

ILLINOIS POLLUTION CONTROL BOARD
November 8, 1984

IN THE MATTER OF:)
)
DEFINITION OF LIQUID HAZARDOUS) R83-28B
WASTE (Temporary and Permanent)
Rules))

PROPOSED RULE. SECOND NOTICE
PROPOSED ORDER OF THE BOARD (by J. Marlin):

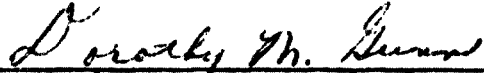
On June 29, 1984 the Board adopted emergency rules which implemented provisions of Section 22.6 of the Environmental Protection Act and which restrict disposal of liquid hazardous waste. The emergency rules were filed and effective on July 5, 1984 (8 Ill. Reg. 12668 and 12678, July 13, 1984). At the same time the Board proposed to adopt the emergency rules as regular rules (8 Ill. Reg. 11997, 12000). The Board opened Docket R83-28B for the purpose of adopting the regular rules. On July 19, 1984 the Board adopted a Final Opinion supporting the emergency rules, and a Proposed Opinion supporting the first notice rules. On August 30, 1984 the Board conducted an additional public hearing on the first notice proposal. The extended comment period expired on September 28, 1984. It appears that an economic impact study and hearings cannot be completed in time for Board action prior to expiration of the emergency rules. The Board will send the proposal to second notice. The Board has modified the proposal in response to testimony received at the public hearing and to the written comments. The modified text is attached to this Order. Striking and underlining in 35 Ill. Adm. Code 729 refer to the Board's Order of October 25, 1984 in R81-25.

The Board will adopt a supporting Opinion at a later date. Because of its length, this Second Notice Order will not appear in the Board's Opinion volumes, but will be distributed to participants.

IT IS SO ORDERED.

Board Member B. Forcade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 8th day of November, 1984 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 b: PERMITS**

**PART 709
WASTESTREAM AUTHORIZATIONS**

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AUTHORITY: Implementing Section 22.6 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1022.6 and 1027).

SOURCE: Emergency rule adopted in R83-28A at 8 Ill. Reg. 12678, effective July 5, 1984, for a maximum of 150 days; adopted in R83-28B at 8 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 709.102 Definitions

The definitions of 35 Ill. Adm. Code 729.301 apply to this Part, in addition to the following terms:

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1001)

"Agency" means the Illinois Environmental Protection Agency

"Board" means the Illinois Pollution Control Board

"Hazardous wastestream" means a "wastestream" which includes a "hazardous waste"

"Wastestream" means a "solid waste" as defined in 35 Ill. Adm. Code 721, which is routinely or periodically produced by a certain generator as a result of a certain activity, production process or treatment process. The Agency may issue multiple wastestream authorizations for a single wastestream, each identifying a different disposer or disposal method. The Agency may allow the combination of wastestreams into a single wastestream if such combination does not limit the possibilities for treatment, recycling or disposal of the wastes.

Section 709.103 Deemed-issued Wastestream Authorizations

- a) If prior to July 5, 1984 the Agency issued a supplemental permit pursuant to 35 Ill. Adm. Code 807.210 for a residual from the treatment of liquid hazardous waste, and such supplemental permit is valid, such supplemental permit shall be deemed a wastestream authorization until such time as the Agency grants or denies a wastestream authorization, provided:
 - 1) the residual meets one of the standards in 35 Ill. Adm. Code 729.310(b); and,
 - 2) such person submitted an application, pursuant to Section 709.301, for a wastestream authorization to the Agency by September 7, 1984.
- b) A supplemental permit shall cease to be deemed a wastestream authorization:

- 1) On September 7, 1984, unless an application for a wastestream authorization has been received by the Agency; or,
- 2) When the Agency grants or denies a wastestream authorization.

