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ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
RCRA DELISTING ADJUSTED ) AS 08-10  
STANDARD PETITION OF ) (Adjusted Standard - Land)  
PEORIA DISPOSAL COMPANY )

The following is the transcript of a hearing held in the above-captioned matter, taken stenographically by Gale G. Everhart, CSR-RPR, a notary public within and for the County of Peoria and State of Illinois, before Carol Webb, Hearing Officer, at 107 Northeast Monroe Street, Peoria, Illinois, on the 18th day of August, A.D. 2008, commencing at 3:00 p.m.

1 PRESENT:

2 HEARING TAKEN BEFORE:  
3 ILLINOIS POLLUTION CONTROL BOARD  
4 1021 North Grand Avenue East  
5 Springfield, Illinois 62794-9274  
6 (217) 524-8509  
7 BY: CAROL WEBB

8 APPEARANCES:

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11 JANAKI NAIR, ESQUIRE  
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16 On Behalf of the Petitioner.

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23 On Behalf of the Petitioner.

24 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
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(217) 782-5544  
On Behalf of the IEPA.

1 ALSO PRESENT:

- 2 ANAND RAO
- 3 ALISA LIU
- 4 CONNIE NEWMAN
- 5 JOHN TRIPSES
- 6 ROYAL COULTER
- 7 CHRIS COULTER
- 8 JEFF COULTER
- 9 MATT COULTER
- 10 RON EDWARDS
- 11 GEORGE ARMSTRONG
- 12 RON WELK

13 MEMBERS OF THE PUBLIC AND MEDIA WERE PRESENT

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1           HEARING OFFICER WEBB: Good afternoon. My name is  
2 Carol Webb. I'm a hearing officer with the Pollution  
3 Control Board. This is AS 08-10 for the RCRA Delisting  
4 Adjusted Standard of Peoria Disposal Company. It is  
5 August 18th. We are beginning at 3 p.m.

6           With me today are the Board's environmental  
7 engineers, Anand Rao and Alisa Liu. And our public  
8 information officer Connie Newman is here. Connie will  
9 be happy to answer any press inquiries during a break or  
10 at the end of the hearing.

11           At issue is PDC's request for an adjusted  
12 standard waste delisting for treated electric arc  
13 furnace dust at its waste stabilization facility at 4349  
14 West Southport Road in Peoria.

15           The Pollution Control Board will make the  
16 final decision in this case. My purpose is to conduct  
17 the hearing in a neutral and orderly manner so that we  
18 have a clear record of the proceeding.

19           If you are a member of the public who would  
20 like to speak at today's hearing, please listen  
21 carefully to the following announcement. Today's  
22 meeting pertains only to the substance of the adjusting  
23 standard petition. The outstanding requests for a  
24 second hearing in DeWitt County and for information

1 redacted from the record will be addressed at the board  
2 meeting on Thursday in an order prepared by board member  
3 Andrea Moore.

4 I will call for public comment at the  
5 conclusion of the proceeding. While your comments may  
6 include questions for the Board to consider in its final  
7 ruling, neither Peoria Disposal Company, the IEPA nor  
8 the Board are required to answer your questions at this  
9 hearing. You may speak only once at this hearing. Any  
10 further comments may be submitted in writing to the  
11 Clerk of the Pollution Control Board in our Chicago  
12 office. The address is 100 West Randolph Street, Suite  
13 11-500, Chicago, Illinois, 60601. Please do not send  
14 public comments to the Springfield office. As I will  
15 further discuss at the end of this hearing, the public  
16 comment deadline will be September 11th.

17 This hearing was noticed pursuant to the Act  
18 and the Board's rules and will be conducted pursuant to  
19 sections 101.600 through 101.632 and section 104,  
20 subpart D, of the Board's procedural rules. At this  
21 time I would like to ask the parties to please make  
22 their appearances on the record.

23 MS. MANNING: Claire Manning on behalf of Peoria  
24 Disposal.

1 MS. NAIR: Janaki Nair, also for Peoria Disposal.

2 MR. MEGINNES: I am Brian Meginnes on behalf of  
3 Peoria Disposal Company.

4 MR. INGERSOLL: Bill Ingersoll on behalf of the  
5 Illinois EPA.

6 MS. RYAN: Michelle Ryan, also with the Illinois  
7 EPA.

8 HEARING OFFICER WEBB: Thank you. Are there any  
9 preliminary matters that you would like to discuss on  
10 the record?

11 (No audible response.)

12 HEARING OFFICER WEBB: Okay. Would PDC like to  
13 make an opening statement?

14 MS. MANNING: We would, Madam Hearing Officer.  
15 Thank you very much. It's a pleasure being here in  
16 front of Madam Hearing Officer and the Board engineers,  
17 Anand Rao and Alisa Liu. As I indicated, my name is  
18 Claire Manning here with co-counsel on behalf of Peoria  
19 Disposal this afternoon.

20 HEARING OFFICER WEBB: Claire, could you speak with  
21 the microphone a little closer?

22 MS. MANNING: Sure. Is that better?

23 HEARING OFFICER WEBB: Start talking. We will see  
24 if people can hear.

1                   Can you hear?

2                   MS. MANNING: All right. I'm close to the mike  
3 now. Just a couple of preliminaries. Madam Hearing  
4 Officer mentioned the idea that there was an outstanding  
5 request that was involving the DeWitt County hearing.  
6 We would just like to point out as well that we have  
7 responded to that request, and that's on the Board's  
8 website and available for public review as well. We  
9 hope that that response is indicative of the fact that a  
10 hearing wouldn't be necessary in DeWitt County, but we  
11 wanted to point out to the public that, in fact, we have  
12 made a response to that request.

