



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

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

September 27, 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

August 25, 2022

In re:)
)
)
CITGO Petroleum Corporation) (Provisional Variance – Land)
Petitioner.)
)

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

CITGO Petroleum Corporation
Attn: James R. Lant
Environmental Manager
135th Street and New Avenue
Lemont, IL 60439-3659

Dear Mr. Lant:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed your August 17, 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.

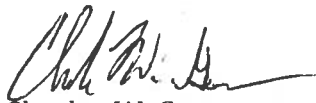
The applicable facts of this request are as follows:

1. Unforeseen circumstances that resulted in this request is due to the Heritage East Liverpool, Ohio incinerator being shut down to perform routine maintenance on June 26th, 2022.
2. During this shutdown, the facility experienced a non-waste related fire. This led to damage of critical equipment which must be repaired before the incinerator can safely come back online
3. The 90-day accumulation period for the hazardous wastes is on the attached chart.
4. This is extension is due to the incident at the Heritage site in Ohio.

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 black ink, appearing to read "Charles W. Gunnarson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles W. Gunnarson
Chief Legal Counsel
Illinois EPA



CITGO Petroleum Corporation

135th Street & New Avenue
Lemont, IL 60439-3659

**CERTIFIED MAIL
RETURN RECEIPT REQUEST
7022 1670 0001 4811 5438
USPS Tracking# 9590 9402 7271 1284 0067 74**

August 17, 2022

Illinois Environmental Protection Agency (IEPA)
Attn: Division of Land Pollution Control
P.O. Box 19276
Springfield, IL 62794-9276

RECEIVED

AUG 19 2022

IEPA/BOL

**Request for Extension of 90-Day Hazardous Waste Accumulation Time
ILD041550567/1978030004**

To Whom It May Concern:

As specified at 35 Illinois Administrative Code 722.117(b), the purpose of this letter is to request an additional 30 days for accumulation of hazardous waste at our facility in Lemont, IL (EPA ID#ILD041550567.) Additional time is requested because of unforeseen, temporary, and uncontrollable circumstances. These circumstances include that hazardous waste incinerators are backlogged with containerized hazardous waste. There is also an outage at Heritage Thermal Services (HTS) where they are "unable to accept waste into the facility until repairs are completed." HTS is estimated to begin accepting waste again mid-November 2022. Because of these circumstances, CITGO Lemont Refinery is unable to ship containerized hazardous waste requiring incineration off-site to a permitted incinerator or storage facility in a timely manner and requests the 30-Day extension to accumulate hazardous waste at our facility.

Thank you for your consideration of this request. If there are questions, please contact Breanna Browder at (630) 257-4912 or me at (630) 257-4441.

Sincerely,

A handwritten signature in black ink that reads "James R. Lant (LVT)".

James R. Lant
Environmental Manager

/BEB

Attachments: August 3, 2022; Re: Heritage Thermal Services June 2022 Outage Update
August 17, 2022; Re: Heritage Thermal Services June 2022 Outage Update

August 3, 2022

RE: Heritage Thermal Services June 2022 Outage Update

Dear Customer:

The purpose of this letter is to provide an update on the Heritage Thermal Services incinerator in East Liverpool, Ohio. On June 27, after we had taken the incinerator offline and had been performing maintenance activities for several days, a non-waste related fire developed in the air pollution control equipment. Thankfully, no injuries were sustained. Due to this unforeseen event and resulting extended outage, we are unable to accept waste into the facility until repairs are completed. Your sales and customer experience professionals will continue to work with you to cancel or reschedule your waste shipments.

Our employees have worked tirelessly since June 27 to evaluate the facility, source replacement equipment, and begin repairs. We are currently targeting resumption of waste acceptance and incineration activities in early to mid-November 2022.

We plan to schedule your waste for incineration as soon as we can safely and compliantly do so. We can assist with your 30-day extension letters and provide letters from US EPA and available state agency authored letters regarding capacity, if needed.

We apologize for the inconvenience; please feel free to reach out to your Account Representative or Corporate Account Manager for assistance.

