

SPONSOR: ROBERT J. GOLEC

ORDINANCE NO. 7676

AN ORDINANCE REPEALING ORDINANCE #7508, AND ESTABLISHING STANDARDS FOR INDUSTRIAL FURNACES OR BOILERS THAT BURN HAZARDOUS WASTE, AND AMENDING ORDINANCE #3502 BEING ENTITLED "AN ORDINANCE TO REGULATE SMOKE AND CONTROL AIR QUALITY WITHIN THE CITY OF HAMMOND, INDIANA" PASSED BY THE COMMON COUNCIL ON THE 23rd DAY OF JANUARY 1967 AND APPROVED BY THE MAYOR ON THE 30th DAY OF JANUARY 1967, AND AMENDING ORDINANCE #4621 BEING ENTITLED "AN ORDINANCE SETTING FEES FOR AIR POLLUTION CONTROL PERMITS WITHIN THE CITY OF HAMMOND, INDIANA" PASSED BY THE COMMON COUNCIL ON THE 23rd DAY OF JUNE 1980, AND AMENDING ORDINANCE #7102 BEING ENTITLED "AN ORDINANCE ESTABLISHING A DEPARTMENT OF ENVIRONMENTAL MANAGEMENT WITH AN AIR POLLUTION CONTROL DIVISION AND A SOLID WASTE, WATER AND NOISE POLLUTION DIVISION IN THE CITY OF HAMMOND, INDIANA" PASSED BY THE COMMON COUNCIL ON THE 19th DAY OF DECEMBER 1988 AND APPROVED BY THE MAYOR ON THE 21st DAY OF DECEMBER 1988. (AS AMENDED)

(AS AMENDED)

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Indiana:

Existing Ordinance #7508 is hereby repealed in its entirety.

**SECTION 1.** That Article III Section 3.2 of Ordinance #7102 is hereby amended to include the following, and Article VI 6.15 of Ordinance #3522 is hereby amended to include a new Section to read as follows:

SECTION 6.15.

Standards for Industrial Furnaces or Boilers that burn Hazardous Waste.

**SECTION 2. DEFINITIONS**

A. "Hazardous Waste" shall be as defined in 40 CFR 261 or 329 IAC § 3.1-6.

B. "Industrial Furnace or Boiler" shall be as defined in 40 CFR 260 or as adopted by and incorporated by reference in 329 IAC 3.1-4.1. Industrial Furnace or Boiler shall also mean and include any fuel burning, fuel treatment, energy recovery, combustion, process, heat recovery, thermal treatment, or incineration device with a rated heat input of 250,000 BTU's per hour or greater, that burns Hazardous Waste.

C. IDLH shall be defined as the Immediately Dangerous to Life and Health concentrations for hazardous materials as established by the national Institute for Occupational Safety and Health.

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D. ALOHA shall be defined as the Aerial Location of Hazardous Atmospheres software program as developed by the US-EPA Chemical Emergency Preparedness and Prevention Office and the National Oceanic and Atmospheric Administration, Hazardous Materials Response and Assessment Division.

E. US-EPA shall be defined to be the United States Environmental Protection Agency.

F. IDEM shall be defined to be the Indiana Department of Environmental Management.

G. HDEM shall be defined to be the Hammond Department of Environmental Management.

**SECTION 3. DESTRUCTION REMOVAL EFFICIENCY AND ACCEPTABLE  
AMBIENT LEVELS**

A. No person or entity shall burn any Hazardous Waste in an Industrial Furnace or Boiler within the city limits of the City of Hammond unless:

1. Within 24 months of the effective date of this ordinance, such facility accomplishes either (i) a test burn essentially similar to that conducted by Rhone-Poulenc Basic Chemicals Co. (RPBC) for their facility in Houston, Texas as described in the January 27, 1992 Test Burn Plan, or (ii) a trial burn essentially similar to that submitted by RPBC in its Part B application dated January 14, 1994 as same may be subsequently amended and approved by US-EPA and/or IDEM, and demonstrates a Destruction and Removal Efficiency (DRE) of not less than 99.9999% for carbon tetrachloride, or an alternative Principal Organic Hazardous Constituent ("POHC") selected by the owner or operator of the facility, pursuant to either the test burn or the trial burn. The owner or operator of the facility shall prepare a report of the DRE demonstrated by such Industrial Furnace or Boiler during such trial burn or test burn, a copy of which report shall be furnished to HDEM in a timely manner. All stack emissions test costs and DRE test costs shall be borne entirely by the owner or operator of the facility.

