

ILLINOIS POLLUTION CONTROL BOARD
November 6, 1997

COMMONWEALTH EDISON)
COMPANY (Dresden Power Station),)
)
Petitioner,)
)
v.) PCB 98-64
) (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) (1996)), Commonwealth Edison Company, Dresden Power Station (petitioner), located in Grundy County, Illinois, has requested that the Board grant a provisional variance from Special Conditions Nos. 2A, 2D, and 2G of National Pollutant Discharge Elimination System Permit (NPDES) No. IL002224, 35 Ill. Adm. Code 302.211(d), 304.141(c), and 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 November 4, 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 seven (7) day provisional variance for its Grundy County facility from the thermal effluent discharge requirements, as set forth in Special Conditions Nos. 2A, 2D, and 2G of NPDES No. IL002224, 35 Ill. Adm. Code 302.211(d), 304.141(c), and 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 in November or December 1997 when petitioner begins work to calibrate the electrical system and shall continue for a period not to exceed seven (7) days or until the unit is returned to service, whichever occurs first.

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 and 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 and maintains that a

grant of a provisional variance would violate no federal laws. Accordingly, 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 petitioner a provisional variance from Special Conditions Nos. 2A, 2D, and 2G of NPDES No. IL002224, 35 Ill. Adm. Code 302.211(d), 304.141(c), and the Board's order In the Matter of: 410 (c) Petition for Dresden Nuclear Generating Station (July 8, 1981), PCB 79-134, subject to the following conditions:

1. The term of this provisional variance shall commence on the date in November or December 1997 when petitioner begins work to calibrate the electrical system and shall continue for a period not to exceed seven (7) days or until the unit is returned to service, whichever occurs first.
2. Petitioner shall notify Matthew Wertman or Jay Patel of the Agency's Maywood regional office by telephone, at 708/338-7900, when work begins and when repair is completed. Petitioner shall confirm this notice in writing within five (5) days, addressed as follows:

Illinois Environmental Protection Agency
Bureau of Water, Compliance Assurance Section
Attention: Dan Ray
1021 North Grand Avenue East
Springfield, Illinois 62704
3. During the term of this provisional variance, petitioner shall not exceed a final discharge effluent temperature of 90°F from Outfall 002 (together with the allowable 3°F excursion) as specified in petitioner's NPDES permit Special Condition No. 2B;
4. Petitioner shall continuously monitor the temperature at the intake structure, at the discharge point (Outfall 002), at the Dresden lock and dam and submit the results in writing to the above mentioned address at the end of the variance period will be immediately reported to the Agency.

Petitioner shall execute a copy of a certificate of acceptance of this provisional variance and forward that copy addressed to the Agency as in numbered 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 98-64, November 6, 1997.

Petitioner

Authorized Agent

Title

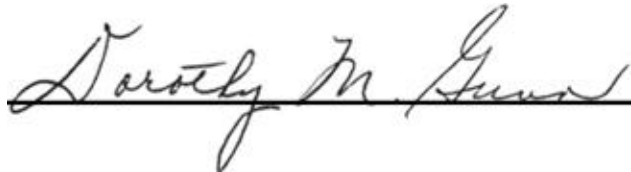
Date

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 145 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 6th day of November 1997, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board