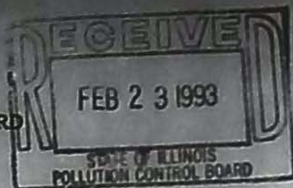


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BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

U.S. ECOLOGY,  
Petitioner,

vs.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Respondent.

PCB 93-37

NOTICE

TO:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
Suite 11-500  
100 West Randolph St.  
Chicago, Illinois 60601

Steven Sturdevant  
U.S. Ecology, Inc.  
9200 Shelbyville Rd.  
P.O. Box 7246, Suite 300  
Louisville, KY 40257-0246

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the PROVISIONAL VARIANCE of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY  
OF THE STATE OF ILLINOIS

By:

*Scott O. Phillips*  
Scott O. Phillips  
Deputy Counsel  
Division of Legal Counsel

Date: February 22, 1993  
Agency File #: 72-93

2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
(217)782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD



U.S. Ecology,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

PCB 93-37

PROVISIONAL  
VARIANCEAGENCY RECOMMENDATION

The Illinois Environmental Protection Agency recommends that because of an arbitrary and unreasonable hardship the Petitioner be granted a provisional variance for 30 days pursuant to 35 Ill. Adm. Code 722.134(b) and Section 37 of the Environmental Protection Act. ACTION MUST BE TAKEN WITHIN 2 DAYS OF NOTIFICATION OF THIS RECOMMENDATION FROM THE AGENCY.

1. On February 5, 1993, the Agency received the attached letter from Petitioner. Petitioner requests an extension of time pursuant to 35 Ill. Adm. Code 722.134(b) for its facility in Bureau County.

2. The Agency has concluded that the hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary and uncontrollable circumstances and that compliance with the accumulation time requirements of 35 Ill. Adm. Code 722.134 would impose, under these circumstances, an arbitrary or unreasonable hardship. The grant of this provisional variance appears consistent with 40 CFR 262.34(b) (1990), adopted pursuant to the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), which authorizes the Regional Administrator for the United States Environmental Protection Agency to grant similar extensions for up to 30 days when hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances.

3. The Agency recommends that Petitioner be granted a provisional variance pursuant to 35 Ill. Adm. Code 722.134(b) from February 6, 1993 to March 8, 1993.

Illinois Environmental Protection Agency

By: \_\_\_\_\_

  
Scott O. Phillips  
Deputy Counsel

Date: 2/22/93

Division of Legal Counsel  
2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276

DG:dks/232v, 111-112

## USEcology

an American Ecology company

February 5, 1993

Donna Black  
Illinois Environmental Protection Agency  
2200 Churchill Rd.  
Springfield, Illinois 60606

RECEIVED

FEB 08 1993

IEPA - BOL  
PERMIT SECTION

Ref: ILD 04-506-3450  
IL 0110950003


Dear Ms. Black;

The US Ecology Facility near Sheffield currently has stored on-site 44 30 gallon drums of hazardous waste intended for shipment to the Chemical Waste Management Incinerator in Port Arthur, Texas. This waste is currently stored inside a building with a coated concrete floor. These drums contain F-039 leachate water which has been solidified for incineration. The contaminants are primarily solvents including tetrachloroethene, toluene, methylene chloride, and acetone. This waste was generated as a result of its removal from a leachate storage tank on December 11, 1992. The waste is actually the tank bottom sludge. Prior to November 8, 1992, US Ecology had interim status for storage of hazardous waste in tanks. US Ecology is a large quantity generator.

These drums must remain on-site longer than our 90 day storage period which expires February 6, 1993 due to a temporary and unforeseen shut down of the incinerator. I have attached a letter regarding this occurrence from Chemical Waste Management. Therefore, US Ecology hereby requests a 30 day extension of the time period by means of a provisional variance pursuant to Title 35 Section 122.134(b) of the Environmental Protection Regulations.

It is my understanding that this is sufficient to receive an extension, if this is not true or you need additional information regarding this request please contact me at (800) 999-7160.

Sincerely,

  
Steven A. Sturdevant  
Project Manager

RECEIVED  
DIVISION OF LEGAL COUNSEL

FEB 09 1993

ENVIRONMENTAL PROTECTION  
AGENCY

STATE OF ILLINOIS )  
 )  
COUNTY OF SANGAMON )

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached

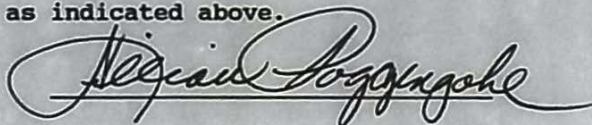
PROVISIONAL VARIANCE

upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph  
Suite 11-500  
Chicago, Illinois 60601  
(Airborne Express)

Steven Sturdevant  
U.S. Ecology, Inc.  
9200 Shelbyville Rd.  
P.O. Box 7246, Suite 300  
Louisville, KY 40257-0246  
(Certified Mail)

and mailing it from Springfield, Illinois on February 22, 1993,  
with sufficient postage affixed as indicated above.



SUBSCRIBED AND SWORN TO BEFORE ME

this 22nd day of February, 1993.

Barbara K. McGee  
Notary Public

THIS FILING IS SUBMITTED ON RECYCLED PAPER