2. Upon completion of the trial burn or test burn report for whichever test (i or ii) is used to demonstrate a 99.9999% DRE for carbon tetrachloride, or an alternative Principal Organic Hazardous Constituent ("POHC") selected by the owner or operator of the facility, the owner or operator of the facility shall establish facility Operating Conditions in a timely manner which are no less stringent than the operating conditions that were employed during the trial burn or test burn to demonstrate compliance with paragraph A.1 of this Section. Said Operating Conditions will be maintained at all times during which the  
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facility is engaged in the burning of Hazardous Waste, and shall include Industrial Furnace operating temperature,

volumetric flow rate, and excess Industrial Furnace oxygen all measured within the combustion unit, and the Hazardous Waste Feed Rate (in pounds per hour). The carbon monoxide concentrations (as measured at the exit of the Electrostatic Precipitators) cannot exceed 100 ppmv on an hourly rolling average basis continuously corrected to 7 percent oxygen and on a dry gas basis.

3. In addition, the owner or operator of the facility shall establish a Maximum Hazardous Waste Feed Rate (in pounds per hour) for the feed to the Industrial Furnace or Boiler corresponding to the maximum Hazardous Waste feed rate that was used during the trial burn or test burn to demonstrate a DRE of not less than 99.9999 percent for the selected POHC.

4. No Hazardous Waste may be burned in the Industrial Furnace or Boiler that contains greater than 100 ppm of the organic hazardous constituents which have an individual heat of combustion lower than that of the POHC that was used for the purpose of demonstrating a DRE of 99.9999 percent during the initial or any subsequent trial burn or test burn.

5. The owner or operator of the facility shall periodically conduct a trial burn as required by its RCRA Permit to demonstrate compliance with RCRA regulations. Concurrently with this trial burn, but with a frequency of at least once every five (5) years, the owner or operator will repeat the trial burn or test burn referenced in paragraph A.1 of this Section as necessary to demonstrate that it continues to achieve a DRE of 99.9999% for carbon tetrachloride, or an alternative POHC selected by the owner or operator of the facility. Upon completion of this periodic repeat of the trial burn or test burn, the owner or operator of the facility shall update the facility Operating Conditions, Maximum Hazardous Waste Feed Rate, and allowable POHC's as described above for the initial trial burn or test burn.

6. Within three (3) months of the effective date of this ordinance, the owner or operator of the facility shall establish, with the Director of HDEM, a reasonable schedule for the purchase and installation of a remote display of key operating conditions for the Industrial Furnace or Boiler on a monitor to be located in HDEM's office. The monitor shall display, on a "real time" basis, the Operating Conditions referenced in paragraph A.2 of this Section, as well as the Hazardous Waste feed rate, sulfur dioxide concentration at the blower of the Industrial Furnace or Boiler, the concentration of Total Unburned Hydrocarbons at the exit of the stack from the Industrial Furnace or Boiler, the pressure measured at the Industrial Furnace, the total acid feed rate to the Industrial Furnace and the total sulfur feed rate to  
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the Industrial Furnace. The remote display monitor, including all attendant hardware, software, and equipment, shall be purchased, and installed, at the sole expense of the owner or operator.

7. The owner or operator of the facility shall provide sufficient funds to HDEM on an annual basis to cover the cost of routine maintenance and repairs of the remote monitoring system described in paragraph A.6. of this Section, as well as provide sufficient funds to cover the cost of routine operating, maintenance and repair costs for the van and air monitoring equipment described in Section 5.2, paragraph f. of Ordinance No. \_\_\_\_\_ ("The Inspector Ordinance"), provided however that the aggregate funding for all of these purposes shall not exceed Ten Thousand Dollars (\$ 10,000.00) per year.

B. The owner or operator of the facility shall comply with all applicable testing requirements and emissions for metals as established by US-EPA.

#### **SECTION 4. RISK ASSESSMENT**

The owner or operator of an Industrial Furnace or Boiler utilized for the burning of Hazardous Waste shall:

A. Perform a multi-pathway risk assessment or such risk assessment as required by US-EPA, pursuant to the requirements of and within time limits established by the US-EPA, utilizing a methodology approved for that purpose by the US-EPA and demonstrate that the life time risk of cancer to the Maximum Exposed Individual ("MEI") shall not be greater than 1 in 100,000 as a result of the intended operation of the Industrial Furnace or Boiler when burning Hazardous Waste. For the purpose of such demonstration, the facility owner or operator shall provide sufficient funds to the City of Hammond to cover the cost of an independent consultant, acceptable to the Director of the Hammond Department of Environmental Management, to review and interpret the results of such risk assessment at a total cost not to exceed Fifty Thousand Dollars (50,000.00).

