

ILLINOIS POLLUTION CONTROL BOARD

August 9, 2001

EXELON GENERATION COMPANY, L.L.C.)
(Dresden Nuclear Power Station),)
)
Petitioner,)
)
v.) PCB 02-17
) (Provisional Variance – Water)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

On August 7, 2001, the Illinois Environmental Protection Agency (Agency) filed a request for provisional variance and notification of recommendation. The Agency recommends that the Board grant a 45-day provisional variance to the Dresden Nuclear Power Station, owned by the Exelon Company (Exelon) located near Morris, Grundy County. The provisional variance would allow petitioner relief from its current thermal discharge limitations of 259 hours in which the plant's discharges may be in the temperature band between 90 degrees Fahrenheit and 93 degrees Fahrenheit. The provisional variance will allow for replacement of fill material necessary to optimize cooling efficiency in the cooling towers.

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 Agency agrees with Exelon that granting a provisional variance "will cause no adverse environmental impacts." Ag. Rec. at 5.

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 (415 ILCS 5/35(b) (2000)), the Board must issue the provisional variance within two days of the filing.

The Board grants Exelon a provisional variance from 35 Ill. Adm. Code 302.211, 304.141(b) and (c), National Pollutant Discharge Elimination System (NPDES) Permit IL0002224304 special condition 4C and the Board's order in PCB 79-134 (July 8, 1991).

The provisional variance is granted for the Dresden Nuclear Power Station, subject to the following conditions:

1. The variance shall begin on August 7, 2001, or the date that petitioner completes use of the presently allowed 259 hours in the temperature band between 90 degrees Fahrenheit and 93 degrees Fahrenheit, as established by the petitioner's current NPDES permit, whichever occurs later, and shall continue for a period of 45 days. Petitioner may use up to an additional 259 hours in the temperature band 90 degrees Fahrenheit and 93 degrees Fahrenheit in that 45- day period, but in no case shall petitioner's effluent temperature exceed 93 degrees Fahrenheit.
2. Petitioner shall notify Roger Callaway of the Agency by telephone at 217-782-9720 at the start and again at the completion of usage. Written confirmation of each notice shall be sent within five days to the following address:

Illinois Environmental Protection Agency
Bureau of Water – Compliance Assurance Section
Attention: Barb Conner
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Illinois Department of Natural Resources
Division of Fisheries Resources
Springfield, Illinois 62701-1787
Attention: Mike Conlin
600 North Grand Avenue West
Springfield, Illinois 62701-1787
Attn: Mike Conlin
3. Petitioner shall continuously monitor intake, discharge, and receiving water temperature and visually inspect intake and discharge areas three times daily during the term of the provisional variance to assess any mortalities to fish and other aquatic life.
4. The petitioner shall document environmental conditions during the term of the provisional variance and submit the documentation to the Agency and the Illinois Department of Natural Resources (DNR), at the addresses listed above, within 30 days after the provisional variance expires.
5. The petitioner shall immediately implement biological activities to characterize how fish and other aquatic life respond to the thermal conditions resulting from the provisional variance; document these activities; and submit the documentation to the Agency and the DNR, at the addresses listed above, within 30 days after the provisional variance expires.

- 6. The petitioner shall immediately notify the Agency and DNR of any unusual conditions, including mortalities to fish or other aquatic life; immediately take action to remedy the problem; investigate and document the cause and seriousness of the unusual conditions while providing updates to the Agency and DNR as changes occur until normal conditions return; notify the Agency and DNR when normal conditions return; and submit the documentation to the Agency and DNR at the addresses listed above, within 30 days after normal conditions return.

- 7. The petitioner shall develop and implement a response and recovery plan to address any adverse environmental impact due to thermal conditions resulting from the provisional variance including loss and damage to aquatic life.

- 8. Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to Roger Callaway at the Agency's 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 02-17 dated August 9, 2001.

Petitioner

Authorized Agent

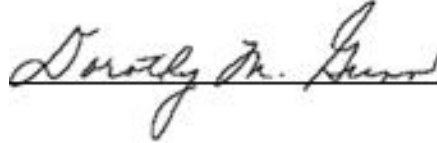
Title

Date

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (2000)) 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 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 9th day of August 2001 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