**Section 104.210 Petition for Extension of Variance**

a) A variance *may be extended from year to year by affirmative action of the Board, but only if satisfactory progress has been shown* by the petitioner. [415 ILCS 5/36(b)]

b) A petition to extend a variance is considered a new petition for variance before the Board, and must be filed in accordance with this Subpart and 35 Ill. Adm. Code 101.Subpart C, including payment of the filing fee under Section 104.202(b) and 35 Ill. Adm. Code 101.302(e)(2).

c) If the petitioner desires to have the term of the variance extension be sequential with the term of the prior variance, the petition to extend the variance must be filed with the Board no later than 120 days prior to the termination of the variance, unless the petitioner can demonstrate that the petition for variance extension was filed as soon as practicable after the petitioner learned that it could not meet the compliance time frame under the existing variance.

d) In addition to the requirements of this Subpart, the petition for extension of variance must contain:

1) A detailed statement showing that *satisfactory progress* toward compliance has been or will have been achieved during the term of the prior variance [415 ILCS 5/36(b)];

2) A statement that the conditions of the prior variance have been fully met, or, if any condition or conditions have not been fully met, a detailed explanation of the reason or reasons that the condition or conditions have not been fully met; and

3) A motion to incorporate any material from the record of the prior variance proceeding in accordance with 35 Ill. Adm. Code 101.306.

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