

ILLINOIS POLLUTION CONTROL BOARD
December 19, 1974

STATE OF ILLINOIS,)
Department of Mental Health,)
Manteno State Hospital,)
)
Petitioner,)
)
vs.) PCB 74-352
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

The Illinois Department of Mental Health seeks variance from certain regulations in order to operate three coal fired boilers at Manteno State Hospital during "extreme emergency conditions". Manteno State Hospital is located three miles southwest of Manteno Illinois and is operated for the care and treatment of the mentally ill. Approximately 3,600 persons are at the facility either as patients or employees.

Although Petitioner did not identify the Regulations from which variance is sought, the Environmental Protection Agency notes that the following Regulations are applicable: Rule 2-2.53 (until May 30, 1975) of the Rules and Regulations Governing the Control of Air Pollution, Rule 103(b), Rule 202(b), Rule 203(g) (1)(C), and Rule 204(c)(1)(A) of the Air Pollution Control Regulations. The last two Rules are effective May 30, 1975. This variance therefore involves emissions of particulates and sulfur dioxide, smoke opacity, and operating permits.

Petitioner reports that approximately \$900,000.00 has been appropriated by the Capital Development Board for projects at the hospital. These projects include the conversion of #5 coal fired boiler to gas/oil firing and installation of electrical equipment to allow the use of purchased electrical power. Coal fired boilers #9 and #10 will be shut down and removed from service upon completion of the development. Total time for completion of all projects is expected to be seventeen months.

This variance is allegedly required for operation of the three coal fired boilers in the event of failure of one or more of the three gas fired boilers. Emissions from the three coal fired boilers do not meet the allowable emission rates. Petitioner states "under extreme emergency conditions it is very possible that full-time residential services could not be provided for at least 1,800 residents and employees".

Use of the coal fired boilers has virtually been discontinued and in its Recommendation, the Agency points out that the three gas fired boilers and two diesel generators at the hospital are currently in compliance with all applicable Regulations. The Agency recommends that we dismiss the Petition for Variance since Petitioner is seeking a "contingent" variance and has not submitted any proof of the likelihood of malfunctions of the gas fired boilers. This recommendation is in line with the Board decision in: Stein, Hall & Company vs. EPA, PCB 73-561.

The Petition will be dismissed since it has not been shown that there is any likelihood that the variance will be used. Petitioner is not currently in violation of any Rules or Regulations and we can only speculate on the possibility of such a violation in the future. We could indulge in similar speculation for most of the businesses in Illinois. The variance procedure was not intended for such remote possibilities and we have no alternative but the dismissal of this action without prejudice.

This Opinion constitutes the finding of fact and conclusion of law of the Illinois Pollution Control Board.

ORDER

IT IS ORDERED by the Pollution Control Board that the variance Petition be dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order were adopted on the ___ day of December, 1974, by a vote of 4 to 0.

Christan L. Moffett (gn)