

ILLINOIS POLLUTION CONTROL BOARD
August 3, 1995

COMMONWEALTH EDISON COMPANY)	
(LASALLE COUNTY GENERATING)	
STATION),)	
)	
Petitioner,)	
)	
v.)	PCB 96-25
)	(Provisional Variance-Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), Commonwealth Edison Company (Commonwealth Edison), on behalf of its LaSalle County generating station, has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Commonwealth Edison to operate while its request for a permit modification is being reviewed by the Agency. Such request for a provisional variance and the Notification of Recommendation were filed with the Board by the Agency on Wednesday, August 2, 1995. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), the Agency, by and through its Director, Mary A. Gade, seeks a provisional variance for Commonwealth Edison in order to allow it to operate while its request for permit modification is under Agency review.

Specifically, the Agency recommends that we grant Commonwealth Edison a forty-five (45)-day provisional variance for its facility located in LaSalle County from the NPDES effluent standards as set forth in 35 Ill. Adm. Code 304.141(b) for the period beginning August 14, 1995 and continuing until September 27, 1995.

The Agency recommends that the Board grant the requested provisional variance with specified conditions. The Agency anticipates that the requested provisional variance would have minimal environmental impact on the receiving stream. The Agency is unaware of any public water supplies that the requested provisional variance would adversely impact. The Agency maintains that a grant of a provisional variance would violate no federal laws. The Agency finds that a denial of the requested provisional variance would create an arbitrary or unreasonable hardship on the petitioner.

Provisional variances are by their very nature temporary. The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. (See 415 ILCS 5/35 (b) & 36(c)). In provisional variances it is the responsibility of the Agency to make the technical determinations and finding of arbitrary or unreasonable hardship. The Board's responsibility is to adopt a formal order, to assure the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation finding that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants Commonwealth Edison a provisional variance from 35 Ill. Adm. Code 301.141(b), on the following conditions:

1. The variance shall commence on August 14, 1995 and continue until September 27, 1995;
2. The provisional variance is limited to the conditions that will be set forth in the modified permit, as described in paragraph 10 of the Agency Recommendation;
3. During the provisional variance period, Commonwealth Edison shall immediately inform the Agency of any adverse circumstances that may arise which could cause public health or environmental concerns.

Within ten (10) days of the date of this order of the Board Commonwealth Edison shall execute a copy of a Certificate of Acceptance of this provisional variance and forward that copy to the Agency addressed as follows:

Illinois Environmental Protection Agency
Bureau of Water, Compliance Assurance Section
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

Attention: Susan Davison

The Certificate of Acceptance shall take the following form:

CERTIFICATION

I (We), _____,
hereby accept and agree to be bound by all terms
and conditions of the order of the Pollution
Control Board in PCB 96-25, August 3, 1995.

Petitioner

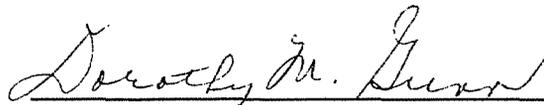
Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control
Board, do hereby certify that the above order was adopted on the
3rd day of August, 1995, by a vote of
5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board