

ILLINOIS POLLUTION CONTROL BOARD
January 10, 2013

IN THE MATTER OF:)
)
PETITION OF EXELON GENERATION,) AS 13-1
LLC, UNDER 35 ILL. ADM. CODE) (Adjusted Standard – Water)
304.141(c) FOR ALTERNATIVE THERMAL)
STANDARDS, QUAD CITIES NUCLEAR)
GENERATING STATION)

ORDER OF THE BOARD (by C.K. Zalewski):

For the reasons set forth below, the Board dismisses this petition and closes this docket, based on petitioner’s choice not to file an amended petition consistent with the Board’s October 18, 2012 order.

On September 20, 2012, Exelon Generation, LLC (Exelon) filed a petition seeking alternative thermal standards for the Quad Cities Nuclear Generating Station (Station) under 35 Ill. Adm. Code 304.141(c). Exelon seeks to discharge heated cooling water into the Mississippi River at hotter temperatures than currently allowed under 35 Ill. Adm. Code 302.102(b)(8), 302.211(e) and 303.341(e). Such relief is specifically allowed under Section 304.141(c) of the Board’s water rules, as authorized by and implementing Section 316(a) of the federal Clean Water Act of 1977 (CWA), codified at 33 USC § 1326. The requested relief is sometimes referenced as “alternative thermal standards” (ATS).

The petition was accompanied by a motion for procedural guidance concerning the request, in which the Illinois Environmental Protection Agency (Agency) joined. By order of October 18, 2012, the Board acknowledged that its existing procedural rules do not contain ATS-specific procedures. The Board declined to enter the procedural order suggested by the parties. But, the Board stated that it has authority to grant such relief in an adjusted standard adjudicatory proceeding under Section 28.1(c) of the Act and procedural rules at 35 Ill. Adm. Code Part 104, or as a site specific rulemaking under Section 27 of the Act and the procedural rules at 35 Ill. Adm. Code Part 102.

The Board directed Exelon to choose how it would proceed to seek relief in this matter, and to make an appropriate filing. The Board directed Exelon to file an amended petition in this docket if it chose to proceed by way of the adjusted standard procedure, or to file a regulatory petition should it choose to proceed in that manner.

No amended petition has been filed in this docket¹. Accordingly, this matter is dismissed and the docket is closed.

¹ The Board notes, however, that on December 19, 2012 Exelon filed a petition seeking a five-year variance from 35 Ill. Adm. Code 304.141(c). Exelon Generation LLC, Quad Cities Nuclear

IT IS SO ORDERED.

Chairman T.A. Holbrook abstained.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 10, 2013 by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board