

ILLINOIS POLLUTION CONTROL BOARD  
September 23, 1999

COMMONWEALTH EDISON COMPANY (Dresden )  
Power Station), )  
 )  
Petitioner, )  
 )  
v. ) PCB 00-48  
 ) (Provisional Variance - Water)  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )  
 )

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

On September 23, 1999, the Illinois Environmental Protection Agency (Agency) filed a request for provisional variance and notification of recommendation. The Agency recommends that the Board grant Commonwealth Edison Company's Dresden Power Station (petitioner) located in Grundy County, Illinois, a 21-day provisional variance. The provisional variance would allow petitioner relief from its current thermal discharge limitations by operating in the direct open cycle mode for a period of 21 days while repairs are completed on certain voltage monitoring hardware and associated equipment. Petitioner was previously granted a provisional variance in Commonwealth Edison Company (Dresden Power Station) v. IEPA (August 5, 1999), PCB 00-18 which expired on September 13, 1999. In making its recommendation, the Agency states that failure to grant the requested provisional variance will result in an arbitrary or unreasonable hardship.

The Board grants petitioner a provisional variance from: (1) 35 Ill. Adm. Code 302.211(d); (2) special conditions 2A, 2D, and 2G of petitioner's National Pollutant Discharge Elimination System (NPDES) Permit No. IL0002224; and (3) the Board's order in In the Matter of: 410(c) Petition for Dresden Nuclear Generating Station (July 9, 1981), PCB 79-134. The Board is required, in a provisional variance, to adopt a formal order, assure formal maintenance of the record, assure the enforceability of the variance, and provide notification of the action by press release. Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The Board grants the provisional variance for the period beginning October 5, 1999, and ending on October 26, 1999, subject to the following conditions:

1. The term of this provisional variance shall commence upon October 5, 1999, and continue for a period of 21 days ending on October 26, 1999.
2. During the term of this provisional variance petitioner's maximum temperature rise at the edge of the mixing zone shall be limited to 10.6 degrees Fahrenheit and the maximum temperature discharge at the outfall to the river shall not exceed 112 degrees Fahrenheit.
3. Petitioner shall notify Matthew Wertman of the Agency's Maywood regional office at the start of construction and completion of construction by telephone at 708/338-7900. Petitioner shall confirm this notice in writing within five days to the address noted in paragraph 4 below.
4. During the term of this provisional variance, petitioner shall document environmental conditions. Intake, discharge, and Dresden Lock & Dam temperatures will be continuously monitored. Also, visual inspection of the intake and discharge areas shall be performed by station personnel at least three times per day during the variance period to assure that no significant fish mortalities result. A written summary of this data shall be submitted to the

Agency within 30 days after the variance period is completed. This information shall be sent to the following address:

Illinois Environmental Protection Agency  
Bureau of Water, Compliance Assurance Section #19  
Attention: Dan Ray  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

5. Petitioner shall immediately begin implementing biological activities for the characterization of the response of fish and other aquatic life to the thermal conditions resulting from this provisional variance.
6. If any unusual conditions are detected or observed, petitioner shall take action to remedy the problem, and immediately notify the Agency. Petitioner shall investigate and document the cause and seriousness of the situation while providing updates as changes take place until the return to normal operations.
7. Petitioner shall execute a copy of a Certificate of Acceptance of this provisional variance and forward that copy to the Agency at the same address listed in the above condition 4; the petitioner shall forward that copy within ten days of the date of this order of the Board; and 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 00-48 dated September 23, 1999.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

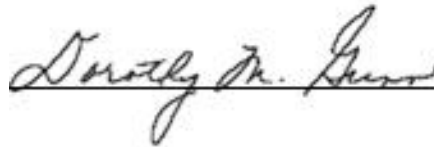
\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of September 1999 by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board