Section 709.104 Expiration of Supplemental Permits

- a) Supplemental permits, issued pursuant to 35 Ill. Adm. Code 807.210, for liquid hazardous waste wastestreams which are restricted under 35 Ill. Adm. Code 729.310, became void after July 5, 1984.
- b) Supplemental permits for wastestreams containing halogenated compounds which are prohibited pursuant to 35 Ill. Adm. Code 729.240 or 729.242 became void after _____.
- c) The Agency shall review existing supplemental permits to identify those which appear to authorize disposal in landfills of wastes which are restricted or prohibited, including those which the Agency believes became void on July 5, 1984 or _____. The Agency shall give each permittee the opportunity to demonstrate compliance with the restriction or prohibition before modifying or denying a supplemental permit.

(Source: Renumbered from 35 Ill. Adm. Code 729.205 and amended at 8 Ill. Reg. _____, effective _____)

Section 709.105 Severability

If any provision of this Part is adjudged invalid, or if the application to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this Part as a whole, or of any Subpart, Section, paragraph, sentence or clause which has not been adjudged invalid.

SUBPART B: PROHIBITIONS

Section 709.201 Liquid Hazardous Waste Authorization

- a) Liquids: No person shall cause, threaten or allow the disposal in any landfill of any liquid hazardous waste unless the Agency has issued a wastestream authorization for that wastestream.
- b) Residuals: No person shall engage in the treatment of a liquid hazardous waste and cause, threaten

or allow the disposal in any landfill of any residual from such treatment unless the Agency has issued a wastestream authorization for that wastestream.

SUBPART C: APPLICATIONS

Section 709.301 Application for Liquid Hazardous Waste

The Agency shall promulgate standardized application forms for liquid hazardous waste authorizations. Applications for liquid hazardous waste authorizations must be made on such forms after they become available. Until such time, applicants must provide the following minimal information:

- a) The name, address and phone number of the original generator;
- b) The original generator's United States Environmental Protection Agency (USEPA) identification number (35 Ill. Adm. Code 722.122) and Agency identification number;
- c) The name of the waste;
- d) The source of the waste;
- e) USEPA hazardous waste code(s) (35 Ill. Adm. Code 721);
- f) The name(s) and address(es) of any treater(s) of the waste;
- g) Each treater's USEPA identification number and Agency site number, if applicable;
- h) Whether any treater has a RCRA permit or interim status;
- i) A detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all of the information which must be known to treat, store or dispose of the waste in accordance with the wastestream authorization sought.
- j) The quantity or rate at which the waste is generated.
- k) A plan for sampling the waste by the original generator or treater (including frequency) to assure that the wastestream continues to conform to the description in the application;

- l) A description of any treatment processes;
- m) Sufficient facts to show that the wastestream meets one of the standards for issuance of a wastestream authorization (Section 709.401);
- n) Identification of the disposal site or sites to which the applicant proposes to send the waste;
- o) Wastestream number of any supplemental wastestream permit issued for the waste pursuant to 35 Ill. Adm. Code 807.210, and the expiration date of any such permit.
- p) Such additional information as may be necessary to show that the wastestream may be disposed in accordance with the Act and Board regulations.

Section 709.302 Signatures

Applications shall be signed by the original generator or treater of the waste. Otherwise, the original generator or treater of the waste may authorize a permitted disposer or transporter to act on its behalf.

SUBPART D: REVIEW OF WASTESTREAMS

Section 709.401 Standard for Issuance for Liquid Hazardous Waste

- a) Liquids: The Agency shall issue a wastestream authorization for the land disposal of a liquid hazardous waste only after the generator has reasonably demonstrated that, considering current technological feasibility and economic reasonableness, the hazardous waste cannot be reasonably solidified, stabilized or recycled for reuse, nor incinerated or chemically, physically or biologically treated so as to neutralize the hazardous waste and render it nonhazardous, and that land disposal is not prohibited or limited by Board regulations.
- b) Residuals: The Agency shall issue a wastestream authorization for the land disposal of the residual from the treatment of a liquid hazardous waste if and only if the original generator or treater demonstrates that the residual meets one of the standards of 35 Ill. Adm. Code 729.310(b), and that land disposal is not prohibited or limited by Board regulations.

