

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATER OF:	)	
PROPOSED AMENDMENTS TO THE	)	
BOARD'S SPECIAL WASTE REGULATIONS	)	R06-20
CONCERNING USED OIL	)	(Rulemaking – Land)
35 ILL. ADM. CODE 808, 809	)	
	)	
NORA'S COMMENTS	)	
PRE-FILED TESTIMONY	)	

**NOTICE OF FILING**

Office of the Attorney General  
69 West Washington Street, Suite 1800  
Chicago, Illinois 60602

Mr. Matthew J. Dunn  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, Illinois 62794

Stephanie Flowers, Esquire  
Brown, Hay and Stephens, L.L.P.  
700 First Mercantile Bank Building  
205 South Fifth Street  
P. O. Box 2459  
Springfield, Illinois 62705

Claire A. Manning, Esquire  
Illinois Environmental Regulatory Group  
215 East Adams Street  
Springfield, Illinois 62701

Ms. Deirdre K. Hirner  
Executive Director  
Illinois Pollution Control Board  
100 Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Ms. Dorothy Gunn  
Clerk of Illinois Pollution Control  
Board  
100 Randolph Street Suite 11-500  
Chicago, Illinois 60601

Tim Fox, Esquire  
Hearing Officer  
Illinois Pollution Control Board  
100 Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board NORA's Motion for Extension of Time to File NORA's Comments, a copy of which is herewith served upon you.

---

Christopher Harris

September 22, 2008

2001 South Tracy  
Bozeman, Montana 59715  
Telephone: (406) 586-9902

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF:** )  
**PROPOSED AMENDMENTS TO THE** )  
**BOARD'S SPECIAL WASTE REGULATIONS** ) **R06-20**  
**CONCERNING USED OIL** ) **(Rulemaking – Land)**  
**35 ILL. ADM. CODE 808, 809** )

**COMMENTS OF NORA,  
AN ASSOCIATION OF RESPONSIBLE RECYCLERS**

Background

In response to the Board's invitation in its May 1, 2008 Opinion and Order for additional proposals, NORA, An Association of Responsible Recyclers, Inc. ("NORA") hereby submits the following comments in support of its proposed amendments to sections 739, 808 and 809. (See attached proposed amendments). As you may be aware, NORA is a national trade association, founded in 1984, whose more than two hundred members provide recycling services throughout the entire United States, including Illinois and the states that border Illinois. NORA's members collect and recycle used oil, used oil filters, antifreeze, and wastewater. Since its founding, NORA (formerly the National Oil Recyclers Association) has been active in all U.S. Environmental Protection Agency ("U.S.E.P.A.") rulemakings involving used oil and virtually all significant state rulemakings relating to used oil.

Used oil is generated from millions of engines and items of mechanical hardware. Once generated, used oil could be handled as a waste and discarded – with adverse environmental consequences. (In many countries, this is precisely its fate.). However, in the United States, its value encourages recycling which results in resource conservation, and environmental protection.

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Once collected from generators, used oil must be transported to processing facilities where it is transformed into used oil fuel, lubricants, or feedstocks for lubricants. NORA believes that it has convinced EPA, the Congress and other policy-makers that because used oil is a unique and valuable commodity it is worthy of very carefully crafted regulations. Such regulations must simultaneously encourage used oil recycling and protect the environment. These goals are not odds with each other because collection and recycling of used oil generally precludes its disposal. This is particularly important because the disposal – if it occurred – would be carried out by the millions of generators of used oil. The resulting pollution would be widespread, hard to detect, and extremely harmful to ground and surface water. But instead of widespread disposal, used oil is collected from all these generators and the used oil is transformed into useful products. The interesting analogy that NORA's founding president, John J. Nolan, was fond of relating to Congressional committees are swarms of honeybees gathering nectar from millions of flowers. This collection process must be efficient and not waste any precious nectar. After collecting the nectar, the bees transport it to the nearest honey processing facility and produce a valuable product. In the used oil context, the collection process must also be efficient. Efficiency, however, does *not* mean free of regulation; but it does require the crafting of sensible regulations that encourage legitimate used oil recycling.