B. Provide Ten Thousand Dollars (\$10,000) per year to the City of Hammond for their use in conducting a community health program, or other related activity, for the residents of the City of Hammond, at their discretion. This \$10,000 shall be paid on or before July 1 of each calendar year that the industrial furnace or boiler is utilized for the burning of hazardous waste. These funds shall be administered by the Director of HDEM.

**SECTION 5. SAMPLING AND ANALYSIS**

A. The owner or operator of an Industrial Furnace or Boiler utilized for the burning of Hazardous Waste shall establish procedures within  
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six (6) months of the effective date of this ordinance to ensure that each Hazardous Waste stream introduced into the facility shall be analyzed as follows. The initial Hazardous Waste stream certification samples shall be analyzed utilizing Gas Chromatography and Mass Spectroscopy

(GCMS) methods to determine whether any of the organic compounds listed in Tables I and II of this Section 5 are present in the Hazardous Waste stream at concentrations greater than one (1.0%) percent by weight, or a lesser percentage as required to demonstrate compliance with any of the restrictions placed on receipt of certain Hazardous Wastes pursuant to this ordinance. The results of this analysis shall be submitted to HDEM along with a material profile data sheet at least ten (10) calendar days prior to the receipt of the first shipment of any new (not previously handled) Hazardous Waste stream into the facility.

B. The owner or operator shall also perform a GCMS analysis of the initial certification sample, or a recertification sample, of the existing Hazardous Waste streams, that are currently handled at the facility to determine whether any of the organic compounds listed in Tables I and II of this Section 5 are present in the certification or recertification sample for the Hazardous Waste stream at concentrations greater than one (1.0%) percent by weight, or a lesser percentage as required to demonstrate compliance with any of the restrictions placed on receipt of certain Hazardous Wastes pursuant to this ordinance. The results of these analyses shall be submitted to HDEM along with a material profile data sheet within ten (10) calendar days following completion of the analyses. The owner or operator shall adopt the necessary procedures, complete the analysis of all existing Hazardous Waste stream certification samples or recertification samples, and submit the data to HDEM within twelve (12) months of the effective date of this ordinance.

C. Additionally, a Fourier Transform Infrared Spectroscopy (FTIR) analysis shall be performed on the initial certification sample and any subsequent shipments of a Hazardous Waste stream into the facility to determine whether there has been any substantial deviation in the constituents or the concentrations of constituents as compared to previous certifications and analyses performed on that material. The results of the FTIR analysis of the

initial certification sample shall be submitted to HDEM with the other data in this Section.

D. HDEM shall have the right to request that up to 20 of the organic compounds listed in Tables I and II of this Section 5 be replaced with 20 organic compounds of HDEM's choosing, provided that the requested compounds can be readily identified and quantified via the subject GCMS methodology. Consent to this request shall not be unreasonably withheld by the owner or operator.

E. The owner or operator shall have the right to request of the Director of HDEM that any organic compound contained in Tables I and

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II of this Section 5 which can not be readily identified and quantified via the subject GCMS methodology be replaced with an organic compound mutually acceptable to HDEM and the owner or operator, provided that the replacement organic compound can be identified and quantified via the subject GCMS methodology. Consent to this request shall not be unreasonably withheld by HDEM.

F. The following volatile organic compounds shall be analyzed via GCMS methods in accordance with the provisions of this Section 5:

**TABLE I OF SECTION 5**

|                           |                         |
|---------------------------|-------------------------|
| Benzene                   | 1,1,1-Trichloroethane   |
| Bromodichloromethane      | 1,1,2-Trichloroethane   |
| Bromoform                 | Trichloroethene         |
| Carbon Tetrachloride      | Dichlorodifluoromethane |
| 1,1,2,2-Tetrachloroethane | Chloromethane           |
| Chlorobenzene             | Vinyl Chloride          |
| Chloroform                | Bromomethane            |
| Dibromochloromethane      | Chloroethane            |
| 1,2-Dichlorobenzene       | Trichlorofluoromethane  |
| 1,3-Dichlorobenzene       | 1,1-Dichloroethene      |



1,4-Dichlorobenzene Acetone  
1,1-Dichloroethane Carbon Disulfide  
1,2-Dichloroethane 1,2-Dichloroethene  
1,2-Dichloroethene 2-Butanone  
trans-1,2-Dichloroethene Dibromomethane  
1,2-Dichloropropane 4-Methyl-2-Pentanone  
cis-1,3-Dichloropropene 2-Hexanone  
trans-1,3-Dichloropropene Total Xylenes  
Ethylbenzene Styrene  
Methylene Chloride Tetrachloroethene  
Toluene

