

ORIGINAL

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

RECEIVED  
CLERK'S OFFICE

OCT 20 1999

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF:	)	
	)	
AMENDMENTS TO PERMITTING	)	
FOR USED OIL MANAGEMENT AND	)	R99-18
USED OIL TRANSPORT	)	(Rulemaking-Land)
35 ILL. ADM. CODE 807 AND 809	)	

NOTICE

*P.C. #31*

Dorothy M. Gunn, Clerk  
IL. Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Ste 11-500  
Chicago, Illinois 60601  
(First Class)

Matthew J. Dunn, Chief  
Environmental Bureau  
Office of the Attorney General  
James R. Thompson Center  
100 W. Randolph, 12<sup>th</sup> Floor  
Chicago, Illinois 60601  
(First Class)

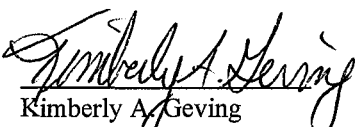
Robert Lawley, Chief Legal Counsel  
Department of Natural Resources  
524 South Second Street  
Springfield, Illinois 62701-1787  
(First Class)

Joel Sternstein, Hearing Officer  
IL. Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Ste 11-500  
Chicago, Illinois 60601  
(First Class)

Service List  
(First Class)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Additional Supplemental Final Comment of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:   
Kimberly A. Geving  
Assistant Counsel  
Division of Legal Counsel

DATE: October 18, 1999  
Illinois EPA  
Division of Legal Counsel  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

RECEIVED

CLERK'S OFFICE

OCT 20 1999

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD, STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
AMENDMENTS TO PERMITTING )  
FOR USED OIL MANAGEMENT AND ) R99-18  
USED OIL TRANSPORT ) (Rulemaking-Land)  
35 ILL. ADM. CODE 807 AND 809 )

ADDITIONAL SUPPLEMENTAL FINAL COMMENT  
OF THE ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA"), by and through one of its attorneys, Kimberly A. Geving, and pursuant to 35 Ill. Adm. Code 103.320 and Illinois Pollution Control Board ("Board") request submits this ADDITIONAL SUPPLEMENTAL FINAL COMMENT OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Additional Comment") in the above-captioned matter to the Board.

It has come to the attention of the Illinois EPA that a definition that was proposed as part of the initial amendment rulemaking to Part 809 is inconsistent with a federal definition that was passed under 35 Ill. Adm. Code 722 during an Identical in Substance rulemaking in 1998. The definition at issue is the definition of "on-site" found in Section 809.103. As currently adopted, that definition reads as follows:

"On-site" means (for the purpose of transporting hazardous waste) on the same or geographically contiguous property that may be divided by public or private rights-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing, as opposed to going along the rights-of-way.

Non-contiguous properties owned by the same person but connected by a right-of-way that the person controls, and to which the public does not have access, is also considered on-site property.

If the definition remains as it was adopted in R98-29, it would require parties transporting hazardous waste considered off site by definition to register and obtain a Uniform Permit. Furthermore, it would also require persons delivering any hazardous special waste to a permitted hazardous waste transporter off site to comply with the manifesting, record keeping, and reporting requirements of Part 809, Subpart E. In contrast, adopting a definition similar to the federal definition in Part 722 would serve to exempt parties from those requirements if their activities were considered "on-site". Therefore, in order to be consistent with the intent of the federal Identical in Substance rules under Part 722, the Illinois EPA proposes amending the definition of "on-site" as follows:

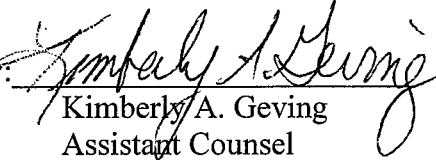
"On-site" means (for the purpose of transporting hazardous waste) on the same or geographically contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that the person controls, and to which the public does not have access, is also considered on-site property.

The Illinois EPA does not believe this issue to be controversial due to the fact that several members of the regulated community have expressed the desire that the definition in Part 809 be consistent with the definition in Part 722.

WHEREFORE, the Illinois EPA hereby submits this Additional Comment for the Board's consideration and respectfully requests that the Board limit any additional

comments on the proposal to the definition of "on-site" and not allow any other issue to be re-addressed.

Illinois Environmental Protection  
Agency

By:   
Kimberly A. Geving  
Assistant Counsel  
Division of Legal Counsel

Dated October 18, 1999

1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217)782-5544

STATE OF ILLINOIS        )  
  )  
COUNTY OF SANGAMON )

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Additional Supplemental Final Comments of the Illinois Environmental Protection Agency on behalf of the Illinois Environmental Protection Agency upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy M. Gunn, Clerk  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Ste 11-500  
Chicago, Illinois 60601  
**(FIRST CLASS)**

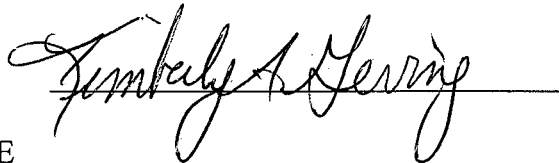
Matthew J. Dunn, Chief  
Environmental Bureau  
Office of the Attorney General  
James R. Thompson Center  
100 West Randolph, 12<sup>th</sup> Floor  
Chicago, Illinois 60601  
**(FIRST CLASS)**

Robert Lawley Chief Legal Counsel  
Department of Natural Resources  
524 South Second Street  
Springfield, Illinois 62701-1787  
**(FIRST CLASS)**

Joel Sternstein, Hearing Officer  
IL. Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Ste 11-500  
Chicago, Illinois 60601  
**(FIRST CLASS)**

Service List  
**(FIRST CLASS)**

and mailing it from Springfield, Illinois on 10/18/99 with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

this 18<sup>th</sup> day of October

Brenda Bochner  
Notary Public



**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

## SERVICE LIST (R99-18)

Matthew J Dunn  
Chief, Environment Bureau  
Office of the Attorney General  
100 West Randolph St., 11th Floor  
Chicago, IL 60601

Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Cynthia Hilton  
Executive Director  
Assoc. of Waste Hazardous Materials Transporters  
2200 Mill Road  
Alexandria, VA 22314

Jeffrey Jeep  
EMCO Chemical Distributors, Inc.  
2100 Commonwealth Avenue  
North Chicago, IL 60064

Jennifer Marsh *Ginder*  
Chemical Industry Council of Illinois  
9801 West Higgins  
Suite 515  
Rosemont, IL 60018

~~Sanjay K. Sofat~~  
Illinois Environmental Regulatory Group  
215 East Adams Street  
Springfield, IL 62701

Vicki Thomas  
JCAR  
Wm. G. Stratton Bldg., Room 700  
Springfield, IL 62706

Kimberly A Geving  
IEPA, Division of Legal Counsel  
Assistant Counsel  
1021 North Grand Avenue East  
Springfield, IL 62704-9276

Christopher Harris  
General Counsel  
National Oil Recyclers Association  
1439 West Babcock  
Bozeman, MT 59715

Katherine D. Hodge  
Hodge & Dwyer  
808 South Second Street  
Springfield, IL 62704

Robert Lawley  
Chief Legal Counsel  
Dept. of Natural Resources  
524 South Second Street  
Springfield, IL 62701-1787

Paul Pike  
(MC-602)  
Ameren Services  
P.O. Box 66149  
St. Louis, MO 63166

Joel J. Sternstein  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601