These concepts of efficiency, legitimate recycling, and sensible regulation have real meaning in the world of used oil. Unnecessary regulation burdens the commercial enterprise, increases costs on generators and transporters, multiplies paperwork and drives out competition. By definition, this is not efficient and it will inevitably lead to inadequate collection.

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Does the requirement of a manifest for the collection and transportation of used oil and materials regulated as used oil impose unnecessary regulation? NORA strongly believes the answer is yes and offers the following information in support of our conclusion.

U.S.E.P.A.'s Used Oil Program. The federal used oil management standards, promulgated by the U.S.E.P.A. in 1985 and 1992, were adopted after extensive study and comment. After lengthy consideration, EPA rejected a regulatory scheme for used oil that mirrored the hazardous waste system. EPA concluded that unlike hazardous waste, used oil destined for recycling constitutes a valuable commodity. Consequently, according to U.S.E.P.A., the regulations must encourage rather than interfere with the market forces that maintain the flow of used oil from generators through the production of fuel and re-refined lubricants. Manifests, a deeply imbedded component of the hazardous waste system, were considered unnecessary for properly regulating used oil.

It should be emphasized that the absence of manifests does *not* mean that used oil becomes invisible to regulators. To the contrary, under the federal used oil management standards, codified at 40 CFR Part 279, requires tracking, documentation, and reports. The information required to be gathered and maintained is necessary, useful but not unduly burdensome. As the Board concluded in its December 19, 1999 Opinion and Order concerning used oil management (R99-18), “existing federal and State laws and rules governing the used oil industry are quite extensive...” Opinion and Order, p. 10. The vast majority of states, although allowed to impose more stringent standards, has adopted Part 279, and has not been hampered in their efforts to regulate used oil. If this were not the case we would see state after state promulgating more stringent requirements including manifests.

Illinois Does Not Need Manifests.

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There can be no doubt that the manifest system for used oil in Illinois has never achieved anywhere near even partial compliance. It was a low priority for Illinois EPA which made virtually no effort to inform generators about manifests; it was costly (at \$3.00 a manifest); and it served no useful purpose. Indeed, it placed a burden on Illinois generators and transporters that was not imposed on generators and transporters in any of the states bordering Illinois.

As you are aware, a copy of the hazardous waste manifest must be sent to the appropriate regulatory agency. But Illinois EPA ("IEPA") had zero interest in receiving, reviewing, or storing thousands of used oil manifests each week, and therefore does not require generators or the receiving facility to send them into the agency. Consequently, the two "agency copies" are simply thrown away. But generators and transporters would need to keep copies of hundreds of thousands of these manifests for years – just in case IEPA may someday want to look at some of them. This "just in case" scenario does not justify the expense and burden of requiring manifests. If it did, Illinois EPA would have made the manifests a key priority of its used oil management program and be able to provide numerous real life examples of the crucial value of manifests in enforcing this program.

### NORA's Proposal

To a certain extent, the preceding set of arguments has been convincing. In its May 1, 2008 Opinion and Order, the Board proposed amendment to exempt used oil, "defined by and managed in accordance with Part 739" from the manifesting requirements of Parts 808 and 809 and to exempt shipments of such used oil from the special waste hauling permit requirements of Parts 808 and 809. The Board found that these exemptions are "economically reasonable" and "technically feasible."

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The only major policy difference between NORA and Illinois EPA in this rulemaking concerns materials that are regulated as used oil, rather than “defined” as used oil. NORA proposes that materials regulated as used oil be exempt from the manifesting and special waste hauling permit requirements; Illinois EPA wants to continue to impose the manifest requirement on such materials.

