

ILLINOIS POLLUTION CONTROL BOARD  
October 24, 1991

IN THE MATTER OF: )  
 )  
RCRA WOOD PRESERVING RULES ) R91-26  
COMPLIANCE DATES ) (Identical in Substance Rules)

PROPOSAL FOR PUBLIC COMMENT

PROPOSED OPINION AND ORDER OF THE BOARD (by J. Anderson):

On August 8, 1991, the Board entered a final Opinion and Order in R91-1. Among other things, the Board adopted new regulations regulating wood preservers. These rules were derived from USEPA regulations adopted at 55 Fed. Reg. 50450, December 6, 1990. As was discussed on p. 11-14 of the R91-1 Opinion, USEPA administratively stayed the wood preserving rules at 56 Fed Reg. 27332, June 13, 1991. The Board addressed the stay in R91-1, even though it was outside the normal batch period for the Docket.

As was discussed in the R91-1 Opinion, commenters asked the Board to delay adoption of the wood preserving rules until after the USEPA administrative stay expired. Instead, the Board determined to adopt the USEPA wood preserving rules, along with USEPA's language staying the rules; however, the stay applied only to those who made prior date-certain filings of required information. To qualify for the USEPA administrative stay, wood preservers had to notify USEPA by August 6, 1991, that they intended to upgrade drip pads by placing an impermeable coating on the surface. Wood preservers also have to notify USEPA by November 6, 1991, with a plan and financial commitments for the upgrading, which upgrading must then be completed by February 6, 1992.

This Docket concerns only the non-HSWA portions of the wood preserving rules. Non-HSWA requirements are not effective in authorized states, such as Illinois, until they are adopted by the states. As was discussed on p. 13 of the R91-1 Opinion, USEPA and wood preservers subject only to the non-HSWA portions of the USEPA rules may have been operating on the assumption that Illinois would not adopt the USEPA rules because of the USEPA stay and anticipated USEPA modification of their rules. However, the Environmental Protection Act (See Sections 7.2(a) and 22.4(a)) expects the Board to adopt these rules, subject to the stay. In that the Board's action might have caused confusion, the Board had extended the initial notification date, from August 6 to November 6, 1991, to qualify for the stay from the Board rules.

Since the R91-1 rules were filed however, Board staff has received several calls from wood preservers claiming that the coating operation requires outdoor temperatures in excess of 70.

F. It is therefore physically impossible to comply with the conditions of the stay by preparing a plan and carrying out the coating operation before February 6, at least in Illinois.

As was discussed above, and in R91-1, USEPA has stayed these requirements and may not expect the States to adopt them at all until after the federal rules have been modified in a subsequent rulemaking. In any event, 40 CFR 271.21(e) would not require State action on the non-HSWA components until July 1, 1992. The Board is therefore now proposing to extend the upgrading compliance date to July 1, 1992. The Board will also extend the date for the plan and financial commitments to February 6, 1992, to give wood preservers time to file the plan and financial commitments after the Board's rules become effective.

Our instant proposal is a correction to R91-1, as contemplated in Section 7.2(b) of the Act. In this Docket the Board is doing that which it would have done in R91-1, had it been fully advised of the facts.

The Board will therefore amend the "stay" language in the Board Notes following listings F034 and F035 in Section 721.131, as is set forth below. It apparently is not necessary to amend the operative language in Section 724.673 and 725.543. The stay of F032 is HSWA-driven, and apparently cannot be extended.

The Board directs that the text of the proposed rules be published in the Illinois Register. The Board will receive public comment for 45 days following the date of publication in the Illinois Register. Because of the time constraints involved in advancing these dates, the Board cautions that it will act quickly following expiration of the comment period, and does not anticipate allowing post-adoption comment.

#### ORDER

TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE G: WASTE DISPOSAL  
 CHAPTER I: POLLUTION CONTROL BOARD  
 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721  
 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section  
 721.101 Purpose and Scope  
 721.102 Definition of Solid Waste  
 721.103 Definition of Hazardous Waste  
 721.104 Exclusions

- 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators
- 721.106 Requirements for Recyclable Materials
- 721.107 Residues of Hazardous Waste in Empty Containers
- 721.108 PCB Wastes Regulated under TSCA

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS  
OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

- Section
- 721.110 Criteria for Identifying the Characteristics of Hazardous Waste
  - 721.111 Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

- Section
- 721.120 General
  - 721.121 Characteristic of Ignitability
  - 721.122 Characteristic of Corrosivity
  - 721.123 Characteristic of Reactivity
  - 721.124 Toxicity Characteristic

SUBPART D: LISTS OF HAZARDOUS WASTE

- Section
- 721.130 General
  - 721.131 Hazardous Wastes From Nonspecific Sources
  - 721.132 Hazardous Waste from Specific Sources
  - 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof
  - 721.135 Wood Preserving Wastes

