

AUG 09 2001

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
)  
)  
PROVISIONAL VARIANCES FROM ) R01-31  
WATER TEMPERATURE STANDARDS: ) (Rulemaking - Water)  
PROPOSED NEW 35 Ill. Adm. Code )  
301.109 )

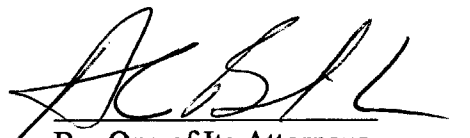
**NOTICE OF FILING**

TO: Dorothy M. Gunn	Andrew Boron, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
James R. Thompson Center	James R. Thompson Center
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
<b>(VIA FIRST CLASS MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

**(PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board the Pre-Filed Testimony of John R. Petro of Exelon Corporation, a copy of which is herewith served upon you.

EXELON CORPORATION

  
By: One of Its Attorneys

DATED: August 9, 2001

**THIS FILING SUBMITTED ON RECYCLED PAPER**

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AUG 09 2001

STATE OF ILLINOIS

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD** *Pollution Control Board*

IN THE MATTER OF:	)	
	)	
PROVISIONAL VARIANCES FROM	)	R01-31
WATER TEMPERATURE STANDARDS:	)	(Rulemaking)
PROPOSED NEW, 35 Ill. Adm. Code	)	
301.109	)	

PRE-FILED TESTIMONY OF JOHN R. PETRO

NOW COMES the EXELON CORPORATION ("Exelon"), by its attorneys, Sharon M. Neal and Alan Bielawski, and submits the following Pre-Filed Testimony of John R. Petro for presentation at the hearing scheduled in the above-referenced matter:

TESTIMONY OF JOHN R. PETRO

Qualifications

My name is John Petro. I am currently the Nuclear Generation Support Environmental Manager for the Mid-West Regional Operating Group of Exelon Corporation. I have been in this position since October 2000. I received my B.S. degree in Biology/Chemistry from Illinois Benedictine College in 1973. I was first employed by Commonwealth Edison ("ComEd"), Exelon's predecessor company, and a wholly owned subsidiary of Exelon, in March 1974. I have worked for ComEd/Exelon since that time. Prior to holding my current position of Nuclear Generation Support Environmental Manager, I served as: Radwaste Specialist within ComEd's Corporate Office, from 1998 to October 2000; Supervisor of Chemistry within ComEd's Corporate Office, from 1993 to 1998; Chemistry Manager at Braidwood Station, from 1988 to 1993; Shift

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Engineer/Planner at Braidwood Station, from 1984 to 1988; Technical Staff/Engineer at Braidwood Station, from 1978 to 1984; and Staff Biologist in ComEd's Environmental Affairs Department from 1974 to 1978.

My duties as Nuclear Generation Support Environmental Manager for the Mid-West Regional Operating Group ("MWROG") include providing environmental program oversight and governance to ensure regulatory performance in accordance with applicable permits and other requirements. The MWROG includes six nuclear generating stations: Byron, Braidwood, Clinton, Dresden, LaSalle, Quad Cities. Through my employment at ComEd/Exelon, I have become familiar with water quality and thermal regulations including those regarding the provisional variance process. My current responsibilities include oversight of the thermal and water quality performance of the MWROG stations. I have performed numerous thermal plume studies on the Illinois River and have been involved in our plants' monitoring activities aimed at assuring compliance with thermal requirements.

#### Introduction of Testimony

Exelon appreciates the opportunity to offer testimony regarding this rulemaking, which is of significance to our company. Exelon fully supports the pre-filed testimony submitted by Deirdre K. Hirner on behalf of the Illinois Environmental Regulatory Group ("IERG"), of which Exelon is a member, including IERG's alternative regulatory proposal. Exelon has worked closely with IERG regarding this rulemaking. In addition, Exelon concurs with the points raised in Midwest Generation's pre-filed testimony that support this alternative language. Exelon wishes to provide testimony specifically

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regarding the importance of preserving an expeditious provisional variance process to provide short-term relief to companies facing urgent situations.

