

ILLINOIS POLLUTION CONTROL BOARD
October 5, 2000

ABBOTT LABORATORIES,)
)
 Petitioner,)
)
 v.) PCB 01-59
) (Provisional Variance - RCRA)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)
)

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

On October 3, 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 to Abbott Laboratories (Abbott) for its pharmaceutical manufacturing facility, located at 1401 Sheridan Road, North Chicago, Lake County, Illinois. The requested variance is from the accumulation time requirements of 35 Ill. Adm. Code 722.134 for a wastestream (EPA Code D001) composed of mineral oil, heptane, and less than one percent of a Drug Enforcement Agency (DEA) control substance.

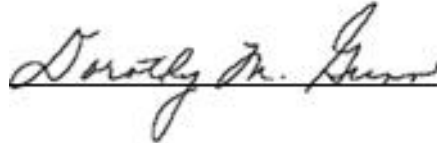
In making its recommendation, the Agency states that failure to grant the requested provisional variance for 30 days will result in an arbitrary or unreasonable hardship on the petitioner. The waste stream for which the provisional variance is being requested must meet both DEA and Resource Conservation and Recovery Act disposal requirements. Abbott's provisional variance request notes few waste management organizations can provide the umbrella services related to transporting and disposal of a hazardous waste control substance. The request states Abbott is working with a company to provide this service and requests that a provisional variance be issued in case a delay occurs.

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 provides 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 35 Ill. Adm. Code 722.134, for the period from September 27, 2000, through October 27, 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 5th day of October 2000 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board