What materials are included in this category? NORA has proposed that the following materials that are regulated as used oil be exempt from the manifest and special waste hauling permit requirements:

- **Used oil generated by a conditionally exempt small quantity generator containing the exempt hazardous waste from such generator, provided the mixture contains more than fifty percent of used oil by volume or weight.** See Part 739.110(b)(3).
- **Used oil containing characteristic hazardous waste, with a BTU per pound content greater than 5000, where the characteristic (e.g. ignitibility) has been extinguished, and both the used oil and the characteristic hazardous waste has been generated and mixed by the same generator.** See Part 739.110(b)(2)(B),(C).
- **Mixtures of used oil and fuels, normal components of fuels, or other fuel products.** Part 739.110(d)
- **Used oil containing nonhazardous wastewater provided there is a recoverable (i.e. de minimis) quantity of used oil.** Part 739.110(f).

These are the only materials that NORA proposes to be exempt. They meet certain clear criteria:

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First, they are recognized in Part 279 as being regulated as used oil. Second, they are and will continue to be managed in compliance with the used oil management system and other applicable regulations such as Centralized Waste Treatment and SPCC requirements under the Clean Water Act. Third, they are and will continue to be properly recycled. In addition, NORA has proposed additional safeguards for the non-wastewater materials to address concerns by IEPA that only a tiny quantity of used oil when mixed with the material will place it in the exempt category.

To avoid any confusion – deliberate or otherwise – let me specify what materials would *not* be covered by NORA's proposed exemption: mixtures of used oil and hazardous waste where the mixture exhibits a hazardous waste; mixtures of used oil and any listed waste; mixtures of used oil any special waste that does not have a minimum BTU per pound content of more than 5000; used oil containing over 1000 parts per million of halogenated solvents (unless the presumption has been successfully rebutted); wastewater that does not contain recoverable quantities of used oil; and post use mixtures of used antifreeze and used oil. Under NORA's proposal, these materials would still be subject to the manifest requirements and all other special waste regulations.

It is perhaps worth re-emphasizing that the categories NORA proposes to be exempt from the manifest requirement follow existing regulatory structures. A good example is the small quantity generator conditionally exempt waste. NORA did not create this exemption from RCRA rules and has never advocated this exemption; it was considered a necessity because U.S. E.P.A. and the state environmental protection agencies were considered to have inadequate resources to monitor and regulate millions of such generators. Consequently, this exemption was adopted and management practices conforming to this exemption are now embedded in the

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system. If federal and state regulators were to eliminate this exemption and educate generators about the change, NORA would have no need for the manifest exemption for this category of materials. NORA's proposal is intended to line up with established practices resulting, in large measure, from the way U.S.E.P.A. and subsequently the vast majority of states structured their hazardous waste and used oil regulations.

This leads to a key question concerning NORA's proposal: Why is it so important for the materials *regulated* as used oil to be managed in the same way as "defined" used oil? The answer is that the bifurcated system advocated by IEPA would be confusing, inefficient, time-consuming and burdensome. Under IEPA's proposal, for example, the driver of a typical 3000 gallon tank truck on a collection run would need to segregate "defined" used oil from materials regulated as used oil. While some trucks have separate compartments; most do not. Those that do have segregated compartments will not have enough compartments to segregate each of the "regulated as used oil" categories that would normally be collected in a day's collection activities. It might be suggested that this truck pick up "defined" used oil during one day's collection travels and make the same run for most of the "regulated as a used oil" materials on a subsequent trip. Requiring two or more runs for the same territory is highly inefficient and given the high price of gasoline and diesel fuel (not to mention to additional labor costs), it would be prohibitively expensive. Such a requirement has about the same usefulness as requiring the busy honey bee to collect nectar from only red flowers on one trip, lavender flowers on the next trip and yellow flowers on the third trip.

With respect to used oil/water mixtures, the reality is that virtually all industrial used oil contains water. Regardless of the ratio of oil to water, these mixtures present no inherent threat

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to human health and the environment and are not difficult to treat: the water is cleaned and discharged in accordance with Clean Water Act permits; the used oil is recovered.