G. The following semi-volatile organic compounds shall be analyzed via GCMS methods in accordance with the provisions of this Section 5:

**TABLE II OF SECTION 5**

Benzyl alcohol Acenaphthene  
Bis(2-chloroethyl)ether Bis(2-chloroethoxy)methane  
Acenaphthylene 2-Chlorophenol  
4-Chloro-3-methylphenol 4-Chlorophenyl-phenyl-ether  
Dibenzofuran 4-Dichlorophenol  
2,4-Dimethylphenol Diethyl phthalate  
Indeno(1,2,3-cd)pyrene Hexachlorobutadiene  
Dimethyl phthalate Hexachloroethane  
Isophorone 2,4-Dinitrophenol  
2-Methylnaphthalene 2,4-Dinitrotoluen  
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Naphthalene 2,6-Dinitrotolune  
N-Nitroso-di-n-propylamine Nitrobenzene  
Fluorene Phenol  
2-Nitrophenol hexachlorocyclopentadiene  
Anthracene 1,2,4-Trichlorobenzene  
2-Nitroaniline 4-Bromophenyl phenyl ether  
Benzo(a)anthracene 3-Nitroaniline  
Di-n-butyl phthalate Bis(2-ethylexyl)phthalate  
4-Nitroaniline 4,6-Dinitro-2-methylphenol  
Butylbenzylphthalate 4-nitrophenol

|                        |                       |
|------------------------|-----------------------|
| Fluoranthene           | Chrysene              |
| 2,4,6-Trichlorophenol  | Hexachlorobenzene     |
| 3,3-Dichlorobenzidine  | 2,4,5-Trichlorophenol |
| N-Nitrosodiphenylamine | Pyrene                |
| Benzo(b)fluoranthene   | pentachlorophenol     |
| Benzo(k)fluoranthene   | Phenathrene           |
| Benzo(g,h,i)perylene   | Benzo(a)pyrene        |
| Dibenzo(a,h)anthracene | Di-n-octylphthalate   |

H. The owner or operator of the facility shall also analyze the initial Hazardous Waste certification or recertification sample, and all existing Hazardous Waste stream certification or recertification samples, for any listed P-codes, listed U-codes, or future compound specific listed Hazardous Wastes that are restricted under the provisions of Section 6 of this ordinance if these codes appear on the Hazardous Waste manifest or Material Profile Data Sheet prepared by the generator of the Hazardous Waste stream. The owner or operator shall perform the analyses required by this paragraph H within the time frames delineated in paragraphs 5.A. and 5.b. of this Section for new and existing Hazardous Waste streams, as appropriate.

I. All Hazardous Waste sampling and analysis required pursuant to this Section 5 shall be done at the sole expense of the owner or operator.

**SECTION 6. RESTRICTIONS ON RECEIPT OF CERTAIN WASTE CODES**

A. The owner or operator of an Industrial Furnace or Boiler utilized for the burning of Hazardous Waste shall, prior to the receipt of such wastes at the facility, establish procedures to ensure that the risk and consequences of an on-site release is minimized, including the development and appropriate implementation of a Contingency Plan as contained in the Part B application submitted by RPBC to the US-EPA on January 14, 1994.

B. The Industrial Furnace or Boiler shall be subject to limitations on the receipt of certain Hazardous Wastes

carrying P-code designations as that term may be defined by the US-EPA.

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1. Those P-code listed Hazardous Wastes that are normally solids at a pressure of one (1) atmosphere and a temperature of 90 degrees Fahrenheit shall each be limited to a maximum concentration of ten (10) percent by weight in a Hazardous Waste shipment.

2. Those P-code listed Hazardous Wastes that are normally liquids or gases at a pressure of one (1) atmosphere and a temperature of 90 degrees Fahrenheit shall each be restricted according to the following methodology, as appropriate.

