



# 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

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

*EPA 04-001*

October 30, 2003

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

**RE: NOTICE OF PROVISIONAL VARIANCE APPROVAL  
PV-2004-591-03**

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 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. 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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October 30, 2003

Mr. Cesar Vasquez, Quality & EHS Manager  
Mattoon Lamp Plant  
General Electric Company  
1501 S. 19<sup>th</sup> Street  
Mattoon, Illinois 61938

RE: **PROVISIONAL VARIANCE APPROVAL – PV-2004-591-03**  
General Electric Company/ILD005443866-Coles County/Compliance

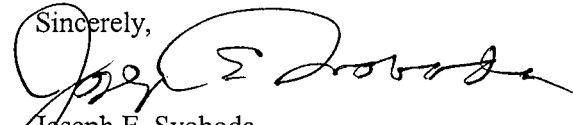
Dear Mr. Vasquez:

On October 17, 2003, the Illinois EPA received the attached request in which General Electric Company requested a provisional variance from the accumulation time limitations of 35 Ill. Adm. Code 722.134(b) for the above-referenced facility. This request was docketed as PV-2004-591-03. The Illinois EPA has reviewed the information provided and has decided to grant a provisional variance from the accumulation time limitations of 35 Ill. Adm. Code 722.134(b) due to unforeseen, temporary and uncontrollable circumstances. Compliance with the accumulation time limitations of 35 Ill. Adm. Code 722.134(b) would impose, under these circumstances, an arbitrary or unreasonable hardship.

The grant of this provisional variance appears consistent with 40 CFR 262.34(b) (1991), 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 when hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, or uncontrollable circumstances.

The Illinois EPA grants this provisional variance in accordance with its authority contained in Sections 35(b), 36(c) and 37(b) of the Environmental Protection Act (415 ILCS 5/35(b), 36(c) and 37(b), (2002)). This provisional variance from the accumulation time limitations of 35 Ill. Adm. Code 722.134(b) is granted for the time period from October 14, 2003 through November 14, 2003, for the seven 55-gallon drums of a hazardous waste consisting of old flashcubes and sand waste as described in the attached request. The decision to grant this provisional variance is not intended to address compliance with any other applicable law and regulation.

Sincerely,



Joseph E. Svoboda  
Chief Legal Counsel  
Division of Legal Counsel

Attachment

cc: Illinois Pollution Control Board



**GE Lighting, LLC**

Cesar A. Vasquez  
Quality & EHS Manager  
Cesar.vasquez@lighting.ge.com

GE Consumer Products - Lighting  
General Electric Company  
1501 S. 19<sup>th</sup> Street  
Mattoon, IL 61938  
Phone: 8\*580-1259 – (217) 258-9259  
Fax: 8\*580-1204 – (217) 258-9204

VIA FACSIMILE  
(217) 524-3291  
W/Hard Copy by US Mail

October 15, 2003

Illinois Environmental Protection Agency  
Land Pollution Control  
2200 Churchill Road  
Springfield, Illinois 62706

**RECEIVED**

OCT 17 2003

**IEPA-DLPC**

Att.: Joyce L. Munie, P.E.  
Manager, Permit Section

Re: Request for Emergency Variance – Extension of generator accumulation time  
Coles County  
General Electric Company  
ILD005443866

Dear Ms. Munie:

I am writing to request a provisional variance from 35 Ill. Adm. Code 722.124(a) and (b) to the extent that it prohibits us from accumulating seven 55-gallon drums of a hazardous waste (consisting of old flash bulbs and sand) on-site for longer than ninety (90) days.

General Electric Company Mattoon Lamp Plant (GE) recently removed a concrete slab on the exterior of our building. This concrete slab was the foundation for a device that treated off-spec flash bulbs, which this facility produced in the 1970s. GE removed that treatment device many years ago. When removing the concrete foundation we discovered a mixture of old flashcubes and sand filling two 4-foot diameter circular depressions in the slab.

On July 15, 2003 we placed the material into seven 55-gallon drums and labeled them "Hazardous Waste". We also recorded on the labels a July 15, 2003 accumulation date. We then researched our records to find what is present in a flash bulb. We compiled that information and sent it to Clean Harbors, Inc. to profile the waste. Late last week Clean Harbors reported to me that it will not transport the waste until we send a sample of the waste to laboratory approved for classifying explosives under US Department of Transportation (DOT) regulations. Furthermore, if tests find the material meets the definition of an explosive under DOT regulations, we may have to obtain a DOT authorization number before anyone can transport the waste. This was a complete surprise.

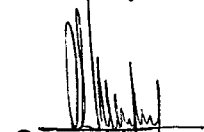
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This week we have been trying to locate a laboratory qualified to perform the necessary testing, but it is now obvious that we will exceed the 90-day limit for accumulating this waste on-site without a permit. It is for that reason we seek an extension of the 90-day limit. We believe we will be able to locate a laboratory, complete the testing, and if an special authorization is needed to ship the waste, obtain that authorization, within thirty (30) days. Accordingly, we request an approval to accumulate the seven drums of this flashcube and sand waste until November 13, 2003.

We make this request in accordance with 35 Ill. Adm. Code 180.204. The seven drums of waste are staged within our 140-drum capacity 90-day accumulation area and are inspected weekly. This 90-day accumulation area has a curbed concrete floor, is covered by a roof and has the capability to retain 20 minutes of firewater from a foam sprinkler system. The maximum number of drums of other waste and virgin materials we expect to be in the same area during the next 30 days is 80 containers. The drums will be maintained closed at all times. For these reasons, the variance requested should pose no additional risk to public health or the environment.

If you have any questions or require more information please contact me at (217) 580-1259.

Sincerely,



Cesar Vasquez  
Quality & EHS Manager  
Mattoon Lamp Plant  
General Electric Company

cc: H. Carl Horneman, GE  
Rob Somers, GE

**FOR IMMEDIATE RELEASE  
November 3, 2003**

Contact: Maggie Carson  
217/557-8138

TDD: 217/782-9143

Internet: [www.epa.state.il.us](http://www.epa.state.il.us)

## **Illinois EPA Grants Provisional Variance to General Electric Company**

### **Allows Additional Storage Time For Specific Hazardous Materials.**

**Springfield, Ill.**—The Illinois EPA will grant General Electric's request to allow their Mattoon Lamp Plant to store drums of old flashcubes and sand waste beyond the regulatory limit of 90 days.

The Mattoon Plant requested a provisional variance from the regulations, until November 14, in order to properly analyze, manage and transport seven 55-gallon drums of the hazardous waste.

While removing a concrete slab, GE discovered the flashcubes and sand, which, based on a laboratory determination, are classified as hazardous waste. The waste was placed into the drums and labeled as hazardous waste. However, GE was not able to complete necessary testing and transport of the waste within the 90-day regulatory limitation for storage of this waste and asked the Illinois EPA for a provisional variance from the applicable regulations.

In the interim, the drums have been properly stored in the plant's 90-day accumulation area and are inspected regularly. This storage area contains the necessary safety measures to properly protect human health and the environment.

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03-096