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MAY 07 1999

STATE OF ILLINOIS
Pollution Control Board

May 6, 1999

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

P.C.#14

Mr. Joel Sternstein, Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601



Dear Ms. Gunn and Mr. Sternstein:

**Re: Comments on Rulemaking R99-18, Amendments to Permitting for
Used Oil Management and Used Oil Transport 35 Illinois
Administrative Code 807 and 809**

Attached are Ameren Company's comments on rulemaking R99-18. We appreciate the opportunity to submit these comments and look forward to working with the Agency on this issue.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul R. Pike".

Paul R. Pike
Senior Environmental Scientist

/cdt
Attachment

cc: Service List

MAY 07 1999

IN THE MATTER OF:)
)
AMENDMENTS TO PERMITTING FOR)
USED OIL MANAGEMENT AND USED)
OIL TRANSPORT 35 ILL. ADM. CODE)
807 AND 809)

R99-18 STATE OF ILLINOIS
(Rulemaking - Land) *Pollution Control Board*

COMMENTS OF AMEREN CORPORATION

Ameren Corporation is pleased to submit comments on the Illinois Pollution Control Board's Proposed Rule, R99-18. The proposed rule is an amendment of 35 Illinois Administrative Code Parts 807 and 809, that will require Illinois Environmental Protection Agency issued permits for certain used oil management activities. Ameren supplies electric power and natural gas to over 400,000 customers in Illinois. Ameren is a member of the Illinois Environmental Regulatory Group ("IERG") and supports the comments that they are submitting.

Permitting

Used oil management facilities and transporters should not be required to obtain additional permits in order to continue their existing operations in Illinois. The Federal used oil rules established a system of permit-by-rule for facilities that managed used oil. The Agency has stated that the purpose of this rulemaking is to resolve the conflicting regulatory requirements that arose when Part 739 was adopted. The establishment of additional permitting on certain of these used oil facilities has the potential to have the opposite impact.

First, the existing requirements for used oil have been in place a number of years and generators and management facilities alike are familiar with them. The Federal used oil regulations have been widely adopted by the States and have become a nationwide standard for the management of used oil. Additional permitting at certain facilities will burden the Illinois generators and management facilities, with requirements that don't exist outside the state. The additional requirements may cause confusion because of their difference from the Federal program.

A review of the early proposed Federal used oil regulations shows that the USEPA considered permitting used oil facilities. They discarded that idea when they realized that it would have a negative environmental impact on the management of used oil. The final used oil regulations have been successful since they were established and it is unlikely that requiring either old or new facilities to become permitted will significantly improve it.

You have already noted in your comments that the Agency is concerned about the small quantity generators of used oil. We commend the Agency for not changing the requirements for facilities most directly associated with these small generators. The problem is that these small facilities will still feel the impact of the permitting. The facilities that receive the used oil from these unpermitted facilities will be passing on their new costs potentially squeezing an already tight profit margin. We believe that ultimately this rulemaking will reduce the number of facilities that willingly take used oil from small generators creating the very situation that the Agency is trying to avoid.

This rulemaking may also result in some used oil management facilities either closing or relocating in neighboring states. The economic impact of the added permitting requirements may be minor, but these added complications may have a ripple affect on other businesses. In addition, the impact this additional

permitting requirement will have on the Agency itself should not be overlooked. The initial rush for permits could mean that staff that could be out helping marginal facilities improve would be doing paperwork.

If the Agency still feels that the used oil regulations need this permitting complication, we have two additional suggestions concerning used oils managed within a single company and dealing with existing used oil facilities.

Internal Management

A company that manages its own used oil should not be required to obtain a permit. Some companies have for various reasons taken the additional steps to manage their own used oil. These companies potentially fall within all the category types identified in Part 739. These companies may have one site or they may have many, but they understand the importance of managing their used oil.

These companies have already made the financial choice to properly manage their used oil and forcing them to permit their activities will not add to their commitment. It is possible that some companies will see permitting as a sufficient burden to cause them to discontinue their used oil activities. A company that was reprocessing oil for its own use could decide to dispose of their used oil and move away from recycling.

Existing Facilities

Facilities already involved in used oil management activities should not be required to go through the full permitting process. If this current rulemaking is finalized all facilities will be required to go through siting requirements before they can get an operating permit. The time and money required to become a regional pollution control facility could result in some facilities closing not because they were polluting, but because of economics. If existing used oil facilities must obtain a permit then they should be allowed to do so with the least amount of complications.