



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

Department of Environmental Quality Engineering

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600 Washington St., Boston, Mass.

DAVID STANDLEY
COMMISSIONER

December 28, 1978

Jeremiah V. Donovan
Vice President and General Manager
Cambridge Electric Light Company
Post Office Box 190
Cambridge, Massachusetts 02139

Re: MBAPCD - Cambridge Variance
310 CMR 7.04(5) Blackstone
and Kendall Stations

Dear Sir:

In response to your request, and after review of the testimony at the public hearing conducted on July 31, 1978 after due notice, a decision is hereby rendered to approve a variance for the Kendall and Blackstone Stations in Cambridge, Massachusetts, from the provisions of 310 CMR 7.04(5), (viscosity controllers).

This variance will not take effect unless and until it is approved by the Environmental Protection Agency as provided in the Clean Air Act.

Very truly yours,

David Standley
Commissioner

M E M O R A N D U M

SUBJECT: Decision Memorandum
Variance Request
Cambridge Electric Co.
MBAPCD - Reg. 310 CMR 7.04(5)
(Viscosity Controls)

TO: Commissioner Standley
FROM: Anthony D. Cortese, Sc.D.
DATE: December 12, 1978 *A. Cortese*

On July 31, 1978, after due notice, a public hearing was conducted on the matter of a request by the Cambridge Electric Light Company that a variance be granted for the Kendall and Blackstone Stations to the provisions of CMR 7.04(5), a regulation that requires effective July 1, 1978 all fossil fuel utilization facilities rated at 250,000,000 Btu/hour or greater and using residual fuel oil to be equipped with an automatic viscosity controller. The same regulation allows the Department to use its discretion for such facilities rated at 100,000,000 Btu/hour or greater.

Testimony was presented, a summary of which is attached, that the size of the subject stations, their mode of operation, and the consistency of the fuel oil viscosity at these plants is such that compliance with the subject regulation would do nothing but disrupt two well operated facilities.

It was further stated that the subject plants have not had any air pollution incidents resulting from viscosity in a period of twenty nine years, but that the installation of the subject viscosity controllers would create a potential for problems, predicated on the history of this equipment at Canal Electric in Sandwich.

Initial capital costs of compliance would be \$58,000.00 which would be passed on to the consuming public without any benefit derived in return.

An additional issue was raised by the appellants that in adopting this regulation the Department was abandoning its historical approach, that is to regulate emissions, and was now making determinations as to what hardware must go into a plant and how it should be operated. It is the position of the appellant that the Department should refrain from this type of intrusion, should set standards and allow the regulated facilities to make their own decisions as to what equipment is needed and how it should be operated in order to achieve compliance.

Section 7.50 - Variances of the Regulations for the Control of Air Pollution in the Metropolitan Boston Air Pollution Control District provides that:

Variances may be granted when in the opinion of the Department efforts have been made in good faith by such person to comply with the Regulations prior to the petition for a variance; and:

- a. when enforcement of the regulation is considered to be impractical due to lack of currently available technology or available conforming fuel, or
- b. when compliance with the regulation is considered to be impossible due to unavoidable delays in obtaining control equipment, or
- c. when compliance with the regulation is interfered with due to acts of nature, or
- d. when the benefits expected to be derived from requiring such person to comply with such regulation would be substantially outweighed by the cost to such person and the loss to the public resulting from compliance, and that granting such a variance would have no significant deleterious effect on public health.

It is the opinion of the Division of Air and Hazardous Materials that the appellant has made a good case and that enforcement for enforcement's sake *above* would not be justified in this instance. The evidence is persuasive that the imposition of a projected \$58,000.00 on the facility with no apparent benefit to be derived would be unwarranted, particularly on facilities with demonstrated efficient operation.

The variance was requested prior to the effective date of the regulation and satisfies the enumerated criteria.

It is therefore recommended that a variance from the provisions of 310 CMR 7.04(5) be granted to the Cambridge Electric Light Company for its Kendall and Blackstone Stations.

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Recommendation

I recommend that the proposed variance be granted which will allow the Cambridge Electric Light Company to continue operating the Blackstone and Kendall Stations without installing automatic viscosity controllers.

Concur: Thomas F. Lyell Date: 12-26-78

Non-Concur: _____ Date: _____
REGIONAL ENGINEER

Concur: W. Harold B. Pope Date: Dec 28, 1978

Non-Concur: _____ Date: _____
COUNSEL

Concur: David Standley Date: 12/28/78

Non-Concur: _____ Date: _____
COMMISSIONER