

ILLINOIS POLLUTION CONTROL BOARD
May 24, 1990

JEFFERSON SMURFIT CORP.,)
)
 Petitioner,)
)
 v.)
) PCB 90-101
) (Provisional Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated May 22, 1990. The recommendation refers to a request from Petitioner, Jefferson Smurfit Corp., for a 30-day provisional variance from the sulfur dioxide emissions limitations for sources located in metropolitan areas, as set forth in 35 Ill. Adm. Code 214.141, for the period commencing May 18, 1990.

Upon receipt of the request, the Agency issued its recommendation, concluding that the failure to grant the requested 30-day provisional variance would impose an arbitrary or unreasonable hardship on Petitioner.

Jefferson Smurfit Corp. operates two coal-fired boilers (6 and 7) and two small gas-fired package boilers (8 and 9) at its Alton plant, in Madison County. These produce steam for its paper mill production of paperboard for cardboard products. Boiler 6 is down for repairs, rendering boiler 7, with a operating rate of 300,000 pounds of steam per hour (approx. 454 MMbtu per hour), essential to continuing plant production. Section 214.141 and Jefferson Smurfit's operating permit limit its sulfur dioxide (SO₂) emissions to 1.8 lb/MMbtu.

Jefferson Smurfit has one source of coal with a SO₂ content less than 1.8 lb/MMbtu (Consolidation Coal Co., in Mt. Vernon, Illinois). However, recent storms have disrupted Consolidation Coal Co.'s ability to ship coal with a verified SO₂ content less than 1.8 lb/MMbtu. Consolidation Coal recently informed Jefferson Smurfit that it has a 30 car consignment of coal ready for shipment, but that coal might exceed the maximum allowable SO₂ content (variable test results at the mine indicated 1.78 lb/MMbtu). Consolidation will not have other coal available for shipment for at least a week.

Jefferson Smurfit's current coal supplies for boiler 7 were to have run out on May 18. This left Jefferson Smurfit with the options of (1) accepting the ready shipment, which may exceed 1.8 lb SO₂/MMbtu, and continuing plant operations; (2) operating

boiler 7 on natural gas and continuing plant operations; or (3) ceasing or sharply curtailing plant operations.

Natural gas is more expensive than coal, and it is only available to Jefferson Smurfit on contract in limited quantities. Smurfit needs to preserve its natural gas allotment for maintenance shutdown of its coal boilers. Using natural gas would therefore jeopardize its boiler maintenance program.

A shutdown of plant operations would cause economic losses of tens of thousands of dollars each day. It would also result in the temporary layoff of hundreds of employees.

The Agency states that Jefferson Smurfit has not yet received provisional variance relief in 1990. The Agency asserts in its recommendation that "[f]ailure to allow Smurfit to burn this marginally noncompliant coal for a short-term period would create an arbitrary and unreasonable hardship. Further, since the coal supplier forced the problem on Smurfit with a timing such that no other coal supplies were immediately available, Smurfit would experience an arbitrary and unreasonable hardship in pursuing a normal variance" The Agency opines that "[a]dverse environmental impacts from this provisional variance are expected to be minimal. . . . It is clear that any exceedance of the limitation any additional SO₂ loading of the area's atmosphere would be minimal." The Agency believes that the burning of natural gas "does not appear reasonable given the minimal environmental impact expected," and that a curtailment of production "would not be reasonable in light of the imposition of severe economic loss on hundreds of Smurfit employees."

The Agency recommendation outlines Jefferson Smurfit's compliance program: Jefferson Smurfit would burn the questionable coal for a limited time of 30 days or less, after which time Consolidation Coal will have remedied its problems and reacquired the ability to ship compliant coal. For these reasons, the Agency recommends that the Board grant Jefferson Smurfit the requested provisional variance from the requirements of 35 Ill. Adm. Code 214.141 subject to certain condition.

In light of the Agency Recommendation, the Board hereby grants a provisional variance from 35 Ill. Adm. Code 214.141 from May 18, 1990 through June 17, 1990, subject to the following condition:

Emissions of sulfur dioxide from Jefferson Smurfit Corp.'s coal-fired emissions sources shall not exceed 2.0 lbs SO₂ per MMbtu of actual heat output.

IT IS SO ORDERED.

Board Member J.D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 24th day of May, 1990, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board