

ILLINOIS POLLUTION CONTROL BOARD

December 16, 1999

IN THE MATTER OF: )  
)  
PETITION OF CENTRAL ILLINOIS PUBLIC ) AS 00-7  
SERVICE COMPANY FOR AN ADJUSTED ) (Adjusted Standard - Water)  
STANDARD FROM 35 ILL. ADM. CODE )  
302.208 )

ORDER OF THE BOARD (by N.J. Melas):

On October 22, 1999, Central Illinois Public Service Company d/b/a Ameren CIPS (CIPS) filed a petition with the Board for an adjusted standard (petition) from 35 Ill. Adm. Code 302.208 and 304.105. CIPS requested that the Board grant it relief from the boron effluent standard and the prohibition against causing or contributing to a violation of a water quality standard in the Board's rules. The requested relief is for CIPS' Grand Tower Power Station (station) which is near Grand Tower in Jackson County. Outfall 002 at the station drains to an unnamed tributary ditch of the Mississippi River. On November 29, 1999, the Illinois Environmental Protection Agency (Agency) filed a motion for leave to file response instanter and a response to CIPS' petition (response). The Agency recommended that the Board grant the petition.

CIPS is seeking permanent relief from 35 Ill. Adm. Code 302.208 and 304.105. However, in the petition, CIPS states that it is planning to phase out its existing boilers and coal handling system. CIPS plans to replace these with natural gas powered combined cycle combustion turbines at the station by mid 2001. Pet. at 6-7.<sup>1</sup> CIPS states that switching from coal to natural gas will "eliminate or greatly reduce boron as a contaminant in Grand Tower's effluent charges." Pet. at 7. The Agency supports CIPS petition, stating that the alternatives to the adjusted standard are economically unreasonable given the short remaining time period that CIPS plans to burn coal at Grand Tower. Res. at 8. In addition, the Agency notes that the cost of removing boron for a short time period is a fundamentally different factor than factors that the Board considered in adopting the rules for the discharge of boron. Res. at 9; 415 ILCS 5/28.1(c) (1998).

Considering that boron contamination of CIPS' effluent will likely end by mid 2001, the Board requests that CIPS address a sunset provision for its adjusted standard petition. The Board also requests that CIPS address whether this matter would be better addressed in a variance petition rather than an adjusted standard petition. See 415 ILCS 5/37 (1998).

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<sup>1</sup> References to the petition will be cited as "Pet. at \_\_\_", and references to the response will be cited as "Res. at \_\_\_".

Section 28.1(c) of the Act requires a petitioner to prove that the requested adjusted standard “will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability.” CIPS states that the Board primarily relied on the protection of irrigated crops in adopting the water quality standard for boron. CIPS then claims that its proposed adjusted standard will not affect irrigated crops. Pet. at 9-10.

However, the petition fails to provide a complete description of the

“qualitative and quantitative impact of the petitioner’s activity on the environment if the petitioner were to comply with the regulation of general applicability as compared to the qualitative and quantitative impact on the environment if the petitioner were to comply only with the proposed adjusted standard.” 35 Ill. Adm. Code 106.705(g).

The water quality standards at issue are intended to protect aquatic life and safeguard the quality of State waters for consumptive uses. CIPS petition contains very little information regarding the aquatic life of the unnamed tributary other than a statement that no endangered species have been observed there. Pet. at 5. In its petition, CIPS requests relief from the water quality standard for boron for a 200 foot stretch of the Mississippi downstream from the point of confluence with the unnamed tributary. Pet. at 9. But CIPS does not discuss the impact of current discharge nor its discharge under the proposed adjusted standard on that stretch of the Mississippi. The Board requests that CIPS address these informational deficiencies.

Finally, the petition fails to provide a complete discussion of all compliance alternatives with the corresponding costs for each alternative, including a discussion of the “overall capital costs as well as the annualized capital and operating costs.” 35 Ill. Adm. Code 106.705(e). CIPS only discusses one compliance alternative (relocation of its discharge and installation of a 12” discharge line) and provides a cost estimate (\$85,000) but does not categorize that estimate as a capital cost nor an operating cost. Pet. at 7-8. CIPS also claims that it will need a permit for the relocation of its discharge but does not provide costs for the permitting process. Pet. at 8. Furthermore, CIPS alludes to other compliance alternatives but does not explain why such alternatives would not be technically feasible or economically unreasonable. *Id.* The Board requests that CIPS address these informational deficiencies as well.

The Board directs CIPS to address the sunset provision, the variance option, and the informational deficiencies in an amended petition. CIPS must file the amended petition with the Board by January 18, 2000, or this petition will be dismissed. If CIPS files an amended petition by January 18, the Agency must file an amended recommendation with the Board by February 17, 2000. Alternatively, CIPS may withdraw its petition for an adjusted standard and file a variance petition with the Board.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the day of 1999 by a vote of .

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board