

ILLINOIS POLLUTION CONTROL BOARD
October 17, 1974

MT. CARMEL PUBLIC UTILITY,)	
)	
Petitioner,)	
)	
vs.)	PCB 74-280
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

This is a Petition for a Variance filed with the Board on July 24, 1974. The Petitioner, Mt. Carmel Public Utility Company, (hereinafter "Mt. Carmel"), asks for a variance from Rule 2-2.53 of the Air Pollution Regulations until October 31, 1975. In addition, Mt. Carmel will be in violation of Rules 203(g)(1)(B) after May 30, 1975.

Mt. Carmel seeks to once again modify a previous Order of the Pollution Control Board (hereinafter "Board") by delaying the retirement of one coal-fired boiler and delaying the conversion of another coal-fired boiler until October 31, 1975.

Mt. Carmel's operations have been the subject of numerous prior Board actions, as noted below:

On February 17, 1971, the first Petition for Variance was received by the Agency (PCB 71-15). Although that Petition was denied on April 14, 1971, upon motion for rehearing the Petition was reconsidered then granted November 11, 1971 (PCB 71-15R).

On December 6, 1971, Petitioner moved for a Bond Reduction, but that motion was denied January 6, 1972 (PCB 71-15R).

Mt. Carmel filed for a continuance of its Variance on August 4, 1972, which the Board on October 31, 1972 (PCB 72-330) extended Petitioner's Variance for one year.

Mt. Carmel asked for a further continuance on July 31, 1973 (PCB 73-300). The Board granted the continuance on October 18, 1973.

On December 14, 1973, the Board granted a further continuance to Mt. Carmel, extending the compliance date from June 30, 1974 until October 31, 1974. (PCB 73-300).

Mt. Carmel operates an electric power generating station and supplies steam for a nearby industry, all in Mt. Carmel, Illinois within Wabash County. Three boilers are utilized in that process which are designated as Boiler #1, #4 and #5.

Mt. Carmel's Boilers #1 and #4 utilize approximately 25,000 tons of coal per year with an approximate ash and sulfur content of 7.5% and 2.28%, respectively. Heating value of the coal is about 12,026 BTU's per pound. Boiler #5 uses approximately 33,700,000 pounds of No. 2 fuel oil per year.

Since the date of the Board's last Opinion, December 13, 1973, Mt. Carmel has apparently not obtained a greater fuel oil allocation which must be obtained before Boiler #1 can be converted, and Mt. Carmel has made rather slow progress in completing the 138 KV line to Albion, Illinois, which will interconnect with Central Illinois Public Service Company (hereinafter "CIPS").

However, the Agency states that many of the factors in this delay are beyond Mt. Carmel's control and to Mt. Carmel's credit. The Agency admits that two of the three major portions of Mt. Carmel's compliance program were timely completed. The third phase consists not only of the construction of the 138 KV line interconnections with CIPS but also of converting boiler #1 from coal-firing to oil firing and retiring Boiler #4. This is apparently being postponed indefinitely.

The Agency questions whether Mt. Carmel has thoroughly examined all the alternatives that exist. Mt. Carmel makes no mention in the Petition of seeking to obtain an additional fuel oil allocation in order to convert Boiler #1 to oil firing or seeking to renegotiate the contract with its fuel oil supplier, if the contract is an impediment to obtaining a greater allocation. Furthermore, Mt. Carmel omits any discussion of the possibility of installing particulate control devices which may enable the continued use of Boiler #1 as a coal fired boiler which meets particulate and other emission standards. The Agency feels that these two questions are important ones which must be answered, especially in view of the fact that Mt. Carmel intends to keep Boiler No. 1 available for standby usage once the interconnection is completed. Moreover, these questions become more important since Mt. Carmel still cannot provide a date certain by which the interconnection will be completed.

The Agency has received no citizen complaints regarding Mt. Carmel's operations and has received no objections to the granting of this variance.

Mt. Carmel does in fact foresee further delay since, in the prayer of their Petition, they ask to "be allowed to file a petition for a continuance of its variance 90 days prior to October 31, 1975, upon a showing of satisfactory progress in connection with its proposed 138 KV transmission line from its Keensburg, Illinois, substation site to the CIPS substation at Albion, Illinois, and compliance with such orders of the Board as may be made hereafter".

The Agency has recommended a denial of this variance. Giving as its reasons the fact that Mt. Carmel did not make a sufficient showing that an arbitrary and unreasonable hardship exists in that no reasonable alternatives are present to the granting of the Variance.

We agree more evidence must be presented to the Board in order to justify the request for a one year variance.

We do not agree that a denial is the proper action to take. We will grant a variance until April 30, 1975 and assume that Mt. Carmel will present a more complete petition in the future.

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

IT IS THE ORDER of the Pollution Control Board that Mt. Carmel Public Utility Company be granted a variance from Rule 2-2.53 of the Air Pollution Regulations until April 30, 1975.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on this 17th day of october by a vote of 4-0.


