

ILLINOIS POLLUTION CONTROL BOARD
April 21, 1983

ILLINOIS POWER COMPANY,)
)
) Petitioner,)
)
) v.) PCB 79-7
)
) ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J.D. Dumelle):

On March 31, 1983 the Illinois Power Company (IPC) filed a Petition to Amend Order requesting the Board amend its February 15, 1979 Order herein. That Opinion and Order, pursuant to Rule 204(e)(3) of Chapter 2: Air Pollution, imposed specific emission limitations for sulfur dioxide on IPC's Baldwin power station.

Since the Illinois Environmental Protection Agency (Agency) presentation of the Board's Opinion and Order as a State Implementation Plan (SIP) amendment, the United States Environmental Protection Agency (USEPA) has been reviewing the sufficiency of these limitations. Having begun this review in March of 1979, USEPA questions the use of a particular air quality model with respect to its accuracy in predicting that the emission limitations adopted by the Board assure compliance with the secondary air quality standard.

Since the USEPA agrees with the Board that the limitation will assure compliance with the primary sulfur dioxide standard, it has suggested to IPC and the Agency that it could approve as a SIP amendment the emission limitations for primary compliance if at the same time the Board were to order a compliance schedule for attainment of the secondary standard. Such a schedule needs to include adequate time to complete monitoring network data collection and analysis which would satisfy USEPA's concerns for secondary compliance or in the alternative to implement a program reducing emissions to the level necessary to assure compliance.

Although it is the Board's policy not to reopen matters which have been so long settled, this case presents a unique request for relief. Due to the administrative requirements of a federal agency for an enforceable Board Order containing a compliance plan for the attainment and maintenance of secondary

air quality standards for sulfur dioxide, IPC is in a unique position of requesting the Board to amend its Order with a more restrictive compliance plan than that originally determined. It appears clear that since the original Rule 204(e) process, including the hearing, provided a basis for the original Order, the same would include the basis for any more restrictive Order that the Board might subsequently deem appropriate without prejudicing the State or parties other than IPC.

On April 21, 1983 the Agency responded to IPC's Motion with a Motion for Hearing. The Agency argued that a hearing is necessary to satisfy the Clean Air Act and the Rule 204(e) process. However, the SIP approval process in this matter has been ongoing since March, 1979 and as stated above, holding a hearing to satisfy Rule 204(e) would be perfunctory. Therefore, given the facts of this case the Board shall deny the Agency motion and waive any procedural impediments and amend its February 15, 1979 Order with the more restrictive compliance plan requested by IPC. While the emission limits remain the same, Conditions 1, 2, and 3 contained in the Board Order of February 15, 1979 herein are vacated. That said Order is hereby amended as follows:

ORDER

It is the Order of the Pollution Control Board that:

1. Illinois Power Company be granted a site-specific mass emission limitation for sulfur dioxide for its Baldwin Power Plant of 101,966 pounds of sulfur dioxide per hour in the aggregate and an emission rate not to exceed 6 pounds of sulfur dioxide per million Btu's of heat input as determined pursuant to Rule 204(e)(3);

2. Illinois Power Company shall submit to the Illinois Environmental Protection Agency modeling and monitoring demonstration(s) comparatively evaluating the ambient air quality models known as CRSTER and MPSDM for purposes of determining which model more accurately describes the ambient air quality impact of the Baldwin Plant.

3. The Illinois Environmental Protection Agency shall, as part of its permit review process, review the demonstration(s) required by paragraph 2 hereof and determine whether it establishes that the emission limitation in paragraph 1 provide for compliance with primary and secondary ambient air quality standards.

a) If the Illinois Environmental Protection Agency concludes that primary and secondary compliance is demonstrated, it shall notify the Board in writing, and submit the appropriate information to the United States Environmental Protection Agency and thereafter paragraph 4 hereof shall have no further force and effect.

b) If the Illinois Environmental Protection Agency concludes that primary and secondary compliance has not been demonstrated, subject to the review, and the decisions on review provided for by the Illinois Environmental Protection Act, Illinois Power Company shall comply with the provisions of paragraph 4 hereof and Illinois Environmental Protection Agency shall impose such permit conditions in the permits for the Baldwin Plant as are necessary therefore.

4. Subject to the foregoing, the Illinois Power Company shall undertake and implement as expeditiously as is practical, but no later than December 31, 1989, unless amended by further order of this Board, a program at the Baldwin Plant to achieve compliance with a sulfur dioxide emission limitation of 74,300 pounds of sulfur dioxide per hour or such other limitation as shall be determined in accordance with then applicable United States Environmental Protection Agency guidelines and requirements, necessary to achieve compliance with the secondary sulfur dioxide ambient air quality standards. The Illinois Environmental Protection Agency may impose in operating permits, subject to review as provided in the Illinois Environmental Protection Act, such reasonable interim compliance and reporting requirements as are appropriate to demonstrate reasonable progress towards fulfillment of the requirements of this paragraph.

The Board shall continue to retain jurisdiction over this matter upon the petition of either party to modify this order as may be necessary for any significant change in facts or law.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 21st day of April, 1983 by a vote of 7-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board