

ILLINOIS POLLUTION CONTROL BOARD
February 16, 1995

IN THE MATTER OF:)
)
PETITION OF ENVIRITE CORPORATION) AS 94-10
FOR AN ADJUSTED STANDARD FROM) (Adjusted Standard -
35 ILL. ADM. CODE 721 SUBPART D:) RCRA Delisting)
LIST OF HAZARDOUS SUBSTANCES,)
APPENDIX I)

ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board upon a motion filed by Envirite Corporation (Envirite) on January 20, 1995. Envirite requests that the Board clarify two items found in the Board's December 14, 1994 final opinion and order in this matter. Envirite further requests that the Board make certain textual modifications to the December 14, 1994 final order.

Neither of other two participants in the this proceeding, the Illinois Environmental Protection Agency (Agency) and Peoria Disposal Company, have filed a response to Envirite's motion.

Clarifications

Envirite asks that it be clarified that the granted delisting is with respect to the processes and activities discussed in Envirite's petition, including both the processes originally delisted in 1988 and the new processes that were the impetus for the revision of the 1988 delisting. Envirite opines that "(a)bsent the requested clarification, ambiguity could exist with respect to the scope of the delisting granted to Envirite, and the specific processes and activities within that delisting" (Motion at ¶6).

Envirite indicates that its concern on this issue would be alleviated by the addition of language. Specially, Envirite asks for the addition at the end of the first sentence of the original final order of: "for the processes and activities described in Envirite's Petition to Revise Adjusted Standard filed in this case". (Motion at ¶7.) The Board accepts this request and will incorporate it into today's revised order.

Envirite also requests that the Board clarify paragraph¹ 5 of the order "and specifically requests clarification as to which data are required by that paragraph to be submitted to the Illinois Environmental Protection Agency". (Motion at ¶8.)

The Board first notes that this language for which Envirite now requests clarification is exactly the language that Envirite itself requested that the Board include in the adjusted standard order. (See Envirite's Petition of May 10, 1994 at Section 13, paragraph 5.) It was the Board's understanding at the time it adopted Envirite's request for incorporation of this language that any data required for submission to the Agency pursuant to other provisions of the order be submitted in accordance with paragraph 5. That remains the Board's intent regarding paragraph 5.

Modifications

Envirite also requests that the Board make certain modifications to correct apparent clerical errors in the text of the December 14, 1994 order. The Board has reviewed each of the modifications requested by Envirite and finds that each is necessary to comport the language of the adjusted standard with the intent of the Board's opinion and order of December 14, 1994. Accordingly, each of the changes will be made. The changes are as follows:

1. At paragraph 3(e), line 8, "125-125" is changed to "124-125".
2. In the table at paragraph 4(c), "methylene" is changed to "methylene chloride".
3. In paragraph 5 at the first indented subsection, "presentations" is changed to "representations", and, in the following indented subsection following the word "false" a comma replaces a semi-colon.

Vacation and Reissuance of the December 14, 1994 Order

To assure that there is no ambiguity regarding the status of the Board's orders in this matter, the Board will today vacate its December 14, 1994 order in its entirety and herein reissue that order in full with the modifications discussed above.

¹ The Board's December 14, 1994 order is divided into numbered paragraphs. The same numbering is used unchanged in today's order.

ORDER

The Board hereby vacates its December 14, 1994 order in this matter, and in replacement thereof hereby grants to Envirite Corporation an adjusted standard from 35 Ill. Adm. Code 721 Subpart D for Envirite's Harvey, Illinois, facility, for the processes and activities described in Envirite's Petition to Revise Adjusted Standard filed in this case. This adjusted standard is granted subject to the following conditions:

1. This adjusted standard is effective as of December 14, 1994. It supersedes the site-specific rule adopted by the Board by order of June 30, 1988 and found at 35 Ill. Adm. Code 721. Appendix I.
2. This adjusted standard is provided for the following waste codes:

F006	F011	K003	K007
F007	F012	K004	K008
F008	F019	K005	K062
F009	K002	K006	

This adjusted standard is provided for disposal volumes of treatment residues up to 200,000 tons per year. Envirite Corporation's treated residues are non-hazardous as defined in 35 Ill. Adm. Code 721, provided that the treatment residues meet the verification and testing requirements prescribed in paragraphs 3 and 4 listed below to ensure that hazardous constituents are not present in the treatment residues at levels of regulatory concern. The treatment residues will no longer be subject to regulation under 35 Ill. Adm. Code Parts 722-728 and the permitting standards of 35 Ill. Adm. Code 703. Such wastes shall be disposed of pursuant to the Board's non-hazardous landfill regulations found at 35 Ill. Adm. Code 810-815.