NORA suggests that the Board re-read the October 2006 comments of Gregory Ray, Vice President of Heritage-Crystal Clean in which he carefully explained the (1) entirely unnecessary burden that would be imposed in the case of used oil/water mixtures if a bifurcated system is implemented; and (2) the typical used oil as well as regulated as used oil materials that would be generated at single mid-size manufacturing facility. Mr. Ray estimated that there are thousands of such facilities in Illinois. He also pointed out that the bifurcated system advocated by IEPA would be unique to Illinois. “Only in Illinois would generators need to distinguish between ‘used oil’ as defined, and other materials that are like used and subject to regulation as used oil. Obviously this is an expensive and complex new burden to impose on generators and transporters of used oil...” G. Ray Comments, p. 4-5.

These difficulties are, of course, in addition to the significant task of filling out, handling and storing a manifest for each and every shipment of material regulated as used oil that is not “defined” used oil. The Board should also keep in mind that there is, inevitably, a “tipping point” in this process – it the moment when the burden, expense, and frustration are simply not worth it. For example, the used oil transporter may well decide that the extra effort to manifest, segregate, and manage the relatively small amounts of used oil containing CESQG waste (not to mention the irritation inflicted on his generator customers) is not warranted -- and so he simply doesn't collect this material. Consequently, the generator is likely either to “hide” such waste in a larger quantity of “defined” used oil or find another method of getting rid of it. Neither of these options achieves compliance, tracking, or any of the other goals that IEPA advocates.

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### What is NORA's Proposal Concerning Tracking?

While NORA opposes the manifest and special waste hauling permit requirements for most materials regulated as used oil, we fully acknowledge the need for tracking used oil. Although we believe the tracking and reporting requirements in Part 279 are adequate for this purpose, our proposal offers a genuine method to achieve IEPA's stated objective that goes beyond federal Part 279 requirement. Under NORA's proposal, instead of a manifest, a tracking document (such as a bill of lading) will be filled out and it will include all of the relevant information to be found on the manifest. On this tracking document, the transporter can comply with all U.S. Department of Transportation ("DOT") tracking requirements, all of the customer (generator) or other business information needed by the transporter, and *all additional relevant information that would be set forth in a manifest*. Under current rules, the DOT tracking document (bill of lading) must be kept for three years. Under NORA's proposal, the Board would require the use of these tracking documents and their retention by the transporter for not less than three years. Under NORA's proposal, these tracking documents would, of course, be available for IEPA's inspection. This approach would eliminate duplicative paperwork (paperwork that, by the way, IEPA does not want cluttering up its offices and warehouses), promote efficiency, and create a level playing field with generators and transporters in adjacent states.

### Responses to IEPA Concerns

The Board has quoted several of IEPA's concerns with NORA's proposal. It is entirely appropriate that these concerns be directly addressed. One concern is that NORA's proposal "would allow waste streams that have chemical and physical properties completely different from used oil to be transported and managed like used oil even when those practices are not

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appropriate for that waste stream.” Quoted in Opinion and Order of the Board, R-06-20, May 1, 2008, p. 29. IEPA appears to suggest that NORA’s proposal is somehow written on a blank slate and divorced from reality. In fact, NORA simply proposes that Illinois’ rule track EPA’s Part 279 requirements that have been adopted by 46 other states. During extensive notice and comment from 1985 through 1992, U.S.E.P.A. carefully evaluated what materials were normally mixed with used oil by generators and which did not interfere with legitimate recycling. It is these materials -- and only these materials -- that are regulated as used oil. Significantly, with the exception of a plastics pellets/used oil mixture (which would not be acceptable under NORA’s proposal), IEPA has failed to provide any examples of materials that are regulated as used oil where is “not appropriate” to manage such material as used oil.

Another concern is the information that would be contained in the tracking document (IEPA refers to such document as “shipping papers”) would “vary according to company policy and are not required by the regulations.” Quoted in Opinion and Order of the Board, R-06-20, May 1, 2008, p.30. NORA’s response is simple: yes, the business information would vary depending on the information needs of the generator and the transporter; the DOT information requirements are set forth in DOT regulations; and the balance of the information *would* be required by regulations – that is precisely the purpose of NORA’s request in this rulemaking. Moreover, NORA’s proposal encompasses all of the relevant information required by both Part 739 and Part 809.

