

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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APR 30 1997
STATE OF ILLINOIS
POLLUTION CONTROL BOARD

IN THE MATTER OF:

PETITION OF RECYCLE)
TECHNOLOGIES, INC.)
FOR AN ADJUSTED)
STANDARD UNDER 35 ILL)
ADMIN. CODE 720.131 (c))

AS # 97-9

PETITION FOR DETERMINING
WHETHER A MATERIAL IS A SOLID WASTE

COMES NOW, Recycle Technologies, Inc., by and through its owner Gary L. Gunderson, for its petition for determining whether a material is a solid waste, state as follows:

I. INTRODUCTION

Pursuant to 35 ILL. Admin. Code 720.131 (c), Recycle Technologies, Inc. ("RTI") respectfully requests the Illinois Pollution Control Board (the "Board") to issue a new solid waste determination for filtered used antifreeze from automobile dealership/service centers, independent service stations and automobile repair shops hauled to a centralized recycling location for a minor finishing process step. The used antifreeze is currently classified as a special waste based on the Illinois Environmental Protection Agency's (IEPA) determination that the used antifreeze (ethylene glycol) is "partially reclaimed" at the generators site (see attachment 1).

The Board should issue a new solid waste determination because the filtered used antifreeze is commodity like after initial reclamation, even though minor finishing reclamation will occur at a centralized location.

II. DISUCSSION

RTI was established in 1994 as an on site antifreeze recycler. RTI trucks currently visit a generators site, filter (5 micron) the used antifreeze and put the filtered antifreeze into 55 gallon drums along with additives (scale and corrosion inhibitors, coloring and defoamers) and leave the recycled antifreeze with the generator for their resale/reuse.

RTI would like to move part of its operations to a centralized facility. The used antifreeze will still be filtered (5 micron) at the generators site but the accumulated liquids from several clients will then be brought back to the centralized facility. At the centralized facility the liquids will be further processed by reverse osmosis to remove the different dyes and colors used in various types of antifreeze. The antifreeze will then be able to be mixed more thoroughly in mixing tanks with the same additives as previously used at the generators site. The antifreeze will be sold back to the clients for resale/reuse.

The filters generated under both situations are disposed as special wastes as will any dye residuals from the reverse osmosis process.

III CRITERIA FOR BOARD DECISION

A. Degree of processing the material has undergone and the degree of further processing that is required.

Once the used antifreeze is filtered at the generators site it is already resaleable/reusable. Currently all other competing companies are filtering to this level. The additives are to improve the quality of the end product. Further processing by reverse osmosis is being provided to remove the various dyes (coloring) from the different types of antifreeze to, again, further improve the cosmetic quality of the end product. Approximately 99% of the removal process is completed at the generators site.

B. Value of the material after it has been reclaimed.

The quality of the reclaimed product will approximate virgin product. Thus the value will be similar. Currently the marketprice for the reclaimed product is \$1.75 per gallon in the Chicago area.

C. The degree to which the reclaimed material is like an analogous raw material.

The reclaimed material will be equivalent to virgin antifreeze from a chemical and economic standpoint.

D. The extent to which an end market for the reclaimed material is guaranteed.

The reclaimed material is sold back to the generators when the next pickup of used antifreeze is made. RTI's on site recycling business has been in operation since 1994 and has an established client list of over 500 companies. GM, Ford and most other original equipment manufacturers approve the use of recycled antifreeze (see attachment #2). The Chicago area currently has 6 other companies recycling antifreeze and RTI is trying to differentiate itself through this further processing.

E. The extent to which the reclaimed material is handled to minimize loss.

Only the impurities removed from the used antifreeze are lost during the reclamation. It is estimated that over 99% of the used antifreeze is reclaimed.

F. Other relevant factors.

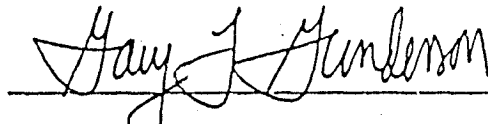
The centralized process will consist of two identical sets of three tanks. The first tank in each group will be a receiving tank for the filtered used antifreeze. The second tank in each group will be a process tank where the material will be fed to the reverse osmosis machine. The

third tank will hold the finished product until it's pumped back on to trucks for delivery.

