

ILLINOIS POLLUTION CONTROL BOARD
October 15, 1987

IN THE MATTER OF:)
)
PROPOSAL OF WESTERN ILLINOIS POWER)
COOPERATIVE, INC., FOR SITE-SPECIFIC) R85-26
AMENDMENT OF THE WATER POLLUTION)
REGULATIONS)

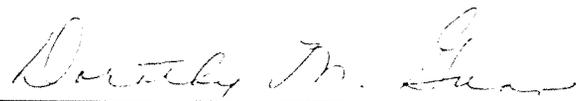
CONCURRING OPINION (by J. Theodore Meyer):

I concur with the result reached by the majority, and with the majority's finding that WIPCO has not provided sufficient information about the prospective environmental impact of the proposed rule. However, I do not agree that the discharge canal is a water of the United States. If the canal through which the condenser cooling water is discharged was a pipe rather than an open ditch, there is no question that such a pipe would not be considered a water of the United States. In such a case, effluent pH would most likely be monitored at the juncture of the pipe with the Illinois River. 35 Ill. Adm. Code 304.102(b). Likewise, I do not believe that the discharge canal fits within the definition of "waters of the U.S." set forth at 40 CFR 122.2.



J. Theodore Meyer
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 20th day of October.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board