

ILLINOIS POLLUTION CONTROL BOARD
February 15, 2001

CID RECYCLING AND DISPOSAL FACILITY,)	
)	
)	
Petitioner,)	
)	
v.)	PCB 01-114
)	(Provisional Variance – RCRA)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
)	
Respondent.)	

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

On February 13, 2001, 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 two-day provisional variance to the CID Recycling and Disposal Facility (CID) for its facility located in Calumet City, Cook County, Illinois. The requested variance is from the hazardous waste accumulation time limitations of 35 Ill. Adm. Code 722.134 for 3,300 gallons of flammable, gas plant hydrocarbon waste. On January 22, 2001, a tanker truck arrived at the facility to remove the hydrocarbon waste from the 90-day tank. The truck was unable to remove the waste from the tank, due to a hardened residue from a previously transported load of tar-like material. Attempts to unplug the suction mechanism were unsuccessful, and thus the waste could not be removed from the tank. A truck returned two days later, that is on day 92 (two days longer than allowed), and removed the hydrocarbon waste.

In making its recommendation, the Agency states that failure to grant the requested provisional variance for two days will result in an arbitrary or unreasonable hardship on the petitioner.

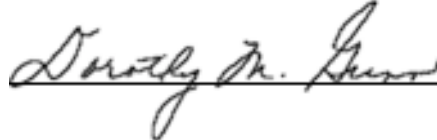
The Board is required, in a provisional variance, to adopt a formal order, assure formal maintenance of the record, assure the enforceability of the variance, and provide notification of the action by press release. Pursuant to Section 35(b) of the Environmental Protection Act (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The Board grants the petitioner a provisional variance from 35 Ill. Adm. Code 722.134, for the period from January 22, 2001, through January 24, 2001.

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 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 15th day of February 2001 by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board