3. **P-CODE HAZARDOUS WASTES WHICH CAN BE MODELED ON ALOHA**

a. For P-code listed Hazardous Wastes having a published IDLH concentration, and all of the physical property data required to competently model a release of the compound utilizing the ALOHA program or an alternate recognized modeling program mutually acceptable to both the owner and operator and HDEM, the owner or operator of the facility shall, at its expense, model a release and set the maximum allowable concentration of each of the aforementioned P-code listed Hazardous Wastes in a Hazardous Waste shipment using the following formula:

$$\text{Max. Concentration} = \frac{(\text{Allowable IDLH} / 20) \times (100\%)}{(\text{Predicted ALOHA concentration})}$$

where:

The ALOHA concentration shall be modeled using the following

methodology:

1. Wind speed shall be 15 miles per hour from the east.
2. The point of accidental release shall be the facility's Hazardous Waste unloading rack.
3. The volume of the spill shall be the entire 5,000-gallon contents of a tank truck containing a 100% concentration of the respective P-code listed Hazardous Waste.
4. Ambient air temperature shall be 90 degrees Fahrenheit.
5. The receptor shall be located 1,125 feet due west from the source of the spill; for Rhone- Poulenc Basic Chemicals Comany's facility it shall be the intersection of Michigan Avenue and Indianapolis Boulevard.
6. The surface area of the spill shall be the entire surface area of the containment dike enclosing the Hazardous Waste tank truck unloading spot.

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b. However, in no event shall the allowable concentration of any individual liquid or gaseous P-code listed Hazardous Waste as calculated under the provisions of Section 6, paragraph B.3.a. exceed 10% by weight of the Hazardous Waste shipment.

c. The owner or operator of the facility shall provide copies of all data used for, and results of, such modelling to HDEM within 10 calendar days after receipt of a written request for same. HDEM shall have the right to perform the modelling according to the methodology set forth in this Section 6 for the purpose of verifying the accuracy of the information provided by the owner or operator of the facility. In such event that HDEM's modelling results differ from those reported by the owner or operator, the results which predict the higher ALOHA concentration will

be used to establish the maximum allowable concentration of the P-code listed Hazardous Waste in the Hazardous Waste shipment. In the event that the owner or operator disagrees with the modelling results obtained by HDEM, it shall have the right to request that the modelling be verified by an independent third party consultant or contractor qualified to perform such modelling and acceptable to both HDEM and the owner or operator. Said modelling shall be performed in accordance with the methodology set forth in this section, shall be performed at the sole expense of the owner or operator, and the results of same shall be the basis for establishing the maximum allowable concentration of the P-code listed Hazardous Waste in the Hazardous Waste shipment.

4. P-CODE HAZARDOUS WASTES WHICH CAN NOT BE MODELED ON ALOHA

a. For P-code listed Hazardous Wastes having no published IDLH concentration and/or incomplete physical property data required to competently model a release of the compound on the ALOHA program, the maximum allowable concentration of any given P-code listed Hazardous Waste in the Hazardous Waste shipment shall be established by the following table:

| Physical State       | Vapor Pressure of the P-code Waste at 90° F (mm Hg) | Maximum Allowable Concentration in Waste (weight %) |
|----------------------|---|---|
| Gas                  | 760+  | 0.1%  |
| Volatile Liquid      | 200-760   | 0.1%  |
| Semi-Volatile Liquid | 1-200   | 1.0%  |
| Non-Volatile Liquid  | <1  | 10.0%   |

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5. Consistent with above, Tables I, II, and III of this Section 6 give the maximum presently allowable concentration of each P-code listed Hazardous Waste that

can be received by the facility based on the application of the methodology described in paragraphs B.1, B.2., B.3.a., B.3.b., and B.4.a. of this Section 6. In the event that the US-EPA shall establish additional P-code Hazardous Wastes in the future, they shall be analyzed in a timely manner according to the methodology set forth in this section 6.B., an appropriate concentration limit shall be established consistent with this section 6.B., and the P-code listed Hazardous Waste will added to Table I, II, or III as appropriate.

6. Any restructuring of the US-EPA's Hazardous Waste Classification System, which results in the assignment of a different waste code to any of the P-code listed Hazardous Waste that are restricted under this ordinance, shall have no effect upon the limits contained in this ordinance for the affected P-code listed Hazardous Waste. In such event, the limit contained in this ordinance for the reclassified P-code Hazardous Waste shall be applied to the new Hazardous Waste code as if no change had occurred.

C. The facility shall not accept or burn Hazardous Wastes that meet any of the following criteria or definitions as same are defined by the US-EPA:

1. Poly-chlorinated biphenyls (PCB's) as defined in 40 CFR 761.1.
2. Dioxins, chlorinated dibenzofurans, chlorinated dibenzo-p-dioxins or their precursors.
3. Medical or infectious wastes.
4. Radioactive wastes.
5. Methyl isocyanate (P064) at or above the practical detection limit via GCMS.
6. Phosgene (P095) at or above the practical detection limit via titration or GCMS.