- Appendix A Representative Sampling Methods
- Appendix B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
- Appendix C Chemical Analysis Test Methods
  - Table A Analytical Characteristics of Organic Chemicals (Repealed)
  - Table B Analytical Characteristics of Inorganic Species (Repealed)
  - Table C Sample Preparation/Sample Introduction Techniques (Repealed)
- Appendix G Basis for Listing Hazardous Wastes
- Appendix H Hazardous Constituents
- Appendix I Wastes Excluded under Section 720.120 and 720.122
  - Table A Wastes Excluded from Non-Specific Sources
  - Table B Wastes Excluded from Specific Sources
  - Table C Wastes Excluded From Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

Appendix J Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans  
 Appendix Z Table to Section 721.102

**AUTHORITY:** Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 1022.4 and 1027).

**SOURCE:** Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. , effective ; amended in R91-26 at Ill. Reg. , effective

#### SUBPART D: LISTS OF HAZARDOUS WASTE

##### Section 721.131 Hazardous Wastes From Nonspecific Sources

- a) The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

E P A Industry and Hazardous Waste  
 Hazardous  
 Waste No.

Haz -  
 a r d  
 Code

- F001 The following spent halogenated (T) solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride and chlorinated fluorocarbons; all spent solvent mixtures and blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
- F002 The following spent halogenated (T) solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
- F003 The following spent non-halogenated (I) solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone and methanol; all spent solvent mixtures and blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures and blends containing, before use, one or more of the above non-halogenated solvents and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
- F004 The following spent non-halogenated (T) solvents: cresols and cresylic acid

and nitrobenzene; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

- F005      The following spent non-halogenated ( I ,  
solvents:      toluene, methyl ethyl T)  
ketone, carbon disulfide, isobutanol,  
pyridine, benzene, 2-ethoxyethanol and  
2-nitropropane; all spent solvent  
mixtures and blends, containing, before  
use, a total of ten percent or more (by  
volume) of one or more of the above  
non-halogenated solvents or those  
solvents listed in F001, F002 or F004;  
and still bottoms from the recovery of  
these spent solvents and spent solvent  
mixtures.
- F006      Wastewater treatment sludges from (T)  
electroplating operations except from  
the following processes: (1) sulfuric  
acid anodizing of aluminum; (2) tin  
plating on carbon steel; (3) zinc  
plating (segregated basis) on carbon  
steel; (4) aluminum or zinc-aluminum  
plating on carbon steel; (5)  
cleaning/stripping associated with tin,  
zinc and aluminum plating on carbon  
steel; and (6) chemical etching and  
milling of aluminum.
- F019      See Below
- F007      Spent cyanide plating bath solutions ( R ,  
from electroplating operations.      T)
- F008      Plating bath residues from the bottom ( R ,  
of plating baths from electroplating T)  
operations where cyanides are used in  
the process.
- F009      Spent stripping and cleaning bath ( R ,  
solutions from electroplating T)  
operations where cyanides are used in  
the process.

- F010 Quenching bath residues from oil baths ( R ,  
from metal heat treating operations T)  
where cyanides are used in the process.
- F011 Spent cyanide solutions from salt bath ( R ,  
pot cleaning from metal heat treating T)  
operations.
- F012 Quenching wastewater treatment sludges (T)  
from metal heat treating operations  
where cyanides are used in the process.
- F019 Wastewater treatment sludges from the (T)  
chemical conversion coating of aluminum  
except from zirconium phosphating in  
aluminum can washing when such  
phosphating is an exclusive conversion  
coating process.
- F020 Wastes (except wastewater and spent (H)  
carbon from hydrogen chloride  
purification) from the production or  
manufacturing use (as a reactant,  
chemical intermediate or component in a  
formulating process) of tri- or tetra-  
chlorophenol, or of intermediates used  
to produce their pesticide derivatives.  
(This listing does not include wastes  
from the production of hexachlorophene  
from highly purified 2,4,5-trichloro-  
phenol.)
- F021 Wastes (except wastewater and spent (H)  
carbon from hydrogen chloride  
purification) from the production or  
manufacturing use (as a reactant,  
chemical intermediate or component in a  
formulating process) of pentachloro-  
phenol, or of intermediates used to  
produce its derivatives.
- F022 Wastes (except wastewater and spent (H)  
carbon from hydrogen chloride  
purification) from the manufacturing  
use (as a reactant, chemical  
intermediate or component in a  
formulating process) of tetra-, penta-  
or hexachlorobenzenes under alkaline  
conditions.
- F023 Wastes (except wastewater and spent (H)  
carbon from hydrogen chloride

purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5- trichlorophenol.

- F024 Process wastes including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts and wastes listed in this Section or Section 721.132.) (T)
- F025 Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (T)
- F026 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzene under alkaline conditions. (H)
- F027 Discarded unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations (H)



containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component).

