

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):

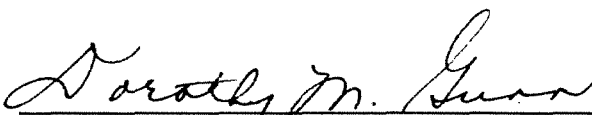
Pursuant to Sectio. 13(c) and 22.4(a) of the Environmental Protection Act (Act), the Board adopts amendments to the Underground Injection Control (UIC) regulations.

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 23rd 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~~

~~e) 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
U035
U047
U049
U057
U058
U059
U060
U062
U070
U073
U080
U083
U092
U093
U094
U095
U097
U098
U099
U101
U106
U107
U109
U110
U111
U114
U116
U119
U127
U128
U131
U135
U138
U140
U142
U143
U144
U146
U147
U149
U150
U161
U162
U163
U164
U165
U168

U169
U170
U172
U173
U174
U176
U178
U179
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
P047
P051
P056
P064
P065
P073
P075
P076
P077
P078
P088
P093
P095
P096
P099
P101
P103
P109
P116
P118
P119
P121
U001
U004
U006
U017
U024
U027
U030
U033
U034
U038
U039
U042
U045
U048
U052

U055
U056
U068
U069
U071
U072
U075
U076
U079
U081
U082
U084
U085
U087
U088
U090
U091
U096
U102
U112
U113
U117
U118
U120
U121
U123
U125
U126
U132
U136
U141
U145
U148
U152
U153
U156
U160
U166
U167
U181
U182
U183
U184
U186
U187
U190
U191
U194
U197
U201
U202
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)