

ILLINOIS POLLUTION CONTROL BOARD
June 30, 1988

IN THE MATTER OF:)
)
PETITION OF ENVIRITE CORPORATION) R87-30

ADOPTED RULE. FINAL ORDER

OPINION AND ORDER OF THE BOARD (by B. Forcade):

This matter comes before the Board on the August 17, 1987 petition for rulemaking of Envirite Corporation (hereinafter "Envirite"). That petition sought the addition of certain language to Table A and Table B of Appendix I of 35 Ill. Adm. Code 721 that would effectively "delist," or exclude, certain wastes defined as "hazardous wastes" under Sections 721.103, 721.131, and 721.132 of the Board's Resource Conservation and Recovery Act (hereinafter "RCRA") rules. See 35 Ill. Adm. Code 702.110 & 720.110 (1988). The federal rule upon which it is based was adopted by the United States Environmental Protection Agency (hereinafter "USEPA") on November 14, 1986. 51 Fed. Reg. 41,323 (Nov. 14, 1986). The Board adopted the proposed rule and published it for public comment by its Opinion and Order of January 7, 1988. See Ill. Rev. Stat. ch. 111-1/2, par. 1022.4 & ch. 127, par. 1005.01(a) (1988). The text of the proposed rule appeared in Volume 12, Issue 6 of the Illinois Register at page 3211 on February 5, 1988.

The statutory first notice public comment period ended on March 21, 1988, but the Board delayed this present action pending the comments of USEPA (May 4, 1988) and the Illinois Environmental Protection Agency (June 13, 1988; hereinafter "Agency"). The Board also received public comments from Envirite (February 2, 1988) and the negative declaration of the Department of Commerce and Community Affairs (March 29, 1988). See Ill. Rev. Stat. ch. 127, par. 1004.03 (1988). The Board now considers these public comments and adopts the final rule with certain non-substantive revisions from the rule as originally proposed and published in the Illinois Register.

I. Public Comments on the Proposed Rule

The Board invited comments as to certain aspects of the proposed rule by its January 7, 1988 Opinion and Order. Discussion of the comments received to each of the five inquiries and the general comments follows.

The first inquiry related to Condition No. 4 of Tables A and B. It requested comment as to how the Board should reference the "priority pollutant list" published in the Federal Register at 47

Fed. Reg. 52,309 (Nov. 19, 1982). The first option is for the Board to use the current language of the proposed rule, "the remaining organics on the priority pollutant list. (See 47 FR 52309 November 19, 1982, for a list of the priority pollutants.)" The other option is to delete the referential parenthetical and amend Section 720.111 of the RCRA rules to define "priority pollutant list" as "the list of pollutants defined by USEPA as 'priority pollutants' at 47 Fed. Reg. 52.309 (Nov. 19, 1982). ..."

The comments received support the first option as it appears in the proposed rule. USEPA believes that either option is acceptable. Envirite pointed out that amendment of Section 720.111 to exercise the second option would require additional time for second first notice republication of an amended proposed rule in the Illinois Register. Although the Board agrees that such delay is undesirable, it does not agree with Envirite's implied conclusion that the delay would "create a potential for ... inconsistent state and federal requirements" as such might present a problem for the state's RCRA program. The Board agrees that updating the reference to the priority pollutant list to reflect any future federal revisions is facilitated if the Board retains the federal language, which currently appears in the rule as proposed. The Agency's comments support this conclusion that retaining the proposed language would provide "an appropriate and flexible mechanism" to minimize any future delay in amending the state reference to reflect federal revisions.

The proposed language is supported by the public comments received. The Board, however, will modify the citation format.

The second, third, and fourth Board inquiries regarded certain changes from the federal language proposed by Envirite to Condition No. 5. The condition relates to the retention of monitoring data and withdrawal or modification of the exclusion. These non-substantive changes attempted to comport the language of the federal rule to the state system and to clarify the direction in which certain actions are directed. They included a provision for prompt notice to the Board if USEPA should decide to modify or withdraw the exclusion. The second inquiry requested comment whether data submissions should be made to USEPA, to the Agency, or to both. The third inquiry invited comment as to whether the state, USEPA or both had authority to modify or withdraw the exclusion. The fourth questioned whether USEPA should notify the Agency, the Board, or both if it decides to modify or withdraw the exclusion.

