

ILLINOIS POLLUTION CONTROL BOARD
July 10, 1997

COMMONWEALTH EDISON)	
COMPANY (Zion Power Station),)	
)	
Petitioner,)	
)	
v.)	PCB 98-12
)	(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, Zion Power Station (petitioner) located in Lake County, Illinois has requested that the Board grant a provisional variance from 35 Ill. Adm. Code 304.141(b) and 309.102. Such request for a provisional variance and the notification of recommendation were filed with the Board by the Illinois Environmental Protection Agency (Agency) on July 8, 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 while it conducts treatment on the component cooling water system. Specifically, the Agency recommends that we grant petitioner a 45-day provisional variance for its Lake County facility from the effluent discharge requirements, as set forth in 35 Ill. Adm. Code 304.141(b) and 309.102. This variance period shall commence on a date in late July or early August 1997 when treatment of the component cooling water system begins and shall continue for 45 days, or until final treatment is completed, or upon the issuance of petitioner's National Pollution Discharge Elimination System (NPDES) permit, whichever occurs first.

This recommendation is essentially that the Board extend a previously-granted provisional variance that expired June 30, 1997. The docket number of the provisional variance was PCB 97-202, granted on May 15, 1997.

The Agency recommends that the Board grant the requested provisional variance with specified conditions. The Agency agrees that the repairs are necessary. The Agency anticipates that the requested provisional variance would have minimal environmental impact on the receiving stream and 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 petitioner.

Provisional variances are by their very nature temporary. The responsibilities of 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 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.

impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from 35 Ill. Adm. Code 304.141(b) and 309.102, on the following

1. The term of this provisional variance shall commence on a date in late July or begins and shall continue for 45 days, or until final treatment is completed, or upon the issuance of petitioner's NPDES permit, which ever occurs first.

Petitioner shall notify Chris Kallis of the Agency's Maywood regional office by on the component cooling water system. Petitioner shall confirm this notice in writing within five (5) days, addressed noted in condition 5 below.

During the term of this provisional variance, petitioner shall limit copper from outfall 001b to 0.5 milligrams per liter. Copper shall be sampled from discharge through outfall 001b.

4. waste for further treatment and testing until sufficient treatment is completed to attain the limit for copper noted in condition 3 above.

5. Monitoring results of all testing and dates of treatment shall be tabulated and be sent to the following address:

Illinois Environmental Protection Agency
Assurance Section
Attention Mr. Dan Ray

P.O. Box 19276
Springfield, Illinois 62794-9276

Petitioner shall execute a copy of a certificate of acceptance of this provisional variance and forward that copy to the Agency addressed as in the written notice required in the above condition; 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 98-12, July 10, 1997.

Petitioner

Authorized Agent

Title

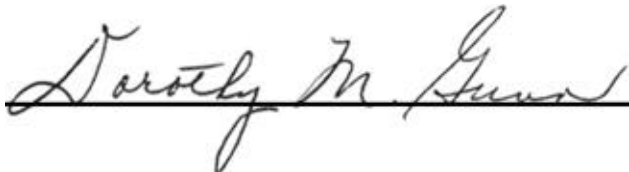
Date

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 10th day of July 1997, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board