F028 Residues resulting from the (T)  
incineration or thermal treatment of  
soil contaminated with hazardous waste  
numbers F020, F021, F022, F023, F026  
and F027.

F032 Wastewaters, process residuals, (T)  
preservative drippage and spent  
formulations from wood preserving  
processes generated at plants that  
currently use or have previously used  
chlorophenolic formulations (except  
potentially cross-contaminated wastes  
that have had the F032 waste code  
deleted in accordance with Section  
721.135 and where the generator does  
not resume or initiate use of chloro-  
phenolic formulations). This listing  
does not include K001 bottom sediment  
sludge from the treatment of wastewater  
from wood preserving processes that use  
creosote or pentachlorophenol.

BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. The listing for plants that have previously used chlorophenolic formulations is administratively stayed whenever these wastes are covered by the F034 or F035 listings. These stays will remain in effect until further administrative action is taken. Furthermore, the F032 listing is administratively stayed with respect to the process area receiving drippage of these wastes provided persons desiring to continue operating notify USEPA by August 6, 1991, of their intent to upgrade or install drip pads, and by November 6, 1991, provide evidence to USEPA that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay

of listings will remain in effect until February 6, 1992, for existing drip pads, and until May 6, 1992, for new drip pads.

- F034 Wastewaters, process residuals, (T)  
 preservative drippage and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. These stays will remain in effect until further administrative action is taken. Furthermore, the F034 and F035 listings are administratively stayed with respect to the process area receiving drippage of these wastes provided that, by ~~November 6, 1991~~ February 6, 1992, persons desiring to continue operating notify the Agency of their intent to upgrade or install drip pads, and provide evidence to the Agency that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until ~~February 6, 1992, for existing drip pads, and until May 6, 1992, for new drip pads~~ July 1, 1992.

- F035 Wastewaters, process residuals, (T)  
 preservative drippage and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed

administratively. These stays will remain in effect until further administrative action is taken. Furthermore, the F034 and F035 listings are administratively stayed with respect to the process area receiving drippage of these wastes provided that, by ~~November 6, 1991~~ February 6, 1992, persons desiring to continue operating notify the Agency of their intent to upgrade or install drip pads, and provide evidence to the Agency that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until ~~February 6, 1992~~, for existing drip pads, and until ~~May 6, 1992~~, for new drip pads July 1, 1992.

- F037 Petroleum refinery primary oil/water/ solids separation sludge -- Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated in aggressive biological treatment units as defined in subsection (b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. (T)
- F038 Petroleum refinery secondary (emulsified) oil/water/solids separation sludge -- Any sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not (T)

limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated in aggressive biological treatment units as defined in subsection (b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units), F037, K048 and K051 wastes are not included in this listing.

F039 Leachate resulting from the treatment, (T) storage or disposal of wastes classified by more than one waste code under Subpart D, or from a mixture of wastes classified under Subparts C and D. (Leachate resulting from the management of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its hazardous waste code(s): F020, F021, F022, F023, F026, F027 or F028.)

BOARD NOTE: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.

b) Listing specific definitions.

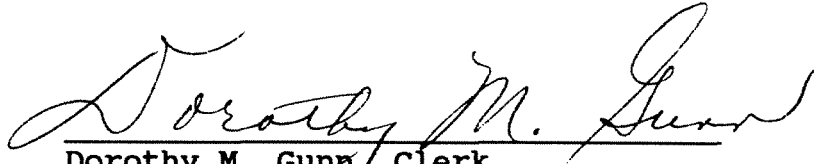
- 1) For the purpose of the F037 and F038 listings, oil/water/solids is defined as oil or water or solids.
- 2) For the purposes of the F037 and F038 listings:
  - A) Aggressive biological treatment units are defined as units which employ one of the following four treatment methods: activated sludge; trickling filter; rotating biological contactor for the continuous accelerated biological oxidation of wastewaters; or, high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and:

- i) The units employ a minimum of 6 horsepower per million gallons of treatment volume; and either
    - ii) The hydraulic retention time of the unit is no longer than 5 days; or
    - iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the toxicity characteristic.
  - B) Generators and treatment, storage or disposal (TSD) facilities have the burden of proving that their sludges are exempt from listing as F037 or F038 wastes under this definition. Generators and TSD facilities shall maintain, in their operating or other on site records, documents and data sufficient to prove that:
    - i) The unit is an aggressive biological treatment unit as defined in this subsection; and
    - ii) The sludges sought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.
- 3) Time of generation. For the purposes of:
  - A) The F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.
  - B) The F038 listing:
    - i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement; and
    - ii) Floats are considered to be generated at the moment they are formed in the top of the unit.

(Source: Amended at 15 Ill. Reg. , effective )

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Proposed Opinion and Order was adopted on the 24<sup>th</sup> day of October, 1991, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board