13                   Secondly, another one of the preliminaries we  
14 wanted to just briefly discuss this afternoon is that we  
15 had also received a letter -- the Board had received a  
16 letter requesting disclosure of the location of the  
17 Peoria Disposal customers. And we have also filed a  
18 response to that. However, in reviewing our response  
19 and in reviewing that particular request, we realize  
20 that, in fact, if the Board wanted to have the  
21 information about Peoria Disposal customers, we are  
22 happy to provide that information.

23                   What we were concerned about was disclosing  
24 things that couldn't be disclosed in terms of the

1 contract. But we are certainly happy to disclose the  
2 names and the locations of Peoria Company -- the Peoria  
3 Disposal Company's customers. And we have what we have  
4 marked, and Ms. Nair has, Exhibit Number 4. And the  
5 public can certainly have an opportunity to look at  
6 that. Those are Peoria Disposal Company's customers.  
7 And many of them, actually, will be here this afternoon,  
8 it's my understanding, to testify in support of this  
9 delisting.

10 Just briefly to summarize and to kind of give  
11 a context to this particular proceeding, and the Board  
12 knows the legislative purposes of an administrative and  
13 adjudicatory adjusted standard is to provide a procedure  
14 that allows for regulatory relief under appropriate  
15 circumstances in a manner that's adjudicatory in nature  
16 and that reflects the very technical nature of the  
17 evidence before the Board. One of the specific uses of  
18 the adjusted standard is to accommodate a hazardous  
19 waste delisting under RCRA.

20 In many states this is done directly with the  
21 U.S. EPA, but in Illinois the Illinois Environmental  
22 Protection Act has declared that the Board has the  
23 technical expertise to evaluate these particular types  
24 of petitions and evidence. The Board has technical

1 staff to review them, and the Board members are  
2 technical experts in terms of evaluating the  
3 information.

4           In addition to that -- as will become clear  
5 from the testimony, and it has been clear in the record  
6 as well -- this particular petition was developed with  
7 the input of both the U.S. EPA and Illinois EPA. We are  
8 happy that the Illinois EPA is here as well as they  
9 factored into this petition prior to it being presented  
10 to the Board. We also appreciate the fact that the  
11 Board has already begun its review of this particular  
12 petition because, as we know and you know, the Board's  
13 technical staff has already prepared a list of  
14 substantive questions to ask our witnesses today. We  
15 have already performed and presented the Board with  
16 answers to those questions, which we are happy to go  
17 into more detail with this afternoon.

18           Suffice it to say that the bottom line of  
19 this delisting process is to -- it's a process under  
20 RCRA which will render what otherwise would be hazardous  
21 waste nonhazardous, therefore safe. Therefore safe for  
22 disposal in municipal waste landfill which still is  
23 regulated, as you know, by subtitle D, but not necessary  
24 any longer to be placed in a more highly at risk,

1 subtitle D, facility.

2           These delisting petitions are such that  
3 environmental regulations can be both economically sound  
4 and environmentally safe. Illinois has had a good  
5 experience with delisting as IPCB, the Illinois  
6 Pollution Control Board, has evaluated other requests.  
7 One of those requests was that made by Peoria Disposal  
8 Company many years ago, in 1993 to be exact, for a  
9 different type of waste, an F006 waste. PDC's  
10 experience under that adjusted standard and with that  
11 delisting has been a good one. It's resulted in the  
12 stable disposal of delisted waste for over a decade.

13           PDC has been able to draw from its experience  
14 that it received after -- and subsequent to the Board's  
15 determination in 1993 in fashioning the adjusted  
16 standard of the delisting petition that it seeks today.

17           This petition was prepared by two outside  
18 consultants hired by Peoria Disposal: Laura Curtis, who  
19 will be here to give a brief overview of the process and  
20 to summarize a summary of the petition, as well as  
21 Dr. Ajit Chowdhury, who is the chemist who performed  
22 certain analytical evaluation.

23           Additionally, we will have Ron Edwards, the  
24 vice president of landfills for Peoria Disposal here to



1 examined and testified upon her oath as follows:

2 DIRECT EXAMINATION

3 BY MS. NAIR:

4 Q Could you please state your name and spell  
5 your last name for the record?

6 A Laura Curtis, C-u-r-t-i-s.

7 Q And what is your current employment?

8 A I am a senior environmental engineer with  
9 RMT.

10 Q I have handed you a previously marked  
11 document marked as Exhibit 1 for identification. Do you  
12 know what that document is?

13 A Yes, I do.

14 Q What is it?

15 A It is my resume.

16 Q Did you prepare this document?

17 A Yes, I did.

18 Q Is it up-to-date to the best of your  
19 knowledge?

20 A Yes, it is.

21 Q You work for RMT as a senior environmental  
22 engineer. What is RMT's business?

23 A RMT is an environmental energy and  
24 engineering firm that provides these services to our

1 clients, both large industrial and federal facilities.

2 Q What, in particular, as a senior  
3 environmental engineer are your duties with RMT?

4 A I am an experienced regulatory compliance  
5 representative. I do -- that spans multimedia  
6 compliance auditing, providing expert services for solid  
7 and hazardous waste management, which includes general  
8 inertness and low hazard designation delisting determ--  
9 or, I'm sorry -- regulatory determinations and then also  
10 remedial investigations and remediation.

