

ILLINOIS POLLUTION CONTROL BOARD  
January 9, 1992

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

ADOPTED RULES. FINAL ORDER.

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

On October 24, 1991, the Board proposed to extend the compliance dates for certain wood preserving wastes in listings F034 and F035 in 35 Ill. Adm. Code 721.131. The Proposal appeared on November 8, 1991, at 15 Ill. Reg. 15910. The Board has received public comment only from the Administrative Code Division. The Board will therefore adopt the rules substantially as proposed.

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 required outdoor temperatures in excess of 70 degrees Fahrenheit. 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 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 extending 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 action 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 adopted rules be published in the Illinois Register as soon as possible

#### 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

721.Appendix A Representative Sampling Methods

721.Appendix B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

721.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)

721.Appendix G Basis for Listing Hazardous Wastes

721.Appendix H Hazardous Constituents

721.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

721.Appendix J Method of Analysis for Chlorinated Dibenzo-p-  
Dioxins and Dibenzofurans

721.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. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. effective ; amended in R91-26 at 16 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.

EPA	Industry and Hazardous Waste	Haz-
Hazardous		ard

Waste No.		Code
F001	The following spent halogenated 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.	(T)
F002	The following spent halogenated 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.	(T)
F003	The following spent non-halogenated 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.	(I)

- F004      The following spent non-halogenated 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. (T)
- F005      The following spent non-halogenated solvents: toluene, methyl ethyl 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. (I, T)
- F006      Wastewater treatment sludges from 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. (T)
- F019      See Below
- F007      Spent cyanide plating bath solutions from electroplating operations. (R, T)
- F008      Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process. (R, T)
- F009      Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in (R, T)

the process.

- |      |   |           |
|------|---|-----------|
| F010 | Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.  | (R,<br>T) |
| F011 | Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.  | (R,<br>T) |
| F012 | Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.  | (T)       |
| F019 | Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.   | (T)       |
| F020 | Wastes (except wastewater and spent 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-trichlorophenol.) | (H)       |
| F021 | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.  | (H)       |
| F022 | Wastes (except wastewater and spent 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.  | (H)       |

- F023 Wastes (except wastewater and spent 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. (H)
- 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 (H)



containing tri-, tetra- or pentachlorophenol or discarded unused formulations 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 incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026 and F027. (T)

F032 Wastewaters, process residuals, 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 chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol. (T)

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 (T)

wastewaters from petroleum refineries. Such wastes include, but are not 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:

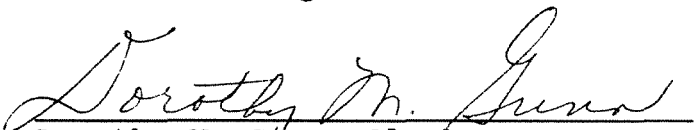
- i) The units employ a minimum of 6 horsepower per million gallons of treatment volume; and either
  - ii) The hydraulic retention time of the unit is no longer than 5 days; or
  - iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous 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 16 Ill. Reg. , effective  
)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Opinion and Order was adopted on the 9th day of January, 1992. by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board