

ILLINOIS POLLUTION CONTROL BOARD  
March 31, 1994

COMMONWEALTH EDISON )  
(DRESDEN GENERATING STATION), )  
 )  
Petitioner, )  
 )  
v. ) PCB 94-104  
 ) (Provisional Variance)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by J. Theodore Meyer):

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), Commonwealth Edison has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Commonwealth Edison to continue operating during a period of electric generating facility modifications/permanent electrical system repairs. Such request for a provisional variance and the Notification of Recommendation was filed with the Board by the Agency on Wednesday, March 30, 1994. 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 the Environmental Protection Act (Act) (415 ILCS 5/35(b)), the Illinois Environmental Protection Agency (Agency), by and through its Director, Mary A. Gade, seeks a provisional variance for Commonwealth Edison in order to allow it to continue operating during a period of electric generating facility modifications/permanent electrical system repairs.

Specifically, the Agency recommends that we grant Commonwealth Edison a twenty-one (21)-day provisional variance for its Grundy County facility from the thermal discharge standards in 35 Ill. Adm. Code 302.211(d) and 304.141(c). This provisional variance shall begin no later than May 31, 1994 when the petitioner begins repair to its electric generating facility, by removing its forced lift station from service, and continuing until the petitioner returns that unit to service, but not for longer than 21 days.

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. The Agency 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 finds 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)). 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 finding that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from 35 Ill. Adm. Code 302.211(d) and 304.141(c), on the following conditions:

1. The term of this provisional variance shall begin no later than May 31, 1994 when the petitioner Commonwealth Edison, initiates repairs to its electric generating facility by removing its lift station transformer from service and it shall expire on the date the petitioner completes the required maintenance work, or after twenty-one (21) days have elapsed, whichever comes first;
2. During the term of this provisional variance, Petitioner shall not exceed a final discharge temperature of 24 degrees F above the ambient water temperatures in the Des Plaines and Kankakee Rivers at the Petitioner's river intake structure location.
3. The petitioner shall notify Maureen Brehmer of the Agency's Maywood Regional office by telephone, at 708/338-7900 , when it removes its forced lift station from service and when it returns the unit to service, and the petitioner shall confirm this notice in writing within five (5) days, addressed as follows:

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Compliance Assurance Section  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Attention: Dan Ray

4. During the term of this provisional variance, Petitioner shall continuously monitor the temperature at the intake structure, at the discharge point and at the Dresden lock and dam as indicated by the Petitioner in its variance request.

5. During the term of this provisional variance, Petitioner shall operate the two boiling water reactors at reduced loads so that the maximum amount of cooling water to be discharged daily will be 940 MGD.

6. The 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; the 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 94-104, March 31, 1994.

\_\_\_\_\_  
Petitioner

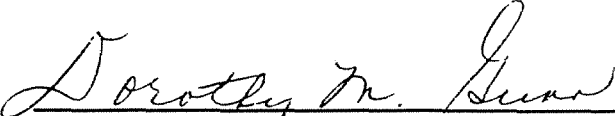
\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 31<sup>st</sup> day of March, 1994, by a vote of 5-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board