect to boilers 4, 5, 6, and 7 only. Winnetka states that boiler 8 is in compliance with the Air Rules. A timely objection to Winnetka's petition was filed by Respondent Agency. A group known as Winnetkans Interested in Protecting Our Environment (WIPE) was granted leave to intervene in the case. A hearing was held on June 30, 1975. On July 17, 1975 Winnetka waived its right to a decision within 90 days.

Winnetka seeks two separate variances, "...an extension of the existing variance until the interconnection is completed and thereafter in more limited circumstances of emergency..." (R. 17). The Board will first address the variance requested until such time as the interconnection with Commonwealth Edison Company (Edison) is in operation.

PRIOR TO COMPLETION OF INTERCONNECTION

The more recent of two previous variances granted (PCB 74-180) expired on May 20, 1975, which was the expected completion date

for the interconnection. At the hearing, Mr. Zimmerman, Superintendent of Winnetka's Water and Electric Department, testified that completion was delayed due to two specific equipment manufacturing problems (R. 71-72). There is every indication that these delays were completely beyond Winnetka's control. Mr. Zimmerman also testified that the project should be completed "no later than the end of August" (R. 72). However, Petitioner has failed to show that it needs such a variance. In this case no hardship would fall upon Winnetka by a Board denial of the Amended Petition for Variance. Winnetka's prior variance (PCB 74-180) expired on May 20, 1975. On Page 6 of its Amended Petition, Winnetka states that, "After May 20, 1975, it has been the policy of Petitioner to refrain from use of Boilers 5, 6, or 7, and from burning coal in No. 4, except in certain emergency conditions". The occurrence of "emergencies" is, indeed, speculative. The Board will not grant speculative emergency variances Galesburg State Research Hospital v. EPA, PCB 75-198 (July 31, 1975); City of Carlyle v. EPA, PCB 75-165, PCB 75-252 (July 17, 1975); City of Highland v. EPA, PCB 75-50 (December 18, 1975).

#### Subsequent to Completion of Interconnection

Assuming completion of the interconnection cable Winnetka expects to rely upon purchased power for its base load. If economically available, natural gas would be burned in boiler 8 and/or 4 for intermediate and peak load purposes. If gas is not available, coal would be burned in boiler 8, but only for peak load purposes (Amended Petition p. 3). With its electrical needs thus provided for, Winnetka seeks variance to operate its coal-fired boilers 4, 5, 6, and 7 in case of an emergency.

In paragraph 10 of its amended petition, Winnetka states, "It is Petitioner's belief that the likelihood of either of the above emergencies arising is very small, [these are the only "emergencies" which Winnetka seeks variance for] and is not quantifiable. Such emergencies are expected to be of very short duration, of no more than about four hours, except, perhaps in the case of act of God..."

If such variance were granted, Winnetka would keep the boilers in a maintained but cold condition (R. 101). However, the start-up time for such a boiler could very well exceed six hours (R. 99), in which case a four hour emergency could not be averted by use of these boilers. Thus, the effectiveness

of the boilers in an emergency situation is just as speculative as the potential for emergency situations to arise.

The existence of future "emergencies" is, indeed, speculative. The Board has firmly stated that it will not grant speculative variances (See cases cited above).

The Board therefore denies Petitioner's request for a variance to operate boilers 4, 5, 6, and 7 under speculative emergency situations.

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

ORDER

The Village of Winnetka's Amended Petition for Variance is hereby denied and dismissed.

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 22<sup>nd</sup> day of January, 1976 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board