- c) Negative Finding: For wastes which are neither a liquid hazardous waste nor a residual from the treatment of a liquid hazardous waste, the Agency may issue a wastestream authorization upon a finding that the wastestream is not subject to any other landfilling prohibition.

(Source: Renumbered from 35 Ill. Adm. Code 729.205 and amended at 8 Ill. Reg. _____, effective _____)

SUBPART E: CONDITIONS OF WASTESTREAM AUTHORIZATIONS

Section 709.501 Duration

A wastestream authorization shall be valid for a period of not less than one nor more than three years.

Section 709.510 General Conditions

In granting a wastestream authorization the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and which are consistent with Board regulations, including requirements for the periodic testing of the wastestream to verify that it continues to meet one of the standards of 35 Ill. Adm. Code 729.310.

Section 709.520 Authorized Methods of Disposal

- a) The Agency shall include conditions prohibiting methods of treatment or disposal which would result in violation of the Act or Board rules.
- b) The Agency shall include conditions authorizing disposal in accordance with the Act and Board regulations. Such conditions shall identify landfills authorized to receive the waste. Such identification shall be either by name of specific landfills, or by classification.
- c) The Agency may allow or require the addition of absorbent materials to liquid hazardous wastes authorized pursuant to Section 709.401(a).

SUBPART F: MODIFICATION, REVOCATION AND APPEAL

Section 709.601 Modification

- a) A wastestream authorization may be modified pursuant to an application.

- b) After giving due notice to the original generator and any treater, the Agency shall modify any wastestream authorization to make it consistent with newly adopted provisions of the Act or Board regulations.

Section 709.602 Revocation

Wastestream authorizations may be revoked by the Board pursuant to an enforcement action under Title VIII of the Act.

Section 709.603 Appeal

Denial of a wastestream authorization, or issuance with conditions, may be appealed by the applicant to the Board pursuant to Title X of the Act and 35 Ill. Adm. Code 105.

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 729
LANDFILLS: PROHIBITED HAZARDOUS WASTES

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SUBPART B: HALOGENATED SOLVENTS

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729.201 No Circumvention
729.202 Incorporations by Reference
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729.221 Halogenated Compound--Definition
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SUBPART C: LIQUID HAZARDOUS WASTES

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AUTHORITY: Implementing Sections 22(g), 22.4(b) and 22.6 and authorized by Sections 22.6 and 27 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 1022(g), 1022.4(b), 1022.6, as amended by P.A. 83-1078, and 1027).

SOURCE: Emergency rule adopted in R83-28A at 8 Ill. Reg. 12668, effective July 5, 1984 for a maximum of 150 days; amended in R81-25 at 8 Ill. Reg. _____, effective _____; amended in R83-28B at 8 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 729.100 Purpose, Scope and Applicability

- a) The purpose of this Part is to prohibit the disposal of certain hazardous wastes in landfills. "Hazardous waste" is as defined in 35 Ill. Adm. Code 721. Part 709 requires wastestream authorizations for certain wastestreams.
- b) Unless otherwise indicated, the requirements of this Part apply to all landfills, or "sanitary landfills" as defined in the Environmental Protection Act (Act) (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1001 et seq.). Landfills include both non-hazardous and hazardous waste landfills permitted under Sections 21(d) or 21(f) of the Act. Unless otherwise indicated, "landfills" includes surface impoundments and waste piles in which waste residues are expected to remain after closure, and land application.
- c) The provisions of 35 Ill. Adm. Code 721.105 notwithstanding, the landfilling prohibitions of this Part apply to all persons, including small quantity generators, unless otherwise indicated in this Part.

