

settled to the bottom of the tank and frozen, forming a plug at the outlet, and preventing the material from flowing out of the tank.

Agency Determination and Conditions

The Agency hereby GRANTS MMNA a provisional variance from the accumulation time limitations of 35 Ill. Adm. Code 722.134(b) subject to the following conditions:

- A. The provisional variance shall begin on January 26, 2010 and shall end no later than February 25, 2010.
- B. MMNA shall notify Brian White of the Agency by telephone at 217/782-9887 when the restriction is removed from the bottom of the tank and the facility returns to normal operation. Written confirmation shall be sent within five days to the following address:

Illinois Environmental Protection Agency
Bureau of Land
Attention: Brian White
1021 North Grand Avenue East, MC #24
Springfield, Illinois 62794-9276

- C. MMNA shall sign a certificate of acceptance of this provisional variance and forward that certificate to Brian White at the address indicated above within one day of the date of this order. The certification should take the following form:

I (We) _____, hereby accept and agree to be bound by all terms and conditions of the provisional variance granted by the Agency in _____ dated _____.

Petitioner

Authorized Agent

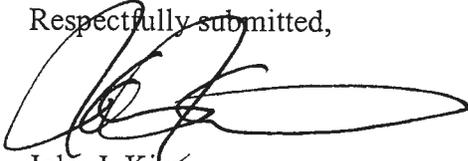
Title

Date

Conclusion

The Agency grants this provisional variance to MMNA (IEPA 10-3) 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) (2008). The decision to grant this provisional variance is not intended to address compliance with any other applicable laws or regulations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John J. Kim', written over a horizontal line.

John J. Kim
Chief Legal Counsel



January 25, 2010

Illinois Environmental Protection Agency
William Ingersoll – Bureau of Land – Legal Counsel
P.O. Box 19276
Springfield, IL 62794-9276

MANUFACTURING DIVISION
100 N. MITSUBISHI MOTORWAY
NORMAL, ILLINOIS 61761
(309) 888-8000

RE: Request for 30 Day Extension pursuant to 35IAC 722.134(b), Large Quantity Generator - 90 day storage limit.

Mr. Ingersoll,

Mitsubishi Motors North America (MMNA), Inc, (Generator ID: ILD 982072357), located at 100. N. Mitsubishi Motorway, Normal IL, requests a 30 day extension as per 35 IAC 722.134(b).

“A generator that accumulates hazardous waste for more than 90 days is an operator of a storage facility. Such a generator is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703, and 705, unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)] and 35 Ill. Adm. Code 180 (Agency procedural regulations).”

On the morning of January 25, 2009, MMNA scheduled a tanker truck to pick up a shipment of Waste Purge solvent as per the 90 day Large Quantity Generator Accumulation requirements. The truck arrived and proceeded to hook up to the bulk storage tank. At that time, the valves were opened to the tank and no material would flow out of the tank. Maintenance personnel were immediately dispatched and applied air hoses to the outlet of the tank hoping to dislodge any material collected at the bottom of the tank. The outlet piping of the tank was determined to be free of any blockages. However, when air hoses were applied to the tank, a “thumping” noise was heard on the bottom of the tank, indicating that a “chunk” of solid material was laying at the bottom of the tank.

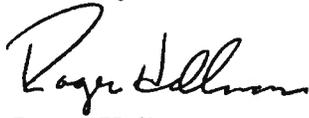
The Waste Solvent typically contains 1-3% water. The tank can hold up to 5000 gallons of waste solvent, and is equipped with mixer. The mixer is located right above the cone shaped bottom of the tank. At normal production rates, the tank is approximately 50% full, allowing good mixing to occur. At our reduced production rates, MMNA has been completely draining the tank every 90 day period. Due to the cone shaped bottom, the lower volume has not allowed good mixing, since the mixer can only be activated when the level of liquid is above it. It is MMNA’s position that due to the inability to mix the material and the extended subfreezing temperatures during the months of December and

January, has resulted in the water in the solvent settling to the bottom of the tank and forming a plug at the outlet.

Granting a 30 day extension will allow MMNA additional time to remove the restriction and develop a plan to address the lower Waste Solvent production rates.

Please notify us at your earliest convenience, your decision on this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger Hellman".

Roger Hellman
Manager – Production Engineering.

CC: Mike Perkins, Dawn Perry