

ILLINOIS POLLUTION CONTROL BOARD
July 23, 2015

EXELON GENERATION LLC (DRESDEN)
NUCLEAR GENERATING STATION),)
)
Petitioner,)
)
v.) PCB 15-204
) (Thermal Demonstration)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J.D. O’Leary):

On June 12, 2015, Exelon Generation LLC (Exelon) filed a petition for alternative thermal effluent limitations (Pet.) for its Dresden Nuclear Generating Station (Dresden). Pet. at 1. Exelon filed the petition pursuant to Section 316(a) of the Clean Water Act, Section 304.141(c) of the Board’s water pollution regulations (35 Ill. Adm. Code 304.141(c)), and Part 106, Subpart K of the Board’s procedural rules (35 Ill. Adm. Code 106.1100 – 106.1180). Exelon requests that alternative thermal effluent limitations set forth in its petition should apply to discharges from Dresden in the place of those imposed by Section 302.211(e) of the Board’s water quality standards for temperature. Pet. at 1, 23; see 35 Ill. Adm. Code 302.211(e).

The Board’s procedural rules require that, “[w]ithin 14 days after the filing of the petition, the petitioner must publish notice of the filing of the petition by advertisement in a newspaper of general circulation in the county where the facility is located.” 35 Ill. Adm. Code 106.1135(a). The rules also require that, “[w]ithin 30 days after the filing of the petition, the petitioner must file a certificate of publication with the Clerk of the Board.” 35 Ill. Adm. Code 106.1140. On July 7, 2015, Exelon filed a certificate of publication stating that the *Morris Herald-News* timely published notice of the filing of the petition on June 26, 2015. The Board’s procedural rules require that the notice must include the statement that “[a]ny person may cause a public hearing to be held in the above-described proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice.” 35 Ill. Adm. Code 106.1135(b). The Board finds that Exelon has provided sufficient notice. Any request that the Board hold a hearing was due by July 17, 2015. 35 Ill. Adm. Code 106.1150. The Board has not received a request to hold a hearing.

“Unless otherwise ordered by the hearing officer, the Agency must file with the Board a recommendation within 45 days after the filing of a petition . . . for an alternative thermal effluent limitation. . . .” 35 Ill. Adm. Code 106.1145(a). The Agency’s recommendation is therefore due by July 27, 2015. Any response to the Agency’s recommendation is due within 21 days after the Agency files its recommendation. 35 Ill. Adm. Code 106.1145(c).

The Board accepts the petition, but has not determined whether it will hold a hearing in this matter. 35 Ill. Adm. Code 106.1155(a). The Board may submit questions to Exelon at a later date through either a Board or hearing officer order.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 23, 2015 by a vote of 5-0.

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, Clerk
Illinois Pollution Control Board