

ILLINOIS POLLUTION CONTROL BOARD
June 22, 2000

COMMONWEALTH EDISON (Byron)
Nuclear Generating Station),)
)
Petitioner,)
)
v.) PCB 00-222
) (Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

On June 20, 2000, the Illinois Environmental Protection Agency (Agency) filed a request for a provisional variance and notification of recommendation. The Agency recommends that the Board grant a 45-day provisional variance to Commonwealth Edison for its Byron Nuclear Generating Station. The provisional variance would allow this Ogle County petitioner to replace an existing chemical feed zebra mussel control system with a copper ion zebra mussel control system. In making its recommendation, the Agency states that failure to grant the requested provisional variance for 45 days will result in an arbitrary or unreasonable hardship on the petitioner.

The Board grants the petitioner a provisional variance for its facility from the requirements set forth in 35 Ill. Adm. Code 309.154(a) and (b) and National Pollutant Discharge Elimination System Permit No. IL0048313. 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 provisional variance is granted, subject to the following conditions:

1. The variance shall begin on June 26, 2000, and shall continue for 45 days.
2. During the variance period, petitioner's effluent shall be limited to a copper concentration of 0.071 milligrams.
3. Petitioner shall notify Charles Corley of the Agency by telephone at 815/987-7755 regarding the completion of the utilization of this provisional variance. Also, petitioner shall confirm this notice in writing within five days to the following address:

Illinois Environmental Protection Agency
Bureau of Water - Water Pollution Control
Attention: Susan Davison
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

- 4. Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to Susan Davison at the address indicated above within ten days of the date of this order. The certification should 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 00-222 dated June 22, 2000.

Petitioner

Authorized Agent

Title

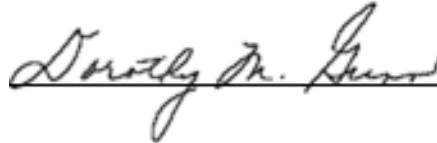
Date

- 5. Petitioner shall operate the facility during the term of this provisional variance in such a manner so as to produce the best effluent practicable.
- 6. Petitioner shall continue to monitor and maintain compliance with all other parameters and conditions specified in its National Pollutant Discharge Elimination System Permit No. IL0048313.

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 22nd day of June 2000 by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board