

ILLINOIS POLLUTION CONTROL BOARD
March 7, 2002

IN THE MATTER OF:)
)
PETITION OF WORLD RECYCLING, INC.) AS 02-2
d/b/a PLANET EARTH ANTIFREEZE FOR) (Adjusted Standard - Land)
AN ADJUSTED STANDARD FROM 35 ILL.)
ADM. CODE 720.131(c))
)

ORDER OF THE BOARD (by T.E. Johnson):

On February 1, 2002, World Recycling Inc. d/b/a Planet Earth Antifreeze (Planet Earth) filed a petition for an adjusted standard pursuant to Section 28.1 of the Environmental Protection Act (Act) 415 ILCS 5/28.1 (2000). In the petition, Planet Earth requested that the hearing in this matter be waived.

Planet Earth requests that the Board grant an adjusted standard from 35 Ill. Adm. Code 720.131(c), and seeks to show that its process of filtering used antifreeze at a customer's site produces a commodity-like material that may be transported for further reconditioning without being regulated as a waste. Pet. at 1.¹ Planet Earth requests that the Board make a solid waste determination, in accordance with 35 Ill. Adm. Code 720.131(c), that the filtered used antifreeze is not a solid waste, and should not be regulated as such. *Id.* Specifically, Planet Earth is requesting that its operation not be subject to Board regulations concerning the manifest requirements, transportation and management of the initially filtered antifreeze.

Section 28.1 of the Act (415 ILCS 5/28.1 (2000)) and 35 Ill. Adm. Code 104.408 require that notice of an adjusted standard proceeding be published in a newspaper of general circulation in the area affected by the petitioner's activity. The notice must be published within 14 days of the filing of the petition. *See* 35 Ill. Adm. Code 104.408(a). Planet Earth filed a certificate of publication with the Board on February 28, 2002. The certificate of publication indicates that legal notice was timely published on February 8, 2002, in the *Rockford Register Star*. The notice satisfies the requirements of Section 28.1 of the Act (415 ILCS 5/28.1 (2000)) and 35 Ill. Adm. Code 104.408 and 104.410.

The Board finds that the petition adequately satisfies the proof requirements of Section 28.1(c) of the Act (415 ILCS 5/28.1(c) 2000)) and the Board's information sufficiency requirements of 35 Ill. Adm. Code 104.406, 104.426 and 720.131(c). Accordingly, the Board accepts this matter for hearing. As noted, Planet Earth has requested that the hearing in this matter be waived. Section 104.420 of the Board's procedural rules allows any person to request a public hearing in an adjusted standard proceeding within 21 days of the date of the publication of the petition notice. 35 Ill. Adm. Code 104.420. In this case, any such request was due on or

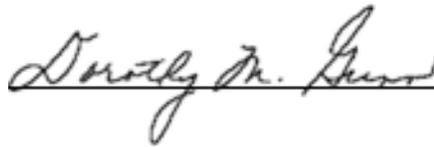
¹ References to the petition will be cited as "Pet. at ___."

before March 1, 2002. To date, no request has been received, and the hearing in this matter is waived.

The Illinois Environmental Protection Agency (Agency) must file its recommendation within 45 days of the petition – on or before March 18, 2002. *See* 35 Ill. Adm. Code 104.416. The Board will make a determination based on the pleadings after receiving the Agency's recommendation.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 7, 2002, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board