

ILLINOIS POLLUTION CONTROL BOARD  
October 22, 1981

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 79-273  
 )  
COMMONWEALTH EDISON COMPANY, an )  
Illinois Corporation (Powerton )  
Station), )  
 )  
Respondent. )

MR. THOMAS CHIOLA, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT;  
MS. SUSAN B. PROCTOR, ISHAM, LINCOLN & BEAL, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board upon a complaint which was filed by the Illinois Environmental Protection Agency (Agency) on December 21, 1979, alleging that the Commonwealth Edison Company (Edison) violated Rules 404, 405, 408 and 901 of Chapter 3: Water Pollution, and Section 12 of the Illinois Environmental Protection Act (Act). On January 28, 1980, Edison moved to consolidate this matter with PCB 79-272, -274, -275 and 78-272. That motion was denied by the Board on February 7, 1980. Hearing was held on September 16, 1981 at which time a settlement agreement was presented. No members of the public were present.

Edison owns and operates a coal-fired, fossil fuel electric generating station located in Tazewell County which is known as the Powerton Station and which discharges to waters of the State (probably the Illinois River, though this is not specified) pursuant to NPDES Permit No. 0002232. On June 9, 1977 the Board granted Edison a variance for certain of these discharges until March, 1979 (PCB 77-13, 25 PCB 703).

From at least October 1, 1977 through November 1, 1978, Edison discharged contaminants from its Powerton facility which exceeded the limits of the variance, the NPDES permit and Chapter 3. These violations are summarized below (Stip. 6-13):

<u>Date</u>	<u>Discharge Point</u>	<u>Contaminant</u>	<u>Violation</u>
10/77	Sewage Treatment Plant (STP) #1	Fecal Coliform	Rule 405
1/78	STP #1, Outfall 004(a)	Fecal Coliform	Rule 405
2/78	STP #1 Outfall 004(a)	BOD <sub>5</sub>	Rule 405
3/78	STP #1 Outfall 004(a)	BOD <sub>5</sub>	Rule 405
4/78	Secondary Ash Settling (SAS)-Outfall 001	TSS	Rule 408
5/78	SAS-Outfall 001	TSS, Oil and Grease Total Iron	Rule 408
5/78	Demineralizer Filter Backwash (DFB)-Outfall 003	Total Iron	Rule 405
6/78	SAS-Outfall 001 STP-Outfall 004(a)	TSS Fecal Coliform	Rule 408 Rule 405
7/78	SAS-Outfall 001 DFB-Outfall 003	TSS, Total Iron TSS, Total Iron	Rule 408 Rule 408
8/78	SAS-Outfall 001 DFB-Outfall 003 STP-Outfall 004(a)	TSS TSS, Total Iron Fecal Coliform	Rule 408 Rule 408 Rule 405
9/78	DFB-Outfall 003 STP-Outfall 004(a)	Total Iron Total Iron, TSS	Rule 408 Rule 408

<u>Date</u>	<u>Discharge Point</u>	<u>Contaminant</u>	<u>Violation</u>
11/78	SAS-Outfall 001 DFB-Outfall 003	TSS TSS	Rule 408 Rule 408
12/78	SAS-Outfall 001 DFB-Outfall 003 STP-Outfall 004(a)	TSS TSS, Total Iron BOD <sub>5</sub> , TSS Fecal Coliform	Rule 408 Rule 408 Rule 408 Rule 405
1/79	STP-Outfall 004(a) DFB-Outfall 003	BOD <sub>5</sub> TSS, Total Iron	Rule 408 Rule 408
3/79	SAS-Outfall 001 DFB-Outfall 003	TSS TSS	Rule 408 Rule 408
4/79	DFB-Outfall 003(a)	TSS	Rule 408
5/79	DFB-Outfall 003(a)	TSS	Rule 408
6/79	DFB-Outfall 003(a)	TSS	Rule 408
8/79	DFB-Outfall 003(a) STP-Outfall 004(a)	Total Iron TSS, Fecal Coliform	Rule 408 Rule 404 and 405
9/79	SAS-Outfall 001 DFB-Outfall 003(a)	TSS Total Iron	Rule 408 Rule 408
10/79	DFB-Outfall 003(a)	TSS	Rule 408
11/79	STP-Outfall 004(a)	TSS	Rule 404

Some of these violations also resulted in violations of the Permit and therefore Rule 901, and Sections 12(a) and (f) of the Act. Further, on December 15, 1978; August 23, 1979; September 24, 1970; and November 1, 1979 Edison caused or allowed discharges which resulted in fish kills (Stip. 13).

The Agency and Edison agreed that Edison shall cease and desist from the above violations and that the sole environmental injury is as described above. The terms of the settlement include: a revision of its treatment process such that demineralizer regenerate wastewater is rerouted directly to the ash pond; a pH monitoring and alarm system; facilities for flow measurements; disinfection of the locomotive house sewage plant; NPDES permit modifications; a \$3,000 payment for the value of the fish killed; immediate notification to the Department of Conservation for any future fish kills; and a penalty of \$20,000.

Based upon the penalty and other steps which will be taken to protect the environment, the Board finds the stipulated agreement acceptable under Section 33(c) of the Act and Procedural Rule 331.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER


1. Commonwealth Edison Company has violated Rules 404, 405, 408 and 901 of Chapter 3: Water Pollution, and Sections 12(a) and 12(f) of the Act.
2. It is hereby ordered that Edison shall cease and desist from any and all violations of the Act and Rules 408 and 901 of Chapter 3 for all discharges at the Will County Station, and otherwise comply with all terms and conditions of the Stipulation and Proposal for Settlement filed in this matter on September 22, 1981, which is incorporated by reference as if fully set forth herein.
3. Within 30 days of the date of this Order, Edison shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$20,000 which is to be sent to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
Springfield, Illinois 62706

4. Within 45 days of the date of this Order, Edison shall by certified check or money order payable to the State Fish and Game Fund, pay the stipulated sum of \$3,000 which is to be sent to the address in (3) above.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 22<sup>nd</sup> day of October, 1981 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board