### Exelon Generation

In Illinois, Exelon owns and operates six nuclear power plants. The plants produce electrical energy for more than 3.1 million residential customers and 326,000 commercial, industrial and institutional customers.. In light of the plants' significant cooling water requirements, each is designed to operate within thermal limits imposed by the Board's regulations or site specific standards and operating requirements that have been demonstrated in proceedings before the Board or U.S.EPA to be protective of the environment. For example, Braidwood, LaSalle, Dresden and Clinton all utilize cooling ponds; Dresden and Byron use cooling towers and Quad Cities uses a system of diffuser pipes. These cooling water systems were constructed at costs of many millions of dollars in order to allow the plants to operate within thermal limits.

Exelon closely monitors the thermal aspects of its nuclear stations' operations in order to assure compliance. Exelon seeks to respond to potential thermal difficulties before they are imminent. Toward this end, Exelon has installed and enhanced its cooling water systems, as described above. Exelon also relies on extensive computer modeling of river/lake and weather conditions in order to anticipate thermal problems and determine appropriate responses, which may include reducing power output.

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## Use of Thermal Provisional Variances

Despite these efforts to assure compliance with thermal requirements, ComEd/Exelon has at times sought temporary relief from applicable thermal requirements by requesting provisional variances to allow the plants to use more than their allotted "excursion hours." Applicable state regulations and NPDES permits for the plants require that the plants' discharges not exceed maximum numeric temperature standards, except for a certain percentage of the hours per year during which the plants may exceed that limit up to a specified limit. We refer to these as "excursion hours."

The need for these provisional variances arose from a number of different circumstances, including equipment failures, maintenance outages, and a combination of high ambient temperatures and humidity values along with low river flow rates. Provisional variances sought as a result of equipment failures or extreme weather conditions were often accompanied by peak power demands. This combination created urgent situations that required expeditious responses. Working with IEPA, ComEd/Exelon has been able to utilize the provisional variance process to secure needed regulatory relief under these exigent circumstances and thereby avoid threatened power losses to its customers.

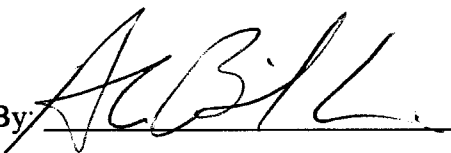
IEPA has explained that the proposed rules were developed to clarify and document the requirements applicable to provisional variance petitioners. Exelon has found the existing law and procedures regarding provisional variances to provide ample detail and notice of the information that we have been required to include in provisional variance petitions and of IEPA's broad discretion to grant and condition any provisional variance recommendation.

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Moreover, as also discussed by IERG, the proposed rules unnecessarily restrict IEPA's decision-making flexibility and impose unneeded procedural requirements, thereby threatening to interfere with one of the the key objectives of the provisional variance process, which is to provide expedited relief. The ability to seek short-term expedited relief in emergency situations is of great importance to Exelon. If the proposed rules necessitate longer review and recommendation timeframes, then the need to retain the existing emergency provisional variance procedures in their current form becomes all the more important. IERG's testimony also emphasizes the significance of preserving the distinction between "regular" provisional variances and those designated "emergencies." (IERG Testimony, pp. 15-16).

Exelon has expended and will continue to dedicate substantial resources and efforts to assure, on a long-term basis, compliance with applicable thermal requirements. While we clearly recognize the limited circumstances under which the provisional variance process should be utilized, we also deeply appreciate its significance and usefulness in response to severe conditions. The usefulness of this process is threatened if it becomes more complicated and delayed by the imposition of the proposed rules.

Respectfully submitted,

By: 

DATED: August 9, 2001

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**CERTIFICATE OF SERVICE**

I, Alan P. Bielawski, certify that I have served a copy of THE PRE-FILED

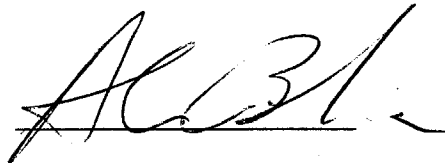
TESTIMONY OF JOHN R. PETRO OF EXELON CORPORATION, upon:

Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
James R. Thompson Center  
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Andrew Boron, Esq.  
Hearing Officer  
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SEE ATTACHED SERVICE LIST.

by depositing said document in the United States Mail in Chicago, Illinois on August 9, 2001.

A handwritten signature in black ink, appearing to read 'A. Bielawski', written over a horizontal line.

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