ILLINOIS POLLUTION CONTROL BOARD
February 28, 1991

WISCONSIN STEEL TRUST,   )
)
)
)
            Petitioner,   )
)
            v.   )   PCB 91-35
)   (Provisional Variance)
)
ILLINOIS ENVIRONMENTAL   )
PROTECTION AGENCY,   )
)
            Respondent.   )

ORDER OF THE BOARD (by J. C. Marlin):

     This matter comes before the Board upon receipt of an Agency
Recommendation dated February 26, 1991. The recommendation
refers to a request from Petitioner, Wisconsin Steel Trust for a
30 day provisional variance from the 90-day on-site limitations
for hazardous wastes set forth in 35 Ill. Adm. Code 722.134(b).

     Upon receipt of the request the Agency issued its
recommendation, finding that the hazardous wastes must remain on-
site for longer than 90 days due to unforeseen, temporary and
uncontrollable circumstances and failure to grant the requested
30-day provisional variance would impose an arbitrary or
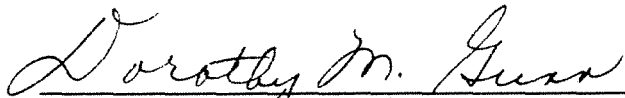unreasonable hardship on Petitioner.

     The responsibilities of the Agency and the Board in these
short-term provisional variances ar 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 request 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 March
4, 1991 to April 3, 1991.

     IT IS SO ORDERED.

     B. Forcade and J. Theodore Meyer concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the _28th_ day of _February_ , 1991, by a vote of _6 - 0_ .

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board