ILLINOIS POLLUTION CONTROL BOARD February 7, 1980

SAFETY-KLEEN (CORPORATION,)	
	Peti	tioner,)	
	V .) 1	PCB 80-12
ENVIRONMENTAL	PROTECTION	AGENCY,)	
	Resp	ondent.)	

ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a variance petition filed January 17, 1980 by Safety-Kleen Corporation (Safety-Kleen). The Petitioner requests a variance from the requirements of Chapter 9: Special Waste Hauling Regulations, or in the alternative a finding that Chapter 9 is inapplicable to its spent solvent collection and regeneration operations. Safety-Kleen leases solvent washing equipment to customers throughout the state. Its customers are mostly engaged in automotive repair and industrial maintenance. The equipment appears to typically consist of a covered sink, solvent pump, nozzle and return drain. The equipment is leased for a periodic charge which includes regularly scheduled maintenance and solvent changes. Safety-Kleen also provides solvent leasing service to persons who own equipment manufactured by others.

About 97% of the solvent handled by Safety-Kleen is mineral spirit, which the Merck Index defines as a flammable petroleum fraction boiling in the range of 80° to 145° C. The remainder is a mixture of halogenated hydrocarbons with a water phase solvent. The spent solvents are transported in closed drums by route trucks to storage tanks at the sales branch offices. Tanker trucks periodically transport spent solvent from the sales branches to one of Safety-Kleen's regional solvent regeneration facilities, one of which is in Elgin, Illinois. The spent solvent is distilled after emulsions and sediment are removed. Products which are not reused as solvent or sold are disposed of at approved disposal sites. This is done utilizing the special waste manifest procedures of Chapter 9. Safety-Kleen requests a variance or a determination that the manifest system is otherwise inapplicable to its spent solvent collection system.

Rule 201 of Chapter 9 requires a permit for transportation of special waste generated in Illinois or for transportation into Illinois for disposal, storage or treatment. Rules 301 and 302 require a manifest for delivery or acceptance of special wastes. Waste is defined by Rule 103 as follows:

"Waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility or other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities.

If the spent solvent is a waste it is a special waste. However, it is necessary to first determine whether the spent solvent is waste. Since it does not fit into any of the enumerated categories the question is whether it is "other discarded material." Since it is destined to be reused, rather than discarded, it is not waste. The fact that a small fraction is rejected from the clarification and distillation process to be landfilled does not change this conclusion. Even if the feedstock were crude oil, there would likely be some portion rejected from the purification process to be discarded. The Board does not seek in Chapter 9 to regulate the movement of materials in general, but only waste (Rule 101 of Chapter 9).

Section 20 of the Environmental Protection Act provides that a purpose of the Act is to promote the conservation of natural resources by encouraging the recycling and reuse of waste materials. It would tend to defeat this purpose of the Act if the Board were to impose the expenses of compliance with the requirements of Chapter 9 on persons who are engaged in recycling and reuse of materials which would otherwise be wasted (33 PCB 131, 147). The Board therefore will dismiss the petition.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 7¹⁷ day of 4-0.

Christan . Moffett, Clerk

Illinois Pollution Control Board