

ILLINOIS POLLUTION CONTROL BOARD

September 3, 1998

COMMONWEALTH EDISON COMPANY)	
(Dresden Power Station),)	
)	
Petitioner,)	
)	
v.)	PCB 99-39
)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On September 1, 1998, the Illinois Environmental Protection Agency (Agency) filed a request for provisional variance and notification of recommendation. The Agency recommends that the Board grant a 24-day provisional variance. This request is an extension of the provisional variance granted in PCB 99-17 on July 23, 1998. The provisional variance would allow the petitioner's Grundy County facility relief from the current thermal discharge limitations thereby allowing petitioner 259 additional hours in which the facility'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 an additional 259 hours or through September 30, 1998, whichever occurs first. In making its recommendation, the Agency states that failure to grant the requested provisional variance will result in an arbitrary or unreasonable hardship on the petitioner.

The Board grants the 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 (415 ILCS 5/35(b) (1996)), the Board must issue the provisional variance within two days of the filing.

The provisional variance shall begin when the currently authorized 259 hours in the temperature band between 90 degrees and 93 degrees Fahrenheit have been used and continuing for an additional 259 hours or through September 30, 1998, subject to the following conditions:

1. 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 two below;
2. During the term of this provisional variance, petitioner shall document environmental conditions during the additional excursion hours. Intake, discharge, and Dresden Lock & Dam temperatures shall 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
3. 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.

Petitioner should sign a certificate of acceptance of this provisional variance and forward that certificate to the Agency within ten days of the date of this order. The certification should 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 99-39, September 3, 1998.

 Petitioner

 Authorized Agent

 Title

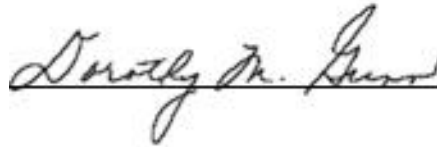
 Date

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

Section 41 of the Environmental Protection Act (415 ILCS 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 3rd day of September 1998 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board