

ILLINOIS POLLUTION CONTROL BOARD  
June 9 , 1977

COMMONWEALTH EDISON COMPANY, )  
)  
Petitioner, )  
)  
v. ) PCB 77-13  
)  
ENVIRONMENTAL PROTECTION AGENCY, )  
)  
Respondent. )

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

This matter is before the Board on the petition filed on January 12, 1977, by the Commonwealth Edison Company seeking variance from Rule 408 of Chapter 3: Water Pollution Regulations. The variances are sought for thirteen different power generating facilities located throughout the State because various process and non-process wastewater discharged at each of the stations exceeds both the total suspended and total dissolved solids limits of Rule 408. Additionally, some wastewaters do not meet certain other limitations of Rule 408. Petitioner also requested post-construction relief from the total dissolved solids limitations of Rule 408. (Rec. to Var., March 31, 1977.) Objections to the grant of this variance were filed by the Environmental Protection Agency and by Carolyn and Gary Carlson, residents of Dixon.

The matter was set for hearing and hearings were held in the following cities: Lockport, Waukegan, Springfield, Dixon, and Chicago (three). Hearings scheduled for Morris, Morrison, and Pekin were canceled due to lack of public interest. Neither Gary nor Carolyn Carlson appeared or testified at the hearing held in Dixon. Only two interested citizens testified at the hearings: one, Warren Walder of Dixon, testified in general support of Petitioner (R. 419); the other, Clark B. Rose of LaGrange, raised some questions regarding the application of Rule 401. At the close of the hearings, the Agency effectively withdrew its objection by recommending grant of the requested variance during the period of construction subject to the imposition of certain specified interim discharge limitations. (A. Rec., April 22, 1977; F. Rec., April 25, 1977; Supp. to Rec., May 9, 1977.) Inasmuch as the Agency's recommended interim limitations correspond, with some exceptions, to Petitioner's present performance capabilities, and since Petitioner states these interim limitations can be met (Brief 6), the Board views this petition as uncontested.

Petitioner has embarked on a program, estimated to cost \$188,500,000.00 (R. 89), to bring the discharges from its generating facilities into compliance with our regulations. The various plans call for the collection and retention, clarification and treatment, recycle or discharge of Petitioner's wastewaters. Petitioner believes that this treatment program will enable its facilities, with the addition of some equipment, to comply with the July 1, 1983, Federal requirement regarding the employment of best available technology economically achievable (R. 94).

After fully evaluating the evidence submitted in this proceeding, the Agency's favorable recommendation is based on the following factors:

- (a) The proposed construction program will achieve compliance;
- (b) The periods of time requested by Petitioner are reasonable in light of the complexity of the programs;
- (c) The adverse impact of Petitioner's various discharges on the quality of the receiving water is minimal to non-existent; and
- (d) It is impossible for Petitioner to presently comply with the applicable standards. (A. Rec. 5, April 22, 1977.)

Insofar as Petitioner's request for post-construction relief from the dissolved solids limitation of Rule 408, the Agency submits that such relief is unnecessary. In applying the criteria contained in Rule 401, the Agency concluded that Petitioner will be providing the best degree of treatment consistent with technological feasibility, economic reasonableness and sound engineering judgment and that it is appropriate to determine Petitioner's compliance with the dissolved solids effluent standard after such process wastewaters are combined with Petitioner's thermal discharges (condenser cooling water) or other high volume waste flows. (A. Rec. 4.) The Agency states that if this combination of discharges is allowed that Petitioner will be in compliance with the dissolved solids limitations, thus rendering this variance request unnecessary.

In view of the foregoing, the Board is disposed to grant Petitioner relief subject to the interim limitations requested by the Agency. (Supp. to Rec., May 9, 1977; Corrections, May 20, 1977.) In regards to Petitioner's request for post-construction relief from the dissolved solids limitation, the Board finds that such relief is necessary and this relief will also be granted.

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

ORDER

1. Petitioner, Commonwealth Edison, is granted relief from the total dissolved solids limitation of Rule 408(b) until June 30, 1981, for the discharges from Zion, Quad Cities, Dresden, Crawford, Fisk, Joliet, Waukegan, Will County, Powerton, Kincaid, Ridgeland and Collins Stations.

2. Petitioner, Commonwealth Edison Company, is granted variance for the periods of construction from the provisions of Rule 408 of Chapter 3: Water Pollution Regulations, as requested and as are needed subject to the following conditions:

- (a) Petitioner's facilities and the corresponding variance expiration date are as follows:

Fisk	July 1, 1978
Crawford	August 1, 1978
Quad Cities	October 1, 1978
Waukegan, Powerton, Zion	November 1, 1978
Dresden	February 1, 1979
Will County	March 1, 1979
Ridgeland, Kincaid, Joliet	April 1, 1979
Collins	October 1, 1979
Dixon	November 1, 1979

- (b) Petitioner shall comply with the interim discharge limitations as contained in the Agency's Supplement to Recommendation and which are incorporated herein by reference.

- (c) 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 Pollution Control Board in PCB 77-13, 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.

Mr. Dumelle dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 9<sup>th</sup> day of June, 1977 by a vote of 4-1.

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