

ILLINOIS POLLUTION CONTROL BOARD
June 29, 1984

IN THE MATTER OF)
)
DEFINITION OF LIQUID)
HAZARDOUS WASTE (Emergency) R83-28A
Rule))

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

FINAL ORDER. ADOPTED EMERGENCY RULE (R83-28A)
PROPOSED RULE. FIRST NOTICE (R83-28B)

ORDER OF THE BOARD (by J. Marlin):

On November 18, 1983 the Board opened this Docket for the purpose of promulgating a definition of "liquid hazardous waste" in order to facilitate the direct implementation of Section 22.6 of the Environmental Protection Act (Act), which prohibits the landfilling of liquid hazardous waste after July 1, 1984. The Board solicited proposals from the public. On February 9, 1984 the Board authorized hearings on three proposals, prepared by the Board staff, Citizens for a Better Environment (CBE) and the Environmental Protection Agency (Agency). Public hearings were held on April 13 and 23, 1984. CBE and the Agency entered a joint proposal as Exhibit 4. Waste Management of Illinois, Inc., entered an alternative proposal as Exhibit 12.

The Hearing Officer set a comment period to end May 23, 1984. However, the Board has accepted late comments because of delays in the filing of the April 23 transcript.

Section 22.6 of the Act includes a ban effective July 1, 1984. If this date passed without implementing regulations, there would be no way to lawfully dispose of some hazardous wastes. However, no economic impact study has yet been prepared. The Board finds that the July 1, 1984 date constitutes a deadline for adoption of regulations, and that the failure to adopt implementing regulations by July 1 would result in a threat to the public health, safety and welfare within the meaning of Section 27 of the Act. The Board will therefore adopt 35 Ill. Adm. Code 709 and 729 as emergency rules. The same parts will be proposed for First Notice.

The Board notes that emergency rules filed pursuant to the Administrative Procedure Act can be effective for no longer than 150 days. If it takes longer than that to prepare an economic impact study and complete the necessary hearings, temporary rules may be adopted to bridge the gap between expiration of the emergency rules and adoption of the permanent rules.

Pursuant to the request of participants at the hearings, the Hearing Officer is authorized to conduct additional merit hearings on the First Notice Proposal prior to completion of the economic impact study. The Board will consider any evidence introduced at these hearings prior to adoption of the temporary rules.

The Board will split this Docket into subdockets: R82-28A will be utilized for promulgation of the emergency rules; R83-28B will be used for the temporary and permanent rules. This Order will address both subdockets.

The full text of the emergency rules and first notice proposals is attached to this Order.

IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 27th day of June, 1984 by a vote of 5-0.

Dorothy M. Gunn
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 at 8 Ill. Reg. _____,
effective _____, for a maximum of 150 days.

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 "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 Continuation of Existing Authorizations

- a) If the Agency, prior to the effective date of this Section, has 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 submits an application, pursuant to Section 709.301, for a wastestream authorization to the Agency within sixty (60) days after the effective date of this section.
- b) A supplemental permit shall cease to be deemed a wastestream authorization.

- 1) Sixty days after the effective date of this Section 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 wastestreams which are prohibited under 35 Ill. Adm. Code 729.310. shall be void after the effective date of this Section.
- b) The Agency shall review existing supplemental permits to identify those which appear to authorize disposal in landfills of wastes which are prohibited under 35 Ill. Adm. Code 729.310. The Agency shall give each permittee the opportunity to demonstrate compliance with 35 Ill. Adm. Code 729.310 before modifying or denying a supplemental permit.

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) 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) 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 of the original generator;
- b) The original generator's USEPA identification number (35 Ill. Adm. Code 722.122);
- c) The name(s) of any treater(s) of the waste;
- d) The treater's USEPA identification number, if applicable;
- e) Whether any treater has a RCRA permit or interim status;
- f) 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.
- g) The quantity and rate at which the waste is generated.
- h) A plan for sampling the waste by the generator or treater to assure that the wastestream continues to conform to the description in the application;
- i) A description of any treatment processes;
- j) Sufficient facts to show that the wastestream meets one of the standards for issuance of a wastestream authorization (Section 709.401);
- k) Identification of the disposal facility or facilities to which the applicant proposes to send the waste;
- l) Identification of any supplemental permit issued for the waste pursuant to 35 Ill. Adm. Code 807.210.
- m) 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) 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) 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).
- c) 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.

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 may 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 B: REDEMPTION, 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 Environmental Protection 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 C: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 729
LANDFILLS: PROHIBITED HAZARDOUS WASTES

SUBPART A: GENERAL

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729.100 Purpose, Scope and Applicability
729.101 Severability

SUBPART C: LIQUID HAZARDOUS WASTES

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729.301 Definitions
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729.310 Liquid Hazardous Waste Prohibitions
729.311 Prohibition of Liquids in Hazardous Waste Landfills
729.320 Test for Liquids
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AUTHORITY: Implementing Sections 22.4 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. 1022.4, 1022.6 and 1027).

SOURCE: Emergency rule adopted at 8 Ill. Reg. _____, effective _____ for a maximum of 150 days.

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. Waste-stream authorizations may be required pursuant to 35 Ill. Adm. Code 709.
- b) The requirements of this Part apply to all landfills, or "sanitary landfills" as defined in the Environmental Protection Act (Act) (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1001). Landfills include both non-hazardous and hazardous waste landfills permitted under Sections 21(d) or 21(f) of the Act. Landfills include surface impoundments and waste piles in which waste residues are expected to remain after closure.

- 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.

Section 729.101 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 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

"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. Provided, however, the following liquid hazardous wastes shall not be subject to the prohibitions or requirements of this Subpart:

liquid hazardous waste in labpack containers prepared and containerized as required by 35 Ill. Adm. Code 724.414(b)(4) and 724.416 or 725.414(b)(4) and 725.416, whichever is applicable;

liquid hazardous waste in "very small" containers, such as ampules, as allowed by 35 Ill. Adm. Code 724.414(b)(2) or 725.414(b)(2), whichever is applicable;

liquid hazardous waste in containers designed to hold free liquids for use other than storage, such as batteries or capacitors, as allowed by 35 Ill. Adm. Code 724.414(b)(3) or 725.414(b)(3), whichever is applicable.

"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" is a "generator", but may not be the "original generator".

"Treatment" is treatment as defined at 35 Ill. Adm. Code 720.110 and 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.

Section 729.302 Waste Analysis Plan

The owner or operator of a landfill disposing of hazardous waste must, within thirty days after the effective date of this section, 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 within thirty days after the effective date of this section.

Section 729.310 Liquid Hazardous Waste Prohibitions

- a) 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 Section 709.401(a).
- b) 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) If treatment is accomplished through the addition of any non-gaseous materials to the liquid hazardous waste, the residual no longer meets the definition of a hazardous waste; or,
 - 2) If treatment is accomplished through extraction, volatilization, evaporation, thermal destruction or other removal of liquids from the liquid hazardous waste, the residual no longer meets the definition of a liquid hazardous waste; or,
 - 3) If treatment is accomplished through the addition of any non-gaseous materials to the liquid hazardous waste, the residual no longer meets the definition of a 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.

Section 729.311 Prohibition of Liquids in Hazardous
Waste Landfills

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

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).

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.