IEPA further claims that the Agency’s position “involves no additional paperwork” because the Part 809 manifests will be satisfactory and the information will “not have to be documented twice.” *Id.* IEPA deliberately misses the point. The duplicative paper work involves three different pieces of paper with some overlapping information. NORA’s very

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straightforward proposal would combine, in a single document: (1) DOT's required information; (2) the business-related information useful to the generator and transporter; and (3) all additional information required by a Part 809 manifest.

An additional concern raised by IEPA is that under NORA's proposal, a mixture of "defined" used oil and material regulated as used oil "may be received by used oil facilities that have less stringent permitting and siting requirements than special waste facilities." Quoted in Opinion and Order of the Board, R-06-20, May 1, 2008, p.31. IEPA seems to be hinting that there would be some dark conspiracy between the generator, the transporter and the facility operator to violate the facility's permit standards. NORA has never had any intention of circumventing any facility's permit requirements. Either a given mixture is acceptable to a particular permitted facility – or it is not. For example, in the case of used oil/high water content mixtures there is no question that only certain facilities are capable of processing these mixtures. Other facilities have zero interest in such used oil/water mixtures and it would be a complete waste of everyone's time and effort to try to push an unacceptable waste into a non-wastewater facility. If IEPA is making a serious argument on this point, it cannot rest on generalities; it needs to provide the Board with meaningful examples of materials regulated as used oil being processed at facilities whose permits do not allow such materials.

Similarly, IEPA claims that it "knows that many facilities also profit by collecting generator fees and disposing of the mixtures as low grade used oil fuel." Quoted in Opinion and Order of the Board, R-06-20, May 1, 2008, p.32. Such practices may occur but it is difficult to verify because IEPA has failed to provide any examples and, moreover, has failed to define what "low-grade fuel" is. Even assuming that such practices have indeed occurred they are either lawful or not lawful. If lawful (e.g. selling "low-grade fuel" to a willing and informed buyer with

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an appropriate burner), the practice would not in any way support IEPA's position. If not lawful, there is nothing in NORA's proposal on replacing the manifest with a tracking document that would make it lawful. If this practice is not lawful and IEPA "knows" of "many" such facilities, it has an obligation to proceed with the appropriate enforcement actions.

IEPA also argues that mixtures of used oil and the constituents in materials regulated as used oil "could reduce viscosity or BTU content or increase ash content of emissions from burning the oil." Quoted in Opinion and Order of the Board, R-06-20, May 1, 2008, p.33. No examples are provided in this argument. However, any objective observer of the buying and selling of industrial fuel in the United States will know that the specifications relating to BTU content, viscosity, and ash content are important to its value. Both the buyer and seller have a need to know the data on these constituents; the price of the fuel and indeed the transaction itself depend on it. Moreover, both the buyer and seller will know the data before the transaction regardless of whether Illinois imposes a manifest requirement on materials regulated as used oil. Finally, ash emissions from burning is less a function of ash content of the fuel than the proper operation of air pollution control equipment such as baghouses.

### Conclusion

The Board has already discerned the wisdom of eliminating manifests for "defined" used oil. The question now before the Board is whether to adopt IEPA's position and establish a bifurcated system in which defined used oil is not subject to any manifest but materials regulated as used oil are required to be manifested. NORA has attempted to point out that a bifurcated system creates needless inefficiency and cost – with no environmental benefit. Under NORA's proposal, all of the information that IEPA asserts that it needs will be available to it on a tracking

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document that will simultaneously serve the information needs of IEPA, U.S. DOT, the generator and the transporter.

IEPA's arguments against NORA's proposal should be carefully scrutinized. Many of these arguments go to issues that outside the scope of NORA's proposal. Others have no factual basis. Other arguments display a lack of knowledge about the used oil recycling system.

