ILLINOIS POLLUTION CONTROL BOARD
August 24, 2000

RUSSELL MINERALS WEST FRANKFORT, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	PCB 01-33
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	(Provisional Variance - RCRA)
	)	
Respondent.	)	
	)	

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

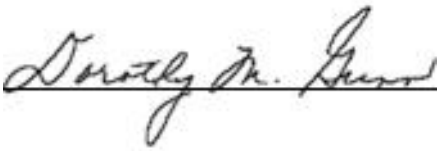
On August 22, 2000, the Illinois Environmental Protection Agency (Agency) filed a request for a provisional variance and notification of recommendation. The Agency recommends that the Board grant a 30-day provisional variance. The provisional variance would allow this Franklin County petitioner to continue accumulating hazardous waste for a period in excess of 90 days. In making its recommendation, the Agency states that failure to grant the requested provisional variance for 30 days will result in an arbitrary or unreasonable hardship on the petitioner.

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) (1998)), the Board must issue the provisional variance within two days of the filing. The Board grants the petitioner a provisional variance from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b), for the period from July 29, 2000, to August 28, 2000.

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 24th day of August 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board