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5 Limit Bassmasters

STATE OF ILLINOIS
Pollution Control Board

1570 Co. Rd. 700 N. • Toledo, IL 62468 • 217-923-3098

May 22, 2001

To: Ms. Dorothy Gunn, Clerk
IL Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601

R01-31
P.C.# 2

Dear Ms. Gunn,

I want to thank the IL Pollution Control Board for the opportunity to comment on the Illinois Environmental Protection Agency's (IEPA) proposed amendment to Title 35, Subtitle C, Chapter 1, Part 301. After careful review, I believe this amendment provides inadequate protection for Illinois' aquatic natural resources, and I strongly oppose it as written.


I am especially concerned with the provision in part b of proposed Section 301.109 that will allow the IEPA and Illinois Pollution Control Board to issue provisional variances with no preconditions for monitoring the effects of the variances on the fish and other aquatic resources or assurance that an appropriate response and recovery plan is in place. Recent studies conducted at Newton and Coffeen lakes provide clear scientific evidence that increased thermal loading allowed by provisional variances can cause significant environmental damage. With the advanced knowledge that adverse impacts to the aquatic ecosystem will most certainly occur, provisional variances should be reserved exclusively for cases of extreme emergency. In rare instances where provisional variances may be warranted, a standard set of preconditions that will insure full accountability by the petitioner should be mandatory.

I am also concerned that this proposed amendment fails to meet the intent of the federal Clean Water Act. The federal Clean Water Act mandates that all thermal effluent standards "assure protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made." The US EPA already has regulations to allow for provisional variances in case of a true emergency. These regulations are the standard by which other Midwestern states regulate their electric generating facilities. The IEPA's proposed amendment appears far more lenient toward provisional variances than the EPA guidelines. These lenient regulations will give Illinois based generating facilities an unfair advantage in the marketplace, conceivably allowing them to produce additional power for other regions of the country at the expense of Illinois' aquatic natural resources.

Illinois' four largest power companies recently testified that there is now adequate generating capacity under current operating standards to meet any conceivable demand this summer. This is a clear indication that the only need for a provisional variance would be to supply additional power outside of the State of Illinois. If the Electric Utility Industry in Illinois wants to supply service to other regions of the United States where power is in short supply, they need to do so in an environmentally responsible manner. This means long-term solutions that comply with existing thermal standards, not with the use of provisional variances. Selling power to other regions of the United States at the expense of Illinois' aquatic natural resources is unacceptable.

I want to thank the board once again for the opportunity to comment on this very important issue, and I appreciate your consideration of my concerns.

5 Limit Bassmasters
1570 Co. Rd. 700 N.
Toledo, IL 62468

Sincerely,

Michael E. Black
President 5 limit Bassmasters