

ILLINOIS POLLUTION CONTROL BOARD
June 28, 1977

CENTRAL ILLINOIS PUBLIC SERVICE)
COMPANY (Grand Tower Power Station),)
)
Petitioner,)
)
)
v.) PCB 77-74
)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

MR. THOMAS L. COCHRAN, SORLING, NORTHRUP, HANNA, CULLEN AND COCHRAN,
APPEARED ON BEHALF OF PETITIONER;
MR. STEVEN WATTS, ASSISTANT ATTORNEY GENERAL, STATE OF ILLINOIS,
APPEARED ON BEHALF OF RESPONDENT.

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

Central Illinois Public Service Company (CIPS) is before the Board alleging the Illinois Environmental Protection Agency (Agency) improperly denied an operating permit for CIPS' ash storage ponds at the Company's Grand Tower Power Station in Jackson County, Illinois. Hearing was held in this matter on May 3, 1977; no public comment has been received by the Board.

This case is apparently an outgrowth of a prior Board case, PCB 74-145, in which CIPS appealed the Agency's denial of operating permits for the ash ponds at three of its power stations including the Grand Tower Power Station. In PCB 74-145 the Board ordered the Agency to issue permits for the other two power stations but upheld the Agency's denial in the case of Grand Tower stating in paragraph three of the Board's Order "Petitioner fails to satisfy the trace amounts test for contaminants other than suspended solids at Grand Tower because of insufficient information. The Agency's denial of a permit at Grand Tower is thereby upheld." In the instant proceeding the Agency sent two denial letters to CIPS stating in one that the

bottom ash pond no longer required a separate permit since it had been connected to the fly ash pond and in the other that the fly ash pond application would require Board action with regard to whether or not sufficient information was presented to allow the Board to rule on the trace amounts question of the Grand Tower Plant as referenced in PCB 74-148. The record in PCB 74-148 was incorporated by stipulation of the parties at the hearing herein.

The Agency in this case has apparently taken the position that the Board Order in PCB 74-148 demands that the Board pass on the sufficiency of the application with regard to trace amounts of contaminants. Although the Board disagrees with this Agency position, the case being before us, we shall make the determination requested. From the record it appears that the Agency Engineer who reviewed the application felt that CIPS did not supply information concerning the intake and raw waste water effluent concentration for parameters that could have been added through the process. It was his opinion that he needed to know the amounts of these contaminants in the incoming water in order to evaluate whether or not more than an incidental addition of trace amounts of these materials were added by CIPS. This information was necessary, the Engineer felt, under Rule 401(b), background concentrations, which allows trace additions of contaminants above the incoming level notwithstanding violation of effluent standards. However, in this case information contained in the application indicates that the effluent standards of Part IV of the Regulations were not exceeded; therefore, there was no need to invoke the provisions of Rule 401(b) (Agency Record, Exhibit 3).

There is nothing in the Agency record or in the transcript which would lead the Board to believe that CIPS adds any pollutant to its discharge which has not been surveyed and determined to be within regulatory limits. Noting that the Agency's denial letter of February 14, 1977 with respect to the fly ash pond Log No. 3277-77 states, "Information provided in your resubmittal application does satisfy all other items in our denial letter of February 5, 1973 for this subject project", the Board finds that CIPS is entitled to an operating permit for the Grand Tower Power Station fly ash storage pond pursuant to its application dated January 12, 1977.

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 an operating permit be issued to Central Illinois Public Service

Company for its Grand Tower Power Station fly ash storage pond pursuant to the Company's January 12, 1977 application therefor. The Illinois Environmental Protection Agency shall issue said permit within 60 days of the date of this Order.

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



Christan L. Moffett, Clerk
Illinois Pollution Control Board