

ILLINOIS POLLUTION CONTROL BOARD
June 28, 1977

UNION ELECTRIC COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 76-274
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

This matter comes before the Board on an Amended Petition for Variance from the total suspended solids effluent standard of 15.0 mg/l of Chapter 3: Water Pollution, of the Board's Rules and Regulations. The Agency filed a Recommendation that the Variance be granted subject to certain conditions which the Petitioner agrees are reasonable.

In its original Petition and its Amended Petition, Petitioner asks that the Board act pursuant to Rule 914 of Chapter 3. Rule 914 pertains to variances from the terms and conditions of NPDES permits. Subpart A of Part IX of Chapter 3 (Rules 901-916) is not effective since the Agency has not been granted permit issuing authority by the Administrator of the United States Environmental Protection Agency. It should be noted that the Board's decision in this matter is rendered pursuant to Part IV of the Board's Procedural Rules.

The Petitioner is seeking a Variance until March 31, 1978 so that it can pursue a program of enlargement of its ash pond system in conjunction with the shutdown and conversion of its two remaining coal boilers (during June 1977) at its electric generating facility at Venice, Illinois. Petitioner feels that it would suffer arbitrary or unreasonable economic hardship if it is not allowed to follow this relatively inexpensive course of corrections.

No significant environmental harm will result from a grant of Petitioner's request since its present discharge is significantly lower in concentration of suspended solids than the Mississippi River, which is the receiving stream. Recent monitoring data for the period September, 1976 through January, 1977 inclusive shows discharges of total suspended solids ranging from 3 mg/l to 27 mg/l on a monthly average using 24-hour composite sampling. Both parties agree that the Petitioner should be required to limit its discharge to 30 mg/l of suspended solids as a monthly average and 50 mg/l as a daily maximum during the period of this Variance.

The Board finds that denial of the Petitioner's Request for Variance subject to reasonable interim effluent limitations and periodic reporting to the Agency on the effectiveness of the Petitioner's improvements to its treatment ponds would constitute an arbitrary or unreasonable hardship.

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

ORDER

It is the Order of the Pollution Control Board that:

1. Petitioner be granted a Variance from the total suspended solids effluent limitation of Rule 408 of Chapter 3: Water Pollution, of the Board's Rules and Regulations until March 31, 1978,
2. Petitioner limit the concentration of suspended solids in its discharge to 30 mg/l as a daily average and 50 mg/l as a daily maximum during the period of this Variance, and
3. Petitioner submit quarterly reports to the Agency on its progress in improving its treatment pond system.
4. Within 35 days of the date of this Order, Petitioner shall submit to the Manager, Variance Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, an executed Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. The form of said certification shall be as follows:

CERTIFICATION

I, (We), _____ having read the Order
of the Illinois Pollution Control Board in PCB 76-274, understand
and accept said Order, realizing that such acceptance renders
all terms and conditions thereto binding and enforceable.

SIGNED

TITLE

DATE

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control
Board, hereby certify the above Order was adopted on the 28th
day of June, 1977 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board