

ILLINOIS POLLUTION CONTROL BOARD
July 24, 1997

COMMONWEALTH EDISON)	
COMPANY (Dresden Power Station),)	
)	
Petitioner,)	
)	
v.)	PCB 98-20
)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b) (1996)), Commonwealth Edison Company, Dresden Power Station (petitioner) located in Grundy County has requested that the Board grant a provisional variance from 35 Ill. Adm. Code 302.211, 304.141(b) and from the Board's order In the Matter of: 410 (c) Petition for Dresden Nuclear Generating Station (July 8, 1981), PCB 79-134. Such request for a provisional variance and the notification of recommendation were filed with the Board by the Illinois Environmental Protection Agency (Agency) on Wednesday, July 23, 1997. 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 Act (415 ILCS 5/35(b) (1996)), the Agency, by and through its Director, Mary A. Gade, seeks a provisional variance to allow petitioner to continue to operate its electric generating facility with an increased thermal effluent discharge. Specifically, the Agency recommends that we grant petitioner a 45-day provisional variance for its Grundy County facility from the thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 302.211, 304.141(b) and from the Board's order In the Matter of: 410 (c) Petition for Dresden Nuclear Generating Station (July 8, 1981), PCB 79-134. This variance period shall commence on the date that petitioner completes use of the presently allowable 259 hours in the temperature band between 90°F and 93°F, as presently established by petitioner's current National Pollution Discharge Elimination System (NPDES) permit, and continue for an additional period of 259 hours. Said additional period of 259 hours will be available for utilization for a period of 45 days from the commencement of the variance, and shall not extend beyond September 30, 1997.

The Agency recommends that the Board grant the requested provisional variance with specified conditions. The Agency agrees that the increased thermal effluent discharge is necessary. 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 believes 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) (1996). 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 that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from 35 Ill. Adm. Code 302.211, 304.141(b) and from the Board's order In the Matter of: 410 (c) Petition for Dresden Nuclear Generating Station (July 8, 1981), PCB 79-134, on the following conditions:

1. The term of this provisional variance shall commence on the date that petitioner completes use of the presently allowable 259 hours in the temperature band between 90°F and 93°F, as established by petitioner's current National Pollution Discharge Elimination System (NPDES) permit, and shall continue for an additional period of 259 hours. Said additional period of 259 hours will be available for utilization for a continuous period of 45 days within the 68-day period beginning July 24, 1997, and ending September 30, 1997;
2. Petitioner shall notify Chris Kallis of the Agency's Maywood Regional Office by telephone, at 708/338-7900 at the start of usage and completion of usage. Petitioner shall confirm this notice in writing within five (5) days, addressed noted in condition (3) below;
3. During the term of this provisional variance, petitioner must document environmental conditions during the additional excursion hours; intake, discharge, and Dresden Lock and Dam temperatures must be continuously be monitored. Also, visual inspections of the intake and discharge areas must be performed by station personnel at least 3 times per day during the variance period to assure that no significant fish mortalities result. A summary of this data must be submitted to the IEPA after the variance period is completed. This information must be sent to the following address:

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

- 4. If any unusual conditions are detected or observed, petitioner must immediately notify the IEPA and investigate and document the cause and seriousness of the situation and provide updates as changes occur until the return to normal operations.

Petitioner shall execute a copy of a Certificate of Acceptance of this provisional variance and forward that copy to the Agency addressed as in paragraph (3) above. Petitioner shall forward that copy within ten (10) 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 98-20, July 24, 1997.

Petitioner

Authorized Agent

Title

Date

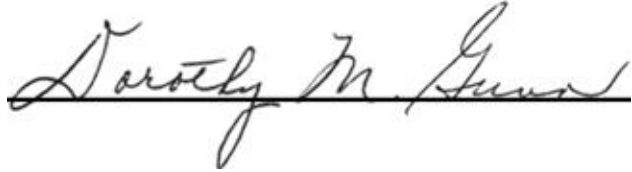
IT IS SO ORDERED.

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 145 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

Board Member K.M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 24th day of July 1997, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board