

ILLINOIS POLLUTION CONTROL BOARD
August 5, 1999

CENTRAL ILLINOIS PUBLIC SERVICE COMPANY)
d/b/a AMEREN CIPS,)
NEWTON GENERATING STATION,)
)
Petitioner,)
)
v.) PCB 00-21
) (Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)
)

ORDER OF THE BOARD (by C.A. Manning):

On August 4, 1999, the Illinois Environmental Protection Agency (Agency) filed a request for a provisional variance and notification of recommendation. The Agency recommends that the Board grant Central Illinois Public Service Company d/b/a Ameren CIPS, Newton Generating Station (petitioner), located in Jasper County, Illinois, a 45-day provisional variance. The provisional variance would allow petitioner relief from its current thermal discharge limitations by allowing additional hours in which the plant's discharge may be in the temperature band over 111 degrees Fahrenheit, for the period beginning when the current permitted 110 hours for discharge expire. In making its recommendation, the Agency states that failure to grant the requested provisional variance will result in an arbitrary or unreasonable hardship.

The Board grants petitioner a provisional variance from 35 Ill. Adm. Code 304.141(a) and the Board's order in Central Illinois Public Service Company (Newton Lake Thermal Power Station) v. Illinois Environmental Protection Agency (June 5, 1997), PCB 97-159. The Board is required, in a provisional variance, to adopt a formal order, assure formal maintenance of the record, assure the enforceability of the variance, and provide notification of the action by press release. Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The Board grants the provisional variance from 35 Ill. Adm. Code 304.141(a) and the Board's order in Central Illinois Public Service Company (Newton Lake Thermal Power Station v. Illinois Environmental Protection Agency (June 5, 1997), PCB 97-159 for 45 days, subject to the following conditions:

1. The term of this provisional variance shall commence on August 2, 1999, and continue for 45 days.
2. During the term of this provisional variance, petitioner shall continue to comply with a monthly average effluent limit of 106 degrees Fahrenheit. In addition, the generating station shall be allowed 110 additional hours over their current thermal effluent limits at which the facility may exceed 111 degrees Fahrenheit as a daily maximum;
3. During the term of this provisional variance whenever petitioner uses any of its additional 110 hours over its current thermal effluent limits, petitioner shall operate its facility in such a manner as to allow only essential electrical production needs to be maintained; and

Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to Mark T. Books at the address indicated below within ten days of the date of this order.

Illinois Environmental Protection Agency
Bureau of Water, Compliance Assurance Section #19

Attention: Mark T. Books
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

The certification shall take the following form:

CERTIFICATION

I (We), _____, hereby accept and agree to be bound by all terms and conditions of the order of the Pollution Control Board in PCB 00-21 dated August 5, 1999.

Petitioner

Authorized Agent

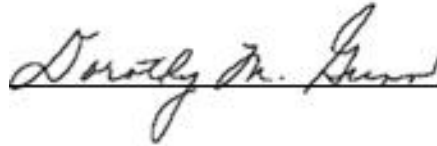
Title

Date

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 5th day of August 1999 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