**Section 104.200 General**

a) Description:

1) General Variance. A variance is a temporary exemption from any specified rule, regulation, requirement or order of the Board, which may be granted by the Board with or without conditions for a period of time not to exceed five years, *upon presentation of adequate proof*, by the petitioner *that compliance with any rule, regulation, requirement or order of the Board would impose an arbitrary or unreasonable hardship.* [415 ILCS 5/35(a)]

2) Resource Conservation and Recovery Act (RCRA) Variance. A RCRA variance is an exemption from 35 Ill. Adm. Code 703, 720, 721, 722, 723, 724 or 725 or which allows the Illinois Environmental Protection Agency (Agency) to issue or modify any provision of a RCRA permit required under Section 21(f) of the Act [415 ILCS 5/21(f)].

b) Effect of Filing:

1) The filing of a petition for a variance does not stay enforcement of a regulation except as provided in subsection (b)(2).

2) *If any person files a petition for variance from a rule or regulation within 20 days after the effective date of such rule or regulation, the operation of such rule or regulation shall be stayed as to such person pending the disposition of the petition; provided, however, that the operation of any rule or regulation adopted by the Board which implements, in whole or in part, a State RCRA*, Underground Injection Control (*UIC*), or National Pollutant Discharge Elimination System (*NPDES*) *program shall not be stayed. The Board may hold a hearing upon said petition 5 days from the date of notice of such hearing or thereafter*. [415 ILCS 5/38(b)]

(Source: Amended at 41 Ill. Reg. 10049, effective July 5, 2017)