

ILLINOIS POLLUTION CONTROL BOARD
October 18, 1973

MT. CARMEL PUBLIC UTILITY COMPANY,)
)
 Petitioner,)
)
 vs.) PCB 73-300
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Seaman)

On July 25, 1973, Petitioner, Mt. Carmel Public Utility Company, filed its Petition for Extension of Variance. Petitioner operates an electric power generating station in Mt. Carmel, County of Wabash, Illinois.

Petitioner was granted a Variance for the operation of its three coal-fired boilers by an order of this Board (PCB 71-15R) entered November 11, 1971. On August 4, 1972, Petitioner filed its supplemental petition for a continuance of that Variance and the Board granted the extension sought (PCB 72-330) on October 31, 1972.

Petitioner, by the instant action, seeks a further extension of the original Variance until June 30, 1974, at which time Petitioner claims it will achieve compliance with present emission standards. It is noted that when this Board granted the first extension of variance to October 31, 1973, we anticipated Petitioner's present request for a further extension. At that time, the Board conditioned further extension to June 30, 1974, upon a showing of satisfactory progress in Petitioner's compliance program.

Petitioner presently has three boilers vented to two turbines. For reference, these boilers are called Boiler No. 1, 4 and 5. The Board's original Order (PCB 71-15R) required Petitioner to be in compliance with applicable particulate regulations by June 30, 1974. The following control program was established:

1. Boiler No. 5 was to be converted to gas and oil by March 30, 1973;

2. A 69 KV line from Mt. Carmel to Keensburg to allow an interconnection between Petitioner and Central Illinois Public Service Corporation. This was to be completed by January, 1973;

3. A 138 KV line to be initially operated at 69 KV from Keensburg to CIPS Albion, Illinois substation.

On August 7, 1973, an Agency representative visited Petitioner's facility to observe progress made and to discuss the progress control program. Boiler No. 5 was converted to gas and oil on schedule as required by the original Board Order. The 69 KV line from Mt. Carmel to Keensburg was also completed on schedule as required by the original Board Order.

The construction of a 138 KV line from Keensburg to Albion substation (item 3, above) has run into difficulties in obtaining right-of-way easements. Therefore, Petitioner will not have this line completed by June 30, 1974 and proposes in this Variance request the following alternative plan:

(a) Conversion of Boiler No. 1 to gas and oil to be completed by May 1, 1974 with the boiler going out of service January 1, 1974;

(b) Boiler No. 4, Petitioner's last coal-fired boiler, will be retired on or before June 30, 1974 in compliance with the Board's original Order.

Petitioner's Variance request (paragraph 3-5) details problems Petitioner has had in obtaining right-of-way easements for this line. The record in PCB 72-330, the extension to PCB 71-15R, contains details of problems Petitioner has encountered. In obtaining easements, the Agency is of the opinion that Petitioner has shown good faith in developing the 138 KV line and problems encountered in said development are not self-imposed.

To meet the June 30, 1974, compliance date set in the initial Board Order (PCB 71-15R), Petitioner will convert Boiler No. 1 to gas and oil by May, 1974, with a shut down date of January, 1974. Boiler No. 4 will be shut down by June 30, 1974. The Agency is of the opinion that this program will achieve compliance sooner than the 138 KV line and will, further, achieve compliance by the date specified in the initial Board Order. Since each of Petitioner's boilers is smaller than 250×10^6 BTU/hr input, the facility will be unaffected by the Proposed Energy Policy Office Regulations (38CFR 167, 8/29/73, pp. 2333-23340, EPA, Reg. 2).

The Board is satisfied that Petitioner has applied itself with good faith and diligence to the compliance program ordered on November 11, 1971. The quarterly progress reports submitted by Petitioner are substantiated by the Agency and it appears that Petitioner will be in full compliance before the date we anticipated. The alternative plan submitted by Petitioner and contained in the body of this Opinion is hereby approved.

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 Petitioner, Mt. Carmel Public Utility Company, be granted an extension of the subject Variance until June 30, 1974, provided: that all applicable conditions in the Orders of the Pollution Control Board in PCB 71-15R and PCB 72-330 shall remain in full force and effect.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 18th day of October, 1973 by a vote of 5 to 0.



