

ILLINOIS POLLUTION CONTROL BOARD
October 31, 1972

MT. CARMEL PUBLIC UTILITY CO.)	
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)	
v.)	#72-330
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ENVIRONMENTAL PROTECTION AGENCY)	

Opinion of the Board (by Mr. Currie):

On November 11, 1971, we approved a program for bringing the Utility's coal-fired boilers into compliance with the particulate emission regulations adopted in 1967 by the Air Pollution Control Board. The variance was granted for one year, subject to extension upon a showing of satisfactory progress, as the statute requires, since portions of the program were expected to take longer than a year. Mt. Carmel Public Utility Co. v. EPA, #71-15R, 3 PCB 25. The present petition seeks the contemplated extension.

The initial order required the shutdown of Boiler #5 by October 1, 1972 and that its conversion to oil firing be completed by March 30, 1973. The company reports this part of its program is on schedule. There is no need to allow emissions from this boiler exceeding the standard, as by the time it is back in service it will be burning oil and meeting the standard. We shall require adherence to the March 30, 1973 date as a condition of extending other portions of the variance, so that as much of the load as is practicable can be borne by the oil-fired unit as soon as possible. We shall require preferential use of generating units meeting the standards, in order to reduce emissions from the remaining coal-fired boilers.

The Utility was also required to pursue construction of a 69-kv transmission line to enable it to provide electric service to a new coal mine by January, 1973 and to serve as one link in an interconnection discussed below that will make retirement of polluting boilers possible. This phase is also on schedule, and we see no reason not to reapprove the date originally contemplated for its completion.

Most critical at this point is the further requirement respecting a 138-kv line to bring power from Central Illinois Public Service Co. and make possible the retirement of the

remaining coal-fired boilers 1 and 4, which remain out of compliance. Our order required this connection to be accomplished by June, 1974 and required every reasonable effort to shorten the period. The Utility's sworn petition goes into considerable detail as to the difficulties encountered in attempting to obtain the necessary rights of way. Condemnation proceedings will be pursued, and it is estimated that completion of the line can still be accomplished on schedule. The Agency's recommendation confirms the diligent efforts of the Utility in this regard. We reaffirm the June 1974 date, subject to further proof of satisfactory progress after another year as required by the statute.

Finally, the Utility asks that we extend the compliance date to May 30, 1975, the date on which certain new regulations adopted by this Board will take effect. As the Agency points out, the adoption of the new and more stringent regulations for future compliance in no way modifies or postpones the duty of emitters to comply with the pre-existing emission regulations, which were adopted as long ago as 1967. The request for a 1975 date must be denied.

ORDER

The variance granted Mt. Carmel Public Utility Co. on November 11, 1971 (#71-15R) is hereby extended to October 31, 1973, subject to extension to June 1974 upon a showing of satisfactory progress, to permit particulate emissions from its boilers #1 and 4 in excess of the limits of Rule 3-3.112 of the Rules and Regulations Governing the Control of Air Pollution, provided the following conditions are met:

1. The Utility shall complete the conversion of Boiler #5 to oil firing by March 30, 1973;
2. The Utility shall complete the 69 KV line from Mt. Carmel to Keensburg by January, 1973;
3. The Utility shall complete the 138 KV line from Keensburg to Albion by June 30, 1974, and shall make every effort to complete this line at an earlier date. Quarterly reports as required by the November 11, 1971 order shall continue to be filed;
4. The Utility shall not operate Boilers #1 or 4 in violation of the particulate regulations after the installation of the 138 KV line referred to in paragraph 4, or June 30, 1974, whichever is earlier.

5. The bond required by our order of November 11, 1971 shall be continued in effect for the period of this variance.
6. The Utility shall make preferential use of units capable of operation in compliance with emission limits, and shall limit emissions to the extent practicable with existing equipment, during the period of this variance.
7. Application for extension of this variance shall be made not less than 90 days before expiration of this variance.
8. Failure to comply with any of the conditions of this variance shall be grounds for revocation of the variance.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 31st. day of October, 1972, by a vote of 4-0.

Christan Moffett

