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MAR 03 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 USED
OIL TRANSPORT 35 ILL. ADM. CODE
807 AND 809

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R99-18
(Rulemaking - Land)

P.C. #1

NOTICE OF FILING

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

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

Attached Service List

PLEASE TAKE NOTICE today that I have filed with the Clerk of the Illinois Pollution Control Board an original and nine copies of the COMMENTS OF THE CHEMICAL INDUSTRY COUNCIL OF ILLINOIS, copies of which are herewith served upon you.

Respectfully Submitted,

By:

Jennifer Marsh
Jennifer Marsh

Date: March 1, 1999

Jennifer Marsh
Regulatory Affairs Director
Chemical Industry Council of Illinois
920 South Spring Street
Springfield, Illinois 62704
217/522-5805

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
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IN THE MATTER OF:)
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AMENDMENTS TO PERMITTING FOR) **R99-18**
USED OIL MANAGEMENT AND USED) **(Rulemaking – Land)**
OIL TRANSPORT 35 ILL. ADM. CODE)
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COMMENTS OF THE CHEMICAL INDUSTRY COUNCIL OF ILLINOIS

NOW COMES the Chemical Industry Council of Illinois ("CICI") through its Regulatory Affairs Director, Jennifer Marsh, and hereby submits the following comments relating to the above-referenced matter.

CICI is a not-for-profit association which represents 170 corporations, over one hundred of which are chemical firms which manufacture, blend, distribute and sell chemicals. CICI's members operate more than 700 facilities in Illinois, ranging from small to large operations. The chemical industry in the State of Illinois ranks third in the United States in chemical exports, fourth in the value of chemical shipments, and employs more than 62,000 people.

CICI's comments today relate specifically to the amendment to 35 Ill. Adm. Code 807.105(a), originally proposed by the Illinois Environmental Protection Agency ("IEPA" or "Agency") and adopted by the Illinois Pollution Control Board ("Board") as part of this First Notice Proposed Rule, R99-18. One of CICI's member companies, Safety Kleen, has raised concerns with this particular portion of the proposed rule, which requires that used oil transfer facilities, used oil processors, used oil fuel marketers, used oil burners, and petroleum refining facilities be subject to Part 807 permitting requirements. Until this proposed rule, Part 807 had not required a facility to obtain a special waste permit if the facility had already obtained a hazardous waste management permit in accordance with 35 Ill. Adm. Code 705. The proposed

changes would require a facility that manages used oil--already governed by a hazardous waste permit issued by the IEPA--to obtain a separate, non-hazardous special waste permit. While CICI recognizes the Agency's interest in ensuring safety and maintaining oversight at used oil facilities, it questions whether there is an environmental benefit to requiring a facility that already manages used oil in accordance with a hazardous waste permit to obtain a separate, non-hazardous special waste permit. CICI especially questions this proposed language as, according to Safety Kleen, the IEPA has been moving toward consolidating old non-hazardous special waste permits into current hazardous waste permits. In the circumstances mentioned above, this portion of the proposed rule appears to provide for a duplicative permitting process, and should be clarified and amended accordingly.

CICI appreciates the opportunity to comment on the Board's First Notice Proposed Rule, R99-18. CICI plans to continue to monitor both the progress of this proposed rule and the responses of its members to the proposed rule. Further, CICI is available to participate with the Board and Agency as it proceeds through the rulemaking process.

Respectfully Submitted,
Chemical Industry Council of Illinois

By:


Jennifer Marsh

Dated: March 1, 1999

Jennifer Marsh
Regulatory Affairs Director
Chemical Industry Council of Illinois
920 South Spring Street
Springfield, Illinois 62704

CERTIFICATE OF SERVICE

I, Jennifer Marsh, the undersigned, hereby certifies that copies of the COMMENTS OF THE CHEMICAL INDUSTRY COUNCIL OF ILLINOIS were served upon those persons on the attached service list by depositing said documents in envelopes affixed with sufficient postage into the U.S. Mail on the 1st day of March, 1999.

Jennifer Marsh

SUBSCRIBED AND SWORN TO BEFORE ME

This 1st day of March, 1999

Tammy R. Kesterson
Notary Public