The comments responding to the second inquiry indicate that the Board does not need to amend the proposed language that would require Envirite to maintain monitoring data at its facility and periodically summarize and submit it to USEPA. USEPA generally comments that the proposed language is consistent with the

federal language, but more specifically, that Envirite should forward the data summaries to both USEPA and the Agency. Envirite comments that although it is willing to submit the summaries to the Agency, this is not necessary, and the rule should not require it. The original delisting action was federal, so the Board lacks authority to modify or withdraw that rule. The Board could only modify or withdraw the state counterpart, and it is possibly most expedient to do so in response to a similar federal action. The Agency has not commented that the Board should modify the proposed rule so that it would require submittal of the monitoring data and summaries to the Agency, and the Board believes such a modification is unwarranted. The Board will not modify the proposed rule in this regard.

The comments on the third inquiry also indicate no need for revision of the proposed rule as it would relate to the authority to withdraw or modify the exclusion. USEPA comments that the Board may withdraw or modify its exclusion so long as the resulting rule is equivalent to or more stringent than the federal rule. Envirite reiterates this position with the added comment that increased stringency might produce inconsistency with the federal RCRA program. The Agency makes no direct comment in this regard. The Board has already observed that such "inconsistency" would present no problem for the state RCRA program. However, the Board sees no reason to revise the language of Condition No. 5 regarding USEPA modification or withdrawal of the exclusion to make explicit the Board's authority to modify or withdraw its version.

Minor change to Condition No. 5 is justified by comments responding to the fourth inquiry relating to notice of a federal action to modify or withdraw the federal exclusion. USEPA comments that upon federal withdrawal or modification, the Board must follow through to maintain its equivalency with the federal system. USEPA felt it appropriate that it notify the Board and the Agency when it withdraws or modifies the federal exclusion. Envirite points out that any federal action would result in Federal Register publication of the revision, but the Board has no authority to compel direct notice from USEPA. Envirite states that it added language to Condition No. 5 in the proposed rule that would require Envirite notice to the Board: "Should USEPA propose to modify or withdraw the exclusion, notice thereof shall be provided promptly to the Board." The Agency would render this more explicit by adding the words, "by Envirite," after the word, "provided," The Board adopts the Agency proposal to clarify Envirite's intent, with only minor, non-substantive grammatical modification. The above-quoted portion of Condition No. 5 shall appear in both Table A and Table B as follows: "Should USEPA propose to modify or withdraw the exclusion, Envirite shall promptly provide notice thereof to the Board."

The comments received in response to inquiry five also prompt non-substantive modification of the proposed rule. Condition No 3 in Table A reads in part, "phenol exceeds 1.566 ppm," whereas Condition No. 3 in Table B reads in parallel part, "phenol exceeds 1566 ppm." The comments are unanimous: Condition No. 3 should read in both tables in significant part, "phenol exceeds 1,566 ppm." The Board will therefore modify both tables to adopt this corrected language.

No additional comments would modify any other portion of the proposed rule. Envirite and the Agency are generally supportive of the rule. USEPA finds it acceptable. The Board agrees. However, the Board will unilaterally adopt a small number of corrections to typographic and stylistic errors in the proposed rule. These unilateral Board changes are to the language as originally proposed by Envirite, which the Board originally adopted as a proposed rule without revision.

Correction of the typographic and stylistic errors does not effect a substantive change in the language of the proposed rule. The words, "Dewatered waste water sludges," in the main body of the exclusion in Table A should have read, "Dewatered wastewater sludges," so the Board adopts this change to comport with the language of the federal rule. The words, "Spent pickle liquor," in the main body of the exclusion in Table B should have read, "Spent pickle liquor," so this change is similarly adopted. Similarly, the portion reading "selenium, silver, mercury and nickel" is corrected to read "selenium, silver, mercury, and nickel"; the portion reading "chromium, lead, arsenic and silver" is corrected to read "chromium, lead, arsenic, and silver"; and the portion reading "retreated or managed" is corrected to read "re-treated or managed" in Condition No. 1 and Condition No. 2 of both Table A and Table B. A similar correction is also made to Condition No. 5 of both Table A and Table B, where they read "evaporative recovery and ion exchange." The language shall read "evaporative recovery, and ion exchange." The final typographic change to comport with the language of the federal rule is to Condition No. 3 of Table A, which reads "tetrachloroethylene exceeds 0.186 ppm." This is corrected to read "tetrachloroethylene exceeds 0.188 ppm." See 40 CFR Part 261, App. IX Table 1 (1988).