11 Q How long have you been in this field of RCRA  
12 regulatory activities?

13 A I have over 20 years experience with RCRA  
14 regulatory activities, 13 of which have been with RMT.

15 Q What is your educational background?

16 A I have a bachelor's of science degree in  
17 chemical engineering.

18 Q What professional affiliations do you have?

19 A I am a member of the American Institute of  
20 Chemical Engineers and was a -- formerly on the Board of  
21 Advisors for the Detroit section. I also am affiliated  
22 with the American Foundrymen Society.

23 Q In preparation of this -- for this case in  
24 particular, how many delistings for K061 or electric arc

1 furnace dust waste have you reviewed or studied?

2 A I have reviewed over ten.

3 Q And as opposed to the ones you familiarized  
4 yourself with, how many K061 delistings has RMT itself  
5 been involved in?

6 A We have been involved in three.

7 Q Of the ten K061 delistings you have  
8 familiarized yourself with, how many of those were in  
9 Illinois?

10 HEARING OFFICER WEBB: May I interrupt the  
11 proceeding for a minute? Let's take a moment to -- so  
12 everybody can hear, I think they want to make the room a  
13 little bigger and for individuals who are standing. I  
14 think we have a couple of chairs over here. There is  
15 one in the front row that I see. I don't know if there  
16 are any more back in that section or if there is one  
17 over there. Feel free to have a seat if you would like  
18 to. I apologize. I think this is the biggest turnout  
19 we have had for a PDC hearing so far. I was not  
20 anticipating quite this many people.

21 Is there anyone who is standing who wants to  
22 sit? Is everyone standing by choice? Are you okay back  
23 there?

24 (Pause in proceedings.)

1 HEARING OFFICER WEBB: I'm sorry, Janaki.

2 MS. NAIR. That's fine. That's fine. If everybody  
3 is settled.

4 BY MS. NAIR:

5 Q I believe I was asking Ms. Curtis, Of the ten  
6 K061 delistings that you have familiarized yourself with  
7 for this project, how many of those were in Illinois?

8 A There are three that were in Illinois.

9 Q And how many of those ten delistings you  
10 familiarized yourself with were K061 waste for  
11 commercial waste treatment facilities rather than steel  
12 mills?

13 A Seven of those.

14 Q Seven of the ten?

15 A Yes.

16 Q And of those delistings you familiarized  
17 yourself with, how many of those contemplated disposal  
18 -- eventual disposal of the delisted waste in a  
19 municipal solid waste landfill --

20 HEARING OFFICER WEBB: Hold on a second. I'm  
21 sorry.

22 We have enough chairs. Thanks.

23 Q I will repeat that question. I think I lost  
24 the end. Of the ten K061 delistings you reviewed in

1 anticipation of this delisting project, how many of them  
2 contemplated disposal of the delisted waste in a  
3 municipal solid waste landfill rather than on-site?

4 A That was seven of them. That was the seven.

5 Q Thank you. If we could, I have handed you  
6 another document labeled Exhibit 2 for identification.  
7 Do you recognize that document?

8 A Yes, I do.

9 Q And what is that?

10 A It is a delisting petition process summary.

11 Q And did you prepare this document?

12 A Yes, I did.

13 Q And now what we propose to do, rather than  
14 sticking with the straight question answer approach, is  
15 that Ms. Curtis is just going to walk through her  
16 outline, and we will interject questions periodically.  
17 Ms. Curtis, if you would proceed.

18 A Okay. Thank you. I first want to start with  
19 a delisting overview and to build on what Claire Manning  
20 has provided. A delisting is a demonstration that a  
21 petition waste is not hazardous. And what we did was  
22 followed steps as far as first conducting an initial  
23 review. Then once we had sufficient information that  
24 this would be a successful delisting, we proceeded with

1 developing and then implementing a sampling and analysis  
2 plan that would demonstrate representative sampling of  
3 the petitioned waste.

4           And then finally after implementing this  
5 sampling plan and collecting the analytical results, we  
6 provide an analysis of the results and compare them to  
7 the land disposal restriction treatment standards and to  
8 a risk base model calculation to demonstrate meeting  
9 delisting petition requirements.

10           In starting it off, the initial review is an  
11 opinion of delisting potential. What RMT did was an  
12 examination of the processes generating the waste not  
13 only the electric arc ark furnace dust that is generated  
14 from the steel mills, but also the process which PDC  
15 uses in order to treat the waste. And what we do is  
16 look at what is the universe of potential constituents  
17 of concern.

18           In identifying these, we are able to look at  
19 what analytical requirements and procedures are needed  
20 in order to assess the absence or presence of these  
21 constituents.

22           Using this and basic information and  
23 analytical results that PDC provided, we ran a  
24 preliminary risk model. This is the DRAS model provided

1 by U.S. EPA. DRAS, standing for delisting risk  
2 assessment software. And we used the latest version  
3 that was available to us, version 2.

4           And once we ran that, we compared the sample  
5 results with the model results. And at the first time  
6 when we gave the initial opinion of delisting for PDC,  
7 we found that PDC's current chemistry required  
8 additional work to meet a delisting demonstration. PDC  
9 then took over 18 months and evaluated options and  
10 performed extensive testing. They contracted with an  
11 expert chemist in developing chemical treatment  
12 technologies to develop an entirely new chemical  
13 treatment regimen that was specifically designed for the  
14 K061 delisting application.