D. In the event that the US-EPA adds or modifies its Hazardous Waste Classification System resulting in the creation of new Hazardous Waste codes that were not in existence as of the effective date of this ordinance, any

new compound specific Hazardous Waste codes will be reviewed by HDEM and the owner or operator to determine whether there is a need to restrict the quantities or concentrations of the new Hazardous Waste codes that can be safely handled at the facility under this ordinance. In making this determination, the owner or operator of the facility shall assess the need for a concentration limit by applying the methodology outlined in section 6.B. of this ordinance to any new compound specific Hazardous Waste code having a published IDLH concentration less than 500 ppm.

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E. Notwithstanding anything to the contrary contained in this ordinance, the owner or operator of the facility shall have the right to handle greater concentrations or quantities of any restricted Hazardous Waste for the purpose of conducting reasonable performance tests, or demonstrating that a higher limit than that contained in this ordinance is justifiable. However, the owner or operator of the facility must notify the Director of HDEM of its intentions at least 10 business days prior to any such deviation, and obtain the written approval of HDEM prior to conducting any such tests, which approval will not be unreasonably withheld. In no event shall HDEM deny approval of any test required to demonstrate compliance with any applicable Federal, State or Local Ordinance, Regulation or Directive.

F. **RESTRICTIONS ON CERTAIN U-CODE HAZARDOUS WASTES**

1. The Industrial Furnace or Boiler shall be subject to limitations on the receipt of certain Hazardous Wastes carrying U-code designations as that term may be defined by the US-EPA. Those U-code listed Hazardous Wastes that are liquids or gases at a pressure of one (1) atmosphere and a temperature of 90 degrees Fahrenheit, and have a published IDLH concentration of 200 ppm or less, shall each be restricted according to the following methodology:

2. For those U-code listed Hazardous Wastes having all of the physical property data required to competently model a release of the compound utilizing the ALOHA program, the owner or operator shall, at its expense, model a release and set the maximum allowable concentration of each of the aforementioned U-code listed Hazardous Wastes using the formula designated in section 6, paragraph B.3.a. of this ordinance.

3. For those U-code listed Hazardous Wastes not having all of the physical property data required to competently model a release of the compound utilizing the ALOHA program, the maximum allowable concentration of each of the aforementioned U-code listed Hazardous Wastes shall be established using the following table:

| Physical State       | Vapor Pressure of Waste at 90° F (mm Hg) | Maximum Allowable Concentration in Waste (weight %) |
|----------------------|--|---|
| Gas                  | 760+                                     | 1.0 %   |
| Volatile Liquid      | 200-760                                  | 1.0 %   |
| Semi-Volatile Liquid | 1-200                                    | 10.0 %  |
| Non-Volatile Liquid  | <1                                       | 100.0 %   |

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**G. LIMITS ON COMPOUNDS OTHER THAN P-CODES AND U-CODES**

1. The Director of HDEM shall have the right to model any chemical constituent contained in a Hazardous Waste stream(s) that meets the criteria contained in paragraph G.2., and request that a limit be established to set the maximum concentration that can be contained in a Hazardous Waste shipment handled at the facility.

2. Chemical compounds that are subject to the provisions of this paragraph G must be:

a. a liquid or gaseous organic compound,



- b. having a published IDLH of less than 50 ppm,
- c. and readily analyzable via the GCMS methodology described in section 5 of this ordinance.

3. The Director of HDEM may request that limits be established for up to 10 compounds under the provisions of this paragraph G. If the Director of HDEM and the owner or operator of the facility agree on the need for, and level of, the proposed limit for any compound covered under the provisions of this paragraph G, the new limit will be established by their mutual agreement in writing. If the Director of HDEM and the owner or operator of the facility disagree on the need for, and/or level of, the proposed limit for any compound covered under the provisions of this paragraph G, the matter may be brought before the American Arbitration Association for resolution of the dispute, with the losing party paying the cost of the arbitration.

4. Any limit established under the provisions of this paragraph G will be established with sufficient notice to the owner or operator to allow the owner or operator to develop the necessary analytical and procedural capabilities to comply with the new limit. Upon the adoption of any new limit under the provisions of this paragraph G, the limited compound shall be added to Tables I or II, as appropriate, of Section 5 under the provisions of Section 5, paragraph D.

5. For those compounds that are limited pursuant to this paragraph G, the limit shall be determined by the following methods as appropriate:

- a. For those compounds having all of the physical property data required to competently model a release of the compound utilizing the ALOHA program, the owner or operator shall, at its expense, model a release and set the maximum allowable concentration of the compound using the formula and methodology designated in Section 6, paragraph B.3.a of this ordinance.

