

ILLINOIS POLLUTION CONTROL BOARD
February 27, 1975

COMMONWEALTH EDISON COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 74-16
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	
)	

ORDER OF THE BOARD (by Mr. Dumelle):

Commonwealth Edison Company (Edison) filed a Petition for Modification of Order or, In the Alternative, For New Variances on February 18, 1975. The Attorney General on behalf of the People of the State of Illinois filed a Response and Petition For Leave to Intervene in Edison's Petition on February 25, 1975.

Edison seeks modification of the Board Order entered on January 3, 1975 as modified on February 14, 1975 in respect to one of Edison's generating stations not subject to the present petition.

Because more than 35 days have passed since the adoption of the original Order which Edison seeks to be modified, Procedural Rule 334 requires the Board to exercise discretion in determining if it will accept a modification or require that a new variance be sought from the initial Board Order. Procedural Rule 334 also prohibits the request of a modification that is in substance a new variance request.

Although Edison seeks only to modify that portion of the previous Order that applies to the Waukegan and Joliet generating stations in its prayer for relief, the Board has determined that Edison should seek a variance from the previous Order rather than a modification.

Therefore, that portion of Edison's Petition which seeks a modification is hereby denied.

That portion of the Petition which pertains to the Powerton and Kincaid Stations seems to suggest that Edison has rejected the variance granted by the Board on January 3, 1975. To clarify this, the Board hereby orders Edison to designate, in writing, by March 26, 1975, precisely what portions of the Board Order in PCB 74-16 Edison has accepted and what portions Edison has repudiated. Such statement shall be filed with the Board, the Environmental Protection Agency, and the Attorney General.


The Board will consider the Petition filed on February 18, 1975 as a Variance Petition and hereby orders that it be assigned a new number and set for hearing.

The Attorney General's request to Intervene in the variance case is hereby granted.

Edison's request to include by reference the entire record produced in PCB 74-16 appears to include much that is not relevant to the new variance request. Therefore, Edison should confer with the representatives of the Agency and the Attorney General and determine what portions of the prior record are relevant and material to the new proceeding.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 27th day of February, 1975 by a vote of 4-0



Christan L. Moffett, Clerk
Illinois Pollution Control Board