15           Once this work, this extensive testing, this  
16 analytical was completed, they then performed bench  
17 scale testing and provided the results to us. We then  
18 went through the same methodical procedure and running  
19 another preliminary DRAS and comparing those results  
20 with the sample results. At that point in time the  
21 formula was found to be successful and that we could  
22 proceed to the next step on showing an actual  
23 demonstration.

24           Q       Without getting into the details of the

1 chemistry involved, can you explain, in general, the  
2 chemical process involved in stabilizing the K061,  
3 electric arc furnace dust?

4 A On chemical stabilization, which is a best  
5 demonstrated achievable technology for this waste, what  
6 is added is chemicals that stabilize the constituents,  
7 in this case, with the electric arc furnace dust. The  
8 toxic constituents are metals, heavy metals, that have a  
9 potential to leach and migrate through pathways such as  
10 groundwater and surface water. What the chemistry does  
11 is it actually stabilizes the waste. It locks it into a  
12 nonleachable, insoluble solvent form.

13 Q Thank you. Please proceed with your outline.

14 A Okay. We then moved on to develop a sampling  
15 and analysis plan and at the same time the quality  
16 assurance project plan for representative sampling. RMT  
17 continued the process for delisting demonstration by  
18 using data collected in the initial review cycle.

19 So, again, looking at how the waste was  
20 generated, how it was handled, how it was processed and  
21 then putting together with PDC, we developed a schedule  
22 and plan to treat and collect samples from all ten steel  
23 mills at PDC in quantities representative of their rates  
24 of receipt. The demonstration would be full scale, not

1 bench scale. But PDC would revert back to their current  
2 chemistry when the sampling plan implementation was not  
3 conducted.

4           In developing this sampling and analysis plan  
5 we met with Illinois EPA and presented a draft sample  
6 analysis plan and quality assurance project plan. RMT  
7 conducted technical conference calls between U.S. EPA  
8 region 5 and Illinois EPA to clarify analytical  
9 procedures and assessment for the constituents of  
10 concern.

11           RMT was selected as the consultant to be a  
12 third party objective resource for PDC. We operate with  
13 high integrity, and -- both professional and ethical  
14 standards. We also were allowed by PDC to contract an  
15 independent laboratory to conduct the analytical  
16 procedures.

17           In doing this we have to coordinate all the  
18 analytical procedures, the analyte reporting limits and  
19 method detection limits to ensure the best procedures  
20 for obtaining quality data with the waste matrix and  
21 concentration levels needed. In addition to the  
22 compositional analyses, stabilized waste also requires,  
23 per the U.S. EPA delisting guidance document, additional  
24 leaching procedures. One is the toxicity characteristic

1 leaching procedure or the TCLP. This is performed to  
2 simulate the leaching potential in an improperly run,  
3 unlined municipal solid waste landfill.

4           What was required was not only running it as  
5 it is written in SW846, but with three different  
6 extraction fluids. Now at the same time these are  
7 separate analytical runs, which has an acidic, a neutral  
8 and an alkaline leach.

9           This waste is also required to have another  
10 leaching potential procedure called a multiple  
11 extraction procedure or the MEP. This is performed to  
12 simulate the leaching potential over a 1,000-year  
13 period. And, again, we were using the three different  
14 extraction fluids -- an acidic, a neutral, and an  
15 alkaline leach.

16           Q       How does the acidity of the solution used in  
17 the TCLP and MEP test compare to, let say, orange juice,  
18 other human consumables?

19           A       According to the FDA, orange juice has a pH  
20 in the range of 3.3 to 4.19. In the toxicity  
21 characteristic leaching procedure, the acidic fluid, we  
22 needed to use the most aggressive which is number 2.  
23 That is 2.88 plus or minus .05. So it is considerably  
24 more aggressive than orange juice. Also, pH is a

1 logarithmic. So it's not just a comparable. There  
2 is -- quite a step change in between those numbers.

3 Q How is the TCLP test itself performed?

4 A The TCLP test takes the material -- in this  
5 case it's a solid material. It will grind it up, and  
6 then tumble it in the extraction fluid for over 24  
7 hours. Then the extraction fluid is removed and  
8 analyzed for any constituents of concern to see what has  
9 migrated from the waste.

10 Q And comparing that to the MEP test, what is  
11 added in the MEP test?

12 A The MEP is doing that in ten successive times  
13 and using the same material, but it's exposing it. For  
14 example, if we do it with the acidic, we do it -- tumble  
15 it for 24 hours, remove the extraction fluid, but then  
16 fresh new acidic at the same, 2.88, is added to the  
17 waste. It's tumbled again another 24 hours. So the  
18 material is the most aggressive for all ten successive  
19 tumbles and extractions.

20 Q Thank you. Please proceed with your outline.

21 A Once we received approval by the Illinois  
22 EPA, we proceeded to implement the sampling and analysis  
23 plan and then assess the results. RMT performed a data  
24 validation on the analytical given by the laboratory.

1 And we have found that we had a need to modify some of  
2 the analytical procedures on some of this -- the  
3 constituents of concern. Not necessarily the major  
4 ones, but some of the others that we needed in order to  
5 show that we could get sufficient recovery and  
6 reproducible quality data.

7           We verified that the list of constituents of  
8 concerns, the final ones were metals. And this is  
9 consistent with other federal delistings as well as the  
10 Illinois delistings for K061, electric arc furnace dust.

11           What we also found was that we needed another  
12 round to the sampling plan to be added in order to  
13 provide a demonstration of PDC's administrative  
14 procedure that when the initial analysis of a treated  
15 waste batch indicates that any constituent exceeds its  
16 corresponding level that there is additional treatment  
17 either in the form of additional curing time or for a  
18 retreatment step. With that we were able then to insert  
19 final data showing the complete sampling and  
20 verification.

