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STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
July 21, 2016

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

 ORIGINAL

**HEARING OFFICER ORDER**

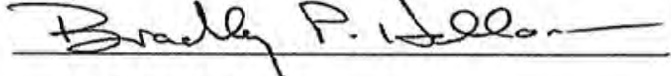
In a further effort to assist the Board's understanding of the above-captioned variance petition, petitioner is directed to address the attached question in a filed written response on or before July 29, 2016. The respondent may file a reply to petitioner's response on or before August 5, 2016.

The mailbox rule does not apply to the written responses and all electronic or approved telefax filings must be received by the Clerk's Office no later than 4:30 p.m. of the due date.

The parties are encouraged to consent to receive e-mail service of my orders. Consent may be e-mailed and need only include a name, e-mail address, and reference to this docket number.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on August 2, 2016, at 11:00 a.m. The telephonic status conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.



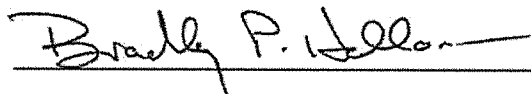
Bradley P. Halloran  
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100 W. Randolph Street  
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312.814.8917  
[Brad.Halloran@illinois.gov](mailto:Brad.Halloran@illinois.gov)

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were emailed and mailed, first class, on July 21, 2016, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on July 21, 2016:

John T. Therriault  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601



Bradley P. Halloran  
Hearing Officer  
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On July 14, 2016, Exelon filed its response (Resp.) to questions in the Board's June 16, 2016 Order. In the response, Exelon estimated its compliance plan could potentially yield 1.284 more tons of SO<sub>2</sub> than compliance with the rule of general applicability over the course of the requested variance. Resp. at 4.

Board question 9 directed Exelon to evaluate the opportunity to offset increased emissions in its compliance plan. Exelon's petition noted that a conversion to natural gas for the Dresden auxiliary boilers was implemented in October 2015 and emissions from the variance would be offset by the conversion (Pet. at 22), however, Exelon does not quantify the offset or commit to burning natural gas during the entire requested variance period. Exelon's response to Question 9 referred to the natural gas conversion and stated, "The Company has not identified any similar opportunities at the other stations." Resp. at 9. Exelon stated that it will continue to lower the sulfur content in the fuel tanks and "look for opportunities to improve station efficiencies and environmental performance on an ongoing basis." Pet. at 17; Resp. at 9.

Exelon stated that if the variance is granted, Exelon will save \$1.7 million that it would otherwise have to spend in order to comply with the rule by immediately draining and replacing the fuel at the Byron and Dresden stations. Resp. at 9; Pet. at 18, Table 9. Exelon's petition does not address any action it will take during the variance beyond its usual course of business.

The Board's rules require a petition for variance to include "[a] statement of the measures to be undertaken during the period of the variance to minimize the impact of the discharge of contaminants on human, plant, and animal life in the affected area..." 35 Ill. Adm. Code 104.204(g)(3). Exelon's petition does not address measures it will take specifically to minimize the impact.

The Board directs Exelon to propose a condition to the variance, for example purchasing and retiring SO<sub>2</sub> credits, that would minimize or offset the impact of the potential discharge of 1.284 tons SO<sub>2</sub> emissions as estimated under Exelon's proposed compliance plan. If Exelon cannot propose such a condition, the Board directs Exelon to provide an explanation of how it will minimize "the impact of the discharge of contaminants" without such a condition.