



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 782-5544  
TDD: (866) 273-5488

January 27, 2023

Don Brown, Clerk  
Illinois Pollution Control Board  
60 E. Van Buren St., Suite 630  
Chicago, IL 60605

Re: Notice of Provisional Variance – 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 provision 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 blue ink, appearing to read "Charles Gunnarson".

Charles Gunnarson  
Chief Legal Counsel

Enclosure

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

January 27, 2023

In re: )  
)  
Illinois Air National Guard, ) (Provisional Variance - Land)  
182nd Airlift Wing )  
)  
Petitioner. )

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

Illinois Air National Guard  
182nd Airlift Wing/ Environmental Management  
2416 S. Falcon Blvd.  
Peoria, IL 61607-5023

Dear Ms. Tara A. Capitani, CIV, IL ANG:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed Illinois Air National Guard's January 25, 2023, 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. The Illinois Air National Guard is a Small Quantity Generator of hazardous waste, with its contracted disposal facility located in Kentucky, over 200-miles away, and therefore subject to a 270-day accumulation time limit.
2. The 270-day accumulation time limit for one of its 2.5-gallon pails of waste ends January 28, 2023. The Petitioner is required to use the Defense Logistics Agency ("DLA") for disposal of hazardous waste and has attempted to process the container through the DLA on July 27, 2022, October 12, 2022, and December 14, 2022. However, incinerator backlog has prevented the inclusion of the container in previous shipments.
3. The removal of the 2.5-gallon pail of hazardous waste was to occur on January 24, 2023, but pick-up for delivery to the disposal facility was delayed beyond January 28, 2023, due to damage to the delivery truck. Pick-up is being rescheduled for removal from the site before February 28, 2023.
4. Illinois Air National Guard 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** a provisional variance pursuant to 35 Ill. Adm. Code 722.117(b) for a period of 30 days.

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,

A handwritten signature in blue ink, appearing to read "Charles W. Adams", followed by a horizontal line.

Chief Legal Counsel  
Illinois EPA