

ILLINOIS POLLUTION CONTROL BOARD
June 15, 1995

IN THE MATTER OF:)
) R95-4
UIC UPDATE, USEPA REGULATIONS) (Identical-in-Substance Rules)
(7-1-94 THROUGH 12-31-94))

IN THE MATTER OF:)
) R95-6
RCRA UPDATE, USEPA REGULATIONS) (Identical-in-Substance Rules)
(7-1-94 THROUGH 12-31-94,)
1-3-95 & 5-19-95))

Adopted Rule. Final Order.

SUPPLEMENTAL OPINION AND ORDER OF THE BOARD (by E. Dunham):

By this supplemental opinion and order, the Board revises the text of the Illinois RCRA Subtitle C hazardous waste (RCRA) and underground injection control (UIC) regulations adopted on June 1, 1995. This supplemental action corrects errors in the text of the regulations in response to comments by U.S. EPA and resulting from Board review. Having received the U.S. EPA comments anticipated in our June 1, 1995 opinion, the Board will proceed to immediately file these amendments.

On June 1, 1995, the Board voted to adopt amendments to the Illinois RCRA and UIC regulations pursuant to Section 13(c) and 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/13(c) & 22.4(a) (1992)]. In the opinion accompanying that adoption, the Board stated that it would delay filing these amendments for 30 days to allow U.S. EPA an opportunity to comment. On June 12, Norman R. Niedergang, Associate Division Director for RCRA, Waste Management Division, of U.S. EPA Region V filed comments, docketed as PC 6, in which U.S. EPA stated that it had reviewed the amendments. PC 6 stated that U.S. EPA reviewed the Board's March 2, 1995 proposed opinion and order, and it set forth corrections necessary to 14 segments of the rules.

The Board reviewed the U.S. EPA-suggested corrections in PC 6 and has responded to each in this opinion and order. A listing follows that sets forth in summary fashion the corrections made in response to PC 6. We will not further discuss the U.S. EPA suggestions, except to the extent that the Board has not followed or deviated in four of them. The changes made were as follows:

Section	Board Action
721.App. I, Tab. D	Add entry for decision in AS 94-10

725.101(c) (10)	Change "corrosive (D002)" to "reactive (D003)"
725.984(b) (4) (D) (iv)	Correct cross reference to "subsection (b) (4) (D) (iii)"
728.Table C (CMBST entry)	Add cross reference to "725.Subpart O"
728.Table T (D002)	Restore omitted second entry (for wastes managed in CWA, CWA-equivalent, or SDWA Class I systems)
728.Table T (F001, F002, etc.)	Delete entry for benzene
728.Table T (F039)	Correct CAS number for bis-(2-chloroisopropyl)ether to "39638-32-9", correct nonwastewater concentration for diphenylamine to "13"
728.Table T (K011)	Correct nonwastewater concentration for acetonitrile to "1.8"
728.Table T (K028)	Correct CAS number for Hexachlorobutadiene to "87-88-3"
728.Table T (K030)	Correct spellings of "hexachloropropylene", "pentachlorobenzene", "pentachloroethane" & "tetrachloroethylene"
728.Table T (K102)	Correct segment of introductory text to "carbon for decolorization"
728.Table T (K126)	Correct segment of introductory text to "milling and packaging operations"

The Board did not make four U.S. EPA-suggested corrections. We did not need to correct the nonwastewater listing for D028 and the separation of the entries for U067 and U068 in Section 728.Table T because the June 1 order had already made that correction. Similarly, the June 1 order corrected the CAS number for 1,1-dichloroethane in entry for K028 to 75-34-3, rather than 75-45-3 as suggested U.S. EPA, so that no change was necessary. We deviated from the U.S. EPA suggestion as to the entry for F039 by correcting the nonwastewater listing for diphenylamine, rather than for diphenylnitrosoamine as stated in PC 6, to 13 mg/kg.

Finally, the Board has independently corrected one oversight in the June 1, 1995 order. We updated Sections 721.Appendix I, Tables A and B to reflect the December 14, 1994 adjusted standard granted to Envirite Corporation in AS 94-10. We had discussed

its addition to Section 721.Appendix I, Table D, but neglected to add the entry. The Board now corrects that error.

The text of the revisions to the adopted rules follows. The Board has included only those segments of the text affected. Highlighting further indicates the locations of the corrections.

Section 721.Appendix I ~~Wastes Excluded under Section 720.120 and 720.122~~by
Administrative Action

Table D Wastes Excluded by the Board by Adjusted Standard

The Board has entered the following orders on petitions for adjusted standards for delisting, pursuant to 35 Ill. Adm. Code 720.122.

. . .

