

ILLINOIS POLLUTION CONTROL BOARD

February 28, 1974

ILLINOIS POWER COMPANY,)
)
 Petitioner,)
)
 vs.) PCB 73-482
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

Mr. Sheldon A. Zabel, Attorney, on behalf of Petitioner;
Mr. John T. Bernber, Attorney, on behalf of Respondent.

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

On November 14, 1973, Illinois Power Company filed a Petition for Variance which this Board found to be so lacking in substance and detail that Petitioner was ordered to file an amended petition. Petitioner submitted the required information on January 14, 1974.

Petitioner is the owner and operator of a coal-fired electric power generating station near Hennepin, Putnam County, Illinois. Petitioner requests a three-month variance from the December 31, 1973 compliance date required by Rule 408 (suspended and total dissolved solids) of Chapter 3: Water Pollution Regulations of Illinois.

The Agency, in its Recommendation, states that wastewater from Petitioner's generating station is presently discharged directly into the Illinois River via two separate waste streams. One waste stream is made up of untreated wastewater from Petitioner's demineralizer regenerant, ash hopper overflows from Unit 1 and 2 Boilers, and non-contact condenser cooling water. The second waste stream is composed of wastewater from Petitioner's Unit 1 and 2 ash basin lagoons. Petitioner submits no information on this point.

The Agency Recommendation informs us that Petitioner's ash basin lagoons rarely discharge an effluent due to evaporation and due to percolation attributable to the permeable, sandy soil of the locale and that Petitioner's untreated wastewater discharge does not have a noticeable adverse environmental impact upon the Illinois River. We note that broad conclusions of this nature would better aid our deliberations if supported by specific data. The term "rarely" is not helpful in this context and the effluent percolated through sandy soil might well reach the river by a different route. Test results of recent Agency effluent grab samples indicate the following:

<u>Date</u>	<u>Suspended Solids (mg/l)</u>	<u>Total Dissolved Solids (mg/l)</u>
Jan 1/73	8	360
Sep 25/73	85	480

Petitioner obtained Agency approval of Project Completion Schedules and an Agency Construction Permit for re-routing and collecting of the Unit 1 & 2 ash hopper overflows and demineralized regenerant wastewater into the Unit 1 & 2 ash basin lagoons for treatment prior to release into the River. The Agency believes that the completion of these projects will assure compliance with Rule 408.

The permits and associated Project Completion Schedules show the anticipated completion date to be December 31, 1973. Petitioner alleges that the mechanical work associated with its project cannot be completed before March 31, 1974, and variance is sought to that date.

The primary reason advanced by Petitioner to justify the grant of the subject variance is the alleged delay encountered in procuring materials and equipment. On May 1, 1972, Petitioner issued a work order to its consulting engineer to begin the work intended to comply with Rule 408. By July of 1972, Petitioner determined in principle to proceed with certain changes and began preparing the necessary mechanical design and engineering. By May 11, 1973, Petitioner submitted a permit application to the Agency for the Hennepin facility. The Agency notes that though delay in filing a permit application until May of 1973 appears unusually long, Petitioner apparently believed at the time of this submittal that timely compliance was possible. A permit for the Hennepin facility was issued on August 8, 1973.

The Agency believes that Petitioner reasonably anticipated that timely compliance could be met if contracts were awarded by September 1, 1973. On August 14, 1973, a piping contract was awarded. The Agency notes that pumps for the Hennepin project were ordered as early as March 19, 1973. The shipping date for the pumps was scheduled for October 1973. As of the date of the Amended Petition (January 11, 1974) the pumps had not yet been shipped. Similar delays were experienced in the shipment of piping. Though substantial portions of the piping are presently on site, the balance of the piping had not been delivered as of the date of the Amended Petition. Delays in the shipment of pumps resulted in delays in the installation of related electrical equipment. Petitioner attempted to mitigate delays by refurbishing existing electrical equipment.

We are satisfied that the facts as presented by Petitioner indicate that the delays encountered were substantially beyond its control and that the Petitioner took reasonable measures to avoid delay.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that Illinois Power Company be granted a variance, as regards its Hennepin facility, from Rule 408 of Chapter 3: Water Pollution Regulations, until March 31, 1974.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on this 28th day of February, 1974 by a vote of 5-0.

Christan L. Moffett