

ILLINOIS POLLUTION CONTROL BOARD  
February 25, 1993

ILLINOIS POWER COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 93-36
	)	(Provisional Variance)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated February 23, 1993. The recommendation refers to a request from Petitioner, Illinois Power Company for a 45-day provisional variance for its Randolph County facility from opacity standard and mass emission limit, as set forth in 35 Ill. Adm. Code 212.123 and 212.203, for the period from when Petitioner begins the loading of medium sulfur coal into the Unit 1 coal bunker, and continuing for 45 days.

Illinois Power wants to burn Illinois medium-sulfur coal on a trial basis. Illinois Power cannot estimate the emissions that will result, so it has requested, and the Agency has recommended, that the Board grant this provisional variance during the trial.

Upon receipt of the request, the Agency issued its recommendation, finding that the failure to grant the requested 45-day provisional variance would impose an arbitrary or unreasonable hardship on Petitioner.

The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. See Ill. Rev. Stat. 1991, ch. 111½, pars. 1035(b) & (c). In provisional variances it is the responsibility of the Agency to make the technical determinations and finding of arbitrary or unreasonable hardship. The Board's responsibility is to adopt a formal Order, to assure the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation finding that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants Petitioner a provisional variance from 35 Ill. Adm. Code 212.123 and 212.203, subject to the following conditions:

0139-0635

1. The term of this provisional variance shall commence when the Petitioner, Illinois Power Company, initiates loading Illinois medium-sulfur coal at its Baldwin Unit 1 plant, and it shall expire after 45 days have elapsed;
2. The Petitioner shall notify the Agency when it begins loading Illinois medium-sulfur coal at its Baldwin Unit 1 in writing, addressed as follows:

Mr. Donald E. Sutton, P.E.  
Illinois Environmental Protection Agency  
Division of Air Pollution Control  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois 62794-9276

3. Illinois Power shall submit a stack test protocol to the Agency for Agency approval. The protocols should be sent to the Agency's permit section at the address provided in paragraph 2 and the Agency's offices in Collinsville and Maywood at the following addresses:

Mr. John Justice  
Illinois Environmental Protection Agency  
Division of Air Pollution Control  
2009 Mall Street  
Collinsville, IL 62234

Mr. Fred Smith  
Illinois Environmental Protection Agency  
1701 S. First Avenue  
Sixth Floor  
Maywood, IL 60153

4. Illinois Power shall submit copies of all stack test data acquired during the test burn period. A copy of this data should be sent to the Agency's permit section at the address provided in paragraph 2 and the Agency's offices in Collinsville and Maywood at the addresses provided in paragraph 3;
5. Illinois Power shall conduct nitrogen oxides emission testing following the guidelines of USEPA Method 7;
6. Illinois Power shall update the regional office in Collinsville at the address provided in paragraph B on a weekly basis concerning the progress of the sulfur coal burning. If tests at full load indicate noncompliance, Petitioner shall explore all possibilities, including derating the unit and testing at a reduced load, during the 45-day period.

7. The Petitioner shall execute a copy of a Certificate of Acceptance of this provisional variance and forward that copy to the Agency addressed as is the written notice required in above condition 2; the Petitioner shall forward that copy within 10 days of the date of this Order of the Board, and the Certificate of Acceptance shall take the following form:

CERTIFICATION

I (We), \_\_\_\_\_, hereby accept and agree to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 93-36, February 25, 1993.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted by the Board on the 25<sup>th</sup> day of FEBRUARY, 1993, by a vote of 6-0.

Dorothy M. Gunn / D.M.  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board