

ILLINOIS POLLUTION CONTROL BOARD
April 16, 1998

COMMONWEALTH EDISON)	
COMPANY (Zion Power Station),)	
)	
Petitioner,)	
)	
v.)	PCB 98-141
)	(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 Zion, Lake County, Illinois, has requested that the Board grant a provisional variance from the effluent discharge requirements, as set forth in 35 Ill. Adm. Code 304.141(b) and 309.102. The request for a provisional variance and the notification of recommendation were filed with the Board by the Illinois Environmental Protection Agency (Agency) on April 14, 1998. Pursuant to Section 35(b) of the Act (415 ILCS 5/35(b) (1996)), the Board must issue the variance within two days of this filing.

Pursuant to Section 35(b) of the Act, the Agency, by and through its Director, Mary A. Gade, seeks a provisional variance to allow petitioner to treat and discharge two sub-waste streams not currently listed in its National Pollution Discharge Elimination System (NPDES) Permit No. IL0002763. These two waste streams pertain to: (1) drain water from a closed heating system; and (2) water collected from a leaking heat exchanger that is part of the station's heating/ventilation/air conditioning (HVAC) system. Petitioner proposes to add these to its radwaste treatment system and wastewater treatment system.

All wastewater would be treated in accordance with petitioner's existing NPDES permit. Petitioner has proposed to add these sub-waste streams to its permitted discharge in its application for renewal of its existing NPDES permit, but does not expect a renewal permit to be issued for at least another six months for various stated reasons.

The Agency recommends that the Board grant the requested provisional variance with specified conditions. The Agency agrees that the modification is necessary. The Agency 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. The Agency maintains that grant of a provisional variance would violate no federal laws. The Agency believes that denial of the

requested provisional variance would create an arbitrary or unreasonable hardship on the petitioner.

Specifically, the Agency recommends that the Board grant petitioner a 45-day provisional variance for petitioner's 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 April or May, 1998, when treatment of the earlier of either the closed heating system drain water or the water collected from the leaking heat exchanger in the heating ventilation air conditioning system begins and shall continue for 45 days, or until treatment is completed, or upon the issuance of petitioner's NPDES permit, whichever occurs first.

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 35 Ill. Adm. Code 304.141(b) and 309.102, subject to conditions.

In the interest of better public understanding of today's action, the Board has added two explanatory sentences to the first condition of this provisional variance.

1. The purpose of this provisional variance is to allow petitioner to add two waste streams to its existing radwaste treatment system and wastewater treatment system for treatment consistent with its NPDES Permit No. IL0002763. These waste streams are the closed heating system drain water and the water collected from the leaking heat exchanger in the HVAC system. The term of this provisional variance shall commence on a date in April or May of 1998 when treatment of the earlier of either the closed heating system drain water or the HVAC system wastewater begins and shall continue for 45 days, or until treatment is completed, or upon the issuance of petitioner's NPDES permit to renew or replace NPDES Permit No. IL0002763, whichever occurs first.
2. Petitioner shall continue to meet all other conditions and limits in its NPDES Permit No. IL0002763.
3. Petitioner shall notify Matthew Wertman, Maywood Regional Office, by telephone, at 708/338-7900, at the start of and the completion of treatment of the two sub-waste streams. Petitioner shall confirm this notice in writing within five (5) days, addressed as follows:

Illinois Environmental Protection Agency
Bureau of Water, Compliance Assurance Section
Attn: Dan Ray
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 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 is the written notice required in the above condition; petitioner shall forward that copy within ten 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 98-141, April 16, 1998.

Petitioner

Authorized Agent

Title

Date

IT IS SO ORDERED.

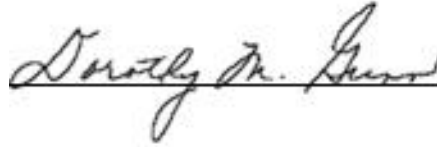
Board Member K.M. Hennessey abstained.

Board Member J.Theodore Meyer voted present.

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 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 16th day of April 1998 by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board