

Board Sends to First Notice a Proposal to Amend Special Waste Regulations Concerning Used Oil

On May 1, 2008, the Illinois Pollution Control Board sent to first notice a proposal to amend the Board's regulations concerning special waste classifications and nonhazardous special waste hauling pertaining to used oil recycling in Illinois (35 Ill. Adm. Code 808, 809). On January 5, 2006, the Board accepted for hearing the rulemaking entitled In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808, 809 (R06-20). NORA, formally known as the National Oil Recycling Association, filed the proposed rulemaking on December 13, 2005. The Board is proceeding to first notice with NORA's proposal, as amended by the Illinois Environmental Protection Agency (IEPA).

The Board sent to first-notice amendments intended to exempt from the manifesting requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809) used oil that is defined by and managed in accordance with Part 739 (35 Ill. Adm. Code), which provides standards for the management of used oil.

The Board adopted for first-notice amendments intended to exempt from the special waste hauling permit requirements of Parts 808 and 809 (35 Ill. Adm. Code 808, 809) shipments that contain no special waste other than used oil that is defined by and managed in accordance with Part 739 (35 Ill. Adm. Code 739).

Additionally, the Board specifically seeks comment on whether to amend Part 739 to require in used oil tracking documents, information that would allow those documents to satisfy other informational requirements such as manifests under Parts 808 and 809. In the event that a participant wishes to amend Part 739 in this manner, the Board seeks comment in the form of regulatory language that might be proposed to effect such an amendment. Specifically, the Board seeks to determine whether the record in this proceeding may be developed in a way that supports adoption of a proposal similar to that sought by NORA while addressing the concerns of the IEPA.

The Board held two public hearings on this proposal prior to the Board's first notice adoption.

Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R06-20, should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board at the following address:

Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

In addition, public comments may be filed electronically through the Clerk's Office On-Line (COOL) at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office

For more information contact Tim Fox at (312)-814-6085 or email at foxt@ipcb.state.il.us.