

ILLINOIS POLLUTION CONTROL BOARD
September 17, 1987

IN THE MATTER OF:)
)
PROPOSED DETERMINATION OF) PCB 87-93
NO SIGNIFICANT ECOLOGICAL)
DAMAGE FOR THE JOLIET)
GENERATING STATION)

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a June 19, 1987, Petition for Thermal Determination under 35 Ill. Adm. Code 302.211(f) filed by the Commonwealth Edison Company (Com Ed). Com Ed requests the Board to determine (1) that the submission of the Section 302.211(f) petition for the Joliet Station is not required, or in the alternative (2) that the discharges from the Joliet Station have not caused, and cannot be reasonably expected to cause, significant ecological damage to the Five Mile Stretch within the meaning of Section 302.211(f) of the Board's Water Pollution Regulations.

Com Ed owns and operates the Joliet Station, a steam-electric generating facility capable of producing 1,414 net megawatts of electricity. The station is located in Will County, approximately one mile southwest of the City of Joliet, Illinois, adjacent to the Des Plaines River. The station utilizes Des Plaines River water for once-through condensor cooling. That station has two thermal discharges to the Des Plaines River; one from Unit 6 on the east bank of the river and the other from Units 7 and 8 on the west bank. The points of discharge are approximately 7.3 miles upstream of the I-55 Bridge.

Com Ed believes that it is not required to make a thermal demonstration under 35 Ill. Adm. Code 302.211(f). Com Ed argues that because the Joliet Station discharges into the Des Plaines River at a point where secondary contact standards govern, the thermal demonstration required by Section 302.211(f) for discharges into general use waters is not required.

The Board is not persuaded. Section 302.211(f) applies to waters of the state for which there is no specific designation. Although the Joliet Station discharges into water designated secondary contact, the general use water downstream (the "5-Mile Stretch") is also affected.

The Board notes that this is not the first time Com Ed has taken the position that it need not make a demonstration. In its May 25, 1978, Order granting variance, the Board stated:

Edison's contention that a hearing conducted pursuant to Rule 203(i)(5) of Chapter 3 is not appropriate in this case is misplaced. Even though the Joliet Station discharges into waters which are covered by Rule 205, the impact of this discharge on Rule 203 waters is obvious. the Board noted this impact when it stated:

Edison is required by Sec. 203(i)(5) to conduct a program to monitor the effects of their discharges of heated water from the Joliet Plant and present the results of that program to the Board at a hearing to be held between March, 1977 and March 1978. If at that time, the Board is convinced that Edison's discharge has not caused, or is not reasonably expected to cause significant ecological damage to the Des Plaines River, the Board would not require Edison to construct cooling facilities... But if the Board is convinced that Edison has caused or is reasonably expected to cause significant ecological damage in the future, then the Board is required by Section 203(i)(5) to order Edison to carry out appropriate measures to correct ecological damage. (10 PCB 77, 78).

The fact that Edison's discharge points are located in Rule 205 waters was known when the Board made the above quoted statement. There is nothing in the record of this case which would persuade the Board to deviate from its prior position. (Commonwealth Edison Co. v. Environmental Protection Agency, PCB 78-79, Board Opinion and Order, May 25, 1978, p. 3).

The Board still is not persuaded to deviate from its prior position.

The Board also notes that Com Ed has been granted three variances since 1978 from the requirement that it perform a thermal demonstration. (PCB 78-79, May 25, 1978; PCB 81-24, June 10, 1981; and PCB 84-33, December 20, 1984). The stated purpose for requesting the variance was to allow the demonstration to be

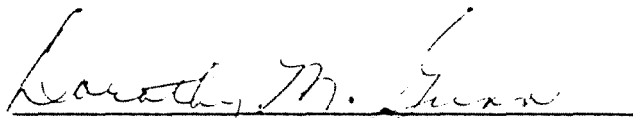
made after the water quality of the river improved to the extent that temperature was a limiting factor. In filing the Petition for Demonstration, Com Ed would appear to be taking the position that temperature is now a limiting factor such that a determination can now be made. This view is further supported by the fact that Com Ed had filed a Petition for variance but subsequently filed a motion to dismiss, which the Board granted in PCB 87-40. Apparently, Com Ed believes that the variance is no longer necessary.

Without determining that the water quality has sufficiently improved, the Board believes that Com Ed is required to make a demonstration that its discharges have not caused and cannot be reasonably expected to cause significant ecological damage to the receiving waters (i.e. the 5-Mile Stretch).

The Board therefore accepts the petition and directs the Clerk's office to set it for hearing. At hearing, the participants are expected to address whether temperature is a limiting factor.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 17th day of September, 1987 by a vote of 6-0.


Dorothy M. Gunn, Clerk