



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JB PRITZKER, GOVERNOR

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June 22, 2022

Don Brown
Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Re: Notice of Provisional Variance Approval - Land

Dear Mr. Brown:

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,

A handwritten signature in black ink, appearing to read "Charles W. Gunnarson".

Charles W. Gunnarson
Chief Legal Counsel

Enclosure

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

June 21, 2022

In re:)
)
)
Union Pacific Railroad, Dupo, Illinois,) (Provisional Variance – Land)
Petitioner.)
)

Re: Request for Provisional Variance Pursuant to 35 Ill. Adm. Code 722.117(b)

Union Pacific Railroad.
Attn: Ron Coupet
3412 Carondelet Avenue
Dupo, Illinois 62239

Dear Mr. Coupet:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed Union Pacific Railroad’s June 8, 2022 request for a provisional variance pursuant to 35 Ill. Adm. Code 722.117(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. Due to delays I getting the profile approved and planning for transportation of the waste, Union Pacific Railroad (“UPRR”) requests a 30-day extension to send the waste to Clean Harbors in Texas to their incineration facility.
2. The disposal facility is not able to accept the waste until June 29, 2022 and other facilities nearby are unable to accept this amount of liquid waste, 1200 gallons of Sodium Hypochlorite at this time.
3. The 90-day accumulation period for the Sodium Hypochlorite has an end date of June 20, 2022. June 20, 2022 being a State and Federal Holiday, the end date becoming June 21, 2022.
4. UPRR states that this is a one-time extension, and no previous extension has been requested for this waste.

35 Ill. Adm. Code 722.117(b) allows a generator to seek an extension of up to 30 days by means of a provisional variance from the Illinois EPA if hazardous waste 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 LANXESS a provisional variance pursuant to 35 Ill. Adm. Code 722.117(b) for a period of 30 days.

UPRR shall sign a certificate of acceptance of this provisional variance and return it to Melanie A. Jarvis #21 at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 on or before June 21, 2019. The certification should take the following form:

UPRR hereby accepts and agrees to be bound by all terms and conditions of the provisional variance granted by the Illinois EPA on June 21, 2022

Caitlin Breedlove as agent for UPRR
Authorized Agent

Waste Coordinator
Title

6/21/22
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 722.117(b). The decision to grant this provisional variance is not intended to address compliance with any other applicable laws or regulations.

Sincerely,


Charles W. Gunnarson
Chief Legal Counsel
Illinois EPA

Cc: Caitlin Breedlove