

Rule 201 of Chapter 9 requires a permit for transportation of special waste generated in Illinois or for transportation into Illinois for disposal, storage or treatment. Rules 301 and 302 require a manifest for delivery or acceptance of special wastes. Waste is defined by Rule 103 as follows:

"Waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility or other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities.

If the spent solvent is a waste it is a special waste. However, it is necessary to first determine whether the spent solvent is waste. Since it does not fit into any of the enumerated categories the question is whether it is "other discarded material." Since it is destined to be reused, rather than discarded, it is not waste. The fact that a small fraction is rejected from the clarification and distillation process to be landfilled does not change this conclusion. Even if the feedstock were crude oil, there would likely be some portion rejected from the purification process to be discarded. The Board does not seek in Chapter 9 to regulate the movement of materials in general, but only waste (Rule 101 of Chapter 9).

Section 20 of the Environmental Protection Act provides that a purpose of the Act is to promote the conservation of natural resources by encouraging the recycling and reuse of waste materials. It would tend to defeat this purpose of the Act if the Board were to impose the expenses of compliance with the requirements of Chapter 9 on persons who are engaged in recycling and reuse of materials which would otherwise be wasted (33 PCB 131, 147). The Board therefore will dismiss the petition.

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 7th day of February, 1980 by a vote of 4-0.



Christian L. Moffett, Clerk
Illinois Pollution Control Board