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b. For those compounds not having all of the physical property data required to competently model a release of the compound utilizing the ALOHA program, the maximum allowable concentration of the compound shall be established using the methodology designated in Section 6, paragraph B.4.a, of this ordinance.

Table I-limitations on Receipt of Certain P-code Listed Hazardous Wastes

The facility shall not accept shipments of Hazardous Waste containing greater than 10.0 percent by weight of each of the following P-code listed Hazardous Wastes:

P-Code      Compound      Basis of Limit

|      |   |       |
|------|---|-------|
| P001 | 3-(alpha-acetonylbenzyl)-4-hydroxycoumarin and salts    | Solid |
| P002 | 1-acetyl-2-thiourea                                     | Solid |
| P004 | Aldrin  | Solid |
| P006 | Aluminum phosphide                                      | Solid |
| P007 | 5-(Aminomethyl)-3-isoxazolol                            | Solid |
| P008 | 4-Aminopyridine   | Solid |
| P009 | Ammonium picrate  | Solid |
| P010 | Arsenic acid  | Solid |
| P011 | Arsenic pentoxide                                       | Solid |
| P012 | Arsenic trioxide  | Solid |
| P013 | Barium cyanide  | Solid |
| P015 | Beryllium powder  | Solid |
| P018 | Brucine   | Solid |
| P020 | 2-Sec-butyl-4,6-dinitrophenol                           | Solid |
| P021 | Calcium cyanide   | Solid |
| P024 | p-Chloroaniline   | Solid |
| P026 | 1-(o-Chlorophenyl)thiourea                              | Solid |
| P029 | Copper cyanide  | Solid |
| P034 | 2-cyclohexyl,dinitrophenol                              | Solid |
| P037 | Dieldrin  | Solid |
| P042 | 3,4-Dihydroxy-alpha-(methylamino) methyl benzyl alcohol |       |
| P044 | Dimethoate  | Solid |

P045 3,3-Dimethyl-1-(methylthio)-2-butanone-o- Solid  
(methylamino carbonyl)

P047 4,6-Dinitro-o-cresol and salts Solid

P048 2,4-Dinitrophenol Solid

P049 2,4-Dithiobiuret Solid

P050 Endosulfan Solid

P051 Endrin Solid

P057 2-Fluoroacetamide Solid

P058 Fluoroacetic acid, sodium salt Solid

P059 Heptachlor Solid

P060 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8, Solid  
8a-hexahydro-1,4,5,8-endo, dimethanonaphthalene

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| <u>P-Code</u> | <u>Compound</u>   | <u>Basis of Limit</u> |
|---------------|---|-----------------------|
| P066          | Methomyl  | Solid                 |
| P070          | 2-Methyl-2-(methyl thio)-propionaldehyde<br>-o-(methylcarbonyl) | Solid                 |
| P071          | Methyl parathion  | Solid                 |
| P072          | alpha-Napthylthiourea   | Solid                 |
| P074          | Nickel cyanide  | Solid                 |
| P077          | p-Nitroaniline  | Solid                 |
| P087          | Osimum tetroxide  | Solid                 |
| P088          | 7-Oxabicyclo(2,2,1)heptane-2,3-dicarboxylic<br>acid             | Solid                 |
| P092          | Mercury phenyl  | Solid                 |
| P093          | N-phenylthiourea  | Solid                 |
| P097          | Famphur   | Solid                 |
| P098          | Potassium cyanide   | Solid                 |
| P099          | Potassium silver cyanide  | Solid                 |
| P103          | Selenourea  | Solid                 |
| P104          | Silver cyanide  | Solid                 |
| P105          | Sodium azide  | Solid                 |
| P106          | Sodium cyanide  | Solid                 |
| P108          | Strychnine and salts  | Solid                 |
| P113          | Thallium oxide  | Solid                 |
| P114          | Thallium (1) selenate   | Solid                 |
| P115          | Thallium (1) sulfate  | Solid                 |
| P116          | Thiosemicarbazide   | Solid                 |
| P118          | Trichlormethanethiol  | Solid                 |

