

ILLINOIS POLLUTION CONTROL BOARD

March 21, 2002

IN THE MATTER OF:)
)
PETITION OF CENTRAL ILLINOIS LIGHT) AS 02-4
COMPANY (E.D. EDWARDS) (Adjusted Standard – Air)
GENERATING STATION) FOR AN)
ADJUSTED STANDARD FROM 35 ILL.)
ADM. CODE 214.141)

ORDER OF THE BOARD (by T.E. Johnson):

On February 28, 2002, Central Illinois Light Company (E.D. Edwards Generating Station) (CILCO) filed a petition for an adjusted standard pursuant to Section 28.1 of the Environmental Protection Act (Act) 415 ILCS 5/28.1 (2000). Along with the petition, CILCO filed a request for incorporation of documents by reference. CILCO filed a certificate of publication notice with the Board on March 13, 2002.

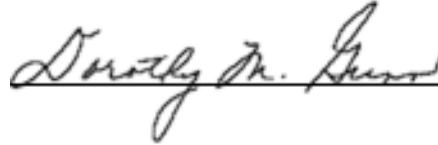
CILCO seeks relief from the sulfur dioxide limits for three coal-fired boilers at their station located near Peoria in Peoria County, and requests that the Board grant an adjusted standard from 35 Ill. Adm. Code 214.141. CILCO received a variance from 35 Ill. Adm. Code 214.141 in a Board order issued on April 15, 1999. *See Central Illinois Light Company v. IEPA, PCB 99-80 (Apr. 15, 1999)*. The variance is effective through July 31, 2003. Boilers 1 and 3 are subject to a sulfur dioxide emission limit under a site-specific rule at 35 Ill. Adm. Code 214.561. Boiler 2 is subject to sulfur dioxide emissions limit under 35 Ill. Adm. Code 214.141.

CILCO requests that the Board repeal the text of 35 Ill. Adm. Code 214.561 and replace it verbatim with text from the variance order of April 15, 1999. *See CILCO, PCB 99-80 slip op. at 8-9*

Before the Board determines whether or not to accept this case, it should be noted that CILCO is requesting that 35 Ill. Adm. Code 214.561 be repealed or amended. The Board is concerned that the relief requested by CILCO may be contrary to the Act and the Administrative Procedures Act, (5 ILCS 100/1-1 *et seq.* (2000)) in that CILCO is requesting the amendment of a rule in an adjusted standard proceeding. CILCO is directed to address this issue within 21 days of this order. The Board will reserve judgment on the acceptance of this case until that time.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 21, 2002, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board