

ILLINOIS POLLUTION CONTROL BOARD
January 24, 1991

KOPPERS INDUSTRIES, INC.,)
)
 Petitioner,)
)
 v.)
)
) PCB 91-14
) (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 January 23, 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 December 31, 1990 to January 29, 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.

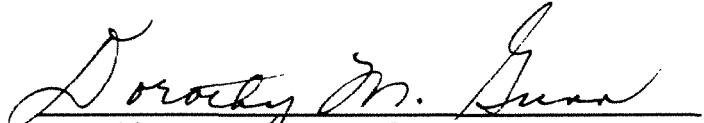
The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. See Ill. Rev. Stat. 1989, ch. 111½, pars. 1035(b) & (c). In provisional variances it is the responsibility of the Agency to make the technical determinations 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 December 31, 1990 to January 29, 1991.

IT IS SO ORDERED.

J.D. Dumelle, J.T. Meyer, 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 24th day of January, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board