

ORIGINAL

RECEIVED
CLERK'S OFFICE

MAY 04 1999

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)

AMENDMENTS TO PERMITTING FOR)
USED OIL MANAGEMENT AND USED)
OIL TRANSPORT 35 ILL. ADM. CODE)
807 AND 809)

R99-18
(Rulemaking - Land)

J.C. #9

NOTICE OF FILING

TO: Persons on the Attached Service List

PLEASE TAKE NOTICE that I have today filed copies of the attached COMMENTS OF THE ILLINOIS STEEL GROUP and APPEARANCES OF JAMES T. HARRINGTON AND CHARLES WESSELHOFT with the Clerk of the Illinois Pollution Control Board a copy of which is hereby served upon you.

ILLINOIS STEEL GROUP

By: 

One of Its Attorneys

Dated: May 4, 1999

James T. Harrington, Esq.
Charles Wesselhoft, Esq.
ROSS & HARDIES
150 N. Michigan Avenue
Chicago IL 60601
(312) 558-1000

THIS FILING SUBMITTED ON RECYCLED PAPER

RECEIVED
CLERK'S OFFICE

MAY 04 1999

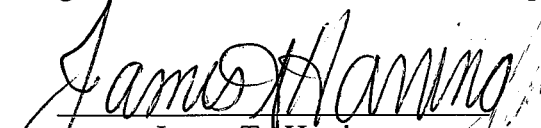
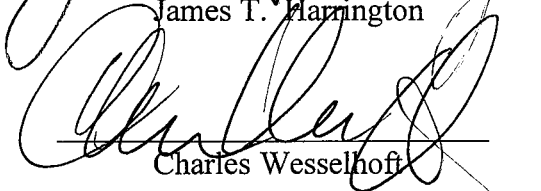
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO PERMITTING FOR) R99-18
USED OIL MANAGEMENT AND USED) (Rulemaking - Land)
OIL TRANSPORT 35 ILL. ADM. CODE)
807 AND 809)

APPEARANCES OF
JAMES T. HARRINGTON
CHARLES WESSELHOFT

I hereby file my appearance in this proceeding on behalf of the Illinois Steel Group.


James T. Harrington

Charles Wesselhoft

James T. Harrington, Esq.
Charles Wesselhoft, Esq.
ROSS & HARDIES
150 N. Michigan Avenue
Chicago IL 60601
(312) 558-1000

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAY 04 1999

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

STATE OF ILLINOIS
Pollution Control Board

R99-18
(Rulemaking - Land)

COMMENTS OF THE ILLINOIS STEEL GROUP

NOW COMES the ILLINOIS STEEL GROUP, by and through its attorneys, Ross & Hardies to offer the following comments regarding proposed changes to permitting requirements for used oil management units:

Several Illinois Steel Group ("ISG") members operate used oil management units at their steel-making facilities. Some facilities only store used oil before shipping it offsite to a recycling operation. Others, either through contractors or their own resources, process the used oil onsite for reuse at their facilities or shipment to offsite users.

These used oil management units handle only used oil generated at the ISG members' facilities. As such, the units are exempt from permitting pursuant to section 21(d) of the Environmental Protection Act which provides, in relevant part:

No person shall . . . (d) Conduct any waste-storage, waste-treatment, or waste-disposal operation: (1) without a permit granted by the Agency . . . *provided, however, that . . . no permit shall be required for (i) any person conducting a waste-storage, waste-treatment, or waste-disposal operation for wastes generated by such person's own activities which are stored, treated, or disposed within the site where such wastes are generated, or (ii) . . .*

415 ILCS 5/21(d) (emphasis added).

As proposed, the amendments to section 807.105(a) would require facilities operating onsite used oil management units to obtain permits for those units. Such a requirement is

contrary to law. To remedy the problem, the ISG proposes that section 807.105(a) be modified as follows:

Persons and facilities regulated pursuant to 35 Ill. Adm. Code 700 through 749 are not subject to the requirements of this Part of 35 Ill. Adm. Code 811 through 817, except that used oil transfer facilities, used oil processors, used oil fuel marketers, used oil burners, and petroleum refining facilities, as defined in 35 Ill. Adm. Code 739.100, will be required to obtain a permit under this Part unless otherwise exempted by 415 ILCS 5/21(d). However, ~~if~~ If such a facility also contains one or more units used solely for the disposal of solid wastes, as defined in 35 Ill. Adm. Code 810.103, such units are also subject to requirements of this Part and 35 Ill. Adm. Code 811 through 817.

Respectfully submitted,

ILLINOIS STEEL GROUP

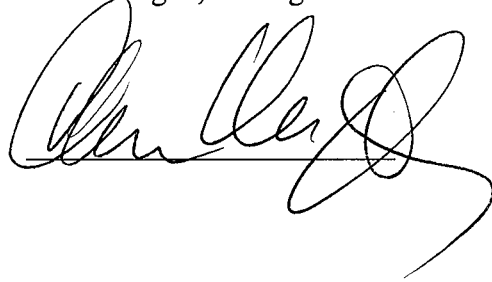
By: 

One of Its Attorneys

James T. Harrington, Esq.
Charles Wesselhoft, Esq.
ROSS & HARDIES
150 N. Michigan Avenue
Chicago IL 60601
(312) 558-1000

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the attached COMMENTS OF THE ILLINOIS STEEL GROUP and APPEARANCES OF JAMES T HARRINGTON AND CHARLES WESSELHOFT were served on all persons identified on the attached service list by depositing said documents into the U.S. Mail at 150 N. Michigan, Chicago Illinois before 5:00 p.m. on May 4, 1999.

A handwritten signature in black ink, appearing to be "Alan C. [unclear]", written over a horizontal line.

SERVICE LIST R99-18

Matthew J. Dunn, Chief
Environment Bureau
Office of the Attorney General
100 West Randolph St., 12th Floor
Chicago. IL 60601

Jeffrey Jeep
EMCO Chemical Distributors, Inc.
2100 Commonwealth Avenue
North Chicago, IL 60064

Sanjay K. Sofat
Illinois Environmental Regulatory Group
215 East Adams Street
Springfield, IL 62701

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

Robert Lawley, Chief Legal Counsel
Dept. of Natural Resources
524 South Second Street
Springfield, IL 62701-1787

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

Cynthia Hilton, Executive Director
Assoc. of Waste Hazardous Materials
Transporters
2200 Mill Road
Alexandria, VA 22314

Jennifer Marsh
Chemical Industry Council of Illinois
920 South Spring
Springfield, IL 62704

Vicki Thomas
JCAR
Wm. G. Stratton Bldg., Room 700
Springfield, IL 62706

Katherine D. Hodge
Hodge & Dwyer
808 South Second Street
Springfield, IL 62704

Kimberly A Robinson, Assistant Counsel
Illinois E. P. A.
Division of Legal Counsel
1021 North Grand Avenue East Springfield,
IL 62704-9276