

ILLINOIS POLLUTION CONTROL BOARD

May 14, 1981

|                                   |   |           |
|-----------------------------------|---|-----------|
| ILLINOIS POWER COMPANY,           | ) |           |
| (Clinton Power Station),          | ) |           |
|                                   | ) |           |
| Petitioner,                       | ) |           |
|                                   | ) |           |
| v.                                | ) | R80-17    |
|                                   | ) |           |
|                                   | ) | PCB 81-82 |
| ILLINOIS ENVIRONMENTAL PROTECTION | ) |           |
| AGENCY,                           | ) |           |
|                                   | ) |           |
| Respondent.                       | ) |           |

ORDER OF THE BOARD (by I. Goodman):

The regulatory proceeding herein, R80-17, was filed before the Board by Illinois Power Company (IPC) and others on August 7, 1980 proposing an amendment to Chapter 3: Water Pollution Control Rules and Regulations, Rule 203(i)(11)(aa). This rule lists exceptions to Rule 203(i)'s thermal effluent limitations. A hearing was held on December 12, 1980; no public comment from entities other than IPC has been received.

On June 9, 1977, in R77-7, the Board amended the procedural aspect of 203(i)(10) petitions from regulatory to adjudicative in nature in order to simplify the manner in which alternative thermal standards could be determined for specific sites. Since that date, Rule 203(i)(10) petitions have either been docketed as nonregulatory matters or have been changed from regulatory to adjudicative proceedings by Board Order (see R76-6 and PCB 78-271, Order of November 2, 1978, re Lake Sangchris).


On October 17, 1980 the Board ordered the scope of R80-17 to include deletion of Rule 203(i)(11), which merely lists the alternative limitations promulgated pursuant to the adjudicatory procedure under Rule 203(i)(10), to avoid petitions to amend regulations when they are in substance petitions for adjudicatory proceedings under Rule 203(i)(10).

The Board finds that establishing alternative thermal standards for power station cooling lakes by both Board regulation (Rule 203(i)(11)) and Board Order (Rule 203(i)(10)) is unnecessary and confusing. Therefore, pursuant to the Board's October 17, 1980 Order that alternative thermal standards for Lake Clinton be set pursuant to a Rule 203(i)(10) adjudicative proceeding, the Board hereby orders PCB 81-82 to be opened and the record of R80-17 incorporated therein.

The Board will utilize R80-17 to delete Rule 203(i)(11)(aa). The proposed alternative thermal effluent limitations for Lake Clinton pursuant to Rule 203(i)(10) will proceed under the docket PCB 81-82. All future petitions will be docketed as nonregulatory matters.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 24<sup>th</sup> day of May, 1981 by a vote of 5-2.

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