

ILLINOIS POLLUTION CONTROL BOARD  
May 23, 1991

IN THE MATTER OF: )  
 )  
UIC UPDATE, USEPA REGULATIONS ) (Identical in Substance Rules)  
(1-1-90 THROUGH 8-31-90) )

R90-14

FINAL ORDER. ADOPTED RULE.

ORDER OF THE BOARD (By J. Anderson):

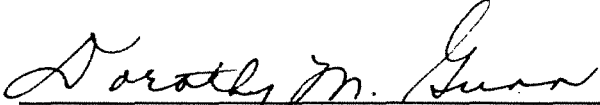
Pursuant to Sectio. 13(c) and 22.4(a) of the Environmental Protection Act (Act), the Board adopts amendments to the Underground Injection Control (UIC) regulations.

Both Sections 13(c) and 22.4(a) provide for quick adoption of regulations which are "identical in substance" to federal regulations and that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by the Joint Committee on Administrative Rules (JCAR). The federal UIC regulations are found at 40 CFR 144, 146 and 148. This rulemaking updates UIC rules to correspond with federal amendments more fully outlined in the accompanying Opinion.

This Order is supported by an Opinion adopted on the same day. The Board received public comment on the proposal for a period of 45 days following its publication in the Illinois Register. The Board will delay Illinois Register publication of the adopted rules to allow USEPA review before they are filed and become effective. The complete text of the adopted amendments follows.

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 23<sup>rd</sup> day of May, 1991, by a vote of 6-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE G: WASTE DISPOSAL  
 CHAPTER I: POLLUTION CONTROL BOARD  
 SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND UNDERGROUND  
 STORAGE TANK PROGRAMS

PART 738  
 HAZARDOUS WASTE INJECTION RESTRICTIONS

SUBPART A: GENERAL

Section

- 738.101 Purpose Scope and Applicability  
 738.102 Definitions  
 738.103 Dilution Prohibited as a Substitute for Treatment  
 738.104 Case-by-Case Extensions of an Effective Date  
 738.105 Waste Analysis

SUBPART B: PROHIBITIONS ON INJECTION

Section

- 738.110 Waste Specific Prohibitions - Solvent Wastes  
 738.111 Waste Specific Prohibitions - Dioxin-Containing Wastes  
 738.112 Waste Specific Prohibitions - California List Wastes  
 738.114 Waste Specific Prohibitions - First Third Wastes  
 738.115 Waste Specific Prohibitions - Second Third Wastes  
 738.116 Waste Specific Prohibitions - Third Third Wastes

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section

- 738.120 Petitions to Allow Injection of a Prohibited Waste  
 738.121 Required Information to Support Petitions  
 738.122 Submission, Review and Approval or Denial of Petitions  
 738.123 Review of Adjusted Standards  
 738.124 Termination of Adjusted Standards

AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in R90-14 at 15 Ill. Reg. , effective

SUBPART A: GENERAL

Section 738.101 Purpose Scope and Applicability

- a) This Part identifies hazardous wastes that are restricted from disposal into Class I hazardous waste injection wells and defines those circumstances under

which a waste, otherwise prohibited from injection, may be injected.

- b) The requirements of this Part apply to owners or operators of Class I hazardous waste injection wells used to inject hazardous waste.
- c) Wastes otherwise prohibited from injection may continue to be injected:
  - 1) If an extension from the effective date of a prohibition has been granted pursuant to Section 738.104; or
  - 2) If an adjusted standard has been granted in response to a petition filed under Section 738.120; or
  - 3) If the waste is generated by a conditionally exempt small quantity generator, as defined in 35 Ill. Adm. Code 721.105.
- d) Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are not otherwise prohibited from injection under this Part, are not prohibited from injection if the wastes:
  - 1) Are disposed into a nonhazardous or hazardous waste injection well defined under 35 Ill. Adm. Code 730.106(a); and
  - 2) Do not exhibit any prohibited characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C at the point of injection.

BOARD NOTE: Derived from 40 CFR 148.1 (198890), as amended at 53 Fed. Reg. 28154, July 26, 1988.

