

ILLINOIS POLLUTION CONTROL BOARD
March 22, 1971

MILES LABORATORIES, INC.)
)
 v.) PCB#70-51
)
ENVIRONMENTAL PROTECTION AGENCY)

Supplemental Opinion of the Board (by Mr. Currie):

On March 3 we denied this petition for variance, finding that since Miles burns coal in its daily operations it would impose no unreasonable hardship to require the company to replace its current stockpile of coal containing slightly more than 1% sulfur with coal meeting the amended episode regulations. Miles has written for clarification, asking whether we considered an amended petition as well as the original.

The amended petition calculates the sulfur in the coal at 1.12% rather than the original 1.16%, which we deem unimportant. It also says the company does not normally stockpile coal but burns it as received, so that replacing the present supply will impose additional costs. We do not think this added cost enough to justify the added pounds of sulfur dioxide that a variance would allow to be put into the air at a time when it is least tolerable. It is argued that because of its relatively high btu content the present coal supply will produce no more sulfur dioxide per unit of heat than would a hypothetical cleaner but less efficient coal. This points up the desirability of drafting future regulations in terms of SO₂ emissions rather than sulfur content in the fuel, but there is no showing that the actual alternative to episode use of the present coal is the burning of the hypothetical coal described. We cannot therefore say that compliance will actually be no better than the burning of the present supply.

We reaffirm our original denial of the petition.

I, Regina E. Ryan, do hereby certify that the above opinion has been approved this 22nd day of March, 1971.

REGINA E. RYAN
CLERK OF THE BOARD