

ILLINOIS POLLUTION CONTROL BOARD  
August 5, 1999

COMMONWEALTH EDISON COMPANY (Dresden )  
Power Station), )  
 )  
Petitioner, )  
 )  
v. ) PCB 00-18  
 ) (Provisional Variance - Water)  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )  
 )

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

On August 4, 1999, the Illinois Environmental Protection Agency (Agency) filed a request for a provisional variance and notification of recommendation. The Agency recommends that the Board grant Commonwealth Edison Company's Dresden Power Station (petitioner) located in Grundy County, Illinois, a 45-day provisional variance. The provisional variance would allow petitioner relief from its current thermal discharge limitations of 259 hours in which the plant's discharges may be in the temperature band between 90 degrees Fahrenheit 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 45 days. In making its recommendation, the Agency states that failure to grant the requested provisional variance will result in an arbitrary or unreasonable hardship.

The Board grants 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 (Act) (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The Board grants the provisional variance for the period beginning when the currently authorized 259 hours in the temperature band between 90 degrees Fahrenheit and 93 degrees Fahrenheit have been used and continuing for 45 days, subject to the following conditions:

1. The term of this provisional variance shall commence upon the date during 1999 that Commonwealth Edison Company (Dresden Power Station) completes use of the presently allowed 259 hours for discharges in the temperature band between 90 degrees Fahrenheit and 93 degrees Fahrenheit, as established by petitioner's current NPDES Permit No. IL 0002224, and continuing for an additional period of up to 45 days.
2. During the term of this provisional variance, whenever discharge temperatures exceed 90 degrees Fahrenheit, the Dresden Power Station shall be operated in such a manner as to allow only essential electrical production needs to be maintained.
3. 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 condition 4 below.

4. During the term of this provisional variance, petitioner shall document environmental conditions during the additional excursion hours. Intake, discharge, and Dresden Lock & Dam temperatures will 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

5. Petitioner shall immediately begin biological activities for the characterization of the response of fish and other aquatic life to the thermal conditions resulting from this provisional variance.
6. 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 shall sign a certificate of acceptance of this provisional variance and forward that certificate to the Agency at the same address listed in condition 4 above within ten days of the date of this order. The certification 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 00-18 dated August 5, 1999.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

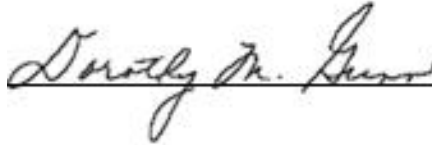
\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) 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 5th day of August 1999 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board