



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
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DOUGLAS P. SCOTT, DIRECTOR

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Pollution Control Board

(217)782-5544
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED
#7007 3020 0002 3214 4210

September 30, 2009

John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Re: Notice of Provisional Variance Denial – Land
1438050004-Peoria/Caterpillar, Inc./Compliance/ILD052664364

Dear Mr. Therriault:

On September 18, 2009, the Illinois EPA mailed to your attention a copy of a Provisional Variance denial in the above matter per the requirements of 35 Ill. Adm. Code 180.302 of the Illinois Environmental Protection Agency procedural rules. It appears that you have not received that copy. Enclosed is another copy of the notice package forwarded on September 18. Please call me at the number referenced above if you have any questions.

Sincerely,


Dawn A. Hollis
Division of Legal Counsel

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760

Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131

Bureau of Land – Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462

Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

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September 18, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7007 3020 0002 3214 4173

John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Re: Notice of Provisional Variance Denial – Land
1438050004 – Peoria County
Caterpillar, Inc.
ILD052664364
Compliance

Dear Mr. Therriault:

Pursuant to 35 Ill. Adm. Code 180.302 of the Illinois Environmental Protection Agency procedural rules for provisional variances, attached is a copy of the Illinois EPA's recent denial of a request for provisional variance. If you have any questions, please do not hesitate to contact me.

Sincerely,

William D. Ingersoll
Division of Legal Counsel

Attachment

Cc: John Tripses, Peoria Regional Office
BOL Division Records Unit

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September 18, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7007 3020 0002 3214 4180

G. L. Bevilacqua
Caterpillar, Inc.
100 NE Adams Street
Peoria, Illinois 61629

Re: 1438050004 – Peoria County
Caterpillar, Inc.
ILD052664364
Compliance

Dear Mr. Bevilacqua:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed Caterpillar’s September 8, 2009, request for a provisional variance. Based upon this review, the Illinois EPA DENIES the requested provisional variance.

The applicable facts of this request are as follows:

1. Caterpillar operates a facility 10 miles south/southwest of Peoria, Illinois, near that town of Mapleton.
2. On May 29, 2009, Caterpillar generated 2,643 pounds of waste material, consisting of a mixture of sand and two chemicals, a foundry epoxy resin and a foundry phenolic hot box catalyst.
3. Caterpillar determined that the waste was non-hazardous because the separate chemicals involved were non-hazardous wastes. Caterpillar provided no indication that a chemical analysis had been conducted on the waste to characterize it as hazardous or non-hazardous waste.
4. On September 3, 2009, Caterpillar determined that the waste is hazardous due to its corrosive nature when it discovered that the waste had corroded through steel barrels it was stored in.
5. Caterpillar states that it is seeking a provisional variance from the regulations in 35 Ill. Adm. Code 724 and 725, and permit requirements in 35 Ill. Adm. Code 702, 703, and 705. It also states that it seeks a 30 day extension of the 90-day accumulation period for a Large Quantity Generator of hazardous waste.

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The requested provisional variance is denied because the requested relief is far broader than necessary. Caterpillar seeks relief from the requirements of 35 Ill. Adm. Code Parts 724, 725, and Parts 702, 703 and 705. 35 Ill. Adm. Code 722.134(b) allows a generator of hazardous waste to seek an extension of the 90-day accumulation period 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 also notes that the hazardous waste was stored at Caterpillar's Site for 102 days when the petition for a provisional variance was mailed. Consequently, Caterpillar had already exceeded the accumulation for the hazardous waste involved in this matter. Finally, the Illinois EPA notes that Caterpillar did not provide any information on an analysis of the characteristics of the waste mixture in this matter, but rather it appears that Caterpillar made its waste determination based upon the characteristics of the individual chemical constituents before they were mixed together.

The Illinois EPA denies 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) (2008)).

Sincerely,

A handwritten signature in black ink, reading "William D. Ingersoll". The signature is written in a cursive, flowing style.

William D. Ingersoll
Division of Legal Counsel

Cc: John Tripses, Peoria Regional Office
BOL Division Records Unit

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 City, State, ZIP+4 Caterpillar, Inc.
 100 NE Adams Street
 Peoria, IL 61629

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1. Article Addressed to:

G.L. Bevilacqua
 Caterpillar, Inc.
 100 NE Adams Street
 Peoria, IL 61629

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 x *Laura Bednar* Agent Addressee

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