The Board has an opportunity in this rulemaking to clearly focus on the realities of generating, transporting, and processing used oil in Illinois (and across the Nation). The realities include the true information needs of the regulators and the regulated community as well as the costs and burdens on the regulated community. NORA is confident that the Board's clear focus on these issues will lead to the adoption of NORA's Rule Proposal Amendment.

Respectfully submitted,

Christopher Harris  
General Counsel,  
NORA, An Association of Responsible Recyclers

2001 South Tracy  
Bozeman, Montana 59715

(406) 586-9902

September 22, 2008

**NORA'S PROPOSED AMENDMENT  
REGULATORY LANGUAGE  
TO BE ADDED TO AND DELETED FROM PART 739**

**[additional language set forth in bold type]**

Part 739.110 Applicability- hazardous wastes  
After 739.110,b,3 add the following language:

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**“BOARD NOTE: Used oil and the following post use mixtures are regulated under this Part, and are exempt from 35 Ill. Adm. Code 808 and 809:**

- **Mixtures of used oil and hazardous waste, both mixed and generated by a conditionally exempt small quantity generator of hazardous, provided that such mixture contains more than fifty percent of used oil by either volume or weight.**
- **Mixtures of used oil containing BTU-valuable characteristic hazardous wastes, both mixed and generated by the same generator, and which contain more than fifty percent of used oil by weight or volume, provided such mixture does not exhibit a characteristic of a hazardous waste. Any such BTU-valuable wastes or materials shall contain a minimum of 5000 BTUs per pound before mixture with the used oil.**
- **Mixtures of used oil and ignitable-only characteristic hazardous wastes, both mixed and generated by the same generator, and which contain more than fifty percent of used oil by weight or volume, provided such mixture does not exhibit the characteristic of ignitability.**

**All other post use mixtures of used oil and hazardous wastes are regulated by 35 Ill. Adm. Code 702, 703, and 720 through 728.”**

Part 739.110 Applicability- other materials  
After 739.110,c,2 add the following language:

**“BOARD NOTE: Used oil and the following post use mixtures are regulated under this Part, and are exempt from 35 Ill. Adm. Code 808 and 809:**

- **Mixtures of BTU-valuable nonhazardous wastes and used oil, both generated by the same generator, and which more than fifty percent of used oil by weight or volume. Any such BTU-valuable wastes must contain a minimum of 5000 BTU per pound before mixture with the used oil.**

**All other post use mixtures of used oil and other special waste materials are regulated by 35 Ill. Adm. Code 808 and 809, in addition to this Part.”**

Part 739.110,f Applicability- used oil and wastewater mixtures.  
After Part 739.110,f, add the following language:

**“BOARD NOTE: Used oil and the following post use-mixtures are regulated under this part, and are exempt from 35 Ill. Adm. Code 808 and 809:**

- **Nonhazardous waste water contaminated by or mixed with used oil, both generated by the same generator and which contain more than a de minimis (recoverable) quantity of used oil.**

**All other post use mixtures of used oil and special waste water are regulated by 35 Ill. Adm. Code 808 and 809, in addition to this part.”**

Part 739.124 Off-Site Shipments - Generators

In the first paragraph remove the last part of the last sentence that reads:

“and an Illinois special waste identification number pursuant to 35 Ill. Adm. Code 809”

and replace it with the following:

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**“If the generator mixes another special or hazardous waste stream into the used oil after use or presents another special or hazardous waste to the used oil transporter along with the used oil in the same shipment without the use of a Part 809 special waste manifest as outlined and allowed under Part 739.110 Applicability, Board Notes, the generator must provide the quantity, classification and description of the non used oil streams and provide such information to the transporter at the time of acceptance by the transporter. The generator is required to keep all such records on file for a minimum of three years.”**

Also, add to the end of the Board Note that immediately follows:

**“if post use mixture takes place. See Board Notes under Part 739.110, Applicability, for post use mixtures that are exempt from Part 809 manifesting requirements.”**

