

ILLINOIS POLLUTION CONTROL BOARD
April 4, 1975

ILLINOIS POWER COMPANY,)
)
 Petitioner)
)
 v.) PCB 75-110
)
ENVIRONMENTAL PROTECTION AGENCY)
)
 Respondent)

ORDER OF THE BOARD (by Mr. Zeitlin)

Petitioner Illinois Power Company filed this variance request for its Wood River Station Unit 5, on March 7, 1975. The petition seeks a variance from Rule 204 of the Board's Air Pollution Regulation, regarding sulphur dioxide.

Petitioner states that it is currently involved in federal violation proceedings regarding Unit 5, brought by the United States Environmental Protection Agency (USEPA) under the Clean Air Act. Petitioner states that those proceedings are concerned with Rule 204(c) (1) (A) of this Board's Air Pollution Regulations. As a result of negotiations held in conjunction with those proceedings, petitioner states that it now intends to bring Unit 5 into compliance with Rule 204 through the use of low sulphur coal obtained from the Western states. Those negotiations are still continuing.

The Petition in this matter does not, however, contain more than that simple statement regarding the proposed use of western low-sulphur coal as a compliance plan. Petitioner feels that it would serve no purpose to comply with Board Procedural Rule 401(a) (viii), which requires a detailed description of a program to achieve compliance, for several reasons. It is claimed that:

1. There is a possibility of differing and/or conflicting compliance plans arising out of proceedings before this Board and the USEPA.
2. This Board has currently pending before it proposed changes to Rule 204(R 74-2). Among other things, R 74-2 proposes a change in compliance dates for Rule 204.
3. The Illinois Appellate Court, in Commonwealth Edison Company v. Pollution Control Board, Ill. APP. 3rd (First District, 1974, No. 57487), recently held Rule 204(c) (1) (A) invalid.

Corporation in mid-October, 1974. Amoco selected Vilter as supplier of the equipment on the basis of earliest delivery. In September 1974 Vilter informed Amoco that the unit could not be delivered until mid-January 1975 because of production slippage. Amoco personnel evaluated the effect of this three month delay in mid-November and concluded that the project could still be completed on time.

On November 27, 1974 Vilter informed Amoco that the refrigeration unit could not be delivered earlier than March 24, 1975. Amoco authorized overtime charges in an effort to expedite delivery but was informed by Vilter that their production facilities were already on an overtime work schedule.

Petitioner estimates that the project can be operational nine weeks after shipment. Based on unreliable past estimates of delivery, Amoco states that it can not accept the March 24, 1975 delivery date with any confidence. Therefore, an additional three weeks is requested in addition to the nine weeks to allow for further shipment delays.

The Agency states that delay in delivery of the refrigeration unit was beyond the control of Petitioner. The Agency recommends granting this variance subject to certain conditions. No objection to the grant of this variance has been received by the Agency.

The record shows that Petitioner has made every good faith effort possible to expedite delivery of the refrigeration unit. Delay in completing its compliance plan is obviously beyond the control of Petitioner and this variance will be granted.

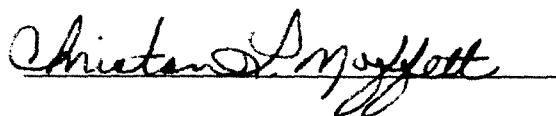
ORDER

It is the Order of the Pollution Control Board that Amoco Chemicals Corporation be granted variance from Rule 204(f) of the Air Pollution Control Regulations for its Wood River multi-additive manufacturing facility until June 30, 1975 or such earlier date as the hydrogen sulfide scrubbing unit is installed and operational. This variance is subject to the following conditions:

1. Petitioner shall apply for all required construction and operating permits from the Agency.
2. Petitioner shall submit monthly progress reports to the Environmental Protection Agency. Such progress reports shall detail progress towards completion of Petitioner's compliance plan.

3. Upon delivery of the refrigeration unit Petitioner shall advise the Agency of said delivery date and the expected date of completion of the hydrogen sulfide scrubber project.
4. Petitioner shall keep in effect the \$50,000 bond ordered in the previous Opinion of the Board to guarantee installation of required air pollution control equipment.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 13th day of March, 1975 by a vote of 4 to 0.


Christan L. Moffett