

ILLINOIS POLLUTION CONTROL BOARD
December 1, 1994

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|-----------------------------|---|---------------|
| PEOPLE OF THE STATE |) | |
| OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 94-310 |
| |) | (Enforcement) |
| CENTRAL ILLINOIS |) | |
| PUBLIC SERVICE, an Illinois |) | |
| Corporation, |) | |
| |) | |
| Respondent. |) | |

OPINION AND ORDER OF THE BOARD:

This matter comes before the Board upon a one-count complaint filed October 28, 1994, by Roland W. Burris, Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency, and the People of the State of Illinois, against Central Illinois Public Service, an Illinois corporation located in the City of Newton, Jasper County, Illinois. The complaint alleges that Central Illinois Public Service has violated Sections 9(b) and 9.1(d) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/9(b), 5/9.1(d) and 40 C.F.R. 60.13(e), 60.45(a) and the operating permit number 83020010 by failing to continuously operate the continuous emissions monitoring systems for the Unit #2 steam generator.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint Motion requesting relief from the Act's hearing requirement on October 28, 1994. The Board published a notice of the waiver of hearing on November 3, 1994; no objection to grant of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on October 28, 1994. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Central Illinois Public Service admits the alleged violations and agrees to pay a civil penalty of ten thousand dollars (\$10,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This opinion constitutes the Board's findings of fact and

conclusions of law in this matter.

ORDER

- 1) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Central Illinois Public Service concerning its facility located in the City of Newton, Jasper County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Central Illinois Public Service, shall pay the sum of ten thousand dollars (\$10,000.00) within 30 days of the date of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face, Central Illinois Public Service's Federal Employer Identification Number or Social Security Number and that payment is directed to the Environmental Protection Trust Fund

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) Central Illinois Public Service shall utilize and complete the unit #2 CEM Shift Systems Operator during each Unit #2 operating shift. Each checklist shall be reviewed, signed and dated by the shift supervisor and environmental coordinator at the facility.
- 4) Central Illinois Public Service shall implement a training program for all new shift supervisors and unit operators. The training program will utilize the continuous emissions monitoring system training booklet, and will instruct these new employees

regarding the proper recordkeeping and reporting procedures for the continuous emissions monitoring systems at the facility.

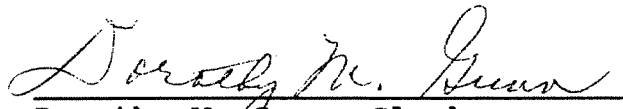
- 5) Central Illinois Public Service shall train the rotating shift chemists (FGD chemists) as to the proper procedures for reading the continuous emissions monitoring system one time during their shift.
- 6) Central Illinois Public Service shall install and maintain a monitor in the main control room for use by the unit operators in monitoring the performance of the Unit #2 continuous emissions monitoring systems.
- 7) By January 1, 1995, Central Illinois Public Service will install a working alarm system for the Unit #2 continuous emissions monitoring systems at the facility.
- 8) Central Illinois Public Service shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member J. Theodore Meyer concurred.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 1st day of December, 1994, by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board