21           And then finally once we had all that data,  
22 we went to the step of the analysis of the results and  
23 the presentation to demonstrate that the waste is no  
24 longer hazardous. And this is in the form of the

1 technical support document. We show that demonstration  
2 samples were representative for each sampling event.  
3 And the number of samples is more than double the  
4 U.S. EPA suggested minimum of four samples.

5           We show that the TCLP results at the multiple  
6 pH extraction provide leaching potential under all  
7 possible conditions, acidic, alkaline and neutral. And  
8 that the results showed metals were stable and that the  
9 concentrations were acceptable.

10           The MEP test, the multiple extraction  
11 procedure, which intends to simulate the leaching  
12 potential over a 1,000-year period, tests were also run  
13 in all three pH extraction fluids and that the metals  
14 were found stable and the concentrations acceptable.

15           We took all the analytical and ran a DRAS  
16 model evaluation. And the DRAS model is a multimedia  
17 risk tool that simulates landfill management based on a  
18 20-year lifetime. And we put in an annual waste  
19 generation for this of 95,000 cubic yards. We show that  
20 the screening levels -- or we used screening levels that  
21 are based on risk targets set by U.S. EPA region 5, and  
22 that were confirmed by Illinois EPA. But the DRAS  
23 models exposure pathways were to groundwater, to air and  
24 to the surface waters. And that the risk assumptions

1 that we used were realistic and conservative. The  
2 concentrations were used to set the delisting  
3 concentrations.

4 Q Ms. Curtis, what interactions did you have  
5 with the U.S. EPA regarding the DRAS model?

6 A U.S. EPA region 5 provided technical  
7 assistance and their expertise both as the holders of  
8 the DRAS model. They gave us updates for the version 2.  
9 Right now they are in the process of changing over to a  
10 version 3, but that was not available during the time  
11 that we had submitted this petition. So they provided  
12 the additional information for us on that. They were  
13 also instructed -- or we were instructed by Illinois EPA  
14 to forward any of our technical questions for the DRAS  
15 to them. And in many instances they were also a party  
16 to that conversation.

17 Q Please proceed with your outline.

18 A Okay. The DRAS model provided some of the  
19 numbers, but where they -- where an LDR treatment  
20 standard was available and was more stringent, PDC  
21 decided to propose that as the delisting concentration.

22 Q If I could jump in for just a moment, what is  
23 LDR?

24 A LDR stands for land disposal restriction.

1 Q Thank you.

2 A Once we did that, it's then assessing and  
3 showing that PDC demonstrated the waste was no longer  
4 hazardous and for the Illinois Regulation 720.122 and 35  
5 IAC. This is to demonstrate that the electric arc  
6 furnace dust stabilized residue does not meet any  
7 criteria for which the waste was listed. That it has no  
8 properties that were identified that would cause the  
9 waste to be hazardous. And this is, again, we could  
10 treat something, but if all of a sudden it shows another  
11 characteristic of -- or hazard that has to be evaluated  
12 but we found that, again, it was not hazardous in that,  
13 that it is evaluated for all potential constituents of  
14 concern and that electric arc furnace dust stabilized  
15 residue is not an acute hazardous waste.

16 As further safeguards PDC provides a  
17 procedure to test every batch for metal constituents of  
18 concern, to verify and validate treatment reaction is  
19 complete. This is a failsafe method to protect against  
20 any future temporal variations or spacial variability.  
21 Plus they already have an existing plan and procedure in  
22 place under their part B permit to handle any waste not  
23 meeting the delisting concentrations or, in their case,  
24 their permit requirements.



1 HEARING OFFICER WEBB: No? Thank you, Ms. Curtis.  
2 Does the Board have any questions that were not answered  
3 by this witness that would best be addressed by one of  
4 the other individuals?

5 MR. RAO: At this time the Board has reviewed the  
6 responses provided by PDC, and I think our questions  
7 that were raised in those questions have been answered.  
8 Thank you.

9 HEARING OFFICER WEBB: Do you still wish to call  
10 your additional witnesses?

11 MS. NAIR: If I could have just a moment.

12 HEARING OFFICER WEBB: Sure.

13 (Brief pause in proceedings.)

14 MS. NAIR: I think we would like to call Dr. Ajit  
15 Chowdhury just very briefly.

16 HEARING OFFICER WEBB: Okay.

17 (Witness sworn.)

18 HEARING OFFICER WEBB: Sir, if you could speak in  
19 that little microphone, that would be great. Thank you.

20

21 AJIT CHOWDHURY,  
22 called as a witness, after being first duly sworn, was  
23 examined and testified upon his oath as follows:

24

1 DIRECT EXAMINATION

2 BY MS. NAIR:

3 Q Please state your name and spell your last  
4 name for the record?

5 A Ajit Chowdhury, C-h-o-w-d-h-u-r-y.

6 Q I have handed you a document marked Exhibit  
7 3. Do you know what this document is?

8 A Yes. This is my resume.

9 Q And is it entirely up-to-date?

10 A It is not. Actually, it is about a year and  
11 a half old.

12 Q That's fine. Could you briefly describe your  
13 educational background?

14 A I have bachelor's, master's and a Ph.D., all  
15 in chemical engineering.

16 Q How long have you been a chemical engineer?

17 A 34 plus years.

18 Q Could you briefly describe your current  
19 employment?

20 A I'm employed -- actually, I own my own  
21 consulting company which is Trishul Technologies  
22 developing technologies for hazardous waste treatment.  
23 And also I work part time for a company in Madison,  
24 Wisconsin, doing electrochemical disinfection of water

1 and wastewater.

