



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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July 5, 2012

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CLERK'S OFFICE

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STATE OF ILLINOIS
Pollution Control Board

John T. Therriault
Clerk's Office
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

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 an application 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,

James G. Richardson
Deputy General Counsel
Division of Legal Counsel

Attachment

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

July 5, 2012

In re:)
)
)
K. HOVING RECYCLING &) (Provisional Variance – Land)
DISPOSAL, INC.,)
Petitioner.)
)

Re: Application for Provisional Variance Pursuant to 35 Ill. Adm. Code Part 180

Ken Hoving
2351 Powis Road
West Chicago, Illinois 60185

Dear Mr. Hoving:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed K. Hoving Recycling & Disposal, Inc.’s (“K. Hoving’s”) July 5, 2012 application for a provisional variance pursuant to 35 Ill. Adm. Code Part 180. Based on this review, a provisional variance for a period of 45 days is GRANTED by the Illinois EPA.

The applicable facts of this application are as follows:

1. K. Hoving operates a facility for the transfer, storage, and treatment of general construction or demolition debris, pursuant to Section 22.38 of the Illinois Environmental Protection Act (“Act”) (415 ILCS 5/22.38), at 2351 Powis Road, West Chicago, Illinois. The Illinois EPA Bureau of Land Site Identification Number for this facility is 0438065004. Ken Hoving is the president of K. Hoving and directs operations at the facility.
2. On Sunday July 1, 2012, severe weather including winds of 90-miles per hour was experienced in the West Chicago / DuPage County area. Some power outages from the storm still exist in the area, and a significant amount of tree debris from downed and damaged limbs and trees has yet to be cleaned up.
3. Due to the volume of the tree debris, other facilities in the vicinity that typically accept this material are inundated. K. Hoving has been contacted by citizens and municipalities inquiring if it can assist with the cleanup efforts, and K. Hoving wishes to do so. Although K. Hoving currently has equipment such as grinders and shredders needed to process wood waste contained in general construction or demolition debris, as well as facilities that will accept the processed wood waste, it is currently not authorized to accept and process tree debris. The process for K.

Hoving to receive long-term authorization to accept tree debris could not be completed in time to aid in the current cleanup efforts.

35 Ill. Adm. Code Part 180 allows a person to seek from the Illinois EPA a provisional variance of up to 45 days from a regulation. The Illinois EPA shall grant a provisional variance upon presentation of adequate proof that compliance on a short term basis with any rule or regulation, requirement or order of the Board, or with any permit requirement, would impose an arbitrary or unreasonable hardship. In evaluating an application for provisional variance, the Illinois EPA must evaluate the adequacy of the information provided in response to 35 Ill. Adm. Code 180.202. Particular consideration must be given to the inclusion of a definite compliance program, evaluation of all reasonable alternatives for compliance, and demonstration that any adverse impacts will be minimal.

K. Hoving's application for a provisional variance satisfies the applicable information requirements of 35 Ill. Adm. Code 180.202. In particular, the application includes a definite compliance program, evaluates all reasonable alternatives for compliance, and demonstrates that any adverse impacts will be minimal.

The Illinois EPA finds that compliance by K. Hoving on a short term basis with the provisions of the Act and Illinois Pollution Control Board regulations applicable to tree debris as landscape waste would impose an arbitrary or unreasonable hardship based upon the facts and circumstances that exist in this situation. The Illinois EPA hereby GRANTS K. Hoving a provisional variance pursuant to 35 Ill. Adm. Code Part 180 for a period of 45 days. If K. Hoving does not seek long-term authorization to accept tree debris as landscape waste within this 45 day time period, it shall timely request an extension of this provisional variance or cease the acceptance and processing of tree debris.

K. Hoving shall sign a certificate of acceptance of this provisional variance and return it to James G. Richardson #21 at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 by July 13, 2012. The certification should take the following form:

K. Hoving hereby accepts and agrees to be bound by all terms and conditions of the provisional variance granted by the Illinois EPA on July 5, 2012.

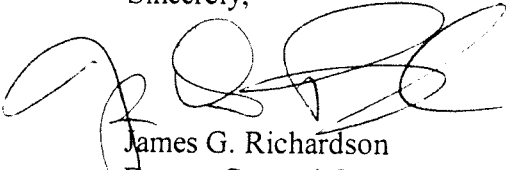
Authorized Agent

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 Part 180. 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, appearing to read 'James G. Richardson', written over a circular stamp or seal.

James G. Richardson
Deputy General Counsel
Division of Legal Counsel