

ILLINOIS POLLUTION CONTROL BOARD  
January 10, 2002

GARRETT AVIATION, INC., )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 02-93  
 ) (Provisional Variance – Land)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

On January 8, 2002, the Illinois Environmental Protection Agency (Agency) recommended that the Board grant a thirty-day provisional variance to Garrett Aviation, Inc. (Garrett) for the period of December 30, 2001 to January 29, 2002. The provisional variance from 35 Ill. Adm. Code 722.134(b) would allow Garrett to accumulate hazardous wastes on site for longer than 90 days at its aviation facility at 1200 North Airport Drive, Springfield, Sangamon County. The Agency states that failure to grant the provisional variance would impose an arbitrary or unreasonable hardship on Garrett.

Section 35(b) of the Environmental Protection Act (415 ILCS 5/35(b) (2000)) provides:

The Board shall grant provisional variances, only upon notification from the Agency that compliance on a short term basis with any rule or regulation, requirement or order of the Board, or with any permit requirement would impose an arbitrary or unreasonable hardship. Such provisional variances shall be issued within 2 working days of notification from the Agency. 415 ILCS 5/35(b) (2000); *see also* 35 Ill. Adm. Code 104.302.

A provisional variance lasts for no more than 45 days, but the Board can extend the time period up to an additional 45 days on the Agency's recommendation. Provisional variances granted to one person cannot exceed a total of 90 days during any calendar year. 415 ILCS 5/36(c) (2000); 35 Ill. Adm. Code 104.308.

The Board grants Garrett a provisional variance from 35 Ill. Adm. Code 722.134(b) for the period of December 30, 2001 to January 29, 2002.

IT IS SO ORDERED.

If Garrett chooses to accept this provisional variance, it must execute a Certificate of Acceptance of all terms and conditions of this provisional variance and, within 10 days after the date of the above order, forward the executed certificate to the Agency at the following address:

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

The form of the certificate is as follows:

CERTIFICATE OF ACCEPTANCE

Garrett Aviation, Inc. accepts and agrees to be bound by all terms and conditions of the Pollution Control Board's January 10, 2002 order in PCB 02-93.

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Petitioner

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Authorized Agent

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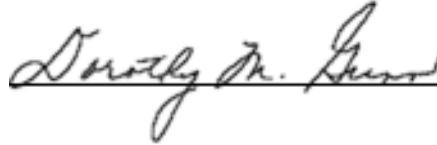
Title

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Date

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 10, 2002, 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