

ILLINOIS POLLUTION CONTROL BOARD  
September 23, 1993

TRIAD CIRCUITS, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 93-176
	)	(Provisional Variance)
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)), the Illinois Environmental Protection Agency (Agency), by and through its Director, Mary A. Gade, for Triad Circuits, Inc. in order to allow it to continue accumulating hazardous waste for a period in excess of 90 days.

Specifically, the Agency recommends that we grant a 23-day provisional variance from the 90-day limitation on the storage of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b), for the period from September 9, 1993 to October 2, 1993. The Agency Recommendation was filed September 21, 1993.

Upon receipt of the request, the Agency issued its recommendation, notifying the Board that due to unforeseen, temporary and uncontrollable circumstances, failure to grant the requested 23-day provisional variance would impose an arbitrary or unreasonable hardship on 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) & (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 notifying the Board 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 722.134(b) from September 9, 1993 to October 2, 1993.

IT IS SO ORDERED.