ILLINOIS POLLUTION CONTROL BOARD
January 7, 1988

IN THE MATTER OF:)
)
PETITION OF ENVIRITE CORPORATION) R 87-30

PROPOSED RULE. PUBLICATION FOR PUBLIC COMMENT

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

This matter comes before the Board on an August 17, 1987 regulatory proposal by Envirite Corporation ("Envirite") to exclude from regulation as a hazardous waste a treated waste residue at its Harvey, Illinois facility. On November 14, 1986, this proposal to delist the waste residue in question was granted by the United States Environmental Protection Agency ("USEPA") and is published at 51 Fed. Reg. 41323. Under these federal regulations, the waste identified in the Board's proposed amendment to 35 Ill. Adm. Code 721.Appendix I is excluded from hazardous waste status. This delisting appears to be necessary to the Illinois program.

Pursuant to Section 22.4(a) of the Illinois Environmental Protection Act ("Act"), the Board proposes to amend RCRA regulations and is providing notice in the Illinois Register for public comment, pursuant to 35 Ill. Adm. Code 102.103. This proposed amendment provides an exclusion for Envirite's treated waste that is intended to be identical in substance to the exclusion adopted by USEPA on November 14, 1986. Interpretation of the proposed amendment shall be governed by the preamble to the final rule adopted on November 14, 1986 by the USEPA and published at 51 Fed. Reg. 41323. The Board will place the exclusion in Appendix I, rather than Appendix J as proposed by Envirite, because Appendix I has already been designated as the appropriate location in R85-22.

Pursuant to Section 22.4(a) of the Act, the provisions and requirements of Title VII of the Act shall not apply to this regulatory proposal. In addition, Section 5 of the Illinois Administrative Procedure Act shall not apply to this proposed amendment.

In Condition No. 4 for both Tables A and B, a reference is made to a priority pollutant list. Should the Board refrence the priority pollutant list published in the Federal Register on November 19, 1982 at 47 Fed. Reg. 52309, or should the Board reference the "priority pollutant list", and then define "priority pollutant list" as 47 FR 52309 dated November 19, 1982 in 35 Ill. Adm. Code Section 720.111, which is subject to periodic revision? USEPA, the Illinois Environmental Protection

Agency ("Agency") and Envirite are requested to comment on this issue.

In Condition No. 5 for both Tables A and B, Envirite had suggested changes from the rule as published in the Federal Register. With the exception of the deletion of a six-month delay in organics testing and Board notification by USEPA, the Board finds these changes to be substantive in nature. Therefore, the Board has published Condition No. 5 of Tables A and B, except as noted above, as found in the Federal Register, rather than as provided by Envirite to the Board. USEPA, the Agency and Envirite are requested to comment on the following:

1. Should Envirite send the data to USEPA, the Agency, or both?

2. Who has the authority to modify or withdraw the exclusion - USEPA, the State of Illinois, or both?

3. If USEPA decides to modify or withdraw the exclusion, should USEPA notify the Agency, the Board, or both?

The Board also noted a discrepancy between tables A and B in the not-to-exceed value for phenol in condition (3). In reviewing the Federal Register, it appears to be listed as 1.566 ppm and 1,566 ppm. The Board requests clarification of this issue from USEPA.

ORDER

The following proposed amendments to 35 Ill. Adm. Code 721.Appendix I are submitted for publication in the Illinois Register for public comment:

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

SUPBART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

SUBPART D: LISTS OF HAZARDOUS WASTE

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. _____, effective _____; amended in R87-26 at _____ Ill. Reg. _____, effective _____; 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
Envirite Corp. Harvey, Illinois	Dewatered waste water 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 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 retreated or managed and disposed as a hazardous waste under 35 Ill. Adm. Code Parts 722 to 725 and the permitting standards of 35 Ill. Adm. Code Parts 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 retreated or managed and disposed as a hazardous waste under 35 Ill. Adm. Code Parts 722 to 725 and the permitting standards of 35 Ill. Adm. Code Parts 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 0.186 ppm, or trichloroethylene exceeds 0.592 ppm, the

waste must be managed and disposed as a hazardous waste under 35 Ill. Adm. Code Parts 722 to 725 and the permitting standards of 35 Ill. Adm. Code Parts 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 #3 above as well as the remaining organics on the priority pollutant list. (See 47 FR 52309 November 19, 1982, for a list of the priority pollutants.)

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, notice thereof shall be provided promptly 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 crystalization, 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, Ilinois	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 pickel 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 retreated or managed and disposed as a hazardous waste under 35 Ill. Adm. Code Parts 722 to 725 and the permitting standards of 35 Ill. Adm. Code Parts 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 retreated or managed and disposed as hazardous waste under 35 Ill. Adm. Code Parts 722 to 725 and the permitting standards of 35 Ill. Adm. Code Parts 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 1566 ppm, tetrachloro-ethylene 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 Parts 722 to 725 and the permitting standards of 35 Ill. Adm. Code Parts 702, 703 and 705.

4) A grab sample must be collected from each batch to form one monthly com-

posite sample which must be tested using gas chromatography, mass spectrometry analysis for the compounds listed in #3 above as well as the remaining organics on the priority pollutant list. (See 47 FR 52309, November 19, 1982, for a list of the priority pollutants.)

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, notice thereof shall be provided promptly 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 crystalization, 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

(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 14 day of January, 1988, by a vote of 6-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board