P119 Ammonium metavanadate Solid  
 P120 Vanadium pentoxide Solid  
 P121 Zinc cyanide Solid  
 P122 Zinc phosphide Zik Solid  
 P123 Toxaphene Solid  
 P076 Nitric Oxide P-code limit  
 P096 Phosphine P-code limit  
 P078 Nitrogen Dioxide P-code limit  
 P022 Carbon Disulfide P-code limit  
 P054 Ethyleneimine P-code limit  
 P067 2-Methylaziridine P-code limit  
 P023 Chloroacetaldehyde P-code limit  
 P068 Methyl Hydrazine P-code limit  
 P005 Allyl Alcohol P-code limit  
 P112 Tetranitromethane P-code limit  
 P028 Benzyl Chloride P-code limit  
 P069 2-Methylactonitrile P-code limit  
 P043 Diisopropylfluorophosphate Vapor pressure  
 P110 Tetraethyl Lead Vapor pressure  
 P030 Cyanides Vapor pressure  
 P036 Dichlorophenylarsine Vapor pressure  
 P046 alpha,alpha-Dimethylphenethylamine Vapor pressure  
 P040 O,O-Diethyl O-Pyrazinyl Phosphorothioate Vapor  
 pressure  
 P085 Octamethylpyrophosphoramidate Vapor pressure  
 P111 Tetraethyl Pyrophosphate Vapor pressure  
 ORDINANCE NO. 7676

P-Code Compound Basis of Limit

P081 Nitroglycerine Vapor pressure  
 P089 Parathion Vapor pressure  
 P062 Hexaethyl Tetraphosphate Vapor pressure  
 P041 Diethyl-p-Nitrophenyl Phosphate Vapor pressure

Table II - Limitations on Receipt of Certain P-code Listed Hazardous Wastes

The facility shall not accept shipments of Hazardous Waste containing greater than 1.0 percent by weight of each of the following P-code listed Hazardous Wastes:

| <u>P-Code</u> | <u>Compound</u>           | <u>Basis of Limit</u> |
|---------------|---------------------------|-----------------------|
| P056          | Fluorine                  | Air model             |
| P101          | Ethyl Cyanide             | Vapor pressure        |
| P016          | Dichlorodimethyl Ether    | Vapor pressure        |
| P038          | Diethylarsine             | Vapor pressure        |
| P102          | 2-propyl-1-ol             | Vapor pressure        |
| P017          | Bromoacetone              | Vapor pressure        |
| P084          | N-Nitrosomethylvinylamine | Vapor pressure        |
| P027          | 3-Chloropropionitrile     | Vapor pressure        |
| P082          | N-Nitrosodimethylamine    | Vapor pressure        |
| P039          | Disulfoton                | Vapor pressure        |
| P014          | Benzenethiol              | Vapor pressure        |
| P094          | Phorate                   | Air model             |
| P033          | Cyanogen Chloride         | Air model             |
| P031          | Cyanogen                  | Air model             |
| P063          | Hydrogen Cyanide          | Air model             |

Table III - Limitations on Receipt of Certain P-code Listed Hazardous Wastes

The facility shall not accept shipments of Hazardous Waste containing greater than 0.1 percent by weight of each of the following P-code listed Hazardous Wastes:

| <u>P-Code</u> | <u>Compound</u>    | <u>Basis of Limit</u> |
|---------------|--------------------|-----------------------|
| P003          | Acrolein           | Air model             |
| P073          | Nickel Carbonyl    | Air model             |
| P075          | Nicotine and Salts | Air model             |

**SECTION 7. PENALTIES**

Whoever violates any provisions of this ordinance shall be subject to a fine not to exceed \$2,500.00 per offense. Every day on which a violation occurs shall constitute a separate offense.

**SECTION 8. SEVERABILITY**

If any part or parts, section or subsection, sentence, clause, or phrase of this ordinance, as now or later amended, for any reason is declared unconstitutional or invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 9. EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and approval by the Council, signing by the President thereof, approval by the Mayor and publication as required by law.

**BE IT FURTHER ORDAINED** by the Common Council that this ordinance shall have full force and effect from and after its passage and approval by the Council, signing by the President thereof, approval by the Mayor and publication as required by law.

/S/ BERNADETTE COSTA  
\_\_\_\_\_  
President, Common Council

ATTEST: /S/ GERALD BOBOS  
City Clerk

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City for his approval on the 27th day of April, 1994.

/S/ GERALD BOBOS  
\_\_\_\_\_  
City Clerk

The foregoing Ordinance No. 7676 consisting of sixteen (16) typewritten pages, including this page was approved by the Mayor on the 28th day of April, 1994.

/S/ DUANE W. DEDELOW, JR., MAYOR  
City of Hammond, Indiana

PASSED by the Common Council on the 25th day of April, 1994, and approved by the Mayor on the 28th day of April, 1994.

/S/ GERALD BOBOS  
City Clerk