

ILLINOIS POLLUTION CONTROL BOARD

October 18, 1973

BOARD OF REGENTS, a body corporate and)
politic of the State of Illinois,)
)
Petitioner,)
)
v.) PCB 73-301
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

Pursuant to the Regency Universities Act, the Board of Regents is charged with the management, operation, control and maintenance of Northern Illinois University (NIU). Among Petitioner's various duties is the responsibility for disposal of solid waste generated at NIU. Currently 22 single chamber incinerators are used to dispose of solid waste materials from the Health Center, Administration Building, Laboratory School Building, kitchens and from living areas serving over 7500 students. An operating permit was granted by the Environmental Protection Agency for one of the incinerators, but the Agency denied permits for all other incinerators on May 25, 1973. The Board of Regents requests variance from the Environmental Protection Act and/or the Air Pollution Control Regulations to allow continued operations until a new central incinerator can be placed into operation. We shall consider the Petition to be a request for variance from Rule 3-3.232 of the Rules and Regulations Governing the Control of Air Pollution until December 31, 1973 and from Rule 203(e) of the Air Pollution Control Regulations thereafter.

As early as 1969, Petitioner began preparation of a budgetary request for installation of a "pollution free" central incinerator at NIU. In fiscal year 1972 the Board of Regents received an appropriation of \$112,599 from the Illinois General Assembly for the design and installation of the new central incinerator. Following the release by the Governor's office of planning funds in the amount of \$7200, plans and specifications for the incinerator were prepared in the Spring of 1972. In July 1972 the Capital Development Board was created with the power to provide for the construction of Capital facilities for the State of Illinois. The

unreleased funds were appropriated to the new Capital Development Board and were subsequently released by the Governor in November 1972.

Construction bids totaled \$259,500, approximately \$147,000 in excess of funds appropriated for the project. This unexpected turn of events forced Petitioner to seek General Assembly consent for the transfer of \$147,000 from another Capital Development Board project (Library Building at NIU) to cover the additional monetary requirements. The transfer of funds was approved and the general contractor was then notified to proceed according to the following schedule:

Notice to proceed	July 3, 1973
Fabrication and Delivery	Nov. 1, 1973 to Jan. 1, 1974
Installation	Dec. 1, 1973 to Feb. 1, 1974
Testing	Jan. 15, 1974 to March 15, 1974
Unanticipated delays	May 15, 1974 to July 15, 1974

Each day Petitioner burns approximately 13,300 lbs. of Type 0 waste (a mixture of highly combustible waste such as paper, cardboard, cartons, wood boxes, etc., typically containing 10% moisture and having a heating value of about 8500 Btu/lb.) and Type 1 waste (a mixture of combustible waste such as paper, cartons, rags, wood scraps, sawdust, floor sweepings, etc., typically containing 25% moisture and having a heating value of about 6500 Btu/lb.) Agency calculations based on standard emission factors indicate that the incinerators emit the following quantities of contaminants:

<u>Pollutant</u>	<u>Refuse Burned tons/day</u>	<u>Total Daily Emissions (lb/day)</u>
Particulates	6.65	99.75
Sulfur Oxides	6.65	9.98
Carbon Monoxide	6.65	133.00
Hydrocarbons	6.65	99.75
Nitrogen Oxides	6.65	13.30

These emissions result in a release of 0.50 grains per standard cubic foot of air adjusted to 50% excess air. The standard to be met is 0.35 gr/SCF [Rule 3-3.232(b)]. After December 31, 1973 Petitioner's incinerators will have to meet an even more stringent standard of 0.2 gr/SCF adjusted to 12% carbon dioxide.

Petitioner states that denial of the variance would cause Petitioner to incur approximately \$19,000 in expenses for disposal of waste materials at an approved sanitary landfill. It is claimed that this would impose an arbitrary and unreasonable hardship since Petitioner has no funds to cover the expense. The one incinerator

for which a permit was issued is currently operating at or near capacity and therefore would not have the capability of handling the waste material normally burned in the other incinerators. Nothing in the record indicates that the construction program can be concluded sooner than April 1974.

The Board is convinced the Petitioner has made an exceptional showing of good faith in this matter and has demonstrated the need for variance. The EPA recommends granting this variance for one year or until the incinerator project is completed, whichever is sooner. We concur in this recommendation and shall grant the variance subject to certain conditions. The construction permit which has been issued for the new central incinerator requires Petitioner to conduct a stack test, and we will also include this requirement in our order.

ORDER

It is the order of the Board that:

1. Board of Regents is granted a variance from Rule 3-3.232 of the Rules and Regulations Governing the Control of Air Pollution and from Rule 203(e) of the Air Pollution Control Regulations at Northern Illinois University until July 25, 1974 or until completion of the new central incinerator project, whichever is sooner. Petitioner shall obtain all necessary permits for the central incinerator.
2. When construction has been completed on the new incinerator and Petitioner has received an operating permit authorizing its use, Petitioner shall discontinue use of the 22 old incinerators.
3. Petitioner shall submit by-monthly progress reports to the Environmental Protection Agency, Division of Air Pollution Control, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, beginning November 1, 1973. Such reports shall detail progress or lack of progress toward completion of the central incinerator project.
4. As further condition for this variance, Petitioner shall, within 30 days of start-up of the new incinerator, cause a stack test to be performed on the new incinerator. Petitioner shall notify the Agency's Variance Section at least five days prior to said stack test and shall allow Agency observation if desired. Results of the stack test shall be submitted to the Agency as soon as available.

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

Christan L. Moffett