

ILLINOIS POLLUTION CONTROL BOARD
June 2, 2016

EXELON GENERATION LLC,)	
)	
Petitioner,)	
)	
v.)	PCB 16-106
)	(Variance - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.K. Zalewski):

On May 18, 2016, Exelon Generation, LLC (Exelon) filed a petition for variance (Pet.) for four nuclear generation stations: the Byron Generating Station, Ogle County (Byron); the Clinton Generating Station, DeWitt County (Clinton); the Dresden Generating Station, Grundy County (Dresden); and the LaSalle Generating Station, LaSalle County (LaSalle). All of these counties are in attainment of sulfur dioxide (SO₂) emission limitations. Exelon seeks a variance from Section 214.161(b)(2) of the Board’s air pollution regulations, which states “the owner or operator of an existing fuel combustion emission source, burning liquid fuel exclusively, must comply with the following . . . [t]he sulfur content of all distillate fuel oil used by the fuel combustion emission source must not exceed 15 ppm.” 35 Ill. Adm. Code 214.161(b)(2).

Exelon states that the four stations have diesel fuel storage tanks for fuel that powers equipment at the stations in the event of an emergency or loss of power. Pet. at 3. The facilities must keep a specified volume of diesel fuel on hand at all times to power the emergency equipment and insure nuclear safety. *Id.* However, the amount of fuel actually used is low because the use of the fuel for anything other than emergencies and readiness testing is prohibited. *Id.* This results in large amounts of fuel with sulfur content greater than 15 ppm being stored for long periods of time. *Id.*

Exelon states the January 1, 2017 deadline will impose an arbitrary and unreasonable hardship. Exelon, however, claims that there are ways to decrease the sulfur content of their fuel tanks. Exelon claims that implementing these procedures by January 1, 2017, would be difficult and potentially unsafe. *Id.* at 10. The first way to decrease the sulfur content of the fuel in the storage tanks is to dilute the fuel. In the past, Exelon purchased commercial diesel fuel which has a high concentration of sulfur. *Id.* at 10-15. Now, Exelon purchases Ultra Low Sulfur Diesel (ULSD), which has a low concentration of sulfur. The result of the switch is diluted high-sulfur fuel. Dilution alone, however, does not decrease the sulfur content to a level compliant with Section 214.161(b)(2).

The second way to decrease the fuel in the storage tanks is to drain and clean the diesel fuel storage tanks and refill them. *Id.* at 23. Exelon claims that this process is challenging,

requires extensive planning, and that the high cost would outweigh the benefit to the environment. *Id.*

The third way to decrease the amount of high-sulfur fuel in the storage tanks is to combust the fuel. *Id.* at 23. Exelon states that this option is not possible because the stations can combust fuel for only a limited amount of time, and the combustion would not sufficiently decrease the amount of fuel. *Id.* Additionally, Exelon argues that granting the variance will have minimal environmental impact. *Id.* at 25.

Ultimately, Exelon is requesting a three year variance for Byron and Dresden (January 1, 2020), a four year variance for Clinton (January 1, 2021), and a five year variance for LaSalle (January 1, 2022). Pet. at 17-18.

Exelon is required to provide prompt public notice of a variance petition, including notice by publication in a newspaper of general circulation in the county where the facility is located within 14 days after the petition is filed. 415 ILCS 5/37(a) (2014); 35 Ill. Adm. Code 104.214. Exelon Generation's petition was filed on May 18, 2016. Therefore, newspaper notice was required by Wednesday, June 1, 2016.

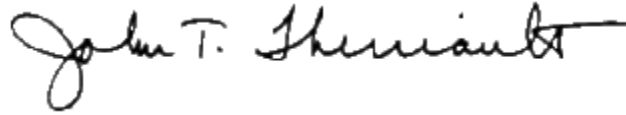
The Environmental Protection Agency (Agency) is required to file its recommendation on the variance with the Board within 45 days after the filing of the petition, or at least 30 days prior to a scheduled hearing, whichever is earlier. 35 Ill. Adm. Code 104.216. Thus, the Agency's recommendation is currently due Tuesday, July 5, 2016. Within 14 days after service of the Agency's recommendation, Exelon may file a response to the Agency recommendation or an amended petition. 35 Ill. Adm. Code 104.220.

Exelon waives its right to a hearing on this Petition pursuant to 35 Ill. Adm. Code 104.204(n). Pet. at 27. The Board will hold a hearing on the variance petition if: (1) the petitioner requests a hearing, (2) the Agency or any other person files a written objection to the variance within 21 days after the newspaper notice publication, together with a written request for hearing, or (3) the Board, in its discretion, concludes that a hearing would be advisable. 415 ILCS 5/37(a) (2014); 35 Ill. Adm. Code 104.224, 104.234.

The assigned hearing officer is responsible for guiding the parties toward prompt resolution of this matter through status calls and hearing officer orders as appropriate. Hearings, if necessary, will be scheduled and completed in a timely manner, consistent with the decision deadline, which only Exelon may extend by waiver. *See* 415 ILCS 5/38(a) (2014); 35 Ill. Adm. Code 101.308. If the Board fails to take final action by the decision deadline, Exelon may deem the requested variance granted for a period not to exceed one year. *See* 415 ILCS 5/38(a) (2014). Currently, the decision deadline is September 15, 2016 (the 120th day after the May 18, 2016 filing). *See* 35 Ill. Adm. Code 104.232. The Board meeting immediately before the decision deadline is scheduled for September 9, 2016.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 2, 2016 by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board