

ILLINOIS POLLUTION CONTROL BOARD

December 19, 1996

IN THE MATTER OF: )  
 )  
PETITION OF ENVIRITE CORPORATION ) AS 94-10  
FOR AN ADJUSTED STANDARD FROM ) (RCRA Delisting)  
35 ILL. ADM. CODE 721 SUBPART D: )  
LIST OF HAZARDOUS SUBSTANCES, )  
APPENDIX I )

ORDER OF THE BOARD (by R.C. Flemal):

This matter is before the Board on an Additional Motion to Modify the Board's Order of November 7, 1996 filed by Envirite Corporation and Envirite of Illinois, Inc. Petitioners request two minor modifications, a name substitution and word modification.

The Board granted Envirite Corporation an adjusted standard on December 14, 1994 which was vacated and replaced by order of February 16, 1995. Thereafter Envirite Corporation filed a motion to reopen the docket and substitute Envirite of IL, Inc. for Envirite Corporation. The Board granted the motion on November 7, 1996. Subsequently Envirite Corporation and Envirite of IL, Inc. filed a motion to modify the effective date of the Board's November 7, 1996 order. The Board granted that motion on November 21, 1996.

In the instant filing Envirite Corporation and Envirite of Illinois, Inc. request that the Board change the name of the petitioner from Envirite of IL, Inc. to Envirite of Illinois, Inc. Petitioners submit the earlier filings were prior to the final reorganization and afterwards a determination was made, for consistency with other subsidiaries, to name the new corporation Envirite of Illinois, Inc. and not Envirite of IL, Inc. The Board hereby grants the name substitution to its November 7, 1996 order.

Next, petitioners request a change in the first unnumbered paragraph and first numbered paragraph of the Board's November 7, 1996 order. Changes to the first unnumbered paragraph relate to substituting Envirite of Illinois, Inc. The Board hereby grants the name modification. Petitioners' also request the language in the first numbered paragraph be modified to better reflect the effective date of the order. The language in the November 7, 1996 order stated "[t]his adjusted standard is effective as of November 7, 1996." Petitioners request the following new language: "[t]his adjusted standard is effective as of December 14, 1994, as modified by order of February 16, 1995 and by order of today's date, and is effective as to Envirite of Illinois, Inc., on and after January 1, 1997." The Board hereby grants petitioners modification to further clarify the effective date of the order.

ORDER

The Board hereby amends its November 7, 1996 order in this matter, and grants to Envirite of Illinois, Inc., as successor to Envirite Corporation, an adjusted standard from 35 Ill. Adm. Code 721 Subpart D for Envirite of Illinois, Inc.'s Harvey, Illinois, facility, for the processes and activities described in Envirite Corporation's Petition to Revise Adjusted Standard filed in this case. This adjusted standard is granted subject to the following conditions:

1. This adjusted standard is effective as of December 14, 1994, as modified by order of February 16, 1995 and by order of today's date, and is effective as to Envirite of Illinois, Inc., on and after January 1, 1997. It supersedes the site-specific rule adopted by the Board by order of June 30, 1988 and found at 35 Ill. Adm. Code 721. Appendix I.
2. This adjusted standard is provided for the following waste codes:

F006	F011	K003	K007
F007	F012	K004	K008
F008	F019	K005	K062
F009	K002	K006	

This adjusted standard is provided for disposal volumes of treatment residues up to 200,000 tons per year. Envirite of Illinois, Inc.'s treated residues are non-hazardous as defined in 35 Ill. Adm. Code 721, provided that the treatment residues meet the verification and testing requirements prescribed in paragraphs 3 and 4 listed below to ensure that hazardous constituents are not present in the treatment residues at levels of regulatory concern. The treatment residues will no longer be subject to regulation under 35 Ill. Adm. Code Parts 722-728 and the permitting standards of 35 Ill. Adm. Code 703. Such wastes shall be disposed of pursuant to the Board's non-hazardous landfill regulations found at 35 Ill. Adm. Code 810-815.

3. Verification and Testing.
  - a) Treatability Testing. Envirite of Illinois, Inc., shall verify through bench-scale treatability testing that each waste stream received can be treated to meet the delisting levels of paragraph 4 prior to the operation of full-scale treatment of that waste stream.
  - b) Testing of Treatment Residues for Inorganic Parameters. Envirite of Illinois, Inc., shall collect a representative grab sample of each treated batch and composite these samples together daily. These composite samples shall be analyzed for TCLP leachate concentrations for all the constituents listed in paragraphs 4(a) prior to disposal of the treated batch.

