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JUL 31 2006

STATE OF ILLINOIS  
Pollution Control Board

July 27, 2006

PC#10

MS. DOROTHY GUNN, CLERK  
Illinois Pollution Control Board  
James R Thompson Center  
100 West Randolph  
Suite 11-500  
Chicago, IL 60601

RE: R2006-020

Dear Illinois Pollution Control Board Members:

Our company is writing you in regards to: In the Matter of Amendments to the Board's Special Waste Rules Concerning Used Oil, 35 Ill. Adm. 808, 809, RC 06-20.

Thank you for the opportunity to provide comment in the above referenced rulemaking. I submit this comment on behalf of Future Environmental, a member of NORA. Future Environmental is one of the largest Illinois based used oil recyclers, encouraging thousands of Illinois businesses to recycle the millions of gallons of used oil we collect a year in Illinois. Future Environmental endorses and supports NORA's rule proposal and requests that the Board adopt the language proposed by NORA.

Special Waste manifesting for used oil, including those substances entitled to be regulated as used oil pursuant to the federal and state regulations, is burdensome and unnecessary. The Part 739 used oil regulations, along with other shipping/tracking requirements under DOT provide adequate tracking for used oil. Further we have outlined in the two Board hearings that if IEPA concludes that more information is needed for a certain material, we would probably be agreeable to that.

In our operations we abide by the federal and state regulations concerning used oil, including the tracking requirements, DOT and other requirements. We believe that IEPA's position, as explained at the Board's hearings is inconsistent with the federal program requirements and actually goes against the intent of the federal regulations in some areas. The intent of the federal regulations concerning substances and mixtures of

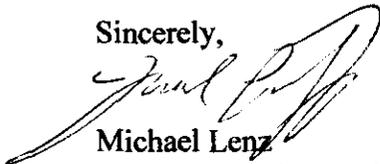
used oil and other materials that are to be regulated as used oil under Part 739.110, was to assure that the generator of such wastes would have access to recycling avenues, and that those avenues would not be cost prohibitive, thereby encouraging recycling. USEPA made a great effort to understand how the used oil recycling business works, including visiting generators and recyclers, in order to fully comprehend the realities that generators and recyclers face.

It is clear that it was USEPA's intent that even certain hazardous wastes, when mixed with used oil are to be regulated as used oil. Part 739.110, b, 2, B&C states that as long as the mixture of hazardous waste and used oil does not exhibit a characteristic the hazardous waste carried prior to the mixture, the mixture is to be regulated as used oil (only). Special Wastes are non-hazardous wastes. Therefore they do not carry any characteristics that could cause the used oil to become hazardous.

We are not asking that the Special Waste or Hazardous Waste rules be disregarded, Only that where both those regulations and the used oil regulations apply (as outlined under Part 739.110), that the materials be treated as Used Oil in conformance with the used oil regulations alone (as USEPA intended), including the used oil tracking requirements and not the Special Waste or Hazardous Waste tracking (and receiving facility) requirements.

In closing, our company believes that manifesting Used Oil and the materials regulated as Used Oil under Part 739.110 in the method IEPA has explained they would like to implement is unnecessary, goes against the intent of the used oil regulations, would strongly discourage Illinois based recyclers from recycling certain used oil waste streams, and would be very burdensome and put the Illinois based recyclers at a severe disadvantage compared to their out of state competitors coming into Illinois. We strongly encourage the Board to adopt the language proposed by NORA. This action would keep the Illinois used oil regulations more aligned with the federal regulations and surrounding states regulations. We look forward to the Board's adoption of NORA's rule proposal.

Sincerely,



Michael Lenz  
Environmental Compliance Specialist