

ILLINOIS POLLUTION CONTROL BOARD
August 4, 1977

CITY OF BREESE,)
)
) Petitioner,)
)
)
) v.) PCB 77-200
)
)
) ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

On July 25, 1977, the City of Breese (Breese) submitted a petition requesting variance from the particulate emission standards of the Air Regulations to allow operation of Breese's Boiler No. 2 in the event of an interruption in electric power from Illinois Power Company as a result of employee strike activity.

The Board in the past has refused to accept petitions which, as here, anticipate an emergency condition before the fact, and request relief in case the emergency occurs. The Variance Section of the Environmental Protection Act does not envision such relief, particularly since no final compliance with the regulations is proposed. In addition, there is no method by which the proposed emergency may be defined. The Board therefore will dismiss the Breese petition as inappropriate and note that an emergency situation would be a matter of evidence in any enforcement action that might be brought before the Board subsequent to the use of emergency equipment.

IT IS SO ORDERED.

Mr. James Young dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 4th day of August, 1977 by a vote of 4-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board