2 Q What is your professional licensure?

3 A I'm a registered professional engineer in the  
4 state of Wisconsin.

5 Q And that is where you reside and work; is  
6 that correct?

7 A Yes.

8 Q What professional affiliations and committees  
9 are you involved with?

10 A I have been involved in a lot of different  
11 committees. But currently I am a active member in  
12 American Institute of Chemical Engineers, also American  
13 Chemical Society.

14 Q On the third page of the resume document  
15 there is a list of patents. Are there additional  
16 patents in addition to these that you hold?

17 A Yes. There are some recent patents. So  
18 total I have now about 14, a total of 14 U.S. patents  
19 and one Canadian patent.

20 Q What, generally, is the subject matter of  
21 these patents?

22 A They are all related to water and wastewater  
23 treatment and waste treatment. And about half of them  
24 are specific to solid waste including hazardous waste

1 treatment and stabilization.

2 Q For how long have you been working in the  
3 hazardous waste stabilization field?

4 A For practically all of 34 years. But for  
5 solid toxic hazardous waste last 20 years.

6 Q Do you have any past experience stabilizing  
7 specifically K061 electric arc furnace dust?

8 A Yes, I do.

9 Q Were you hired to perform services related to  
10 this matter by PDC?

11 A Yes.

12 Q What did PDC request?

13 A They wanted me to develop chemistry and  
14 technology for stabilizing their K061 waste.

15 Q Did you create such a process?

16 A Yes.

17 Q Who is the owner of the proprietary process  
18 you created?

19 A Trishul Technologies, yeah.

20 Q That is your company?

21 A Yes.

22 Q And PDC has licensed the process from you; is  
23 that correct?

24 A Yes.

1 Q Are you considering patenting the process or  
2 any part of it?

3 A Yes.

4 Q Without using the specific names of the  
5 chemicals involved, I am going to ask you for a  
6 description of the chemical process. I know you have  
7 prepared a paragraph that sort of summarizes this to  
8 simply read into the record. Is that paragraph prepared  
9 by you and is it fully correct?

10 A Yes.

11 Q Could you go ahead and read that in?

12 A Yes. I will read what I wrote here, a  
13 paragraph describing the treatment chemistry. It just  
14 says, "The new chemical treatment regimen PDC utilized  
15 for the trials incorporated addition of reagents  
16 involving sulfur oxy-anion compounds of alkaline-earth  
17 metals along with agents for pH control which included  
18 calcined and uncalcined lime. As necessary, the pH  
19 control agents which may be used include various  
20 phosphate and iron compounds. The additive mix ratio  
21 and dosage were controlled to provide a robust chemistry  
22 such that the potential for leaching of heavy metals of  
23 concern are minimized under various natural and induced  
24 leaching scenarios. During this treatment, the heavy

1 metals are stabilized through a series of complex  
2 precipitation and adsorption-coprecipitation reactions  
3 in a pH regime of very low solubility of the metals.  
4 The material after stabilization is characterized by low  
5 potential for leaching of heavy metals as indicated by  
6 the TCLP (U.S. EPA Toxicity Characteristic Leaching  
7 Procedure) which is TCLP, analysis with using different  
8 extraction fluids like acidic, neutral and a pH 11.0  
9 solution and also the corresponding MEP tests which is a  
10 multiple extraction procedure of U.S. EPA.

11 Q Thank you. And you described this procedure.  
12 Is this just dilution of the waste?

13 A It is not.

14 Q The process you created to stabilize the  
15 electric arc furnace dust, does it permanently stabilize  
16 that dust? Will there be changes over time?

17 A No.

18 Q And under landfill conditions would the  
19 stabilized electric arc furnace dust ever destabilize in  
20 an extreme acidic environment in a landfill?

21 A No.

22 Q An extreme alkaline environment in a  
23 landfill?

24 A No. The answer is no.

1 Q In heat encountered in a landfill?

2 A No.

3 Q How about in cold that one would encounter in  
4 a landfill?

5 A No. Temperature has no effect on the  
6 chemistry.

7 MR. NAIR: That is all the questions we have for  
8 Dr. Chowdhury.

9 HEARING OFFICER WEBB: Are there any questions from  
10 the Agency?

11 MR. INGERSOLL: No questions. Thank you.

12 HEARING OFFICER WEBB: Any questions from the  
13 Board?

14 (No audible response.)

15 HEARING OFFICER WEBB: Thank you.

16 MS. NAIR: I believe that that's all we have.  
17 That's all we have, Madam Hearing Officer. Thank you.

18 HEARING OFFICER WEBB: Would you like to move to  
19 offer your exhibits?

20 MS. NAIR: I'm sorry, yes. I would like to offer 1  
21 through 4. 1 was the list of steel mills. I'm sorry.  
22 1 was actually Ms. Curtis' resume. 2 was Ms. Curtis'  
23 outline. 3 was Dr. Chowdhury's curriculum vitae. And 4  
24 was the list of the steel mills.

1 HEARING OFFICER WEBB: Does the EPA --

2 MR. INGERSOLL: No objection.

3 HEARING OFFICER WEBB: No objection. 1 through 4  
4 are admitted into the record.

5 Does the EPA have any witnessed to call  
6 today?

7 MR. INGERSOLL: No, we don't.

8 HEARING OFFICER WEBB: Are there any further  
9 questions from the Board that need to be addressed by  
10 either party?