- d) The landfilling prohibitions of this Part do not apply to residues of hazardous waste in containers, or empty liners removed from containers, as defined in 35 Ill. Adm. Code 721.107.
- e) The provisions of this Part are intended to supplement the requirements of 35 Ill. Adm. Code 722, 723, 724, 725, 807 and 809. No provisions of those regulations should be read as permitting the disposal of any hazardous waste in any manner prohibited under this Part.
- f) The provisions of this Part are intended to proscribe any conduct by generators, transporters, treaters or disposers of waste which results in placement of a prohibited waste in a landfill.

(Source: Amended at 8 Ill. Reg. _____, effective _____)

SUBPART B: HALOGENATED SOLVENTS

Section 729.205 Effect on Wastestream Authorizations and Supplemental Permits (Renumbered)

~~35-Ill.-Adm.-Code-709-notwithstanding,-the-Agency-shall-not issue-wastestream-authorizations-for-wastes-which-are-prohibited-pursuant-to-this-Subpart,-Supplemental-permits-for wastestreams-which-are-prohibited-pursuant-to-this-Subpart shall-be-void-after-the-effective-date-of-this-Section.~~

(Source: Renumbered to 35 Ill. Adm. Code 709.104 and 709.401 at 8 Ill. Reg. _____, effective _____)

SUBPART C: LIQUID HAZARDOUS WASTES

Section 729.301 Definitions

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1001)

"Agency" means the Illinois Environmental Protection Agency

"Board" means the Illinois Pollution Control Board

"Generator" is as defined in 35 Ill. Adm. Code 720.110

"Hazardous Waste" is a hazardous waste as defined at 35 Ill. Adm. Code 721.103

"Labwaste" is a liquid hazardous waste generated by an activity in a laboratory engaged in teaching, testing or research, in a quantity totaling less than 100 kg per month for the activity. Wastes which are periodically produced as a result of a production process are not "labwaste".

"Landfill" is a disposal unit or part of a facility where hazardous waste is placed in or on land and which is not a land treatment unit, a surface impoundment or an underground injection well

"Liquid hazardous waste" is a hazardous waste which yields any fluid when subjected to the test procedure described in Section 729.320.

"Non-periodic waste" is a liquid hazardous waste in a quantity of less than 100 kg which will not be generated again by that generator.

"Original generator" is a person who generates hazardous waste as a result of an activity or production process other than the treatment of hazardous waste.

"Residual" is any material other than a gas which remains after, or is generated by, the treatment of a liquid hazardous waste. A "residual" may itself be a "liquid hazardous waste".

"Treater" is a person who engages in treatment of hazardous waste. A "treater" may be a "generator", but may not be the "original generator".

"Treatment" is treatment as defined at 35 Ill. Adm. Code 720.110. 35 Ill. Adm. Code 703.123(h) and 724.101 (g)(10) notwithstanding, as used in this Subpart, "treatment" specifically includes the addition of absorbent materials to a liquid hazardous waste or vice versa. Provided, however, that "treatment" shall not include those activities carried out to immediately contain or treat a spill of a liquid hazardous waste or a material which, when spilled, becomes a liquid hazardous waste, to the extent such treatment meets the exemption of 35 Ill. Adm. Code 724.101(g)(8) or 725.101 (c)(11), whichever is applicable.

(Source: Added at 8 Ill. Reg. _____, effective _____)

Section 729.302 Waste Analysis Plan

The owner or operator of a landfill disposing of hazardous waste must develop and follow a written waste analysis plan which describes the procedures which he will carry out to ensure that the facility complies with the prohibition stated in Section 729.310. He must keep this plan at the facility. A copy of the plan shall be submitted to the Agency.

(Source: Added at 8 Ill. Reg. _____, effective _____)

Section 729.310 Liquid Hazardous Waste Restriction

- a) Liquids: No person shall cause, threaten or allow the disposal in a landfill of any liquid hazardous waste, unless the Agency has issued a wastestream authorization pursuant to 35 Ill. Adm. Code 709.401(a).

- b) Residuals: No person shall engage in the treatment of a liquid hazardous waste and cause, threaten or allow the disposal in a landfill of a residual from such treatment unless the residual meets one of the following standards.
 - 1) Non-hazardous Residuals: The residual may be landfilled if it no longer meets the definition of "hazardous waste".