3. Verification and Testing.
 - a) Treatability Testing. Envirite shall verify through bench-scale treatability testing that each waste stream received can be treated to meet the delisting levels of paragraph 4 prior to the operation of full-scale treatment of that waste stream.
 - b) Testing of Treatment Residues for Inorganic Parameters. Envirite shall collect a representative grab sample of each treated batch and composite these samples together daily. These composite samples shall be analyzed for TCLP leachate concentrations for all the constituents listed in paragraphs 4(a) prior to disposal of the treated batch.

- c) Testing of Treatment Residues for Cyanide. Envirite shall collect a representative grab sample of each treated batch and composite these samples together daily. These composite samples shall be analyzed for leachable cyanide concentrations as described in paragraph 4(b).
- d) Testing of Treatment Residues for Organic Parameters. Envirite shall collect a representative grab sample of each treated batch and composite these samples together daily. These composite samples shall be analyzed for TCLP leachate concentrations for the organic constituents listed in paragraph 4(c).
- e) Additional Testing. Envirite shall collect a representative grab sample from each batch composite sample of treatment residue and prepare a monthly composite sample. This monthly composite sample shall be analyzed for the TCLP leachate concentrations for all the constituents listed at 40 C.F.R. Part 423 Appendix A (1991) except those numbered 089-113, 116, 118-119, 122, 124-125 and 129. Any compound which is found to be below detection limits for six months of continuous monthly testing shall be deleted from the monthly testing parameter list and shall instead be tested semi-annually. If the compound is detected in the semi-annual tests, it will again be tested monthly for six months as described above.
- f) All analyses shall be performed according to Third Edition SW-846 methodologies incorporated by reference in 35 Ill. Adm. Code 720.111. The analytical data shall be compiled and maintained on-site for a minimum of three years. These data must be furnished upon request and made available for inspection by any representative of the State of Illinois.

4. Delisting Levels.

- a) The metal concentration in TCLP leachate from the treatment residue must not exceed the concentrations shown below. These delisting limits are the lower of:
 - i.) the RCRA BDAT Land Disposal Restriction limits for F006 treatment residues or,
 - ii.) the health-based-levels listed in the U.S. EPA MANUAL, "Petitions to Delist Hazardous Wastes - A Guidance Manual, Second Edition", multiplied by a dilution/attenuation factor (DAF) of 13.

Otherwise, such wastes shall be managed and disposed in accordance with 35 Ill. Adm. Code 703 and 722-728. The

parameters to be analyzed and the delisting limits are as follows:

<u>Parameter</u>	<u>Delisting Level (mg/l)</u>
Cadmium	0.065
Chromium	1.3
Lead	0.195
Nickel	0.32
Selenium	0.13

b) Cyanide. Total leachate cyanide in distilled water extractions from the treatment of all listed wastes must not exceed 2.6 mg/l, otherwise such wastes shall be managed and disposed in accordance with 35 Ill. Adm. Code 703 and 722-278.

c) Organic Parameters. For all residues produced from the treatment of listed wastes, the concentration in TCLP leachate of the organic compounds shown below must not exceed the health-based-levels listed in the U.S. EPA manual, "Petitions to Delist Hazardous Wastes - A Guidance Manual, Second Edition", multiplied by a dilution/attenuation factor (DAF) of 13. If the delisting levels for a batch are exceeded, a second composite sample of the same batch shall be prepared and analyzed within five days of the observed exceedence. If a second subsequent exceedence occurs, the batch shall be managed and disposed of in accordance with 35 Ill. Adm. Code 703 and 722-729. The parameters to be analyzed and the currently effective delisting limits are as follows:

<u>Parameter</u>	<u>Delisting Level (mg/l)</u>
Methylene Chloride	0.065
Tetrachloroethylene	0.065
Trichloroethylene	0.065

5. Data Submittal. All data must be submitted to the Manager of the Permit Section, Division of Land Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276 within the time period specified. Failure to submit the required data will be considered a failure to comply with the adjusted standard adopted herein and subject Envirite to an enforcement action initiated by the Agency. All data must be accompanied with the following certification statement:

Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Illinois Environmental Protection Act), I

certify that the information contained in or accompanying this document is true, accurate and complete.

In the event that any of this information is determined by the Board in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to Envirote Corporation, I recognize that this exclusion of wastes will be void as if it never had effect to the extent directed by the Board and that Envirote Corporation will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion.

(Name of certifying person)

(Title of certifying person)

(Date)

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1992)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration".)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the

16th day of February, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board