11 (No audible response.)

12 HEARING OFFICER WEBB: Would PDC like to make a  
13 closing statement today?

14 MS. MANNING: Just briefly, that we hope that this  
15 information, the information the Board has received on  
16 the record today, will allow it to make the decision  
17 that we believe is the appropriate decision. And that  
18 is to grant us the hazardous waste delisting. We have  
19 spent a lot of time, a lot of work and lot of effort and  
20 in keeping with the law and the regulations and the  
21 process.

22 So with that, we are happy to hear whatever  
23 public comments are going to be made today; and whatever  
24 kind of follow-up, public commentary there is, we would

1 be happy to respond in kind to those comments as well.

2 HEARING OFFICER WEBB: Does the EPA have any  
3 closing comments?

4 MR. INGERSOLL: Nothing. Thank you.

5 (Discussion off the record.)

6 HEARING OFFICER WEBB: The transcript of these  
7 proceedings will be available from the court reporter by  
8 August 28th and will be posted on the Board's website.  
9 The public comment deadline is September 11th. If the  
10 Board rules that a second hearing will be held in DeWitt  
11 County, there will be a public comment period after that  
12 hearing as well. However, unless you hear otherwise,  
13 you should plan to have your comments in by September  
14 11th. Public comment must be filed in accordance with  
15 section 101.628 of the Board's procedural rules and must  
16 be sent to the Pollution Control Board clerk in the  
17 Chicago office.

18 The Petitioner's brief is due by September  
19 25th and the Agency's brief, if any, is due by October  
20 2nd. Based on my legal judgment and experience, I find  
21 the witnesses testifying at this hearing to be  
22 creditable. And I will now take public comment. I'm  
23 going to -- I think what we will do --

24 MS. RYAN: Would you like to use this microphone,

1 because we don't need it.

2 HEARING OFFICER WEBB: Yeah. Let's take it off the  
3 stand and people can just hold it. If you have  
4 something you need to set down, you can use this table  
5 here. Otherwise, just step up here as I call your name.  
6 I'm first going to call Mr. Jess Slager, Hopedale  
7 Township Supervisor.

8 (Brief pause in proceedings.)

9 HEARING OFFICER WEBB: Please state your name and  
10 spell it for the court reporter.

11 MR. SLAGER: Jess Slager, J-e-s-s, S-l-a-g-e-r,  
12 Hopedale Township Supervisor.

13 HEARING OFFICER WEBB: Go ahead.

14 MR. SLAGER: My public comment today is that we  
15 have -- we do have the Indian Creek Landfill in our  
16 township. We have communicated with them extremely well  
17 all during the process. And I want to put in a good  
18 word because they have been very helpful to us, I think,  
19 answered our questions and kept us informed of what was  
20 going on. And so our Board decided to pass a resolution  
21 on this hearing.

22 It goes as such: "Whereas, Tazewell County  
23 Landfill Incorporated is the owner and operator of  
24 Indian Creek Landfill located in Hopedale Township,

1 Tazewell County, Illinois,

2 "Whereas, on October 1st, 2003, Tazewell  
3 County Landfill in the County of Tazewell entered into a  
4 host community agreement which was amended by the first  
5 amendment to host community agreement effective  
6 September 27th, 2006," that's our host community  
7 agreement.

8 "Whereas, on September 12, 2006, Tazewell  
9 County Landfill in Hopedale Township entered into a host  
10 Township agreement" -- that's the second host township  
11 agreement.

12 "Whereas, on March 28th, 2007, Tazewell  
13 County granted the local siting approval for  
14 approximately 10-million ton expansion of Indian Creek  
15 Landfill,

16 "Whereas, in accordance with the procedures  
17 set forth in section 32 of the host community agreement  
18 on May 30th, 2007, the County of Tazewell authorized  
19 Tazewell County Landfill to accept for disposal at  
20 Indian Creek delisted and characterized stabilized  
21 residue from the waste stabilization facility owned and  
22 operated by Peoria Disposal Company, an affiliate of  
23 Tazewell County Landfill located in Peoria County,  
24 Illinois,

1                   "Whereas, on April 25th, 2008, PDC filed with  
2 the Illinois Pollution Control Board a RCRA delisting  
3 adjusted standard petition, petitioning for an up-front  
4 and unconditional delisting for the stabilized residue  
5 generated by PDC for the treatment of K061 electronic  
6 arc furnace dust generated by the steel mills that  
7 produce steel using electric arc furnaces treating K061  
8 residues,

9                   "Whereas, PDC would like to dispose of the  
10 treated K061 residues in Indian Creek Landfill,

11                   "Whereas, other than Tazewell County,  
12 Hopedale Township is the only local entity having  
13 jurisdiction over the Indian Creek Landfill,

14                   "Resolve that Hopedale Township supports the  
15 RCRA delisting adjusted standard petition filed by PDC  
16 with the Board petitioning for an up-front and  
17 conditional delisting for the treated K061 residues.

18                   "Further resolve that Hopedale Township  
19 supports the disposal of the treated K061 residues by  
20 Tazewell County Landfill, Indian Creek Landfill." And  
21 it was signed August 12 by all elected officials  
22 including the Township commissioner.

