

ILLINOIS POLLUTION CONTROL BOARD

March 7, 1996

COMMONWEALTH EDISON)	
(DRESDEN STATION),)	
)	
Petitioner,)	
)	
v.)	PCB 96-188
)	(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) has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Commonwealth Edison's Dresden generating station to continue operating during essential maintenance on the electrical feeder line to the cooling pond lift station. This provisional variance is being requested because Commonwealth Edison needs to take the lift station out of service thereby requiring that the station's thermal discharge bypass the cooling pond and be directly sent to the Illinois River. This request for a provisional variance and the notification of recommendation was filed with the Board by the Agency on Tuesday, March 5, 1996. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Specifically, the Agency recommends that we grant Commonwealth Edison a 7-day provisional variance for its facility located in Grundy County from the temperature standards as set forth in 35 Ill. Adm. Code 302.211(d), 304.141(c) and from the Board's order in PCB 79-134, July 9, 1981. This 7-day period shall commence after April 1, 1996 but no later than April 15, 1996.

Upon receipt of the request, the Agency issued its recommendation notifying the Board that failure to grant the requested 7-day provisional variance would impose 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 notifying the Board 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(d), 304.141(c) and from the Board's order in PCB 79-134, July 9, 1981, subject to the following conditions:

1. The variance shall commence after April 1, 1996 but no later than April 15, 1996 when Commonwealth Edison removes the electrical feeder line to the cooling pond lift station and shall continue for a period of seven (7) days or until the unit is returned to service, whichever occurs first;
2. Commonwealth Edison shall notify Matthew Wertman or Jay Patel at the Agency's Maywood Regional Office via telephone at (708) 338-7900 when the electrical repairs begin and when the repairs are completed. Written confirmation of each notification shall be sent within five (5) days to the following address:

Illinois Environmental Protection Agency
Bureau of Water, Compliance Assurance Section
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
Attention: Dan Ray
3. ***For the period of this provisional variance, Commonwealth Edison shall not exceed a final discharge temperature of 90 degrees fahrenheit from Outfall 002 as specified in Commonwealth Edison's NPDES permit special Condition No.2B; and***
4. ***Commonwealth Edison shall continuously monitor water temperature at the I-55 intake structure, at the discharge point (Outfall 002) and at the Dresden lock and dam.***

Commonwealth Edison shall execute a copy of a certificate of acceptance of this provisional variance and forward that copy to the Agency addressed as is the written notice required in the above condition. Commonwealth Edison 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 96-188, March 7, 1996.

Petitioner

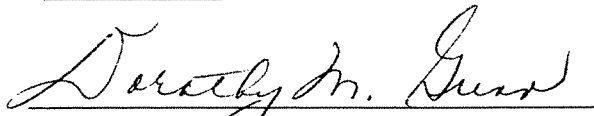
Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 7th day of March, 1996, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

