BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

IN THE MATTER OF:	)	
	)	
NATURAL GAS-FIRED, PEAK-LOAD	)	R01- 10
ELECTRICAL POWER GENERATING	)	
FACILITIES (PEAKER PLANTS)	)	

TESTIMONY OF TODD MARVEL

My name is Todd Marvel and I am employed with the Illinois Environmental Protection Agency's Bureau of Land as the Assistant Manager of the Field Operations Section and RCRA Coordinator/USEPA Liaison. My testimony will address land pollution issues as they relate to natural gas-fired peaker plants.

Peaker plants may generate various types of waste that must be managed in accordance with waste disposal regulations found in Subtitle G of Title 35 of the Illinois Administrative Code. By comparison, peaker plants are no different than any other generator of the following types of waste in terms of how the waste is regulated.

Any municipal waste generated at the facility, such as general office waste, must be sent to a facility permitted to treat, store or dispose of municipal waste.

Any special waste generated at the facility must be managed properly in accordance with the regulations applicable to the specific type of special waste generated. Special waste is defined as 1) industrial process waste, 2) pollution control waste, or 3) hazardous waste. All special waste is subject to the requirements for making a hazardous waste determination under 35 Ill. Adm. Code Section 722.111.

If the waste is determined to be a non-hazardous special waste, the wastes cannot be accumulated on-site for any more than one year; typically, they are sent off-site on a regular basis. In general, such wastes must also be properly sent off-site to a permitted treatment, storage or disposal facility. This waste may be de-classified as municipal waste if certain requirements are met.

If any special waste generated at the facility is determined to be a hazardous waste, such as waste cleaners or solvents, then the facility must consider the amount of hazardous waste generated on a monthly basis in order to determine their generator category and subsequent regulatory requirements. The Illinois EPA anticipates that most, if not all, peaker plants will generate less than 100 kg/mo. of hazardous waste. Such facilities are classified as conditionally-exempt small-quantity generators ("CESQG").

A CESQG is subject to three primary regulatory requirements under 35 Ill. Adm. Code 721.105(g). First, a proper hazardous waste determination must be completed for each special waste generated at the facility. Second, the hazardous waste(s) generated must be accumulated in tanks or containers. And third, these wastes must eventually be sent off-site to a permitted hazardous waste treatment, storage or disposal facility. If the facility generates more than 100 kg/mo. of hazardous waste, then more regulatory requirements apply to the facility, including certain manifesting and recordkeeping requirements. Still more regulations apply if more than 1,000 kg/mo. of hazardous waste are generated, including the need for a contingency plan, personnel training and annual reporting.

Peaker plants may be located on property that was once used for commercial or industrial activities such as gas stations, small manufacturing and assembly operations.

Information regarding whether or not there has been any reported releases to the environment at these sites can be obtained from Illinois EPA, as well as documentation of any clean-up activities that have been completed in response to these releases.

Illinois Environmental Protection Agency

By: _____
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DATED: August ___, 2000
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