## ILLINOIS POLLUTION CONTROL BOARD July 12, 1979

CENTRAL	ILLINOIS	PUBLIC	SERVICE	CO.,	)	
		Peti	tioner		)	
V »					) PCB	79-84
ENVIRONM	MENTAL PRO	OTECTION	AGENCY	ç.	) )	
		Resp	ondent.		)	

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

On April 16, 1979 Central Illinois Public Service Co. (CIPS) filed its petition for variance before the Board requesting relief from the thermal standards applicable to Newton Lake under Rules 203(i)(1) through (4) of the Board's Chapter 3: Water Pollution Rules and Regulations. The Board received the Agency's Recommendation in this matter on May 16, 1979; no hearing was held and the Board has received no public comment.

cIPS is an electric and gas public utility serving portions of central and southern Illinois generating approximately 2,400 megawatts through the operation of five power stations and employing approximately 2,500 people. Newton Power Station, the subject of this petition, is under construction in Jasper County and will consist of two 617 megawatt coalfired units. Newton #1 is on line and Newton unit #2 is scheduled to start up in December, 1981. The source of cooling water for the heat dissipation of Newton Power Station is Newton Lake, a 1755 acre manmade lake. CIPS is currently before the Board in PCB 78-271, a petition for specific thermal standards for Newton Lake under Rule 203(i)(10).

In this petition CIPS requests relief from the requirements of Rule 203(i)(1) through (4) and from the requirement of Item 6, Attachment B(2) of the March 23, 1979 NPDES permit until such time as PCB 78-271, CIPS's petition for the establishment of specific thermal standards for Newton Lake is resolved. In addition CIPS requests the Board direct the Agency to incorporate any adopted thermal standards into the NPDES permit for Newton Power Station. CIPS alleges that it would have to undertake an extensive construction and modification program or reduce or eliminate load during certain periods in order to comply with the provisions of Rules

203(i)(1) through (4) and Item 6 of their NPDES permit. This would entail a severe economic hardship to CIPS and its customers and is unreasonable at a time when CIPS is pursuing its rights under Rule 203(i)(10). CIPS alleges that predictive studies contained in the Newton Lake thermal demonstration indicate that Newton Lake will support a significant and ried fishery under the anticipated thermal conditions and contained actual field surveys made with the Newton unit #1 in operation have to date verified that Newton Lake does indeed support the fishery.

In its Recommendation, the Agency proposes that the petition for variance be granted under certain conditions. The condition requested by the Agency include a recommendation by CIPS to the Board and Agency with respect to an interim thermal limitation, which can be met under current conditions with one generating unit. In addition, the Agency requests that it be allowed to comment on the proposed interim limitation and that any discharge from Lake Newton to Weather Creek comply with the applicable conditions of Rule 203(i)(1) through (4). The Board finds that the conditions requested by the Agency are reasonable and that information thus developed may be of some use to the Board in its deliberation in determining a specific interim limitation for Newton Lake in PCB 78-271. The Board will therefore grant CIPS variance, subject to certain conditions, from the requirements of Rules 203(i)(1) through (4) of Chapter 3 and from the requirements of Item 6 of CIPS NPDES permit until (1) such time as the Board makes a final determination in PCB 78-271 or (2) CIPS requests a new variance or (3) two years from the date of this Order, whichever first occurs.

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

## ORDER

It is the Order of the Pollution Control Board that:

1) Central Illinois Public Service Co. be granted variance from Rules 203(i)(1) through (4) of the Board's Chapter 3 and from the requirements of Item 6, attachment B(2) of the NPDES permit number IL0049191 issued by the Illinois Environmental Protection Agency on March 23, 1979 for its Newton Power Station until such time as (1) the Board enters their final Order in PCB 78-271, or (2) until Central Illinois Public Service Co. requests a new variance with respect to the applicable thermal standards for Newton Lake, or (3) two years from the date of this Order, whichever occurs first, under the following conditions:

- a) Central Illinois Public Service Co. shall, within 90 days of the date of this Order, prepare and send to the Illinois Environmental Protection Agency, a report with supportive data that indicates what thermal limitation can be met under the current operating conditions with one generating unit.
- b) Any discharge from Lake Newton to Weather Creek shall comply with the applicable provisions of Rule 203(i)(1) through (4) during the terms of this variance.
- C) Within 45 days of the adoption of this Order, Central Illinois Public Service Co. shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

## CERTIFICATION

I (We),	, h	aving read and	fully under-
standing the $\overline{\mathtt{Ord}}$	er of the Illinois	Pollution Cont	rol Board in
PCB 79-84, hereb	y accept said Order	and agree to	be bound by
all of the terms	and conditions the	ereof.	
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- d) The Agency shall modify petitioner's NPDES permit in accordance with any interim limitations determined in this case.
- 2) The Board will retain jurisdiction in this matter for the purpose of reviewing any proposed interim limitations determined by the parties herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the day of a vote of \_\_\_\_\_\_\_, 1979 by

Christan L. Moffett, Clerk
Illinois Pollution Control Board