



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

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(217) 782-5544
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November 7, 2019

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

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CLERKS OFFICE
NOV 12 2019
STATE OF ILLINOIS
Pollution Control Board

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,

Dana Vetterhoffer
Acting Chief Legal Counsel

Enclosure

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760
Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131
Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800
Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 Harrison St., Des Plaines, IL 60016 • (847) 294-4000
Peoria • 412 SW Washington St, Suite D., Peoria, IL 61602 • (309) 671-3022
Chicago • 100 W. Randolph Street Suite 4-500, Chicago, IL 60601
Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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In re:)
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)
LANXESS SOLUTIONS US INC.,) (Provisional Variance - Land)
Petitioner.)
)
)

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

LANXESS Solutions US Inc.
Attn: Bill McKay, Plant Manager
8220 West US Highway 24
Mapleton, Illinois 61547

Dear Mr. McKay:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed LANXESS Solutions US Inc.'s ("LANXESS") October 7, 2019 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. LANXESS manufactures specialty chemicals. Its facility at 8220 West US Highway 24 in Mapleton, Peoria County, Illinois produces industrial organic chemicals, mainly organic pyrophoric compounds. Hazardous wastes are generated from the manufacture and laboratory testing of the compounds, with the largest by volume waste stream being Hydrolysis Residue with the hazardous waste codes D003 and D002. This waste is stored in a 10,000-gallon storage tank at the facility. Standard operating procedure is to process this waste in an on-site hydrolysis unit which renders the waste non-hazardous.
2. The facility was shut down for unplanned maintenance on August 21, 2019 and has been out of production since that date, preventing the Hydrolysis Residue from being rendered non-hazardous by the hydrolysis unit. Due to this event, the Hydrolysis Residue may have to remain at the LANXESS site beyond its 90-day accumulation period.
3. The 90-day accumulation period for the Hydrolysis Residue has an end date of November 22, 2019.
4. LANXESS states that the tank is maintained and monitored in accordance with all applicable regulatory requirements. The Hydrolysis Residue will either be processed on-site by the

hydrolysis unit or shipped off-site to an authorized treatment/disposal facility. LANXESS represents that it is seeking this provisional variance so as not to violate the applicable hazardous waste storage requirements and that no similar extension for this hazardous waste has been previously requested.

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.

LANXESS shall sign a certificate of acceptance of this provisional variance and return it to James G. Richardson #21 at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 on or before November 14, 2019. The certification should take the following form:

LANXESS hereby accepts and agrees to be bound by all terms and conditions of the provisional variance granted by the Illinois EPA on November 7, 2019.

Authorized Agent

Title

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,



Dana Vetterhoffer
Acting Chief Legal Counsel
Illinois EPA