 - 2) Liquid Removal: For wastes in which treatment is accomplished only through extraction, volatilization, evaporation, thermal destruction or other removal of liquids, the residual may be landfilled if it no longer meets the definition of "liquid hazardous waste".

 - 3) Solidification: The residual may be landfilled if it no longer meets the definition of "liquid hazardous waste" and possesses a load-bearing capacity of at least 2.0 tons per square foot as determined by application of the test procedure described in Section 729.321.

- c) No person shall cause, threaten or allow the disposal in a landfill of a residual from the treatment of a liquid hazardous waste which does not meet one of the standards of paragraph (b), and for which the Agency has not issued a wastestream authorization pursuant to 35 Ill. Adm. Code 709.401(a). Reasonable reliance on a generator's description of the waste shall be a complete defense to violation of this paragraph.

(Source: Added at 8 Ill. Reg. _____, effective _____)

Section 729.311 Prohibition of Non-hazardous Liquids
in Hazardous Waste Landfills

No person shall cause, threaten or allow the placement of any non-hazardous waste, which yields any fluids when subjected to the test procedure described in Section 729.320, into a landfill permitted to receive hazardous waste.

(Source: Added at 8 Ill. Reg. _____, effective _____)

Section 729.312 Labpacks

- a) Neither labwaste nor non-periodic waste is subject to the restriction of Section 729.310 or Section 22.6 of the Act if it is in a labpack.
- b) A labpack is a drum containing small containers of hazardous waste meeting the following criteria:
 - 1) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material which 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 (1984)), if those regulations specify a particular inside container for the waste.
 - 2) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179 (1984)) 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.
 - 3) In accordance with 35 Ill. Adm. Code 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.

- 4) Incompatible wastes, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- 5) 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 (1) through (4). Cyanide and sulfide-bearing reactive waste may be packed in accordance with paragraphs (1) through (4) without first being treated or rendered non-reactive.

(Source: Added at 8 Ill. Reg. _____, effective _____)

Section 729.313 Biodegradable Absorbents

No person shall cause, threaten or allow the disposal in any landfill of any liquid hazardous waste containing an absorbent material which, because of microbial action, will degrade faster than the waste.

(Source: Added at 8 Ill. Reg. _____, effective _____)

Section 729.320 Test for Liquids

a) Apparatus

- 1) Ringstand approximately 10 cm in diameter
- 2) 100 ml graduated cylinder
- 3) 400 micron conical paint filter approximately 15 cm in diameter
- 4) Watch glass.

b) Procedure

- 1) Collect a 100 ml representative sample of the hazardous waste.
- 2) Mix the sample thoroughly.
- 3) Bring the sample and the filter to a temperature of not less than 20° C (68° F) and to ambient pressure.
- 4) Place the filter in the ringstand.

- 5) Place the sample in the filter and cover with the watch glass.
- 6) Maintain the sample and the filter at the temperature and pressure specified in paragraph (3) for five minutes.
- 7) Observe whether any fluid portion of the sample drops from the bottom of the filter during the period of time specified in paragraph (6).

(Source: Added at 8 Ill. Reg. _____, effective _____)

Section 729.321 Load-bearing Capacity Test

- a) Apparatus: Soil penetrometer with a range of 0 to 4.5 tons per square foot
- b) Procedure
 - 1) Collect a representative sample of the treatment residual. If the material is a monolithic solid proceed to step (2). If the material is granular it should be compacted.
 - 2) Grasp the penetrometer by the handle and push the point into the sample by hand, at a constant rate, up to the calibration mark.
 - 3) Read the unconfined compressive strength on the low-load side of the indicator ring.
 - 4) Return indicator ring to initial position for the next test.
 - 5) Repeat the test at least 3 times and average the result.

(Source: Added at 8 Ill. Reg. _____, effective _____)