

ILLINOIS POLLUTION CONTROL BOARD

June 20, 1996

IN THE MATTER OF: )  
 )  
PETITION OF COMMONWEALTH ) AS 96-10  
EDISON COMPANY FOR ADJUSTED ) (Adjusted Standard - Water)  
STANDARD FROM 35 ILL. ADM. CODE )  
302.211 (d) and (e) )

ORDER OF THE BOARD (by E. Dunham):

On June 17, 1996, Commonwealth Edison Company (ComEd) filed a "Motion for Reconsideration or Modification and Leave to File an Amended Petition Instanter". ComEd seeks reconsideration or modification of the Board's June 6, 1996 order which ordered ComEd to file an amended petition satisfying the requirements of 35 Ill. Adm. Code 106.Subpart A.

ComEd contends that 35 Ill. Adm. Code 106.Subpart A is inappropriate and does not correspond with the regulatory relief sought by ComEd. ComEd states that the petition for alternate thermal standards is filed pursuant to 35 Ill. Adm. Code 304.141(c) for which there are no procedural rules. ComEd notes that the petition for alternate thermal standards was characterized by the Board as an adjusted standard. While ComEd believes that an alternate thermal standard pursuant to Section 304.141(c) may be technically different than an adjusted standard, it is willing to follow the procedures of Section 106.Subpart G and has submitted a petition in accordance with Section 106.705.

The Board grants the motion for reconsideration of its June 6, 1996 order. In its June 6, 1996 order the Board directed ComEd to amend its petition to satisfy the requirements of 35 Ill Adm. Code 106.Subpart A and determined that it would follow the procedural rules for a heated effluent demonstration. The Board's procedural rules do not specify the requirements for a petition filed pursuant to Section 304.141(c) and ComEd did not specify in its petition any procedural requirements that it would follow. When the petition was originally filed the Board characterized the petition as an adjusted standard and decided to follow the procedural requirements for a thermal demonstration due to the similarities between an alternate thermal standard and a heated effluent demonstration. In addition, Section 106.102(d) allows a petitioner in a heated effluent demonstration to make a showing pursuant to Section 304.141(c) for a heated effluent demonstration. However, after reviewing ComEd's motion for reconsideration, the Board believes that the information necessary for an alternate thermal standard can also be provided by the filing of an adjusted standard petition in accordance with 35 Ill. Adm. Code 106. Subpart G.

Accordingly, the Board modifies its June 6, 1996 order deleting the portion of the order directing ComEd to file an amended petition satisfying the requirements of 35 Ill. Adm. Code 106. Subpart A and instead directs ComEd to file an amended petition satisfying the requirements of 35 Ill. Adm. Code 106.Subpart G. The Board will proceed with this matter as an adjusted standard pursuant to 35 Ill. Adm. Code 106.Subpart G.

The Board allows the filing of the adjusted standard petition instanter. However, the amended petition does not contain a statement that the granting of the requested alternate thermal standards are consistent with federal law as required by 35 Ill. Adm. Code 106.705(i). ComEd is ordered to supplement the amended petition with a statement consistent with Section 106.705(i). In addition, ComEd must also file a certificate of publication as required by 35 Ill. Adm. Code 106.712. The Board notes that ComEd has waived its right to a hearing on the petition. (Am. Pet. at 16.)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

---

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board