Heritage Environmental Services

August 17, 2022

RE: Heritage Thermal Services June 2022 Outage Update

Dear Customer:

Extended Outage Update

Great progress is being made on the repairs, as the Heritage employees and contractors are repairing the scrubber vessel, installing piping, and pulling new wire. We are anxiously awaiting parts from Europe, but still anticipate the incinerator to be fully operational by mid-November. We are working on a plan to be communicated in the next weeks regarding resumption of waste scheduling into East Liverpool. At this time, we are not scheduling or picking up wastes destined for East Liverpool.

US EPA Memorandum Update

US EPA issued a memorandum entitled "Regulatory Options for Addressing the Temporary Backlog of Containerized Hazardous Waste Needing Incineration" on August 10, 2021. This memo indicated that the US EPA understood the capacity issues were to last through the first quarter of 2022. Some state regulatory agencies and possibly some US EPA regions and employees assumed that the capacity issues have been resolved and have been pushing back on initial or subsequent 30-day extension requests to the 90- or 180-accumulation limits for LQGs and SQGs. EPA has modified the "Hazardous Waste Generators" page (<https://www.epa.gov/hwgenerators>) where there is a link to this memorandum with the note, "Update August 2022: this memo continues to be in effect." Please see graphic below. It is important to note that this memo makes it clear that generators may request multiple 30-day extensions on the same wastes.

We plan to schedule your waste for incineration as soon as we can safely and compliantly do so. We can assist with your 30-day extension letters and provide letters from US EPA and available state agency authored letters regarding capacity, if needed.

We apologize for the inconvenience; please feel free to reach out to your Account Representative or Corporate Account Manager for assistance.

Heritage Environmental Services

Highlights

- [Memo: Regulatory Options for Addressing the Temporary Backlog of Containerized Hazardous Waste Needing Incineration](#)
(Update August 2022: this memo continues to be in effect)

From: [Browder, Breanna](#)
To: [Jarvis, Melanie](#)
Cc: [Lant, James](#)
Subject: [External] CITGO Lemont 90-Day Extension
Date: Tuesday, August 23, 2022 5:12:30 PM

Hi Melanie,

Thanks for reaching out today. So far, I believe the waste below is all that will be affected by this incinerator outage. As you can see, the 90-day date for this waste varies. Please let me know if you need any additional information.

Also, while I am actively attempting to find alternate TSDFs for this waste, the incinerators all seem to be very backed up at the moment. If I am unable to find an alternate TSDF before the 30-day extension expires, will it be acceptable for me to send in another 30-day extension request for this waste? As I mentioned, Heritage Thermal Services is not expected to be accepting waste again until mid-November.

Full Tag	Description	Accumulation Start date	Container Quantity/Type	Deadline
736-22	Self-heating Process Filters	5/24/2022	7 x 55DM	8/22/2022
893-22	Flam Liquid Loosepack (consumer packaged)	6/24/2022	1 x 55DM	9/22/2022
891-22	Amine Loosepack (consumer packaged)	6/24/2022	1 x 5DF	9/22/2022
1657-22	Flam Solid Labpack	7/13/2022	1 x 5DF	10/11/2022
1655-22	Base Loosepack (consumer packaged)	7/14/2022	1 x 55DF	10/12/2022
1656-22	Acid Loosepack (consumer packaged)	7/14/2022	1 x 20DF	10/12/2022
1003-22	Oxidizer Lab pack	7/19/2022	1 x 55DM	10/17/2022
1658-22	Spontaneously Combustible Labpack	7/19/2022	1 x 20DF	10/17/2022
2126-22	Oxidizer Lab pack	8/4/2022	1 x 5DF	11/2/2022

Much Appreciated,

Breanna Browder
 Corrective Action and Waste Compliance Specialist

Electronic Filing: Received, Clerk's Office 9/27/2022**IEPA 2023-013**

CITGO Petroleum Lemont Refinery

Ph (630)257-4912

bbrowde@citgo.com