

STATE OF ILLINOIS  
POLLUTION CONTROL BOARD  
**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )

PETITION OF COMMONWEALTH EDISON )  
COMPANY FOR SITE-SPECIFIC )  
REGULATION FOR EXISTING LANDFILLS )  
AND UNITS: )  
35 ILL. ADMIN. CODE 811.814 )

R. 94-30  
(SITE-SPECIFIC  
RULEMAKING)

RECEIVED  
CLERK'S OFFICE

APR - 1 1996

STATE OF ILLINOIS  
POLLUTION CONTROL BOARD

**NOTICE OF FILING**

To:

Mary A. Gade  
Director  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62794

Judith Dyer  
Assistant Counsel  
Illinois Environmental Protection  
Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Kevin Desharnais  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph Street  
Chicago, Illinois 60601

John Moore  
Director  
Energy and Natural Resources  
Department  
325 W. Adams  
Springfield, Illinois 62704-1892

PLEASE TAKE NOTICE that on April 1, 1996 I have filed with the Office of the Clerk of the Pollution Control Board, State of Illinois Center, Chicago, Illinois, a MOTION TO WITHDRAW THE SITE-SPECIFIC RULEMAKING PETITION of Commonwealth Edison Company, a copy of which is herewith served upon you.

Dated: April 1, 1996

By: Marian E. Whiteman  
One of the Attorneys for  
Commonwealth Edison Company

Alan P. Bielawski  
Marian E. Whiteman  
Sidley & Austin  
One First National Plaza  
Chicago, Illinois 60603  
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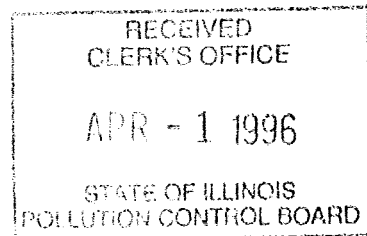
THIS FILING SUBMITTED ON RECYCLED PAPER

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**MOTION TO WITHDRAW THE SITE-SPECIFIC RULEMAKING  
PETITION OF COMMONWEALTH EDISON COMPANY**

Commonwealth Edison Company ("Edison"), by its attorneys, files this  
MOTION TO WITHDRAW THE SITE-SPECIFIC RULEMAKING PETITION OF  
COMMONWEALTH EDISON COMPANY. In support of this motion, Edison states as  
follows:

1. On October 17, 1994, Edison filed with the Board the initial pleading in  
this docket, entitled a "Petition to Designate the Joliet/Lincoln Quarry Site as a Surface  
Impoundment or, in the Alternative, for Site-Specific Rulemaking," R 94-30 (October 17,  
1994) (the "Petition"). This Petition requested site-specific relief from several of the  
landfill standards in 35 Ill. Admin. Code Parts 811-815 that are applicable to existing  
units.

2. Prior to a hearing on this Petition, Edison and the Illinois Environmental  
Protection Agency ("IEPA") agreed on an approach to address elevated concentrations  
of constituents in Site groundwater. IEPA has agreed, in the operating permit to be  
issued to the Site, to designate the Lincoln Quarry Site from the downgradient waste

THIS FILING SUBMITTED ON RECYCLED PAPER

boundary to the corresponding Site boundary as a groundwater management zone ("GMZ"), pursuant to 35 Ill. Admin. Code § 620.250. In connection with that designation, IEPA will require Edison to implement a groundwater monitoring program within the GMZ as well as certain institutional controls. Because of this agreement, Edison no longer requires relief from the groundwater quality standards contained in 35 Ill. Admin. Code § 811.320(a) and § 620.440(b).

3. Edison still must obtain relief from other standards that were part of the original Rulemaking Petition because those standards cannot rationally be applied to Edison's operations in the Main Quarry or because Edison would be required structurally to modify the Main Quarry in technically and economically impracticable ways for questionable environmental benefit.

4. To obtain this relief, Edison has filed, in a separate docket, the PETITION OF COMMONWEALTH EDISON COMPANY FOR ADJUSTED STANDARD FROM 35 ILL. ADMIN. CODE 811.814. Edison was unable to request relief under the adjusted standard process when filing its original Petition because it did not satisfy the specific requirements for adjusted groundwater standards in 35 Ill. Admin Code § 811.320(b). Since Edison no longer requires adjusted groundwater standards, Edison has elected to file its renewed petition using the adjusted standards process.

WHEREFORE, Edison respectfully requests that the Board withdraw the SITE-SPECIFIC RULEMAKING PETITION that was filed on October 17, 1994 and,

instead, consider Edison's PETITION FOR ADJUSTED STANDARD that has been filed today in a separate docket.