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

#### SUBPART B: PROHIBITIONS ON INJECTION

##### Section 738.110 Waste Specific Prohibitions - Solvent Wastes

- a) ~~35 Ill. Adm Code 721.131 spent solvents:~~

~~1) The spent solvent wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste numbers are prohibited from underground injection unless the solvent waste is a solvent water~~

~~mixture or solvent containing sludge containing less than 1 percent total of the F001 through F005 solvent constituents listed in subsection (a)(2):~~

F001  
F002  
F003  
F004  
F005

~~2) F001 through F005 solvent constituents:~~

~~Acetone  
n-Butyl alcohol  
Carbon disulfide  
Carbon tetrachloride  
Chlorobenzene  
Cresols and cresylic acid  
Cyclohexanone  
1,2-Dichlorobenzene  
Ethyl acetate  
Ethyl benzene  
Ethyl ether  
Isobutanol  
Methanol  
Methylene chloride  
Methylene chloride (from the pharmaceutical industry)  
Methyl ethyl ketone  
Methyl isobutyl ketone  
Nitrobenzene  
Pyridine  
Tetrachloroethylene  
Toluene  
1,1,1-Trichloroethane  
1,1,2-Trichloro-1,2,2-trifluoroethane  
Trichloroethylene  
Trichlorofluoromethane  
Xylene~~

~~b) Effective August 8, 1990, all spent F001 through F005 solvent wastes containing less than 1 percent total F001 through F005 solvent constituents listed in subsection (a)(2) are prohibited from injection.~~

eb) The requirements of subsections (a) ~~or (b)~~ do not apply:

1) If the wastes meet or are treated to meet the standards of 35 Ill. Adm. Code 728.Subpart D; or

- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
- 3) During the period of extension of the applicable effective date, if an extension has been granted under Section 738.Subpart D.

BOARD NOTE: Derived from 40 CFR 148.10 (19890).

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

Section 738.112 Waste Specific Prohibitions - California List  
Wastes

- a) The hazardous wastes listed in 35 Ill. Adm. Code 728.132 containing polychlorinated biphenyls at concentrations greater than or equal to 50 ppm or halogenated organic compounds at concentrations greater than or equal to 10,000 mg/kg are prohibited from underground injection.
- b) ~~Effective August 8, 1990,~~ ~~†~~The following hazardous wastes are prohibited from underground injection:
  - 1) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1000 mg/l;
  - 2) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing the following metals (or elements) or compounds of these metals (or elements) at concentrations greater than or equal to those specified below:
    - A) Arsenic or compounds (as As) 500 mg/l;
    - B) Cadmium or compounds (as Cd) 100 mg/l;
    - C) Chromium (VI) or compounds (as Cr VI) 500 mg/l;
    - D) Lead or compounds (as Pb) 500 mg/l;
    - E) Mercury or compounds (as Hg) 20 mg/l;
    - F) Nickel or compounds (as Ni) 134 mg/l;
    - G) Selenium or compounds (as Se) 100 mg/l; and
    - H) Thallium or compounds (as Tl) 130 mg/l;

- 3) Liquid hazardous waste having a pH less than or equal to two (2.0); and
  - 4) Hazardous wastes containing halogenated organic compounds in total concentration less than 10,000 mg/kg but greater than or equal to 1000 mg/kg.
- c) The requirements of subsections (a) and (b) do not apply:
- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728.Subpart D; or
  - 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
  - 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.12 (198890),  
~~as added at 53 Fed. Reg. 30918, August 16, 1988,~~  
~~and amended at 53 Fed. Reg. 41602, October 24,~~  
 1988.

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

Section 738.114 Waste Specific Prohibitions - First Third Wastes

- a) 1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste number are prohibited from underground injection:
  - F006 (wastewaters and nonwastewaters)
  - F008
  - F009
  - F019
- 2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:
  - K001
  - K004
  - K008
  - K015 (wastewaters and nonwastewaters)
  - K016 (at concentrations greater than or equal to one percent)

