

ILLINOIS POLLUTION CONTROL BOARD
October 16, 1975

DEERE AND COMPANY,)
Petitioner,)
)
v.) PCB 75-257
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

This matter comes before the Board upon petition of Deere and Company (Deere) for variance from Rule 203(g)(1)(B) of Chapter 2 of the Air Pollution Control Regulations (Regulations) for its Boiler No. 9 located at Deere's Harvester works in East Moline, Rock Island County, Illinois.

Deere is in the midst of constructing an electrostatic precipitator to control particulate emissions from Boiler No. 9 so that it can be operated as a coal-fired unit. Deere alleges that Boiler No. 9 will be operated as a coal-fired boiler for approximately three days during September and nine days during October, consuming a total of 350 tons of coal and emitting particulate in excess of Air Regulation requirements. Deere predicts that the electrostatic precipitator of Boiler No. 9 will be in operation by November 1, 1975. This particular boiler is under a permit prohibition from using coal as a fuel until such time as the emissions are controlled in compliance with Rule 203(g)(1)(B) of the Regulations.

Deere's compliance plan for this unit called for completion of the electrostatic precipitator by September 15, 1975, but due to the May 1, 1975, Ironworker strike, six weeks were lost from the proposed schedule. The Illinois Environmental Protection Agency (Agency) in its recommendation of September 25, 1975, indicates that Deere has substantiated the fact that the delays incurred in the compliance schedule were unavoidable and were beyond the control of Deere.

On July 28, 1975, Deere filed its response to the Interim Order of the Board of July 10, 1975, concerning the issue of whether the ambient air quality of the area

effected by the variance meets the National Ambient Air Quality Standards. In referring to the emission sources' apparent lack of effect upon the East Moline Sampling Station, Deere makes the following statement: "This leads to the conclusion that there is no correlation between coal combustion in the No. 9 Boiler and total suspended particles as monitored at the East Moline Sampling Station. Therefore, the No. 9 Boiler is not a significant factor contributing to the East Moline's Sampling Station's failure to meet the annual geometric mean at total suspended particle standard." The foregoing excerpt is representative of Deere's presentation, indicating that Deere did not understand the import of the Board Order. The Board is concerned with the effect of No. 9 Boiler upon the ambient air quality of the area rather than its effect upon any particular East Moline Sampling Station. The fact that the boiler does not effect the station that is showing violation of the National Ambient Air Quality Standards does not meet the requirement of the Order. It follows that Deere has not met the requirements of Train v. NRDC, 43 USLW 4467, and, therefore, the Board must deny Deere's variance petition.

With regard to Deere's petition for relief from the prohibition contained in the operating permit for No. 9 Boiler concerning Rule 203(g)(1)(B) of the Air Regulations, the Board feels that no relief is necessary as Deere has shown good faith in pursuing their compliance schedule for No. 9 Boiler and any delay in the implementation of such schedule has been shown to be beyond Deere's control.

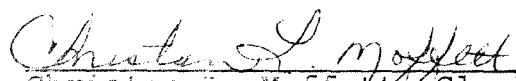
This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that Deere and Company's petition for variance from Rules 203(g)(1)(B) for Boiler No. 9 located at the company's Harvester Works be and hereby is denied.

Mr. Young abstained.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 16th day of October, 1975 by a vote of 20.



Christian L. Moffett, Clerk
Illinois Pollution Control Board