

MAR - 2 2016

Therriault, John

From: McCambridge, Michael
Sent: Tuesday, March 01, 2016 6:16 PM
To: Jonathan Eastvold
Cc: Therriault, John; Burke, Jennifer; Powell, Mark
Subject: Facility Notification Provisions/Proposed Amendment of Board Note to 35 Ill. Adm. Code 733.132

STATE OF ILLINOIS
Pollution Control Board
PC#5

John T.: Please add this e-mail to the R16-7 RCRA Subtitle C update docket as a public comment.

Jonathan E.: You highlighted confused meaning in the proposed amendments to the Board note to 35 Ill. Adm. Code 733.132. We agreed that you will alter the language for publication, even if I cannot make the correction on paper at this time. I will ensure that the correction is made in the text that is ultimately adopted. As stated, that is a correction that I cataloged several months (a couple of years) ago, and I did not immediately recall the intent of the change.

We revised the statement:

The generator or consolidation point must send a copy of the notification to the Agency and USEPA Region 5, whether USEPA Form 8700-12 is used some other means for the required notification.

To read as follows:

The generator or consolidation point must notify the Agency and USEPA Region 5, either by submitting USEPA Form 8700-12 or by some other means.

As I explained, I believed that this sentence was intended to conform the Board note about the mechanics of notice to other statements in various segments of the rules.

I looked into the matter and now respond to you in full. I was only partially correct in my original explanation. A more significant motivation was simply clarifying the large quantity universal waste handler notification requirement.

Explanation in brief: The Board note appended to corresponding 35 Ill. Adm. Code 733.132 gratuitously directs attention to USEPA Form 8700-12, but expressly allows other forms of notification. Filing USEPA Form 8700-12 is the ordinary means for obtaining the required USEPA facility identification number.

The intent for adding the statement to the Board note appended to 35 Ill. Adm. Code 733.132 would seem to be clarification that notification to the Agency was required, in addition to notification to USEPA, and to clarify the use of USEPA Form 8700-12 is optional. The original language that I submitted to you was defective because it lacked the conjunction "or" between "USEPA Form 8700-12" and "some other means." The language that we settled on (quoted above) corrects the deficiency and clarifies the provision.

Details behind the explanation: The various hazardous waste rules include the following notification provisions:

35 Ill. Adm. Code 722.112(b) (hazardous waste generator notification):

A generator that has not received a USEPA identification number may obtain one by applying to USEPA Region 5 using USEPA Form 8700-12. The generator must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to

the Bureau of Land, in addition to any notification directly to USEPA. Upon receiving the request USEPA will assign a USEPA identification number to the generator.

Other generator notification requirements in 35 Ill. Adm. Code 722.303(a) and 722.304(a) (election to operate under the academic laboratory standards or to opt out) both similarly require notice to both the Agency and USEPA Region 5 using USEPA Form 8700-12.

35 Ill. Adm. Code 723.111(b) (hazardous waste transporter notification):

A transporter who has not received a USEPA identification number may obtain one by applying to USEPA Region 5 using USEPA Form 8700-12. The transporter must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to the Bureau of Land, in addition to notification to USEPA Region 5. Upon receiving the request, the USEPA Region 5 will assign a USEPA identification number to the transporter.

35 Ill. Adm. Code 724.111 (hazardous waste treatment, storage, and disposal facility notification):

Every facility owner or operator must apply to USEPA Region 5 for a USEPA identification number using USEPA Form 8700-12. The facility owner or operator must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to the Bureau of Land, in addition to notification to USEPA Region 5.

35 Ill. Adm. Code 725.111 (interim status hazardous waste treatment, storage, and disposal facility notification):

Every facility owner or operator must apply to USEPA Region 5 for a USEPA identification number using USEPA Form 8700-12. The facility owner or operator must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to the Bureau of Land, in addition to notification to USEPA.

35 Ill. Adm. Code 727.110(c) (standardized permit hazardous waste treatment, storage, and disposal facility notification):

Obtaining a USEPA identification number. The facility owner or operator must apply to USEPA Region 5 for a USEPA identification number using USEPA Form 8700-12. The owner or operator must obtain a copy of the form from the Agency, and submit a completed copy of the form to the Bureau of Land, in addition to notification to USEPA Region 5.

35 Ill. Adm. Code 739.142(b) (used oil transporter notification):

A used oil transporter that has not received a USEPA identification number may obtain one by notifying USEPA Region 5 and the Agency of its used oil activity by submitting either of the following:

A) A completed USEPA Form 8700-12 to USEPA Region 5 and the Agency; or

BOARD NOTE: The used oil transporter that wishes to use USEPA Form 8700-12 for notification must obtain a copy of the form from the Agency.

B) A letter to USEPA Region 5 and the Agency requesting a USEPA identification number. The letter should include the following information:

* * * * *

35 Ill. Adm. Code 739.151(b) (used oil processor notification):

A used oil processor or re-refiner that has not received a USEPA identification number may obtain one by notifying USEPA Region 5 and the Agency of its used oil activity by submitting either of the following:

- 1) A completed USEPA Form 8700-12 to USEPA Region 5 and the Agency; or

BOARD NOTE: The used oil processor or re-refiner that wishes to use USEPA Form 8700-12 for notification must obtain a copy of USEPA Form 8700-12 from the Agency.

- 2) A letter to USEPA Region 5 and the Agency requesting a USEPA identification number. The letter should include the following information:

* * * * *

35 Ill. Adm. Code 739.162(b) (used oil processor notification):

Mechanics of notification. A used oil burner that has not received a USEPA identification number may obtain one by notifying USEPA Region 5 and the Agency of its used oil activity by submitting either of the following:

- 1) A completed USEPA Form 8700-12 to USEPA Region 5 and the Agency; or

BOARD NOTE: The used oil burner that wishes to use USEPA Form 8700-12 for notification must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit the completed form to USEPA Region 5.

- 2) A letter to USEPA Region 5 and the Agency requesting a USEPA identification number. The letter should include the following information:

* * * * *

35 Ill. Adm. Code 739.173(b) (used oil processor notification):

A used oil marketer that has not received a USEPA identification number may obtain one by notifying the USEPA Region 5 and the Agency of its used oil activity by submitting either of the following:

- 1) A completed USEPA Form 8700-12 to USEPA Region 5 and the Agency; or

BOARD NOTE: The used oil fuel marketer that wishes to use USEPA Form 8700-12 for notification must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit the completed form to USEPA Region 5.

- 2) A letter to USEPA Region 5 and the Agency requesting a USEPA identification number. The letter should include the following information:

* * * * *

With the hazardous waste-related notification requirements, use of USEPA form 8700-12 is required by the corresponding federal rules. With the universal waste- and used oil-related notification requirements, USEPA does not require use of the USEPA form.

The USEPA used oil notification requirement at 40 C.F.R. 279.42(b), 279.51(b), 279.62(b), and 279.73(b) parallel corresponding 35 Ill. Adm. Code 739.173(b), 739.51(b), 739.62(b), and 739.73(b) in allowing use of Form 8700-12 or a letter.

The USEPA Universal Waste Rule nowhere refers to USEPA Form 8700-12. The notification requirement in 40 C.F.R. 273.32(a) simply requires notification to the USEPA Regional office and obtaining a USEPA facility identification number.

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Illinois Pollution Control Board

312-814-6924 (M-Th, 9:00 a.m.-7:00 p.m.)

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