

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

February 14, 2008

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STATE OF ILLINOIS
Pollution Control Board

In re:

CARVEOUT REMEDIATION SITE
PARTICIPANT GROUP,
Petitioner.

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IEPA 08-8

(Provisional Variance – Land)

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

Carveout Remediation Site Participant Group
c/o Harry R. Walton, Consultant
2510 Brooks Drive
Decatur, Illinois 62521

Dear Mr. Walton:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Carveout Remediation Site Participant Group's ("Group's") February 12, 2008 request for a provisional variance pursuant to 35 Ill. Adm. Code 722.134(b). Based on this review, a provisional variance for a period of 30-days is GRANTED by the Illinois EPA.

The applicable facts of this request are as follows:

1. The Carveout Remediation Site ("Site") consists of approximately 16.5 acres located near the former Borg-Warner Manufacturing Facility on U.S. Route 51 south of 625 Southside Drive, Decatur, Illinois 62523. The Site is enrolled in the Illinois EPA's Site Remediation Program and is assigned Illinois EPA Identification Number LPC1150155433. The remediation is being performed by the Group which consists of current and former owners and/or operators of the Site.
2. An inactive wastewater treatment system ("WWTS") is present on the Site. The removal of sludge from this system began on November 15, 2007. The sludge was placed in nine lined roll-off boxes and in a concrete tank that was part of the WWTS to await proper removal to and disposal at a disposal facility.
3. Results from the testing of a sample of the removed sludge were inconsistent with those obtained from an earlier sample. Although disposal at a particular facility had been planned, the lab results indicated that the sludge was a hazardous waste and prevented the original disposal facility from accepting the sludge.

Carveout Remediation Site Participant Group
February 14, 2008

4. Since this occurrence, the Group has been diligently exploring its options with various hazardous waste disposal facilities. The 90-day on-site holding period for the sludge ends on February 15, 2008. The Group anticipates that the sludge can be properly removed and disposed within a 30-day extension of the holding period. In the interim, the Group states that the sludge is being properly stored and managed at the Site and the Group does not foresee any adverse environmental impact as a result of the requested extension. The Group asserts that no other reasonable alternative to the requested extension is available, compliance with the 90-day on-site holding period would cause an unreasonable and arbitrary hardship, and no similar extension has been previously requested.

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 the Carveout Remediation Site Participant Group a provisional variance pursuant to 35 Ill. Adm. Code 722.134(b) for a period of 30 days.

The Carveout Remediation Site Participant Group 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 22, 2008. The certification should take the following form:

The Carveout Remediation Site Participant Group hereby accepts and agrees to be bound by all terms and conditions of the provisional variance granted by the Illinois EPA on February 14, 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),

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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,

A handwritten signature in black ink, reading "William D. Ingersoll". The signature is written in a cursive style with a large, prominent initial "W".

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



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 – (217) 782-3397

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 – (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-5544
TDD (217) 782-9143

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STATE OF ILLINOIS
Pollution Control Board

February 14, 2008

John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Re: Notice of Provisional Variance Approval - Land

Dear Mr. Therriault:

Pursuant to Subsection 37(b) of the Illinois Environmental Protection Act (415 ILCS 5/37(b)), attached is a copy of the Illinois EPA's recent approval of a request for provisional variance. As you know, the Board must maintain for public inspection copies of all provisional variances filed with it by the Illinois EPA. If you have any questions, please do not hesitate to contact me.

Sincerely,

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

Attachment