

ILLINOIS POLLUTION CONTROL BOARD
September 6, 1972

MERLIN HOWE)
)
 v.) #71-333
)
 COMMONWEALTH EDISON CO. AND)
 IOWA-ILLINOIS GAS & ELECTRIC CO.)

OPINION AND ORDER OF THE BOARD (by SAMUEL T. LAWTON, JR.)

This was a citizen's complaint filed against respondents in their capacities as owners and operators of the Quad-Cities Nuclear Electric Generating Station located at Cordova, Illinois.

The complaint alleges that the respondents discharged between 200 and 1,000 gallons of fuel oil from their flumes into the Mississippi River. A stipulation and settlement of the case was proposed which was initially agreed to by respondents. However, when the Board indicated that a hearing on the stipulation and settlement would be appropriate in order that the views of the public could be expressed with respect to the proposal, respondents declined to enter into the settlement. Upon receiving the report of the Hearing Officer indicating the foregoing, the Board reconsidered its requirement for a hearing in this particular matter and concluded that because of the isolated episode involved, since corrected, and the relatively insignificant burden on the public welfare created, a hearing would not be mandatory if by so directing we would jeopardize the settlement.

The stipulation entered into between petitioner and respondents acknowledges that 150 gallons of fuel oil were accidentally spilled into the discharge canal of the Quad-Cities station on July 14, 1971 due to a malfunction of a solenoid control valve resulting in an overflow from a diesel fire pump day tank. Respondents took immediate measures to correct the overflow upon its discovery. No evidence of damage to the biota of the Mississippi River or its shorelands is indicated and steps appear to have been taken to prevent a recurrence of the spillage from the Station. No additional oil spillage has taken place since July 14, 1971. The stipulation provides that petitioner will withdraw his complaint in the matter and respondents agree to pay the amount of \$2500 to the State of Illinois Fish and Game Fund within 30 days after the approval of the stipulation and settlement by the Illinois Pollution Control Board.

We believe the stipulation and settlement represent a reasonable disposition of the case and that no useful purpose would be served by insisting upon a hearing on the facts of this particular proceeding. Accordingly we approve the stipulation and settlement in the form submitted. We note that the Board's procedural regulations with

respect to hearing practices on settlement proposals is in the process of revision, which Section will be designed to clarify the procedures to be employed by the Board in consideration of all settlement proposals.

This opinion constitutes the findings of fact and conclusions of law of the Board.

It is the order of the Pollution Control Board

1. Complaint of the complainant is withdrawn upon respondents' admission of accidental discharge of fuel oil from the Quad-Cities Nuclear Electric Generating Station into the Mississippi River on July 14, 1971 as set forth in the stipulation between the parties and the foregoing opinion.
2. Respondents Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co. shall pay the amount of \$2500 to the State of Illinois Fish and Game Fund within 30 days from the date of this order and transmit it to Fiscal Services Division, Illinois EPA, 2200 Churchill Drive, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above Opinion and Order on the 6th day of September, 1972 by a vote of 4-0.

