

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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February 8, 2008

FEB 11 2008

STATE OF ILLINOIS
Pollution Control Board

18-7

In re:

LANDMARK AVIATION,
Petitioner.

(Provisional Variance – Land)

Re: Request for Provisional Variance Pursuant to 35 Ill. Adm. Code 722.134(b)

Cortney Graham
Landmark Aviation
1200 North Airport Drive
Springfield, Illinois 62707

Dear Ms. Graham:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed Landmark Aviation's February 7, 2008 request for a provisional variance pursuant to 35 Ill. Adm. Code 722.134(b). Based on this review, the Illinois EPA GRANTS the requested provisional variance for a period of 30 days.

The applicable facts of this request are as follows:

1. As part of its operations at 1200 North Airport Drive, Springfield, Illinois 62707, Landmark Aviation ("Landmark") utilizes a hazardous waste roll-off container.
2. The container was scheduled for removal from the facility by a hazardous waste transporter on February 5, 2008. But the Landmark employee that typically signs documents concerning such shipments experienced a family emergency and was unable to be present when the transporter arrived, thereby preventing the removal of the container by the transporter.
3. The applicable storage deadline for the container is February 8, 2008, but the transporter cannot return to the facility until the week of February 18, 2008.

35 Ill. Adm. Code 722.134(b) allows a generator to seek an extension of up to 30 days, by means of a variance or provisional variance, from the Illinois EPA if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. The Illinois EPA finds that such facts and circumstances exist in this situation and hereby GRANTS Landmark Aviation a provisional variance pursuant to 35 Ill. Adm. Code 722.134(b) for a period of 30 days.

Landmark Aviation shall sign a certificate of acceptance of this provisional variance and return it to William D. Ingersoll at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 by February 15, 2008. The certification should take the following form:

Landmark Aviation hereby accepts and agrees to be bound by all terms and conditions of the provisional variance granted by the Illinois EPA on February 8, 2008.

Authorized Agent

Title

Date

The Illinois EPA grants this provisional variance in accordance with its authority contained in Sections 35(b), 36 (c), and 37(b) of the Illinois Environmental Protection Act (415 ILCS 5/35(b), 36(c), and 37(b)), and 35 Ill. Adm. Code 722.134(b). The decision to grant this provisional variance is not intended to address compliance with any other applicable laws or regulations.

Sincerely,


by *JK*

William D. Ingersoll
Manager, Enforcement Programs
Division of Legal Counsel