Dated: April 1, 1996

By: Marian E. Whiteman  
One of the Attorneys for  
Commonwealth Edison Company

Alan P. Bielawski  
Marian E. Whiteman  
Sidley & Austin  
One First National Plaza  
Chicago, Illinois 60603  
(312) 853-7000

CERTIFICATE OF SERVICE

I, Marian E. Whiteman, certify that on April 1, 1996 I served the attached Motion to Withdraw the Site-Specific Rulemaking Petition of Commonwealth Edison Company on the following by hand delivery:

Kevin Desharnais  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph Street  
Chicago, Illinois 60601

and on the following by regular mail:

Mary A. Gade  
Director  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62794

Judith Dyer  
Assistant Counsel  
Illinois Environmental Protection Agency  
2200 Churchill Road  
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John Moore  
Director  
Energy and Natural Resources  
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325 W. Adams  
Springfield, Illinois 62704-1892

Marian E. Whiteman  
Marian E. Whiteman

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**RECEIVED**

**JUL - 6 1995**

STATE OF ILLINOIS  
POLLUTION CONTROL BOARD

IN THE MATTER OF:

PETITION OF COMMONWEALTH EDISON  
COMPANY FOR SITE-SPECIFIC  
REGULATION FOR EXISTING LANDFILLS  
AND UNITS:  
35 ILL. ADMIN. CODE 811.814

R. 94-30  
(SITE-SPECIFIC  
RULEMAKING)

**MOTION TO VACATE HEARING ORDER OF APRIL 6, 1995  
AND TO WITHDRAW PETITION TO DESIGNATE THE JOLIET/  
LINCOLN QUARRY SITE AS A SURFACE IMPOUNDMENT**

Commonwealth Edison Company ("ComEd") hereby files this Motion to request that the Board vacate the Hearing Order of April 6, 1995, thereby postponing any hearing to be held in this matter. ComEd also requests leave to withdraw, without prejudice, its Petition to Designate the Joliet/Lincoln Quarry Site as a Surface Impoundment, which was filed on March 22, 1995. In support of this motion, ComEd states as follows:

1. On October 17, 1994, ComEd filed its Petition to Designate the Joliet/Lincoln Quarry Site as a Surface Impoundment or, in the Alternative, for Site-Specific Rulemaking ["Petition I"], to obtain relief from state regulations applicable to existing landfills, 35 Ill. Admin. Code Parts 810-815 ["landfill standards"]. In particular, this Petition requests site-specific relief from the following landfill standards:
  - o The leachate management standards of 35 Ill. Admin. Code §814.302(b)(1).

- The groundwater monitoring requirements for organic constituents of 35 Ill. Admin. Code § 811.319(a)(2) and (a)(3);
  - The monitoring well location standards of 35 Ill. Admin. Code § 811.318(b).
  - The groundwater quality standards of 35 Ill. Admin. Code § 811.320(a) and the standards in 35 Ill. Admin. Code § 811.320(c) for establishing the zone of attenuation;
  - The groundwater quality standards of 35 Ill. Admin. Code § 620.440(b); and,
  - The final cover requirements of 35 Ill. Admin. Code § 811.314.
2. On March 22, 1995, ComEd filed its Motion to Bifurcate Issues and its Petition to Designate the Joliet/Lincoln Quarry Site as a Surface Impoundment ["Petition II"]. These pleadings request a determination from the Board that the Lincoln Quarry Site is a surface impoundment which is not covered by the landfill standards. The Illinois Environmental Protection Agency ["IEPA"] filed a brief in opposition to Petition II.
  3. Without ruling on the substance of Petition II, the Board issued its April 6, 1995 Order requiring separate hearings on Petition II and the alternative arguments in Petition I. The Petition II hearing was noticed for July 11, 1995.
  4. Through ongoing discussions, ComEd and IEPA have reached a compromise which is intended to address management of elevated constituent concentrations in groundwater at the Site. IEPA has agreed, in the operating permit to be issued, to designate the

Lincoln Quarry Site as a groundwater management zone ("GMZ"), pursuant to 35 Ill. Admin. Code § 620.250. The permit will contain groundwater monitoring requirements for constituent concentrations within the GMZ and will require ComEd to implement institutional controls.

5. The compromise between ComEd and IEPA has resolved certain requests for site-specific relief raised in Petition I with respect to groundwater issues. It has also rendered moot the request for a ruling from the Board regarding the legal issues raised in Petition II. Therefore, ComEd has agreed to withdraw without prejudice Petition II, and those portions of Petition I related to designation of Lincoln Quarry as a surface impoundment. Any hearing as to the resolved or withdrawn issues is unnecessary.
6. Despite the compromise between ComEd and IEPA, several issues in Petition I remain open for Board determination. ComEd proposes to review Petition I and to ascertain those issues on which it still requires relief. After completing this review, ComEd will request leave from the Board to amend, or file a substitute for, Petition I. For these reasons, any hearing on Petition I would be premature.

IEPA concurs in the request for relief presented in this motion.