

ILLINOIS POLLUTION CONTROL BOARD
October 22, 1981

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 79-272
)
COMMONWEALTH EDISON COMPANY, an)
Illinois Corporation (Will County)
Station),)
)
Respondent.)

MR. WILLIAM E. BLAKNEY, ASSISTANT ATTORNEY GENERAL, APPEARED
ON BEHALF OF THE COMPLAINANT;
MS. SUSAN B. PROCTOR, ISHAM, LINCOLN & BEAL, APPEARED ON BEHALF
OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a complaint which was filed by the Illinois Environmental Protection Agency (Agency) on December 21, 1979, alleging that the Commonwealth Edison Company (Edison) violated Rules 404, 405, 408 and 901 of Chapter 3: Water Pollution, and Section 12 of the Illinois Environmental Protection Act (Act). On January 28, 1980, Edison moved to consolidate this matter with PCB 79-273, -274, -275 and 78-272. That motion was denied by the Board on February 7, 1980. Hearing was held on September 16, 1981 at which time a settlement agreement was presented. No members of the public were present.

Edison owns and operates a coal-fired generating station located in Will County which discharges contaminants to the Chicago Sanitary and Ship Canal and the Des Plaines River from several points. On June 9, 1977 the Board granted Edison a variance for certain of these discharges until March 1, 1979 (PCB 77-13, 25 PCB 703).

In May of 1978 the discharge of slag tank supernatant contained levels of total iron in excess of the applicable variance (Stip. 3). From about June 9, 1977 to about March 1, 1979, the discharge of the ash settling basin filtration plant contained levels of total suspended solids in excess of the applicable variance standards (Stip. 3). During that same period the discharge of the limestone scrubber system contained lead in excess of standards (Stip. 4). From about December 30, 1976 to about July 1, 1978 the plant house service water

and miscellaneous wastes discharges contained pH levels not authorized by Edison's NPDES Permit No. IL0002208 (Stip. 5). During March of 1979 the discharge of the ash settling basin filtration plant contained levels of total iron in excess of applicable standards (Stip. 6). From March 2, 1979, to July 19, 1979, the discharge of the boiler blowdown contained excess levels of copper and iron (Stip 6). During the same period the discharge of the miscellaneous waste treatment plant contained levels of total suspended solids, total iron, and pH which were all in violation of applicable standards (Stip. 6-7). These discharges constitute violations by Edison of Rule 408 of Chapter 3, and thereby of Section 12 of the Act.

From about December 30, 1976 to July 20, 1979, the effluent discharged from the sewage treatment facility has contained levels of BOD₅ and fecal coliform in excess of applicable standards, violating Rules 404, 405 and 901 of Chapter 3 and thereby Section 12 of the Act (Stip. 8-9).

From about July 20, 1979 to December 21, 1979 the boiler blowdown discharge contained suspended solids and total copper in excess of applicable limitations (Stip. 10-11). During the same period the effluent discharged from Edison's sewage treatment facility contained fecal coliform and suspended solids in excess of applicable standards (Stip. 11). These discharges constitute violations of Chapter 3, Section 12 of the Act, and Edison's NPDES permit.

The Agency and Edison agree that these violations created a potential for injury to and interference with the health, general welfare and physical property of the people of the State, and that a \$10,000 civil penalty should be assessed (Stip. 11-12). They also agree that Edison shall cease and desist from these violations (Stip. 12).

In order to assess whether the penalty is appropriate, the Board would prefer to have more specific information regarding the environmental harm, if any, caused by these violations. However, given the points of discharge and the lack of any adverse public reaction at hearing, the Board finds the penalty to be reasonable. The Board therefore finds the stipulated agreement acceptable under Section 33(c) of the Act and Procedural Rule 331.

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

ORDER

1. Commonwealth Edison Company has violated Rules 404, 405, 408 and 901 of Chapter 3: Water Pollution, and Section 12 of the Act.
2. It is hereby ordered that Edison shall cease and desist from any and all violations of the Act and Rules 404,


405, 408 and 901 of Chapter 3 for all discharges at the Will County Station, and otherwise comply with all terms and conditions of the Statement of Stipulated Settlement filed in this matter on September 22, 1981, which is incorporated by reference as if fully set forth herein.

3. Within 30 days of the date of this Order, Edison shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$10,000 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 22nd day of October, 1981 by a vote of 50.



Christan L. Moffett, Clerk
Illinois Pollution Control Board