

ILLINOIS POLLUTION CONTROL BOARD
March 11, 1993

FRONTIER INDUSTRIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 93-49
)	(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 March 9, 1993. The recommendation refers to a request from Petitioner, Frontier Industries, Inc. for a two consecutive day provisional variance for its Rock Island County facility from the operating permit requirements for new or existing emission sources, as set forth in 35 Ill. Adm. Code 201.143,¹ for a total of six hours on two consecutive days.

Upon receipt of the request, the Agency issued its recommendation, finding that failure to grant the requested two consecutive 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 415 ILCS 5/35(b) & (c) (1992) (Ill. Rev. Stat. 1991, 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 or unreasonable hardship, the Board hereby grants Petitioner a provisional variance from 35 Ill. Adm. Code 201.143 for two

¹ In the preamble of the Agency Recommendation, the Agency stated that Frontier Industries sought a provisional variance from the requirements of Section 201.143 and 201.144. The Agency then states that Frontier Industries "needs the provisional variance from 35 Ill. Adm. Code 201.143 not 201.144". Therefore, the Board's order includes only Section 201.143.

consecutive days, subject to the following conditions:

1. The duration of the provisional variance is not to exceed six hours over a period of two days;
2. Frontier shall notify the Agency upon commencement of the operation of the thermal processor. The notification shall be sent to:

Illinois Environmental Protection Agency
Attn: Mr. James Gallagher
1630 Fifth Avenue
Room 505
Moline, Illinois 61265

Illinois Environmental Protection Agency
Attn: Mr. Donald E. Sutton
Manager, Permit Section
Division of Air Pollution Control
P.O. Box 19276
Springfield, IL 62794-9276

3. Frontier shall process only non-treated wood products, This may include tree trimmings, brush, sawdust and wood pallets.
4. The Petitioner shall execute a copy of a Certificate of Acceptance of this provisional variance and forward that copy to the Agency addressed as is the written notice required in the above condition; the Petitioner shall forward that copy within 10 days of the date of this Order of the Board, and the Certificate of Acceptance shall 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 93-49, March 11, 1993.

Petitioner


Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control
Board, do hereby certify that the above order was adopted by the
Board on the 11th day of March, 1993,
by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board