

Board Adopts Second Notice Proposal Amending Used Oil and Special Waste Regulations

On December 17, 2009, the Illinois Pollution Control Board adopted for second notice amendments to its special waste regulations and corresponding amendments to its used oil management standards. NORA, formally known as the National Oil Recycling Association, filed the original proposed rulemaking on December 13, 2005. On August 20, 2009 the Board adopted a second first notice proposal in Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808, 809 (R06-20).

The proposed amendments are intended to exempt from the manifesting requirements of Parts 808 and 809 both used oil defined by and managed in accordance with Part 739 and specific mixtures of used oil and other materials. Specifically, the Board adopted for second-notice amendments designed to exempt from manifesting requirements of Parts 808 and 809 the following: (1) used oil, defined by and managed in accordance with Part 739; (2) mixtures of used oil and hazardous waste, both mixed and generated by a conditionally exempt small quantity generator, provided that mixture contains more than 50 percent used oil by volume or weight; (3) used oil containing characteristic hazardous waste, with a BTU per pound content greater than 5000, where the characteristic (*e.g.* ignitability) has been extinguished, and both the used oil and the characteristic hazardous waste has been generated and mixed by the same generator, and which contain more than 50 percent of used oil by weight or volume; (4) mixtures of used oil and fuels or other fuel products; and (5) used oil contaminated by or mixed with nonhazardous wastewater, both generated by the same generator and where the mixture results from use or unintentional contamination.

Additionally, the Board opened a subdocket B in this rulemaking in order to address definitions in Sections 739.100, 808.110, and 809.103, which were not included in the Board's second first-notice opinion and order.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office at the following address:

Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

In addition, documents filed in this rulemaking are available free of charge through the Clerk's Office On-Line (COOL) at www.ipcb.state.il.us.