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STATE OF ILLINOIS
Pollution Control Board

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July 24, 2006

MS. DOROTHY GUNN, CLERK
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph
Suite 11-500
Chicago, Illinois 60601

RE: **R2006-020**

Dear Illinois Pollution Control Board Members:

Our company is writing you in regards to: In the Matter of Amendments to the Board's Special Waste Rules Concerning Used Oil, 35 Ill. Adm. Code 808, 809, RC 06-20.

Thank you for this opportunity to provide public comment in the above-referenced rulemaking. I submit this comment on behalf of Southwest Oil, Inc, a member of NORA. Southwest Oil has 31 years of experience and service in the industry and is founded on the service we provide our customers. This commitment to service, extends to every customer by maintaining an uncompromising standard to compliance and integrity, encouraging Illinois businesses to properly handle their recyclable waste. Southwest Oil endorses and supports NORA's rule proposal and requests that the Board adopt the language proposed by NORA.

Special Waste manifesting for used oil, including those substances entitled to be regulated as used oil pursuant to federal and state regulations, is burdensome and unnecessary. Part 739 Used Oil Regulations provide adequate tracking.

In our operations, we abide by the federal and state regulations concerning used oil, including the tracking requirements and the US Department of Transportation Federal Motor Carrier Safety Administration requirements. We believe that the IEPA's position, as explained at the Board's hearing in this case, is inconsistent with the federal program requirements and does not promote used oil recycling, as envisioned by that program. The federal regulations concerning mixtures of Used Oil and Used Oil Related Materials under Part 739 was to encourage the generator to utilize the proper recycling sources, without the burden of excessive cost.

As in my testimony - the inconsistency adversely impacts NORA members as it is more onerous to do business in Illinois than in neighboring states. Permitting and manifesting is a regulatory burden, creating redundant responsibilities required of employees ... and most of all - costly. The transporters purchase the manifests to utilize in their collection efforts, and this creates an added financial disadvantage to the Illinois recyclers vs. their out-of-state peers. Most out-of-state recyclers do not have the same requirements and cost, which encourages Illinois generators to utilize out-of-state recyclers. Let's Keep the Business in Illinois!

The state of Indiana is a specific example of how Illinois' treatment of used oil is more regulatory burdensome. On January 20, 1988, Indiana's Solid Waste Management Board voted to repeal Indiana's Liquid Industrial Waste Hauler Rule effective March 6, 1988. The repeal ended the requirement to have a permit to haul liquid industrial waste in the State of Indiana and the associated monthly reporting requirement. The repeal did not affect hazardous waste transportation requirements. Following the federal program without the added burden of managing additional paperwork eased the cost and excessive redundant responsibilities expected of employees.

In closing, Southwest Oil believes that the current manifesting requirements in Illinois for Used Oil and items regulated as Used Oil are unnecessary and burdensome. We strongly encourage the Board to adopt the language proposed by NORA. We look forward to the Board's adoption of NORA's rule proposal.

Sincerely,



Victoria M. Custer
Vice President

VMC/ijm