

ILLINOIS POLLUTION CONTROL BOARD
October 22, 1981

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 79-275
)
COMMONWEALTH EDISON, an Illinois)
Corporation, (Joliet Generating)
Station),)
)
Respondent.)

MR. WILLIAM E. BLAKNEY, ASSISTANT ATTORNEY GENERAL, APPEARED
ON BEHALF OF THE COMPLAINANT;
MS. SUSAN B. PROCTOR, ISHAM, LINCOLN & BEAL, APPEARED ON BEHALF
OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board on a complaint which was filed by the Illinois Environmental Protection Agency (Agency) on December 21, 1979, alleging that Commonwealth Edison Company (Edison) violated Rules 408 and 901 of Chapter 3: Water Pollution, and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act (Act). On January 20, 1980, Edison moved to consolidate this matter with PCB 79-272, -273, -274, and 78-272. That motion was denied by the Board on February 7, 1980. Hearing was held on September 16, 1981 at which time a settlement agreement was presented. No members of the public were present.

Edison owns and operates a generating station in Joliet which consists of four coal-fired units (numbered 5-8) that discharge to the Des Plaines River. On June 9, 1977 the Board granted Edison a variance for certain of these discharges until March 1, 1979 (PCB 77-13, 25 PCB 703). Edison has discharged pursuant to NPDES Permit No. 0002216.

Edison has stipulated to numerous violations of Board rules, the permit the variance and the Act as indicated below (Stip. 3-7).

<u>Date</u>	<u>Discharge Point</u>	<u>Contaminant</u>	<u>Violation</u>
1/78-3/78, 6/78, 10/78, 11/78, 2/79 & 3/79	Pyrite Sluice Pond	TSS	Rule 408

2/78 and 10/78	Pyrite sluice Pond	Total Iron	Rule 408
10/77-4/78 and 12/78-3/79	Demineralizer Filter Backwash	Total Iron	Rule 408
4/79,5/79, 7/79 and 8/79	Quarry	TSS	Rule 408
4/79 and 5/79	Recirculating Combined Treatment System	TSS	Rule 408
4/79 and 5/79	Demineralizer Regenera- tive Waste	TSS	Rule 408
3/78,7/78 and	Condenser Cooling Water, Boiler Blowdown, House Service Water, Deminera- lizing Waste	Chlorine Residual	NPDES Permit
8/79-10/79	Condenser Cooling Water units 7 and 8	Chlorine Residual	NPDES Permit
5/79	Quarry	pH	NPDES Permit
4/79-10/79	Floor, Roof and Yard Run-off	unpermitted	
7/79-11/79	Chemical Treatment System Blowdown	unpermitted	
5/78,1/79-5/79	Sewage Treatment Plant Serving units 5 and 6 [STP (5 and 6)]	BOD ₅	NPDES Permit
12/78,1/79 and 4/79	STP (5 and 6)	TSS	NPDES Permit
11/78,1/79, 2/79 and 6/79	STP (5 and 6)	fecal coliform	NPDES
11/77-4/78, 12/78-3/79 and 5/79	Sewage Treatment Plant Serving units 7 and 8 [STP (7 and 8)]	BOD ₅	NPDES Permit
11/77,1/78, 2/78,5/78,12/78- 2/79,5/79 and 6/79	STP (7 and 8)	TSS	NPDES Permit
12/77,1/78, 6/78,7/78,1/79, 2/79 and 4/79-6/79	STP (7 and 8)	fecal coliform	NPDES Permit
4/79	STP (7 and 8)	pH	NPDES Permit
1/79-11/79	Bottom Ash Overflows	unpermitted	

By causing the discharges described above, Edison has violated its NPDES permits, Board Rules 408 and 901 and Sections 12(a) and 12(f) of the Act.

The Agency and Edison agree that these violations created a potential for injury to and interference with the health, general welfare and physical property of the people of the State, and that a \$10,000 civil penalty should be assessed (Stip. 11-12). They also agree that Edison shall cease and desist from these violations (Stip. 12).

In order to assess whether the penalty is appropriate the Board would prefer to have more specific information regarding the environmental harm, if any, caused by these violations. However, given the points of discharge and the lack of any adverse public reaction at hearing, the Board finds the penalty to be reasonable. The Board therefore finds the stipulated agreement acceptable under Section 33(c) of the Act and Procedural Rule 331.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. Commonwealth Edison Company has violated Rules 408 and 901 of Chapter 3: Water Pollution, and Section 12 of the Act.
2. It is hereby ordered that Edison shall cease and desist from any and all violations of the Act and Rules 408 and 901 of Chapter 3 for all discharges at the Joliet Generating Station, and otherwise comply with all terms and conditions of the Stipulation of Facts and Proposal for Settlement filed in this matter on September 22, 1981, which is incorporated by reference as if fully set forth herein.
3. Within 30 days of the date of this Order, Edison shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$10,000 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 22ND day of October, 1981 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board