

ILLINOIS POLLUTION CONTROL BOARD
June 21, 2018

SOUTHERN ILLINOIS POWER)	
COOPERATIVE,)	
)	
Petitioner,)	
)	
v.)	PCB 18-75
)	(Thermal Demonstration)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.M. Santos):

On April 12, 2018, Southern Illinois Power Cooperative (SIPC) filed a petition (Pet.) requesting an alternative thermal effluent limitation for discharges from its Marion Generating Station to Lake of Egypt. The Marion Generating Station is in Williamson County; Lake of Egypt is located in both Williamson and Johnson Counties. SIPC filed the petition under Section 316(a) of the Clean Water Act (33 U.S.C. § 1326(a)), Section 304.141(c) of the Board’s water pollution regulations (35 Ill. Adm. Code 304.141(c)), and Part 106, Subpart K of the Board’s procedural rules (35 Ill. Adm. Code 106.1100 – 106.1180). SIPC requests that the alternative thermal effluent limitations apply instead of those imposed by the Board’s water quality standards for temperature (35 Ill. Adm. Code 302.211). Pet. at 34-35.

“Within 14 days after the filing of the petition, the petitioner must publish notice of the filing of the petition by advertisement in a newspaper of general circulation in the county where the facility is located.” 35 Ill. Adm. Code 106.1135(a). The notice must state that “[a]ny person may cause a public hearing to be held in the above-described proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice.” 35 Ill. Adm. Code 106.1135(b). “Within 30 days after the filing of the petition, the petitioner must file a certificate of publication with the Clerk of the Board.” 35 Ill. Adm. Code 106.1140. On April 23, 2018, SIPC filed a certificate of publication stating that the *Southern Illinoisan*¹ of Carbondale published notice on April 15, 2018. The Board finds that SIPC provided timely and sufficient notice. Any request that the Board hold a hearing was due by May 7, 2018, (35 Ill. Adm. Code 106.1150), but the Board received no request.

“Unless otherwise ordered by the hearing officer or the Board, the [Illinois Environmental Protection] Agency must file with the Board a recommendation within 45 days after the filing of a petition . . . for an alternative thermal effluent limitation. . . .” 35 Ill. Adm.

¹ The certificate of publication states that the *Southern Illinoisan* is published daily in Jackson County and is a newspaper of general circulation in eight counties, including Williamson and Johnson.

Code 106.1145(a). On May 23, 2018, the Illinois Environmental Protection Agency filed a recommendation that the Board grant the relief requested by SIPC. Any response to the Agency's recommendation is due within 21 days after the Agency files its recommendation. 35 Ill. Adm. Code 106.1145(c). The Board received no response.

The Board accepts the petition, but has not determined whether the contents of SIPC's petition are sufficient or whether it will hold a hearing. *See* 35 Ill. Adm. Code 106.1155(a). The Board may submit questions to SIPC through a Board or hearing officer order.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 21, 2018 by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, looped initial "D".

Don A. Brown, Clerk
Illinois Pollution Control Board