Another non-substantive, technical correction relates to the format of the citation in the incorporation by reference in Condition No. 4 in Table A and Table B. That citation is to the Federal Register adoption of the "priority pollutant list," which was a revision to Title 40, Part 423 of the Code of Federal Regulations. This citation format appears to be more appropriate and consistent with the Illinois Administrative Procedure Act, Section 6.02(a), Ill. Rev. Stat. ch. 127, par. 1006.02(a) (1987).

For these reasons, the references to the priority pollutant list in Condition No. 4 of Table A and Table B are revised to read in pertinent part as follows: "organics on the Priority Pollutant List (incorporated by reference, see 40 CFR 423 App. A (1983) (as adopted at 47 Fed. Reg. 52,309 (Nov. 19, 1982)) not including later amendments)."

The final non-substantive changes are to comport with the Illinois Administrative Code format. These are to Condition No. 1, Condition No. 2, and Condition No. 3 of both Table A and Table B. Where these currently read "35 Ill. Adm. Code Parts . . .," they will read "35 Ill. Adm. Code" See 1 Ill. Adm. Code 100.370(b) (1987).

II. Adopted Non-Substantive Revisions

The Board will adopt as a final rule the rule as originally proposed and published in the Illinois Register, with only the following minor, non-substantive modifications:

Table A, Main Body of the Exclusion:

The portion reading "Dewatered waste water sludges" shall read "Dewatered wastewater sludges."

Table B, Main Body of Exclusion:

The portion reading "Spent pickle liquor" shall read "Spent pickle liquor."

Table A, Condition No. 1 and Table B, Condition No. 1:

The portion reading "selenium, silver, mercury and nickel" shall read "selenium, silver, mercury, and nickel"; the portion reading "retreated or managed" shall read "re-treated or managed"; the portion reading "35 Ill. Adm. Code Parts 722 to 725" shall read "35 Ill. Adm. Code 722 to 725"; and the portion reading "35 Ill. Adm. Code Parts 702, 703 and 705" shall read "35 Ill. Adm. Code 702, 703, and 705."

Table A, Condition No. 2 and Table B, Condition No. 2:

The portion reading "retreated or managed" shall read "re-treated or managed." The portion reading "35 Ill. Adm. Code Parts 722 to 725" shall read "35 Ill. Adm. Code 722 to 725"; and the portion reading "35 Ill. Adm. Code Parts 702, 703 and 705" shall read "35 Ill. Adm. Code 702, 703, and 705."

Table A, Condition No. 3:

The portion reading "phenol exceeds 1.566 ppm, tetrachloroethylene exceeds 0.186 ppm" shall read "phenol exceeds 1,566 ppm, tetrachloroethylene exceeds 0.188 ppm"; and the portion reading "35 Ill. Adm. Code Parts 702, 703 and 705" shall read "35 Ill. Adm. Code 702, 703, and 705."

Table B, Condition No. 3:

The portion reading "phenol exceeds 1566 ppm," shall read "phenol exceeds 1,566 ppm"; and the portion reading "35 Ill. Adm. Code Parts 702, 703 and 705" shall read "35 Ill. Adm. Code 702, 703, and 705."

Table A, Condition No. 4 and Table B, Condition No. 4:

The portion reading "organics on the priority pollutant list. (See 47 FR 52309, November 19, 1982, for a list of the priority pollutants.)" shall read "organics on the Priority Pollutant List (incorporated by reference, see 40 CFR 423 App.A (1983) (as adopted at 47 Fed. Reg. 52,309 (Nov. 19, 1982)), not including later amendments)."

Table A, Condition No. 5 and Table B, Condition No. 5:

The portion reading "compiled, summarized and submitted" shall read "compiled, summarized, and submitted"; the portion reading "notice thereof shall be provided promptly to the Board" shall read "Envirite shall promptly provide notice thereof to the Board"; and the portion reading "evaporative recovery and ion exchange" shall read "evaporative recovery, and ion exchange."

ORDER

The following final amendments to 35 Ill. Adm. Code 721. Appendix I are adopted as final rules and submitted for publication in the Illinois Register. If convenient, the Clerk of the Board may file this rulemaking with R87-39, RCRA Update, for purposes of publication.

