

ILLINOIS POLLUTION CONTROL BOARD  
September 6, 1979

THE EUREKA COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 79-117  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by Mr. Young):

On June 1, 1979, The Eureka Company filed a Petition for Variance for relief from Rule 201 of Chapter 9: Special Waste Hauling Regulations to permit the Petitioner to transport special waste across a public highway from one plant to another without a special waste hauling permit or need for a manifest. The Environmental Protection Agency submitted no recommendation. No hearing was held in this matter; Petitioner properly waived hearing in its petition and extended the 90-day statutory decision period until September 7, 1979.

The Eureka Company owns and operates a vacuum cleaner manufacturing facility on 24 acres near the City of Bloomington, Illinois. The manufacturing site is divided by a public roadway known as Hannah Street or U.S. 150. During daily operations, Petitioner transports special waste from certain manufacturing processes across Hannah Street to a storage area also located on Petitioner's premises. The special waste types include paint filters, alkali sludge, water reduced paint, chlorinated solvent, paint reducing solvent, chromium sludge, cadmium and nickel sludge, tramp oil and alkali and paint pigments in alkali. The special waste travels in drums or containers ranging from five gallons to one barrel on forklift trucks across Hannah Street at a guarded crossing operated by uniformed security personnel. Periodically, the special waste is removed by permitted special waste hauling vehicles for disposal at the sanitary landfill site as specified by supplemental permit. (Pet. 1-3.)

Without the requested relief from the special waste hauling regulations, Petitioner claims that each forklift would require a special waste hauling permit and number and the estimated 60 to 80 loads per month must carry a manifest. On the manifest, The Eureka Company would be listed as generator, hauler and the receiver of the special waste. (Pet. 3.)

In the R76-10 Board Opinion accompanying the Special Waste Hauling Regulations, the Board specifically stated that the requirements of Rule 201 would not apply to on-site transportation or movement of special waste. In Re: Special Waste Hauling Regulations, R76-10, 33 PCB 131, 151 (March 15, 1978). Pursuant to Section 3001, 3002 and 3004 of the Resource Conservation and Recovery Act of 1976, the U.S. Environmental Protection Agency published proposed guidelines in the Federal Register on December 18, 1978. In regulating generators of hazardous waste under Section 3002 of RCRA, the USEPA drafted in Proposed Rule 250.21(18), a definition of "on-site" which stipulated that, "Two or more pieces of property which are geographically contiguous and are divided by a public or private right(s)-of-way are considered a single site." 43 Federal Register 58946, 58971, 58976.

The Board finds that the ultimate disposal of Petitioner's special waste is currently in compliance with the Special Waste Hauling Regulations. The Rules as proposed and adopted were not intended to control the internal movements of special waste within a single site, even when the site is dissected by a public way.

In view of the foregoing, the Board finds that no variance is necessary. Petitioner's internal movement of special waste as described in the variance petition is exempt from the manifest and the special waste hauling permit requirements of Chapter 9 for its Bloomington facility. The Petition for Variance submitted by The Eureka Company is hereby dismissed.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

The Petition for Variance from Rule 201 of Chapter 9: Special Waste Hauling Regulations is hereby dismissed on the basis that the requested relief is unnecessary.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 6<sup>th</sup> day of September, 1979, by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board