All operations will be conducted indoors, on a concrete floor, with no drains. All tanks and the reverse osmosis machine will be surrounded by containment walls. Only one group of tanks will be in use at a time. Thus, the other group of tanks will be available should a problem arise.

Attachment 3 is a copy of a letter from the City of Wood Dale, the proposed location of the centralized facility, in support of the operation.

Wherefore, for the reasons stated above, RTI respectfully requests that the Board determine that the filtered used antifreeze returned to the centralized facility is not a waste, but rather is a raw material to be used in the manufacture of recycled antifreeze.



Gary L. Gunderson
Recycle Technologies, Inc.
151 Kings Row
Barrington, IL 60010
847-304-7868

ATTACHMENT I



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217/524-3300

March 17, 1997

Recycle Technologies, Inc.
Attn: Gary L. Gunderson
151 Kings Row
Barrington, Illinois 60010

Re: 0970000000 -- Lake County
Recycle Technologies, Inc.
Log No. PS97-027
General Correspondence

Dear Mr. Gunderson:

This letter is in response to your February 22, 1997 letter concerning the recycling of used antifreeze.

Spent antifreeze is currently considered a special waste in the State of Illinois as defined at 35 Ill. Adm. Code 808.110, and may be characteristically hazardous waste as defined in 35 Ill. Adm. Code 721, Subpart C (the generator must make a determination pursuant to 35 Ill. Adm. Code 722.111).

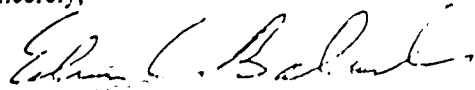
However, in accordance with 35 Ill. Adm. Code 721.102(e)(1)(A), materials which are "used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed" are not solid waste when recycled. In this case, the "material" in question would be the (on-site) pre-filtered ethylene glycol. Since this material has already been processed or "partially reclaimed" at the generator's site, the antifreeze would remain a solid waste unless you received a determination from the Pollution Control Board in accordance with 35 Ill. Adm. Code 720.131(e). Therefore, until such time the Board determines the antifreeze is not a solid waste, the facility, if operated as proposed, would be accepting a "solid waste" as defined by the regulations.

Pursuant to Section 21 of the Illinois Environmental Protection Act (the Act), no person is allowed to accept waste for storage, treatment, or disposal without a permit granted by the Agency. If the waste in question is a hazardous waste as defined in 35 Ill. Adm. Code Part 721, you cannot accept the waste until your facility has obtained a RCRA permit as specified in 35 Ill. Adm. Code 703.121(a). If the waste is found to be non-hazardous, you cannot accept the waste until you have obtained a State Permit as required by 35 Ill. Adm. Code 807, Subpart B. Also, before the Agency can review a permit application, you must obtain local siting approval in accordance with Section 39.2 of the Act.

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If you have any questions concerning this response, please contact Scott Hacke at 217/524-3267.

Sincerely,



Edwin C. Bakowski, P.E.
Manager, Permit Section
Bureau of Land

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ECB:SAH:bjh\972991.WPD

ATTACHMENT II

Group Ref: Warranty Administration

Bulletin No.: 310504

Date: February, 1994

WARRANTY ADMINISTRATION

SUBJECT:

RECYCLED ENGINE COOLANT POLICY

MODELS:

1994 AND PRIOR PASSENGER CARS AND TRUCKS

ATTENTION:

WARRANTY CLAIMS ADMINISTRATOR AND SERVICE MANAGER

General Motors supports the use of recycled engine coolant for warranty repairs/service, providing a GM approved engine coolant recycling system is used. For detailed information on GM approved engine coolant recycling equipment guidelines refer to the following bulletins: Cadillac 93-1-18, GMC Truck 93-2B-34, Chevrolet 93-73-6B, Pontiac 93-6-18, Oldsmobile 1-93-43, Buick 93-6B-1 (Corporate Number 236203).