- c) Testing of Treatment Residues for Cyanide. Envirite of Illinois, Inc., shall collect a representative grab sample of each treated batch and composite these samples together daily. These composite samples shall be analyzed for leachable cyanide concentrations as described in paragraph 4(b).
- d) Testing of Treatment Residues for Organic Parameters. Envirite of Illinois, Inc., shall collect a representative grab sample of each treated batch and composite these samples together daily. These composite samples shall be analyzed for TCLP leachate concentrations for the organic constituents listed in paragraph 4(c).
- e) Additional Testing. Envirite of Illinois, Inc., shall collect a representative grab sample from each batch composite sample of treatment residue and prepare a monthly composite sample. This monthly composite sample shall be analyzed for the TCLP leachate concentrations for all the constituents listed at 40 C.F.R. Part 423 Appendix A (1991) except those numbered 089-113, 116, 118-119, 122, 124-125 and 129. Any compound which is found to be below detection limits for six months of continuous monthly testing shall be deleted from the monthly testing parameter list and shall instead be tested semi-annually. If the compound is detected in the semi-annual tests, it will again be tested monthly for six months as described above.
- f) All analyses shall be performed according to Third Edition SW-846 methodologies incorporated by reference in 35 Ill. Adm. Code 720.111. The analytical data shall be compiled and maintained on-site for a minimum of three years. These data must be furnished upon request and made available for inspection by any representative of the State of Illinois.

#### 4. Delisting Levels.

- a) The metal concentration in TCLP leachate from the treatment residue must not exceed the concentrations shown below. These delisting limits are the lower of:
  - i.) the RCRA BDAT Land Disposal Restriction limits for F006 treatment residues or,
  - ii.) the health-based-levels listed in the U.S. EPA MANUAL, "Petitions to Delist Hazardous Wastes - A Guidance Manual, Second Edition", multiplied by a dilution/attenuation factor (DAF) of 13.

Otherwise, such wastes shall be managed and disposed in accordance with 35 Ill. Adm. Code 703 and 722-728. The parameters to be analyzed and the delisting limits are as follows:

<u>Parameter</u>	<u>Delisting Level (mg/l)</u>
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Cadmium	0.065
Chromium	1.3
Lead	0.195
Nickel	0.32
Selenium	0.13

- b) Cyanide. Total leachate cyanide in distilled water extractions from the treatment of all listed wastes must not exceed 2.6 mg/l, otherwise such wastes shall be managed and disposed in accordance with 35 Ill. Adm. Code 703 and 722-728.
- c) Organic Parameters. For all residues produced from the treatment of listed wastes, the concentration in TCLP leachate of the organic compounds shown below must not exceed the health-based-levels listed in the U.S. EPA manual, "Petitions to Delist Hazardous Wastes - A Guidance Manual, Second Edition", multiplied by a dilution/attenuation factor (DAF) of 13. If the delisting levels for a batch are exceeded, a second composite sample of the same batch shall be prepared and analyzed within five days of the observed exceedance. If a second subsequent exceedance occurs, the batch shall be managed and disposed of in accordance with 35 Ill. Adm. Code 703 and 722-729. The parameters to be analyzed and the currently effective delisting limits are as follows:

<u>Parameter</u>	<u>Delisting Level (mg/l)</u>
Methylene Chloride	0.065
Tetrachloroethylene	0.065
Trichloroethylene	0.065

5. Data Submittal. All data must be submitted to the Manager of the Permit Section, Division of Land Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276 within the time period specified. Failure to submit the required data will be considered a failure to comply with the adjusted standard adopted herein and subject Envirite of Illinois, Inc., to an enforcement action initiated by the Agency. All data must be accompanied with the following certification statement:

Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Illinois Environmental Protection Act), I certify that the information contained in or accompanying this document is true, accurate and complete.

In the event that any of this information is determined by the Board in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to Envirite of Illinois, Inc., I recognize that this exclusion of wastes will be void as if it never had effect to the extent

directed by the Board and that Envirite of Illinois, Inc., will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion.

\_\_\_\_\_  
(Name of certifying person)

\_\_\_\_\_  
(Title of certifying person)

\_\_\_\_\_  
(Date)

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 1996 by a vote of \_\_\_\_\_.

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