K017  
 K018  
 K019  
 K020  
 K021 (wastewaters, and nonwastewaters  
 generated by the process described in  
 the waste listing description ~~and~~  
~~disposed after August 17, 1988,~~ and not  
 those generated in the course of  
 treating wastewater forms of these  
 wastes)  
 K022 (wastewaters and nonwastewaters)  
 K024  
 K030  
K031  
K035  
 K036 (wastewaters, and nonwastewaters  
 generated by the process described in  
 the waste listing description ~~and~~  
~~disposed after August 17, 1988,~~ and not  
 those generated in the course of  
 treating wastewater forms of these  
 wastes)  
 K037  
 K044  
 K045  
~~nonexplosive K046 (nonwastewaters)~~  
K046 (wastewaters and nonwastewaters)  
 K047  
 K048  
K049  
K050  
K051  
K052  
 K060 (wastewaters, and nonwastewaters  
 generated by the process described in  
 the waste listing description ~~and~~  
~~disposed after August 17, 1988,~~ and not  
 those generated in the course of  
 treating wastewater forms of these  
 wastes)  
 K061 (wastewaters and nonwastewaters)  
K062  
~~noncalcium sulfate K069~~  
K069 (calcium sulfate nonwastewaters; all  
wastewaters; and noncalcium sulfate  
nonwastewaters generated by the process  
described in the waste listing  
description ~~and disposed after August~~  
17, 1988, and not those generated in the  
 course of treating wastewater forms of  
 these wastes)

K071  
K073  
K083  
K084  
K085  
K086 ~~solvent washes~~  
K087  
K099  
K101 (all wastewaters and ~~less than one~~  
~~percent total arsenic nonwastewaters~~)  
K102 (all wastewaters and ~~less than one~~  
~~percent total arsenic nonwastewaters~~)  
K103  
K104  
K106

- 3) The wastes specified in 35 Ill. Adm. Code 721.133  
by the following EPA Hazardous Waste numbers are  
prohibited from underground injection:

P001  
P004  
P005  
P010  
P011  
P012  
P015  
P016  
P018  
P020  
P030  
P036  
P037  
P039  
P041  
P048  
P050  
P058  
P059  
P063  
P068  
P069  
P070  
P071  
P081  
P082  
P084  
P087  
P089  
P092  
P094  
P097



P102  
P105  
P108  
P110  
P115  
P120  
P122  
P123  
U007  
U009  
U010  
U012  
U016  
U018  
U019  
U022  
U029  
U031  
U036  
U037  
U041  
U043  
U044  
U046  
U050  
U051  
U053  
U061  
U063  
U064  
U066  
U067  
U074  
U077  
U078  
U086  
U089  
U103  
U105  
U108  
U115  
U122  
U124  
U129  
U130  
U133  
U134  
U137  
U151  
U154  
U155  
U157

U158  
U159  
U171  
U177  
U180  
U185  
U188  
U192  
U200  
U209  
U210  
U211  
U219  
U220  
U221  
U223  
U226  
U227  
U228  
U237  
U238  
U248  
U249

~~b) 1) The waste specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number are prohibited from underground injection:~~

~~K036 (wastewaters)~~

~~2) The waste specified in 35 Ill. Adm. Code 721.133 by the following EPA Hazardous Waste numbers are prohibited from underground injection:~~

~~P030  
P039  
P041  
P063  
P071  
P089  
P094  
P097  
U221  
U223~~

~~c) The wastes specified in 35 Ill. Adm. Code 271.131 by the following EPA Hazardous Waste numbers are prohibited from underground injection:~~

~~F008  
F009~~

~~d) Effective August 8, 1990, the wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:~~

~~K049  
K050  
K051  
K052  
K062  
K071  
K104~~

eb) Effective June 7, 1991, the wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number are prohibited from underground injection:

K016 (at concentrations ~~greater~~less than one percent)

fc) 1) Effective June 8, 1991, the wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste number are prohibited from underground injection:

F007

2) Effective June 8, 1991, the wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

K011 (nonwastewaters)  
K013 (nonwastewaters)

d) Effective May 8, 1992, the wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

K011 (wastewaters)  
K013 (wastewaters)  
K014

ge) The requirements of subsections (a) through (fd) do not apply:

- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728.Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or

- 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.14 (19890),  
~~as amended at 54 Fed. Reg. 35328, August 25, 1989.~~

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

Section 738.115 Waste Specific Prohibitions - Second Third Wastes

- ~~a) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number are prohibited from underground injection:~~

