

ILLINOIS POLLUTION CONTROL BOARD
July 23, 1998

COMMONWEALTH EDISON COMPANY)
(Dresden Power Station),)
)
Petitioner,)
)
v.) PCB 99-17
) (Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

On July 21, 1998, 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 45-day provisional variance. The provisional variance would allow petitioner relief from the current thermal discharge limitations thereby allowing petitioner 259 additional hours in which the plant's discharges may be in the temperature band between 90 degrees and 93 degrees Fahrenheit, for the period beginning when the currently permitted 259 hours for discharges within this temperature band have been used, and continuing for 45 days. 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, 304.141(b) and (c); (2) special condition 2C 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 8, 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) (1996)), the Board must issue the provisional variance within two days of the filing.

The Board grants the provisional variance for the period beginning when the currently authorized 259 hours in the temperature band between 90 degrees and 93 degrees Fahrenheit have been used and continuing for 45 days, subject to the following conditions:

1. The term of this provisional variance shall commence upon the date that Commonwealth Edison Company (Dresden Power Station) completes use of the

presently allowed 259 hours for discharges in the temperature band between 90 degrees Fahrenheit and 93 degrees Fahrenheit, as established by petitioner's current NPDES Permit No. IL 0002224, and continuing for an additional period of up to 259 hours. This additional period of up to 259 hours will be available for utilization for 45-days from the commencement of the provisional variance but shall not extend beyond September 30, 1998.

2. Petitioner shall notify Matthew Wertman of the Illinois Environmental Protection Agency's Maywood regional office at the start of the usage and completion of usage by telephone at 708/338-7900. Petitioner shall confirm this notice in writing within five days to the address noted in paragraph three below.
3. During the term of this provisional variance, petitioner shall document environmental conditions during the additional excursion hours. 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

4. If any unusual conditions are detected or observed, petitioner shall 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.
5. Petitioner shall execute a copy of a certification of this provisional variance and forward that copy to the Agency at the same address listed in condition three; the petitioner shall forward that copy within ten days of the date of this order of the Board, and the certification 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 99-17 dated July 23, 1998.

Petitioner

Authorized Agent

Title

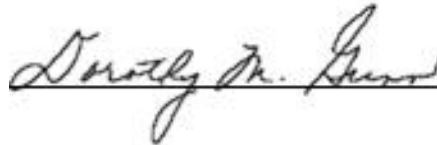
Date

IT IS SO ORDERED.

Board Member Kathleen M. Hennessey abstained.

Section 41 of the Environmental Protection Act (415 ILCA 5/41 (1996)) 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 July 1998 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board