



Firestone now proposes that it be allowed to use its stocks of 1.8% sulfur fuel in combination with natural gas, during periods of gas availability. Firestone would, under this plan, continue with its original plan to use the low sulfur oil during periods of gas service curtailment, to minimize SO<sub>2</sub> emissions. Unfortunately, our Rules make no provision for an emission source burning a combination of residual fuel oil and natural gas, and Firestone has brought this Variance Petition before us.

Firestone's Petition is novel, and the relief it asks has not, to our memory, been requested before. Firestone specifically asks for a Variance from Rule 109, "Circumvention," as that rule applies to Rule 204(d), "Combination of Fuels." Firestone asks that it be allowed to include the btu heat input from natural gas within the portion of the equation in Rule 204(d) that would apply to residual fuels. If we allow that procedure, SO<sub>2</sub> emissions from Firestone's Decatur plant will never exceed the limits in Rule 204. During periods of gas availability, the use of natural gas to provide 55% of the btu heat input for the boilers will allow compliance with Rule 204(d). During periods of gas unavailability, use of low sulfur fuel oil will allow compliance with Rule 204(c)(2)(A).

#### HARDSHIP

It would appear that Firestone acquired its stock of high-sulfur residual oil in good faith, and with no intent to "circumvent" the emission regulations. Rule 204(c)(2)(A), which would require the use of low sulfur oil at the Firestone plant, did not become effective until May 30, 1975; Firestone fully expected to use all of its high sulfur oil before that date.

Now, as a result of warm weather and other factors during the last heating season, Firestone has a large inventory of high sulfur oil which it cannot burn legally nor sell. Firestone's Petition indicates that it simply has not been able to obtain a buyer for the 820,000 gallons of 1.8% sulfur oil, which it acquired at a cost of \$210,000. In addition, the storage costs for this oil are \$1,950 per month. Firestone has had to lease facilities in Meridosia to store 320,000 gallons of the high sulfur fuel oil. Storage at its own plant prevents Firestone from stocking large quantities of low sulfur oil for use during future gas service curtailments, so that additional off-site facilities would be required. Firestone states that it has not been able to arrive at a salvage value or disposal cost for the high sulfur oil, in the event that the Variance is not granted.

### EMISSIONS

Rule 204(c)(2)(A) allows emissions of 1 lb./million btu for SO<sub>2</sub>, where residual oil is used as a fuel. Firestone estimates that at peak firing, it would be allowed emissions of 97.50 lb. SO<sub>2</sub> for each operating boiler under that Rule.

Rule 204(d), as applicable here, would normally allow only the same emissions per million btu of fuel oil heating, with no allowance for the gas used, because the heating value of the natural gas could not be used in arriving at the allowable emission value. Firestone asks in its Petition that the Variance allow the inclusion of the natural gas, resulting in an allowable emission of 97.5 lb. SO<sub>2</sub> per hour. Actual emissions from the combination of fuels will be 80.51 lb./hr. of SO<sub>2</sub>.

### TRAIN

This Board has previously stated that it cannot grant a Variance where such Variance will result in a failure to attain or maintain national ambient air quality standards, under the rule of Train v. N.R.D.C. 43 U.S.L.W. 4467 (U.S., April 16, 1975). See King-Seeley v. EPA, PCB 75-159, (April 24, 1975) (Interim Order); Shell v. EPA, PCB 75-90 (May 22, 1975). Firestone's Petition contains considerable atmospheric modeling which indicates that under the most stringent of stability conditions, at maximum emission levels from the Firestone plant, and assuming considerable ambient background SO<sub>2</sub> concentrations, the areas most affected by Firestone's plant would not experience a violation of those standards. In addition, the Agency concludes in its Recommendation that Firestone's emissions "would not have a significant adverse effect on ambient air quality in the area."

We note that the Agency's 1974 Annual Air Quality Report, at page 140, states that "[t]he air quality standards for sulfur dioxide were not exceeded at any of the monitoring sites in this region." (The statement was made for the "West Central Illinois Interstate Springfield - Quincy Air Quality Control Region 75.")

THE VARIANCE

Examining both the hardship and the effect of the proposed emissions on the area to be affected, we feel that a Variance is warranted. We agree with the Agency that Firestone has requested the wrong relief in asking a Variance from Rule 109 as it applies to Rule 204(d); however, we disagree with the Agency's statement that relief should be granted from Rule 109 as it applies to Rule 204(c)(2)(A). A Variance from Rule 109 is not an appropriate action; a Variance from Rule 204(c)(2)(A), by itself, will be sufficient. As a condition to the Variance we will require that the high sulfur oil be used only in conjunction with natural gas, as proposed in the Petition.

We agree with the Agency that Firestone has requested the Variance for an excessive period of time. Instead of the nine months requested, the Agency feels that regular use of the combined fuels would allow complete exhaustion of the high sulfur fuel oil within 3-1/2 months. The Agency's Recommendation does not allow for any future gas service interruptions. We therefore shall allow five months for Firestone to use its existing stocks of high sulfur oil.

We shall also require that Firestone notify the Agency upon completion of its program to use the combined fuels, and of the amount of high sulfur oil used each month during the Variance period. As a final condition, we shall require a standard Certification form.

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 Petitioner Firestone Tire & Rubber Company be granted a Variance for a period of five months from the date of this Order from Rule 204(c)(2)(A) of Chapter 2: Air Pollution, of the Pollution Control Board Rules and Regulations, to allow the use of existing stocks of high sulfur oil in the boilers at its Decatur plant, subject to the following conditions:

1. Petitioner's existing stocks of 1.8% sulfur residual fuel oil may only be used in conjunction with natural gas, such that the natural gas provides 55% of the actual heat input to its boilers, the remaining 45% of actual heat input to be provided by the 1.8% sulfur residual fuel oil.

2. Petitioner shall burn the above combination of fuels during all periods of natural gas availability.

3. Petitioner shall, by the 10th day of each month during the term of this Variance, report to the Environmental Protection Agency the amounts of 1.8% sulfur residual fuel oil used and the remaining stocks of 1.8% sulfur residual fuel oil, and shall report immediately upon exhaustion of its existing stocks of 1.8% sulfur residual fuel oil.

4. Petitioner shall, within 30 days of the date of this Order, submit to this Board and to the Environmental Protection Agency a Certificate of Acceptance in the following form:

I, (We), \_\_\_\_\_ having read the Order of the Illinois Pollution Control Board in case No. PCB 75-343, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 26<sup>th</sup> day of November 1975 by a vote of 40.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board