

ILLINOIS POLLUTION CONTROL BOARD  
June 27, 1985

IN THE MATTER OF: )  
 )  
RCRA AND UIC UPDATE ) R84-9

ORDER OF THE BOARD (by J. Anderson):

On June 26, 1985 the Illinois Environmental Protection Agency (Agency) filed a motion to reconsider the Board's Order of June 13, 1985 adopting the RCRA and UIC update amendments. The Agency asked the Board to delete from Sections 724.414, 724.416, 725.414 and 725.416 language contained in the June 13 Order: "This Section has been superseded by 35 Ill. Adm. Code 729." The Agency contended that these provisions rendered the Illinois RCRA program not equivalent to the Federal RCRA program so that USEPA might find Illinois ineligible to receive final authorization under RCRA. The Board notes that on July 12, 1985, a hearing on Illinois' RCRA authorization application has been scheduled. The motion to modify is granted.

In R83-28 the Board adopted restrictions on the landfilling of liquid hazardous waste (Order of December 20, 1984, Opinion of January 10, 1985). The Illinois liquid ban was mandated by Section 22.6 of the Act. Pursuant to Section 22.4(b) the Board determined that the Illinois liquid ban was more stringent than the RCRA liquid bans in Sections 724.414, 724.416, 725.414 and 725.416. However, the Board left the RCRA language alone in the amendment process.

The RCRA liquid ban can be summarized as follows. Bulk liquids can be placed in landfills with a double liner and leachate collection system. Otherwise, liquids must be mixed with sufficient absorbent to pass the paint filter test. There are exceptions for ampules, batteries and wastes in labpacks.

The Illinois liquid ban requires that liquid hazardous wastes be solidified, which means they must pass the penetrometer test as well as the paint filter test. Only labwastes and non-periodic wastes can be landfilled as liquids in labpacks.

The Agency is allowed to approve the landfilling of unsolidified liquids only after the operator demonstrates that, considering current technological feasibility and economic reasonableness, the waste cannot be solidified, treated or recycled. Under Section 709.520(c) the Agency must require the addition of absorbents to such wastes pursuant to Sections 724.414 or 725.414. Direct landfilling of free liquids is banned even with respect to landfills with a double liner and leachate collection.

To summarize, the RCRA liquid ban applies only to those wastes which pass through the Illinois ban pursuant to the technology and economics showing. Even then Section 709.520(c) requires the Agency to apply the portion of the RCRA liquid ban requiring absorbents, and rules out direct landfilling of bulk liquids in landfills with a double liner and leachate collection.

The Illinois liquid ban superseded the RCRA liquid ban automatically when the Board adopted it. In R84-9 the Agency asked the Board to make a technical correction to Section 725.416. If the Board had made the correction without mentioning the liquid ban, the RCRA liquid ban would have superseded the Illinois liquid ban. This would have been contrary to Section 22.6 of the Act. To avoid this result, the Board referenced the Illinois liquid ban in all four RCRA ban Sections.

There are three ways to proceed. The Board could repeal the "superseded" language and allow the Agency to determine which ban is more stringent in each case. The Board could adopt language more fully stating the relationship of the two bans. Or, the Board could leave the rules alone and adopt a supplemental Opinion.

The Board finds the Agency's motion to strike the "superseding" language unacceptable since it gives the Agency case-by-case discretion the Board did not intend. The Board determined that the Illinois liquid ban was more stringent in R83-28, which the Board notes was adopted pursuant to Section 22.4(b) of the Act.

Although the Board believes that the Agency has misperceived the rules as written, the Board agrees that the language at issue should be re-worded for better understanding, thus avoiding any future interpretative problems with these complex, intertwined regulations.

Therefore, the Board is amending Sections 724.414, 424.416, 725.414 and 725.416 to read as follows:

Section 724.414 Special Requirements for Liquid Waste

- a) Bulk or non-containerized liquid waste or waste containing free liquids must not be placed in a landfill unless:
  - 1) The landfill has a liner and leachate collection and removal system that meet the requirement of Section 724.401(a); or
  - 2) Before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with an absorbent solid), so that free liquids are no longer present.

- b) Containers holding free liquids must not be placed in a landfill unless:
- 1) All free-standing liquid:
    - A) has been removed by decanting or other methods;
    - B) has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or
    - C) has been otherwise eliminated; or
  - 2) The container is very small, such as an ampule; or
  - 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
  - 4) The container is a lab pack as defined in Section 724.416 and is disposed of in accordance with Section 724.416.

c) Disposal of liquid wastes or wastes containing free liquids otherwise allowed under this Section must be authorized pursuant to 35 Ill. Adm. Code 709.401(a). As required by 35 Ill. Adm. Code 709.520(c), the Agency must require the addition of absorbents to any such waste, any provision of this Section notwithstanding.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

- a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by or be ignited by the contained waste. Inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178 and 179), if those regulations specify a particular inside container for the waste.

- b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material to completely absorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material.
- c) In accordance with Section 724.117(b), the absorbent material used must not be capable of reacting dangerously with, being decomposed by or being ignited by the contents of the inside containers.
- d) Incompatible wastes, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with paragraphs (a) through (d). Cyanide- and sulfide-bearing reactive waste may be packed in accordance with paragraphs (a) through (d) without first being treated or rendered non-reactive.
- f) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 725.414 Special Requirements for Liquid Waste

- a) Bulk or non-containerized liquid waste or waste containing free liquids must not be placed in a landfill unless:
  - 1) The landfill has a liner and leachate collection and removal system that meet the requirement 35 Ill. Adm. Code Section 724.401(a); or
  - 2) Before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with an absorbent solid), so that free liquids are no longer present.
- b) Containers holding free liquids must not be placed in a landfill unless:

- 1) All free-standing liquid:
  - A) Has been removed by decanting, or other methods; or
  - B) Has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or
  - C) Has been otherwise eliminated; or
- 2) The container is very small, such as an ampule; or
- 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
- 4) The container is a lab pack as defined in Section 724.416 and is disposed of in accordance with Section 724.416.

c) Disposal of liquid wastes or wastes containing free liquids otherwise allowed under this Section must be authorized pursuant to 35 Ill. Adm. Code 709.401(a). As required by 35 Ill. Adm. Code 709.520(c), the Agency must require the addition of absorbents to any such waste, any provision of this Section notwithstanding.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

- a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by or be ignited by the waste held therein. Inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178 and 179), if those regulations specify a particular inside container for the waste.
- b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material to completely absorb all of the

liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material.

- c) The absorbent material used must not be capable of reacting dangerously with, being decomposed by or being ignited by the contents of the inside containers, in accordance with Section 725.117(b).
- d) Incompatible wastes, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with paragraphs (a) through (d) of this Section. Cyanide- and sulfide-bearing reactive waste may be packed in accordance with paragraphs (a) through (d) without first being treated or rendered non-reactive.
- f) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

IT IS SO ORDERED.

Bill Forcade and J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 27<sup>th</sup> day of June, 1985 by a vote of 4-2.

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