AS94-10 Petition of Envirite Corporation for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, December 14, 1994, as modified on February 16, 1995. (treated F006, F007, F008, F009, F011, F012, F019, K002, K003, K004, K005, K006, K007, K008, and K062 wastes)

Section 725.101 Purpose, Scope and Applicability

. . .

c) The requirements of this Part do not apply to:

. . .

- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.Table ~~BT~~), or corrosivereactive (D0023) waste, in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 725.117(b);

. . .

Section 725.984 Waste Determination Procedures

. . .

b) Waste determination procedures for treated hazardous waste.

. . .

- 4) Procedure to determine the average VO concentration of a hazardous waste at the point of waste treatment.

. . .

D) The following procedure shall be used measure the VO concentration for each discrete quantity of material identified in subsection (b)(4)(C) above:

...

- iv) The measured VO concentration for the discrete quantity of hazardous waste must be determined by using the results for all samples analyzed in accordance with subsection (b)(4)(D)(iii) above and the following equation:

...

Section 728.Table C Technology Codes and Description of Technology-Based Standards

Technology code Description of technology-based standard

...

CMBST Combustion in incinerators, boilers, or industrial furnaces operated in accordance with the applicable requirements of 35 Ill. Adm. Code 724.Subpart O, 725.Subpart O, or 35 Ill. Adm. Code 726.Subpart H.

...

Section 728.Table T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Waste Code
Waste Description and Treatment or Regulatory Subcategory¹

<u>Regulated Hazardous Constituent</u>		<u>Wastewaters</u>	<u>Nonwastewaters</u>
<u>Common Name</u>	<u>CAS² Number</u>	<u>Concentration mg/l³; or Technology Code⁴</u>	<u>Concentration in mg/kg³ unless noted as "mg/l TCLP"; or Technology Code⁴</u>

...

D002 Corrosive Characteristic Wastes that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems.

<u>NA</u>	<u>NA</u>	<u>DEACT and meet Section 728.148 standards</u>	<u>DEACT and meet Section 728.148 standards</u>
-----------	-----------	---	---

D002 Corrosive Characteristic Wastes that are managed in CWA, CWA-equivalent, or Class I SDWA systems.

<u>NA</u>	<u>NA</u>	<u>DEACT</u>	<u>DEACT</u>
-----------	-----------	--------------	--------------

...

F001, F002, F003, F004 & F005 F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl

alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene, trichloromonofluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131

<u>Acetone</u>	<u>67-64-1</u>	<u>0.28</u>	<u>160</u>
<u>n-Butyl alcohol</u>	<u>71-36-3</u>	<u>5.6</u>	<u>2.6</u>

...

F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under 728.Subpart D. (Leachate resulting from the disposal of one or more of the following U.S. EPA hazardous wastes and no other hazardous wastes retains its U.S. EPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.).

...

<u>bis(2-Chloroisopropyl)- ether</u>	<u>39638-32-9</u>	<u>0.055</u>	<u>7.2</u>
--	-------------------	--------------	------------

...

<u>Diphenylamine (difficult to distinguish from diphenylnitrosamine)</u>	<u>122-39-4</u>	<u>0.92</u>	<u>13</u>
--	-----------------	-------------	-----------

...

K011

Bottom stream from the wastewater stripper in the production of acrylonitrile.

<u>Acetonitrile</u>	<u>75-05-8</u>	<u>5.6</u>	<u>1.8</u>
---------------------	----------------	------------	------------

...

K028

Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.

...

<u>Hexachlorobutadiene</u>	<u>87-68-3</u>	<u>0.055</u>	<u>5.6</u>
----------------------------	----------------	--------------	------------

...

K030

Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.

...

<u>Hexachloropropylene</u>	<u>1888-71-7</u>	<u>NA</u>	<u>30</u>
<u>Pentachlorobenzene</u>	<u>608-93-5</u>	<u>NA</u>	<u>10</u>
<u>Pentachloroethane</u>	<u>76-01-7</u>	<u>NA</u>	<u>6.0</u>

...

<u>Tetrachloroethylene</u>	<u>127-18-4</u>	<u>0.056</u>	<u>6.0</u>
----------------------------	-----------------	--------------	------------

...

K102

Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

...

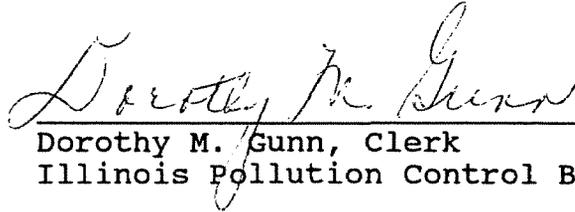
K126

Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.

. . . .

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the above supplemental opinion and order was adopted by the Board on the 15th day of June, 1995, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board