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 of 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

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	Characteristics of Ignitability
721.122	Characteristics of Corrosivity
721.123	Characteristics of Reactivity
721.124	Characteristics of EP Toxicity

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

Appendix A	Representative Sampling Methods
Appendix B	EP Toxicity Test Procedures
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)
Appendix G	Basis for Listing Hazardous Wastes
Appendix H	Hazardous Constituents
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
Appendix J	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans
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. 1985, ch. 111 1/2, 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 _____ Ill. Reg. _____, effective _____.

Section 721.Appendix I Wastes Excluded under Section
720.120 and 720.122

Table A Wastes Excluded From Non-Specific Sources

Facility Address	Waste Description
<u>Envirite Corp.</u> <u>Harvey, Illinois</u>	<u>Dewatered wastewater sludges (EPA Hazardous Waste NO. F006) generated from electroplating operations; spent cyanide plating solutions (EPA Hazardous Waste No. F007) generated from electroplating operations; plating bath residues from the bottom of plating baths (EPA Hazardous Waste No. F008) generated from electroplating operations where cyanides are used in the process; spent stripping and cleaning bath solutions (EPA Hazardous Waste No. F009) generated from electroplating operations where cyanides are used in the process; spent cyanide solutions from salt bath pot cleaning (EPA Hazardous Waste No. F011) generated from metal heat treating operations; quenching wastewater treatment sludges (EPA Hazardous Waste No. F012) generated from metal heat treating where cyanides are used in the process; wastewater treatment sludges (EPA Hazardous Waste No. F019) generated from the chemical conversion coating of aluminum after November 14, 1986. To ensure that hazardous constituents are not present in the waste at levels of</u>

regulatory concern, the facility must implement a contingency testing program for the petitioned wastes. This testing program must meet the following conditions for the exclusions to be valid:

- 1) Each batch of treatment residue must be representatively sampled and tested using the EP Toxicity test for arsenic, barium, cadmium, chromium, lead, selenium, silver, mercury, and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium exceed 0.063 ppm; mercury exceeds 0.0126 ppm; or nickel levels exceed 2.205 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 35 Ill. Adm. Code 722 to 725 and the permitting standards of 35 Ill. Adm. Code 702, 703, and 705.

- 2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm or leachable cyanide levels (using the EP Toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 35 Ill. Adm. Code 722 to 725 and the permitting standards of 35 Ill. Adm. Code 702, 703, and 705.

- 3) Each batch of waste must be tested for the total content of specific organic toxicants. If the total content of anthracene exceeds 76.8 ppm, 1,2-diphenyl hydrazine exceeds 0.001 ppm, methylene chloride exceeds 8.18 ppm, methyl ethyl ketone exceeds 326 ppm, n-nitrosodiphenylamine exceeds 11.9 ppm, phenol exceeds 1,566 ppm, tetrachloroethylene exceeds 0.188 ppm, or trichloroethylene exceeds 0.592 ppm, the waste must be managed and disposed as a hazardous waste under 35 Ill. Adm. Code 722 to 725 and the permitting standards of 35 Ill. Adm. Code 702, 703, and 705.

- 4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using gas chromatography, mass spectrometry analysis for the compounds listed in No.3 above as well as the remaining organics on the Priority Pollutant List (incorporated by reference, see 40 CFR 423 App. A (1983) (as adopted at 47 Fed. Reg. 52,309 (Nov. 19, 1982)), not including later amendments).

- 5) The data from conditions 1-4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Administrator of USEPA by certified mail semi-annually. The USEPA will review this information and if needed will propose to modify or withdraw the exclusion. Should USEPA propose to modify or withdraw the exclusion, Envirite shall promptly provide notice thereof to the Board. The decision to conditionally exclude the treatment residue generated from the wastewater treatment systems at Envirite's Harvey, Illinois facility applies only to the wastewater and solids treatment systems as they presently exist as described in the delisting petition submitted to the USEPA. The exclusion does not apply to the proposed process additions described in the petition submitted to USEPA as recovery including crystallization, electrolytic metals recovery, evaporative recovery, and ion exchange.

