

ILLINOIS POLLUTION CONTROL BOARD
November 19, 1992

COMMONWEALTH EDISON,	)	
(Dresden Generating Station),	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-181
	)	(Provisional Variance)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J.C. Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated November 18, 1992. The recommendation refers to a request from Petitioner, Commonwealth Edison, for a provisional variance for its Will County facility from the effluent discharge temperature limitations, as set forth in 35 Ill. Adm. Code 302.211(d) and 304.141(c), for the period from when the Petitioner removes its lift station transformer from service until that unit is returned to service, or through November 30, 1992, whichever comes first, but not for more than three 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.

The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. See Ill. Rev. Stat. 1991, ch. 111½, pars. 1035(b) & (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 Petitioner a

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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 commence when the Petitioner, Commonwealth Edison, initiates the removing of its lift station transformer, and continue for three (3) days or until the unit is returned to service, whichever occurs first, but in no case later than November 30, 1992;

2. The Petitioner shall notify Allen Anderson of the Agency's Maywood Regional office by telephone, at 708/531-5900, when it removes its lift station transformer from service and when it returns the unit to service, and the Petitioner shall confirm this notice in writing within five 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

3. During the term of this variance, Petitioner shall not exceed a final discharge temperature of 74 degrees F.

4. During the term of this 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 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 936 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 10 days of the date of this Order of the Board, and the Certificate of Acceptance shall take the following form:

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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 92-181, November 19, 1992.

Petitioner

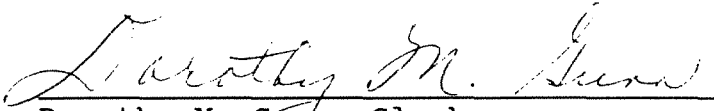
Authorized Agent

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 by the
Board on the 19th day of November, 1992,
by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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