

ILLINOIS POLLUTION CONTROL BOARD  
August 20, 1981

IN THE MATTER OF: )  
 )  
REPEAL OF RULE 203(i)(11)(aa) OF CHAPTER 3: ) R80-17  
WATER POLLUTION RULES AND REGULATIONS )

PROPOSED OPINION OF THE BOARD (by I. Goodman):

This Opinion is in support of the Order adopted on May 28, 1981, which initiated first notice of repeal of Rule 203(i)(11)(aa) of Chapter 3: Water Pollution Rules and Regulations.

A proposal was filed before the Board by Illinois Power Company, Soyland Power Cooperative, Inc., and Western Illinois Power Cooperative, Inc. (IPC) on August 7, 1980 to amend Rule 203(i)(11)(aa), which listed alternative thermal effluent standards and limitations for Lake Clinton, an artificial cooling lake constructed for the operation of Clinton Power Station by IPC. On October 17, 1980 the Board ordered the scope of the hearing for that proposal to include whether Rule 203(i)(11)(aa) should be deleted as an unnecessary listing of alternative limitations and standards applicable to cooling lakes. No objection from IPC, the Illinois Environmental Protection Agency (Agency), or other persons or entities was received by the Board. Hearing was held on December 12, 1980 meeting the requirements of Rule 203(i)(10). On May 14, 1981 the Board ordered that that part of R80-17 concerning IPC's petition for alternative thermal standards be made docket PCB 81-82, and that the instant docket retain the Board's proposal to delete Rule 203(i)(11)(aa). The proposal to delete the rule is not substantive in nature. On May 28, 1981 the Board issued an Order proposing deletion of the rule.


On June 28, 1977, the Board had amended Rule 203(i)(10)(cc) to provide for an adjudicatory hearing for petitions seeking thermal limitations alternative to those required by Rule 203(i)(4). Alternative limitations granted pursuant to Rule 203(i)(10) Previously were listed in Rule 203(i)(11)(aa). (R77-7.)

The Board finds that no purpose is served by Rule 203(i)(11)(aa), and that in fact the rule is in conflict with the specific procedure given in Rule 203(i)(10) for alternative standards. There is confusion as to whether Petitioners who seek alternative standards should seek to amend the rule which lists them (203(i)(11)(aa)) or to obtain relief pursuant to the specifically established procedure (203(i)(10)). The problem is exacerbated when, as was the case with IPC, a petitioner already operates under alternative standards but seeks amendments to those alternative standards.

The resulting confusion serves only to increase delay and to make relief more costly to obtain, both for Petitioners and for the Board and the Agency.

For these reasons the Board deleted Rule 203(i)(11)(aa). Alternative standards, when granted via Rule 203(i)(10), shall be enforceable by NPDES permit rather than by both permit and Board rule. Deletion of the rule, being procedural in nature, in no way affects or conflicts with the Act, the Clean Water Act, or other applicable statutes.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion was adopted on the 20<sup>th</sup> day of August, 1981 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board