

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JUL 10 2013

STATE OF ILLINOIS
Pollution Control Board

July 5, 2013

In re:)	
)	
)	IEPA 14-1
MITSUBISHI MOTORS NORTH)	(Provisional Variance – Land)
AMERICA, INC.,)	
Petitioner.)	
)	

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

Mitsubishi Motors North America, Inc.
Attn: Dawn Perry, P.E., Environmental Engineer – Production Engineering
100 North Mitsubishi Motorway
Normal, Illinois 61761

Dear Ms. Perry:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed Mitsubishi Motors North America, Inc.’s (“MMNA’s”) June 27, 2013 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. MMNA is an automotive manufacturer located at 100 North Mitsubishi Motorway, Normal, Illinois. One waste stream generated by MMNA’s manufacturing processes and stored on-site for removal by a hazardous waste transporter is Waste Purge Solvent, a Class 3 Flammable Material regulated as a D001 Characteristic Ignitable Hazardous Waste.
2. On June 13 and 19, 2013, an investigator with the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration inspected MMNA’s facility and verbally indicated that there were inadequacies with MMNA’s Hazardous Materials Security Plan. The inspector will not finalize his inspection report and conduct a close out meeting with MMNA until July 11, 2013.
3. The 90-day holding period for 5000 gallons of the Waste Purge Solvent ends on July 8, 2013. Providing the Waste Purge Solvent to a hazardous waste transporter prior to the resolution of the security plan inadequacies would be a violation of federal regulations, and the details of the inadequacies will not be identified to MMNA until July 11, 2013.

4. MMNA states that the Waste Purge Solvent is being properly stored and managed in a 10,000 gallon tank at its facility, that it is seeking this provisional variance so as not to violate the applicable hazardous waste storage requirements and its hazardous materials security plan, and that no similar extension for these hazardous wastes 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 MMNA a provisional variance pursuant to 35 Ill. Adm. Code 722.134(b) for a period of 30 days.

MMNA 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 12, 2013. The certification should take the following form:

Mitsubishi Motors North America, Inc. hereby accepts and agrees to be bound by all terms and conditions of the provisional variance granted by the Illinois EPA on July 5, 2013.

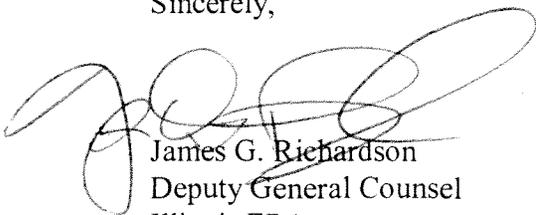
Authorized Agent

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 722.134(b). The decision to grant this provisional variance is not intended to address compliance with any other applicable laws or regulations.

Sincerely,


James G. Richardson
Deputy General Counsel
Illinois EPA



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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STATE OF ILLINOIS
Pollution Control Board

July 5, 2013

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,

James G. Richardson
Deputy General Counsel

Attachment