

ILLINOIS POLLUTION CONTROL BOARD  
August 14, 1975

WESTERN ILLINOIS POWER COOPERATIVE, INC.,     )  
  Petitioner,                     )  
  )  
  v.                                     )     PCB 75-192  
  )  
ENVIRONMENTAL PROTECTION AGENCY,             )  
  Respondent.                     )

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

This case involves a request for a Variance submitted by Western Illinois Power Cooperative, Inc., (WIPCO) to the Illinois Pollution Control Board (Board), on May 6, 1975. The WIPCO petition seeks extension of an existing variance from Rules 203 (particulates) and 204 (sulfur dioxide) of the Air Pollution Regulations from July 1, 1975 to September 30, 1975. PCB Regs, Ch. 2, Rules 203, 204. No hearing was held in this matter. A Recommendation from the Environmental Protection Agency (Agency) was received on July 23, 1975; a minor amendment to that Recommendation was received on July 30, 1975.

The Board first granted WIPCO a Variance from the corresponding Rules and Regulations Governing the Control of Air Pollution, promulgated by the old Air Pollution Control Board, predecessor of this Board, on January 30, 1973. PCB 72-441 (January 30, 1973). Subsequent variances were granted on January 24, 1974, July 18, 1974, and December 19, 1974. PCB 73-471, PCB 74-150, PCB 74-394, respectively. The last of those variances recognized that the old Rules and Regulations Governing the Control of Air Pollution would be superseded on May 31, 1975, and granted a further variance from Rules 203 and 204 of the Board's Regulation until July 1, 1975. All of the variances were subject to the same conditions contained in the original Variance grant, and those added in the subsequent variances.

The original Variance, and all the subsequent variances have been granted to allow the installation of a wet scrubber control system at WIPCO's Pearl Station generating plant, in Pike County, Illinois. The plant is a 22 megawatt coal-burning steam turbine power plant, with one unit fired by four burners; it is also equipped with a mechanical multiple cyclone dust collector. The single unit exhausts into a 203 foot stack.

WIPCO once again claims that factors beyond its control have prevented completion of the wet scrubber system by July 1, 1975. In this instance, redesign of the induced draft fans, low labor productivity, and equipment procurement problems have been alleged. As was noted in the Agency Recommendation, which recommended that the variance be granted, these delays do seem to be beyond the control of Petitioner. WIPCO has made extensive good faith efforts to complete scrubber installation within the times contemplated in our earlier Orders. In the instant case, this has included a requirement that contractors work on extended work-day and work-week schedules.

In examining this request for a Variance, the Board finds no reason to change its earlier approval of the proposed compliance plan. The period of time here requested is small, and the record contains no evidence of any damage which might result from a grant. The only remaining issue will be our consideration of the United States Supreme Court case, Train v. N.R.D.C., 43 U.S.L.W. 4467 (1975).

In an Order dated May 8, 1975, the Board found that the petition submitted by WIPCO did not sufficiently address the questions raised in the Train decision. Although the Board did note that the ambient air quality in the vicinity of the Pearl Station was, in PCB 72-441, found to be within the federal Ambient Air Quality Standards, current and specific information was requested. In a subsequent Order, on June 6, 1975 the Board allowed WIPCO additional time to submit the information requested. The requested information was submitted on June 16, 1975, and confirms the Board's earlier finding on ambient air quality in the area concerned.

Although the Agency questioned the ability of WIPCO to conduct sufficient air monitoring within ten days, we find that the information submitted is sufficient. WIPCO engaged consultants to conduct a fairly thorough testing for sulfur dioxide, particulates, and nitrogen dioxide in the area of the station. The test result, along with a computer model submitted, show that no ambient air quality problems are generated by the Pearl Station. The readings taken indicated values which are far below both primary and secondary ambient air quality standards.


Based on WIPCO's good faith, the short period of time involved, and the ambient air quality data submitted, we feel that a grant of this Variance is well justified.

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 Western Illinois Power Cooperative, Inc., is granted a variance from Rules 203 and 204 of Chapter 2: Air Pollution, from July 1, 1975 until September 30, 1975, subject to the applicable conditions imposed in PCB 74-394.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 14<sup>th</sup> day of August, 1975 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board