(Source: Amended at ___ Ill. Reg. _____, effective _____)

Table B Wastes Excluded From Specific Sources

Facility Address	Waste Description
Amoco Oil Company Wood River, Illinois	150 million gallons of DAF float from petroleum refining contained in four surge ponds after treatment with the Chemfix stabilization process. This exclusion applies to the 150 million gallons of waste

after chemical stabilization as long as the mixing ratios of the reagent with the waste are monitored continuously and do not vary outside of the limits presented in the demonstration samples; one grab sample is taken each hour from each treatment unit, composited, and EP toxicity tests performed on each sample. If the levels of lead or total chromium exceed 0.5 ppm in the EP extract, then the waste that was processed during the compositing period is considered hazardous; the treatment residue shall be pumped into bermed cells to ensure that the waste is identifiable in the event that removal is necessary.

Envirite Corp.
Harvey, Illinois

Spent pickle liquor (EPA Hazardous Waste No. K062) generated from steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332); wastewater treatment sludge (EPA Hazardous Waste No. K002) generated from the production of chrome yellow and orange pigments; wastewater treatment sludge (EPA Hazardous Waste No. K003) generated from the production of molybdate orange pigments; wastewater treatment sludge (EPA Hazardous Waste No. K004) generated from the production of zinc yellow pigments; wastewater treatment sludge (EPA Hazardous Waste No. K005) generated from the production of chrome green pigments; wastewater treatment sludge (EPA Hazardous Waste No. K006) generated from the production of chrome oxide green pigments (anhydrous and hydrated); wastewater treatment sludge (EPA Hazardous Waste No. K007) generated from the production of iron blue pigments; oven residues (EPA Hazardous Waste No. K008) generated from the production of chrome oxide green pigments after November 14, 1986. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern, the facility must implement a contingency testing program for the petitioned wastes. This testing program must meet the following conditions for the exclusions to be valid:

- 1) Each batch of treatment residue must be representatively sampled and tested

using the EP Toxicity test for arsenic, barium, cadmium, chromium, lead, selenium, silver, mercury, and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium exceed 0.063 ppm; mercury exceeds 0.0126 ppm; or nickel levels exceed 2.205 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 35 Ill. Adm. Code 722 to 725 and the permitting standards of 35 Ill. Adm. Code 702, 703, and 705.

- 2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm; or leachable cyanide levels (using the EP Toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as hazardous waste under 35 Ill. Adm. Code 722 to 725 and the permitting standards of 35 Ill. Adm. Code 702, 703, and 705.
- 3) Each batch of waste must be tested for the total content of specific organic toxicants. If the total content of anthracene exceeds 76.8 ppm, 1,2-diphenyl hydrazine exceeds 0.001 ppm, methylene chloride exceeds 8.18 ppm, methyl ethyl ketone exceeds 326 ppm, n-nitrosodiphenylamine exceeds 11.9 ppm, phenol exceeds 1,566 ppm, tetrachloroethylene exceeds 0.188 ppm, or trichloroethylene exceeds 0.592 ppm, the waste must be managed and disposed as a hazardous waste under 35 Ill. Adm. Code 722 to 725 and the permitting standards of 35 Ill. Adm. Code 702, 703, and 705.
- 4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using gas chromatography, mass spectrometry analysis for the compounds listed in No. 3 above as well as the remaining organics on the Priority Pollutant List (incorporated by reference, see 40 CFR 423 App. A (1983))

(as adopted at 47 Fed. Reg. 52,309 (Nov. 19, 1982)), not including later amendments).

5) The data from conditions 1-4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the USEPA Administrator by certified mail semi-annually. The USEPA will review this information and if needed will propose to modify or withdraw the exclusion. Should USEPA propose to modify or withdraw the exclusion, Envirote shall promptly provide notice thereof to the Board. The decision to conditionally exclude the treatment residue generated from the wastewater treatment systems at Envirote's Harvey, Illinois facility applies only to the wastewater and solids treatment systems as they presently exist as described in the delisting petition submitted to the USEPA. The exclusion does not apply to the proposed process additions described in the petition submitted to USEPA as recovery, including crystallization, electrolytic metals recovery, evaporative recovery, and ion exchange.

(Source: Amended at ___ Ill. Reg. _____, effective _____)

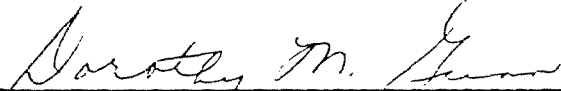
Table C Wastes Excluded From Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

Facility Address	Waste Description
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(Source: Former Appendix I, Table C Repealed at 10 Ill. Reg. 998, effective January 2, 1986; new Appendix I, Table C adopted 10 Ill. Reg. 8112, effective May 2, 1986)

IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 30th day of June, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board