ILLINOIS POLLUTION CONTROL BOARD
October 10, 1991

CASTLE METAL FINISHING,   )
)
            Petitioner,   )
)
      v.   )   PCB 91-185
)   (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 October 8, 1991. The recommendation refers
to a request from Petitioner, for a 30-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 17, 1991 to October 17, 1991.

      Upon receipt of the request, the Agency issued its
recommendation, finding that due to unforeseen, temporary and
uncontrollable circumstances, failure to grant the requested 30-
day provisional variance would impose an arbitrary or
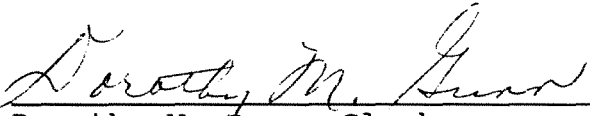unreasonable hardship on Petitioner.

      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.
1989, 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 and
unreasonable hardship, the Board hereby grants Petitioner a
provisional variance from 35 Ill. Adm. Code 722.134(b) from
September 17, 1991 to October 17, 1991.

IT IS SO ORDERED.

Board Members J. D. Dumelle and B. Forcade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the _10th_ day of _October_, 1991, by a vote of _7-0_.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board