

ILLINOIS POLLUTION CONTROL BOARD
March 3, 1971

MILES LABORATORIES, INC.)
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 v.) # 70-51
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 ENVIRONMENTAL PROTECTION AGENCY)

OLIN CORP.)
)
)
 v.) # 70-48
)
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 ENVIRONMENTAL PROTECTION AGENCY)

Opinion of the Board (by Mr. Currie):

Olin and Miles both purchased coal containing about 1.15% sulfur to burn in the event of an air pollution episode, as required by regulations adopted in early 1970 by the Air Pollution Control Board. Later the present Board amended the regulations to require fuel containing less than 1.0% sulfur. Both companies have applied for variances to permit use of their present coal supplies. Believing no intensive factual inquiry to be necessary, we have proceeded without hearing.

We think the Olin petition should be granted. Not only is the difference between 1% and 1.15% sulfur rather small in comparison to the 3.5%-sulfur coal normally burned in Illinois, but Olin has a firm gas contract and expects to burn coal only in the unlikely event of an outage of its gas supply. Consequently Olin cannot burn the low-sulfur coal it has purchased in the ordinary course of its operations; it would have to resell its present supply, at some inconvenience, and probable loss. We think the small difference in emissions--if indeed there would be any difference, since the present regulation does not guarantee that the fuel chosen have a high BTU content--is not worth requiring this extra expense. We note that the situation is temporary; Olin has promised to replenish its supply after use with fuel meeting the new regulation.

The position of Miles is somewhat different. Miles burns coal regularly, and it can utilize its present low-sulfur coal

supply in its daily operations. It is alleged that no coal containing less than 1% sulfur is available, but the Agency disputes the allegation, and it is refuted by the Olin representation that such fuel will be obtained in the future. We have today proposed a new regulation that would in substance require the use at all times of fuel containing less than 1.5% sulfur in the Illinois portion of the St. Louis region, in which Miles is located. No significant hardship will be imposed by denying the present request, since Miles will find its present coal supply ideally suited for everyday use if the new regulation is adopted.

ORDER

On the basis of the record, and for the reasons given in the Board's opinion, the request for variance in #70-51, Miles Laboratories v. EPA. is denied. The request in # 70-48, Olin Corp. v. EPA, is granted to permit the use during episode conditions of existing stocks of coal containing 1.14% sulfur, as if its sulfur content were less than 1%. This variance shall expire March 3, 1972.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this _____ day of September, 1971.

I concur:

Samuel R. Aldrich
[Signature]
Joseph B. Ruppie
[Signature]
[Signature]

I dissent:

[Signature]
[Signature]