Part 739.131 Used Oil Collection Centers

Add to the end of the existing Board Note:

**“if post use mixture takes place. See Board Notes under Part 739.110, Applicability, for post use mixtures that are exempt from Part 809 manifesting requirements.”**

Part 739.132 Used Oil Aggregate Points Owned by the Generator

Add to the end of the Existing Board Note:

**“if post use mixture takes place. See Board Notes under Part 739.110, Applicability, for post use mixtures that are exempt from Part 809 manifesting requirements.”**

Part 739.140,a,4 Applicability for Standards For Used Oil Transporter And Transfer Facilities

Add to the end of the Existing Board Note:

**“if post use mixture takes place. See Board Notes under Part 739.110, Applicability, for post use mixtures that are exempt from Part 809 manifesting requirements.”**

Part 739.142,a Notification

Remove the following language from the last sentence:

“identification number”

And replace it with the following:

**“hauling permit (if applicable)”**

Part 793.142,b,2 Notification

Remove the following language:

“has not received an Illinois special waste identification number”

And replace it with:

**“is required to obtain an Illinois special waste hauling permit”**

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Part 739.143,a,1 Used Oil Transportation

Remove the following language from the END of the last sentence:

“identification number”

And replace with:

**“hauling permit (if applicable)”**

Part 739.146,a,6 Tracking - Acceptance

Add the following as a new section 6:

**“If the transporter has accepted any used oil mixed with special or hazardous waste that was not used oil as generated, or accepts any other non used oil special or hazardous waste for recycling along with the used oil without the use of a Part 809 special waste manifest as outlined and allowed under Part 739.110 Applicability, Board Notes, the transporter must provide to the agency if requested, the quantity, classification and description of the non used oil streams in the mixture. The transporter must have procedures in place that would readily convey to any emergency personal in the event of an accident, any non used oil streams in the load that could alter the handling characteristics of the used oil. This information must appear on the used oil shipping document.”**

Part 739.146,b,2

Add the following language after “and Illinois special waste identification number”:

**“(if applicable)”**

Part 739.146,b,6 Tracking – Deliveries

Add the following as a new section 6:

**“The transporter shall have procedures in place to assure that the receiving facility will be promptly notified of all relevant information concerning any non-used oil streams in the load that could adversely affect the management or characteristics of the used oil. The transporter shall also notify the receiving facility of any other special waste streams in the used oil would likely cause the used oil to fail the oil EPA used specifications in 40 CFR Part 279 or the applicable ASTM performance specifications, unless such used oil is sold or transferred as an EPA off specification or non-ASTM certified used oil.”**

Part 739.156,a,3 and b,3 Tracking – Processors

Remove the following language:

“identification number”

And replace with:

**“hauling permit number (if applicable)”**

Part 739.156,b,4

Add the following language after “special waste identification number”:

**“(if applicable)”**

Part 739.158 Processor Off-Site Shipments of Used Oil

Remove the following language from the last sentence of the first paragraph:

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“ identification number”

And replace with:

**“hauling permit (if applicable)”**

Part 739.165,a,3 Off specification Burners Tracking

Remove the following language in the LAST part of the sentence:

“identification number”

And replace with:

**“hauling permit (if applicable)”**

Part 739.174,a,3 Marketers - Tracking

Remove the following language in the LAST part of the sentence:

“identification number”

And replace with:

**“hauling permit number (if applicable)”**

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached NORA's Comments (Pre-filed Testimony), by U. S. mail, upon the following persons:

Office of the Attorney General  
69 West Washington Street, Suite 1800  
Chicago, Illinois 60602

Mr. Matthew J. Dunn  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, Illinois 62794

Stephanie Flowers, Esquire  
Brown, Hay and Stephens, L.L.P.  
700 First Mercantile Bank Building  
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100 Randolph Street  
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Tim Fox, Esquire  
Hearing Officer  
Illinois Pollution Control Board  
100 Randolph Street  
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Chicago, Illinois 60601

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Christopher Harris  
September 22, 2008