

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1980

IN THE MATTER OF:)
)
PERMITS FOR SLUDGE APPLICATION TO LAND) R77-12, DOCKET B
)
AMENDMENTS TO THE WATER POLLUTION REGULATIONS:)
CHAPTER 3, SPECIAL WASTE HAULING REGULATIONS:)
CHAPTER 9, OF THE ILLINOIS POLLUTION CONTROL)
BOARD)

PROPOSED RULE: FIRST NOTICE

ORDER OF THE BOARD (by J.D. Dumelle):

The Board proposes to amend Rule 101 and to add Rules 949 and 950 of Chapter 3: Water Pollution and to amend Rule 211(c) of Chapter 9: Special Waste. The effect of these changes will be to:

1. Add the definition of "Sludge," and to amend the definitions of "Pretreatment Works" and "Wastewater;"
2. Set up a permitting system for sites receiving sludge for land application; and
3. Exempt municipal water and wastewater treatment plant sludge from the permit and manifest requirements of the Board's Special Waste Hauling Regulations of Chapter 9.

These changes are indicated below. Deleted language is lined through and new language is underlined. Rules 104, 910, and 950 are of Chapter 3, and Rule 211 is of Chapter 9.

101 Definitions

"Pretreatment Works" means a treatment works designed and intended for the treatment of wastewater from ~~a major contributing industry~~ an indirect discharge or industrial user, as defined in 40 CFR ~~§28~~ Part 403, before introduction into a sewer system tributary to a publicly owned or publicly regulated treatment works.

"Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects.

"Wastewater" means sewage, sludge, industrial waste, or other waste, or any combination of these, whether treated or untreated, plus any admixed land runoff;

949 Terms and Conditions of NPDES Permits Concerning Sewage Sludge Disposal

In addition to Agency authority granted in Rule 910, in establishing the terms and conditions of each issued NPDES permit, the Agency shall apply and ensure compliance with applicable regulations promulgated under Section 405 of the FWPCA governing the disposal of sewage sludge from treatment works.

950 Permits for Sites Receiving Sludge for Land Application

(a) A construction and an operating permit are required under this Chapter for any site receiving sludge for land application unless:

- (1) The site receives only livestock wastes; or
- (2) The site receives only septic tank sludges generated from domestic sources; or
- (3) The site is regulated under Chapter 7 of the Board's regulations; or
- (4) The site is specifically identified in an approved sludge management scheme of an operating or NPDES permit issued by the Agency and receives sludge exclusively from the permittee; or
- (5) All of the following conditions are satisfied:
 - (A) The site is not specifically identified in an NPDES or operating permit of any treatment works or pretreatment works but receives sludge from a treatment works or pretreatment works which has a valid operating or NPDES permit issued by the Agency with a sludge management scheme approved by the Agency. The sludge generator shall inform the user that this requirement has been met;
 - (B) The sludge user applies the sludge to less than 300 acres under common ownership or control in any year; and
 - (C) The sludge is transported, stored and applied by the user in compliance with the approved sludge management scheme of the generator from which the user receives the sludge. Any person who intends to transport, store, or apply sludge in any manner other than that

- described in the approved sludge management scheme must apply for a permit.
- (b) Notwithstanding subparagraphs (1) through (5) of paragraph (a), the Agency may require a user receiving sludge for land application to obtain a permit under this rule when the Agency determines that special circumstances exist such that a permit is required to protect the environment or the public health. In making its determination, the Agency shall consider the following factors:
- (1) Where the sludge will be stored;
 - (2) The proposed rate and method of application of the sludge to the receiving site;
 - (3) The quality (constituents and concentrations) of the sludge to be applied to the receiving site; and,
 - (4) The geological and hydrological characteristics of the receiving site, including proximity to waters of the state.
- (c) No permit may be required under Rule 950(b) for a user receiving sludge for land application unless the owner or operator is notified in writing of the requirement to apply for a permit. That notification shall include a statement of the special circumstances requiring the site to be permitted. The requirement of a permit is reviewable only in a permit appeal proceeding.
- (d) Generators and haulers of municipal water or wastewater treatment plant sludge, which is to be applied to land and which is regulated under this Chapter, need not obtain a special waste hauling permit or prepare, carry and complete a manifest under Chapter 9 of the Board's regulations.
- (e) The Agency may establish and revise criteria in accordance with Rule 967 of this Chapter for the design, operation, and maintenance of facilities regulated under this Rule.
- (f) For purposes of permit issuance and approval of a sludge management scheme, proof of conformity with Agency criteria shall be prima facie evidence of no violation of the Act or Chapter 3. However, nonconformity with those criteria shall not be grounds for permit denial, or for failure to approve a sludge management scheme, if the applicant submits adequate information showing that the sludge will be stored, transported and applied so as not to cause a violation of the Act or Chapter 3.

Chapter 9: Special Waste Hauling Regulations

211 Exemptions for Special Waste Haulers

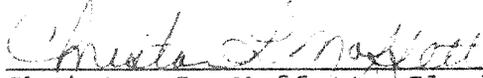
Items A,B,D,E,F,G, and H are not changed.

- (C) Generators and haulers of any person who hauls only municipal water or wastewater treatment plant sludge which is to be applied to land and which is to be regulated under Chapter 3 pursuant to established a sludge management scheme approved by the Agency policy need not obtain a special waste hauling permit or prepare, carry and complete a manifest under this Chapter for that sludge.

Any Agency criteria established under Rule 950 and any revisions thereto shall be filed with the Board by the Agency. The Board will retain jurisdiction over this regulatory proceeding until January 31, 1982.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 4th day of December, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board