Recycled coolant will be reimbursed at the GMSPO dealer price for new coolant plus the appropriate mark-up. When coolant replacement is required during a warranty repair, it is crucial to assure that only the relative amount of engine coolant concentrate be charged, not the total diluted volume. In other words, if you are using two gallons of pre-diluted (50:50) recycled engine coolant to service a vehicle, you may request reimbursement for one gallon of Goodwrench engine coolant concentrate at the dealer price plus the appropriate warranty parts handling allowance.

Article No.
95-16-6

- COOLANT—USE OF RECYCLED ENGINE COOLANT—SERVICE TIP
- COOLING SYSTEM—USE OF RECYCLED ENGINE COOLANT—SERVICE TIP

FORD: 1980 and after CROWN VICTORIA, ESCORT, MUSTANG, THUNDERBIRD
1982-88 EXP
1984-94 TEMPO
1986 and after TAURUS
1988-93 FESTIVA
1989 and after PROBE
1994 and after ASPIRE
1995 and after CONTOUR

LINCOLN-MERCURY: 1980 and after CONTINENTAL, COUGAR, GRAND MARQUIS,
TOWN CAR
1981-87 LYNX
1984-92 MARK VII
1984-94 TOPAZ
1986 and after SABLE
1987-89 TRACER
1991-94 CAPRI
1991 and after TRACER
1993 and after MARK VIII
1995 and after MYSTIQUE

MERKUR: 1985-89 XR4TI
1988-89 SCORPIO

LIGHT TRUCK: 1980 and after F-150-350 SERIES
1981 and after ECONOLINE
1982 and after BRONCO
1983 and after RANGER
1984-90 BRONCO II
1986 and after AEROSTAR
1988 and after F SUPER DUTY
1991 and after EXPLORER
1993 and after VILLAGER
1995 and after WINDSTAR

ISSUE: Ford Motor Company authorizes the use of recycled engine coolant that, when properly processed and re-inhibited, meets Ford specification ESE-M97B44-A. At this time, the Rotunda Coolant Recycler (181-00003) process is the only approved coolant recycling method available through Ford that is capable of producing recycled engine coolant that meets Ford specification ESE-M97B44-A.

ACTION: Refer to the following Service Procedure for coolant processing and re-inhibiting using Rotunda Coolant Recycler (181-00003).

ATTACHMENT III



CITY OF WOOD DALE

404 NORTH WOOD DALE ROAD
WOOD DALE, ILLINOIS 60191-1596

March 19, 1997

Mr. Ed Gunderson
151 Kings Row
Barrington, IL 60010

Re: Recycle Technologies

Dear Mr. Gunderson:

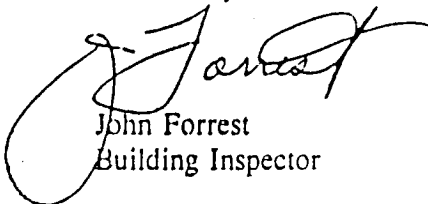
It was our pleasure to meet with you on two occasions in order to discuss the planned move of your business into the City of Wood Dale.

It is our understanding that you are involved with the bulk recycling of anti-freeze products. A review of your proposed process, and the products you use has been done by this department and the Wood Dale Fire Protection District.

It appears that as long as all City of Wood Dale Building Code issues are complied with, this department does not anticipate any problems with your proposed business being located in our industrial park.

Thank you for choosing the City of Wood Dale as the new home for Recycle Technologies.

Yours truly,



John Forrest
Building Inspector

JF:hr

PC: Mayor
City Manager
Assistant City Manager
Building Administrator
Wood Dale Fire Protection District

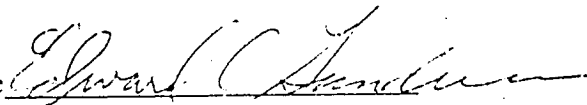
CERTIFICATE OF SERVICES

The undersigned certifies that a copy of the foregoing document was mailed first class certified mail, postage prepaid, this 28 day of April, 1997 to:

Clerk of the Board
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Ms. Mary Gade
Director
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62794-9276

Signature



Date

4-28-97