~~K025 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not those generated in the course of treating wastewater forms of these wastes)~~

- ba) 1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

F010  
 F024

- 2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

K009 (nonwastewaters)  
 K010  
K025 (wastewaters, and nonwastewaters generated by the process described in the waste listing description, and not those generated in the course of treating wastewater forms of these wastes)

K027  
 K028  
 K029 (wastewaters and nonwastewaters)  
 K038  
 K039  
 K040  
K041  
K042  
 K043

K095 (wastewaters and nonwastewaters)  
K096 (wastewaters and nonwastewaters)  
K097  
K098  
K105  
K113  
K114  
K115  
K116

- 3) The wastes specified in 35 Ill. Adm. Code 721.133 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

P002  
P003  
P007  
P008  
P014  
P026  
P027  
P029  
P040  
P043  
P044  
P049  
P054  
P057  
P060  
P062  
P066  
P067  
P072  
P074  
P085  
P098  
P104  
P106  
P107  
P111  
P112  
P113  
P114  
U002  
U003  
U005  
U008  
U011  
U014  
U015  
U020  
U021

U023  
U025  
U026  
U028  
U032  
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U047  
U049  
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U062  
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U073  
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U189  
U193  
U196  
U203  
U205  
U206  
U208  
U213  
U214  
U215  
U216  
U217  
U218  
U235  
U239  
U244

- eb) The wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste numbers are prohibited from underground injection pursuant to the treatment standards specified in 35 Ill. Adm. Code 728.141 and 728.143 applicable to F011 and F012 wastewaters and nonwastewaters:

F011 (nonwastewaters)  
 F012 (nonwastewaters)

- ec) Effective June 8, 1991, the wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number are prohibited from underground injection:

K009 (wastewaters)

- d) The requirements of subsections (a) through (c) do not apply:
- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728.Subpart D; or
  - 2) If an adjusted standard has been granted in response to a petition under Subpart C; or

- 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.15 (19890).

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

Section 738.116 Waste Specific Prohibitions - Third Third Wastes

~~a) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number are prohibited from underground injection:~~

~~K100 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not those generated in the course of treating wastewater forms of these wastes).~~

ba) 1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

F025  
F039 (nonwastewaters)

±2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

K002  
K003  
K005 (wastewaters and nonwastewaters)  
K006  
K007 (wastewaters and nonwastewaters)  
K023  
K026  
K032  
K033  
K034  
K093  
K094  
K100

±3) The wastes specified in 35 Ill. Adm. Code 721.133 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

P006



P009  
P013  
P017  
P021  
P022  
P023  
P024  
P028  
P031  
P033  
P034  
P038  
P042  
P045  
P046  
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U006  
U017  
U024  
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U030  
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U204

U207  
U222  
U225  
U234  
U236  
U240  
U243  
U246  
U247

- 4) The wastes specified in 35 Ill. Adm. Code 721.121 or 721.124 by characteristic alone and designated by the following EPA Hazardous Waste numbers are prohibited from underground injection:

D001  
D004  
D005  
D006  
D008  
D009 (wastewaters)  
D010  
D011  
D012  
D013  
D014  
D015  
D016  
D017

- b) Mixed radioactive/hazardous wastes in 35 Ill. Adm. Code 728.110, 728.111 and 728.112, which are mixed radioactive and hazardous wastes, are prohibited from underground injection.

- c) 1) Effective May 8, 1992, the wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste number are prohibited from underground injection:

F039 (nonwastewaters)

- 2) Effective May 8, 1992, the wastes specified in 35 Ill. Adm. Code 721.122, 721.123 or 721.124 as hazardous based on a characteristic alone and designated by the following EPA Hazardous Waste numbers are prohibited from underground injection:

D002 (wastewaters and nonwastewaters)  
D003 (wastewaters and nonwastewaters)  
D007 (wastewaters and nonwastewaters)  
D009 (nonwastewaters)

3) The effective date of subsections (c)(1) and (c)(2) do not apply to the wastes listed in Section 148.112(b) which are prohibited from underground injection effective August 8, 1990.

ed) The requirements of subsections (a) ~~and through~~ (bd) do not apply:

- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728.Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
- 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.16 (19890).

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