

ILLINOIS POLLUTION CONTROL BOARD  
January 31, 1972

SOUTHERN ILLINOIS POWER COOPERATIVE )  
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 )  
 v. ) # PCB 72-30  
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 ENVIRONMENTAL PROTECTION AGENCY )

Opinion and Order of the Board (by Mr. Currie):

The petitioner operates a 100-megawatt coal-fired power plant on the Lake of Egypt south of Marion. The petitioner alleges that this plant is equipped with mechanical dust collectors of 69% efficiency which do not always enable its emissions to meet the regulation standards. The cooperative alleges that it intends to correct this problem and has employed a consulting firm to establish a plan for doing so and for controlling sulfur dioxide as well "if possible." A variance is sought to prevent shutdown and loss of electric service while this program is being pursued.

The petition is premature. We cannot grant an open-ended variance in the absence of a control program. See York Center v. EPA, #72-7 (Jan. 17, 1972). When a firm program is developed we shall be prepared to entertain a new petition. But we need to know what we are being asked to approve. In the meantime, the absence of a variance does not mean the plant must shut down now any more than before the petition was filed. We merely decline until a program is presented to give any shield against possible enforcement actions.

The petition is dismissed on the ground that no variance could be granted even if all the allegations were proved.

I, Christian Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 31 day of January, 1972 by vote of 5-0.

Christian Moffett