



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

RENEE CIPRIANO, DIRECTOR

RECEIVED
CLERK'S OFFICE

APR 29 2004

STATE OF ILLINOIS
Pollution Control Board

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

April 27, 2004

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

RE: **NOTICE OF PROVISIONAL VARIANCE DENIAL-PV-04-02**
Equistar Chemicals, LP/0418080002-Douglas County/Compliance
DLC File #213-04

Dear Ms. Gunn:

Pursuant to Subsection 37(b) of the Environmental Protection Act (415 ILCS 5/37(b)), attached is a copy of the Illinois Environmental Protection Agencies ("Illinois EPA") recent denial of a request for a provisional variance. As you know, the Board must maintain for public inspection copies of all provisional variances filed with it by the Illinois EPA. Please feel free to call me at the number referenced above should you have any questions.

Sincerely,

Todd Rettig, Mgr.
BOL Section
Division of Legal Counsel

Attachment



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ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

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

April 27, 2004

Mr. Douglas Taylor, HSE Specialist
Equistar Chemicals, LP
625 East US Highway 36
Tuscola, Illinois 61953

CERTIFIED MAIL RETURN RECEIPT REQUESTED
7002 3150 0000 1258 7843

RE: **PROVISIONAL VARIANCE – PV-04-02**
Equistar Chemicals, LP/0418080002-Douglas County/Compliance
DLC # 213-04

Dear Mr. Taylor:

The Illinois Environmental Protection Agency (“Illinois EPA”) is in receipt of your letter dated March 22, 2004, and received by the Illinois EPA on March 29, 2004, in which you request a provisional variance for a thirty day extension as allowed by 40 CFR 262.34(b). On April 5, 2004, the Illinois EPA sent a letter to Equistar Chemicals, LP requesting additional information in order to make a determination on this request. However, to date there has been no response to this letter.

Please be advised this request for a provisional variance is **denied**. The information submitted by Equistar Chemicals in the March 22, 2004 letter failed to demonstrate that compliance with the applicable regulation(s) on a short term basis would impose an arbitrary or unreasonable hardship.

You may seek a regular variance by petitioning the Illinois Pollution Control Board pursuant to Section 35(a) of the Act.

Sincerely,

Todd Rettig, Mgr.
BOL Section
Division of Legal Counsel



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

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

April 5, 2004

Mr. Douglas Taylor, HSE Specialist
Equistar Chemicals, LP
625 East US Highway 36
Tuscola, Illinois 61953

RE: **PROVISIONAL VARIANCE – PV-04-02**
Equistar Chemicals, LP/0418080002-Douglas County/Compliance
DLC # 213-04

Dear Mr. Taylor:

On March 29, 2004, the Illinois Environmental Protection Agency's ("Illinois EPA") Division of Legal Counsel received your request for a thirty day extension as allowed by 40 CFR 262.34(b).

The burden of proof as to whether the provisional variance should be granted is placed on the person seeking the variance. To meet this burden, the applicant must demonstrate that compliance with the applicable regulation(s) on a short term basis would impose an arbitrary and unreasonable hardship. Your application provides little as to the specific Illinois regulation(s) from which you seek relief, the claimed arbitrary and unreasonable hardship and other necessary information.

Please provide the information necessary for the Illinois EPA to make its determination on your application. For your information I have included a copy of the Pollution Control Board regulations governing provisional variance applications (35 Ill. Adm. Code, Part 180).

Sincerely,

Todd Rettig, Manager
BOL Section
Division of Legal Counsel

Enclosure

EQUISTAR

RECEIVED
Division of Legal Counsel

Equistar Chemicals, LP
625 East US Highway 36
Tuscola, IL 61953
Phone: 217.253.3311

MAR 29 2004

Environmental Protection
Agency

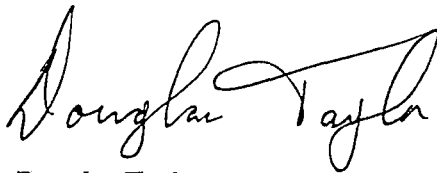
04/208000
Douglas County
Champaign Regional
Office

March 22, 2004

Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

Dear Sir or Madam:

This letter is to request a thirty day extension as allowed by 40 CFR 262.34(b). We are experiencing a delay in shipping one railcar of hazardous waste due to an unexpected problem in preparing a railroad bill of lading. The waste is currently stored on site in compliance with 40CFR Part 265 Subpart I. Please call if you have questions.



Douglas Taylor
HSE Specialist
Equistar Chemicals, LP
Phone: 217-253-1316
E Mail: doug.taylor@Equistarchem.com
Fax: 217-253-9238

RECEIVED
MAR 26 2004
IEPA/BOL