23                   HEARING OFFICER WEBB: Do you want to file  
24 that?

1                   MR. SLAGER: File that for me. And by this  
2 there was a lot of things in there. But we feel  
3 that -- you know, like a lot of people we really didn't  
4 want a landfill in our back yard. But we tried to  
5 research it out and make the best out of everything that  
6 comes there. And we feel this is a safe product from  
7 what the State and the EPA and the Illinois Pollution  
8 Control Board and the landfill, all the work they have  
9 done makes us feel pretty safe and assured that it's  
10 better than what we have had in the past. So we support  
11 this and would like to see -- not object to it coming to  
12 our community.

13                   HEARING OFFICER WEBB: Also, I will mention, if  
14 anybody else -- if you prepared a letter and if you do  
15 not want to read the letter aloud, you can just hand it  
16 to me and I will file it with the Board as written  
17 public comment. But feel free to read it aloud if you  
18 so desire.

19                   I will next call -- is it Ila Minson?

20                                   (Pause in proceedings.)

21                   HEARING OFFICER WEBB: State your name and spell  
22 your name for the court reporter.

23                   MS. MINSON: My name is Ila Minson. I-l-a,  
24 M-i-n-s-o-n. I live -- I'm not born and raised, but I

1 currently live outside of Hopedale.

2                   First of all, I would like to address what  
3 Mr. Jeff Slager said. What Mr. Jeff Slager said was  
4 grossly inaccurate. I attend and take every public  
5 meeting. What he failed to tell you is that PDC is the  
6 one that presented this resolution. It was not on the  
7 agenda and it was filed -- in 2002 the Board said, If  
8 it's not on the agenda, the Board cannot take action for  
9 it. And it's considered null and void. I would like to  
10 submit a copy of the agenda of the Township where it  
11 shows it wasn't on the agenda, the resolution and the  
12 court ruling approved that -- and ask you not to listen  
13 to anything that Jeff Slager said because it was done  
14 illegally and should not be considered. Tsk, tsk.

15                   And the reason why Jeff Slager did it is the  
16 Township gets paid ten cents per ton to bring this waste  
17 and dump it over our drinking water. They want to do  
18 what -- let me use a piece of candy here. This is toxic  
19 waste. We will pretend like it's toxic waste, and this  
20 PDC. They want to take the protective coating on it and  
21 say, Ooh, well, ah, It's no longer toxic waste. They  
22 want to change the description but not change a thing.  
23 They brought a sample of it into the township meeting  
24 and all it is is a solid lump. It's not going to leach

1 near as fast --

2 HEARING OFFICER WEBB: Ms. Minson, you have to make  
3 sure the court reporter can hear you.

4 MS. MINSON: I'm sorry. Fashion outweighs common  
5 sense. First of all -- then they brought a sample in.  
6 And it looks just like solid mass. They want to make it  
7 dense. Changing it -- changing the consistency does not  
8 change how toxic it is. It's still -- tomato, tomato  
9 (emphasizing pronunciation) it does not change it. Just  
10 because they are taking the protective coating off, it's  
11 still toxic. And it is just going to leach that much  
12 slower into our drinking water. What kind of legacy is  
13 that? Our legislators shouldn't allow that over our  
14 drinking water to begin with. What does that say about  
15 our community? What does that say about our  
16 politicians?

17 And, in fact, I know -- I had this all  
18 planned. I was going to be so together on this. You  
19 know, I just think it's -- how -- what PDC has done is  
20 just -- is unscrupulous and underhanded. The fact that  
21 they have a township person come up here -- because they  
22 literally bought and paid for the township. You do the  
23 math. 240 tons come into Hopedale and at ten cents a  
24 ton -- I think that's called bribing a politician. PDC

1 told them, You don't have to document this. This is  
2 part -- who said you can just do whatever you want with  
3 this, which currently they are planning to use it to pay  
4 for the utilities for some private Christian service  
5 that happens to be Jeff Slager's pet project. Yeah. It  
6 gets better than this.

7           And that is why PDC should be refused to do  
8 this. Because they are telling the township, You are  
9 going to get an additional \$30,000 more a year. Look  
10 what you can do with that. And you don't have to record  
11 it or anything because it's not taxpayers' money, but  
12 yet they passed it as a TIF tax to put wear and tear on  
13 our world. So that is why I'm asking the Pollution  
14 Board to stand up and defend us citizens. I want you to  
15 step up to the plate. And I am asking why we don't have  
16 some kind of independent outside study that PDC doesn't  
17 have their hands in concerning this toxic waste, an  
18 objective, analytic -- something that nobody -- that PDC  
19 hasn't had their hands in it. It's asking too much to  
20 put over our groundwater. I'm sure I'm boring  
21 everybody. There is more.

22           So there is -- I just feel like that -- I  
23 will be sending more documentation in because I do  
24 document all the public meetings.

1 HEARING OFFICER WEBB: Why don't you mail this in  
2 because it really doesn't have -- include a letter with  
3 it.

4 MS. MINSON: Okay. I just want to show that when  
5 Jeff Slager amended that it was not binding.

6 HEARING OFFICER WEBB: Thank you.

7 Matt Varble?

8 MR. VARBLE: Good afternoon, Madam Chairman. My  
9 name is Matt Varble. I am the president of  
10 watchclintonlandfill.com. We are a political action  
11 committee represented through the State of Illinois  
12 State Board of Elections website. I also used to be  
13 former zoning and planning commissioner, one of seven,  
14 of DeWitt County, Illinois. And I come here before you  
15 today to present an oral motion at this hearing. And I  
16 will just speak to you extemporaneously a little bit in  
17 comments before presenting the oral motion to you.

18 Issues that were raised in response to  
19 Representative Bill Mitchell's letter which was filed  
20 with the Illinois Pollution Control Board will be  
21 addressed through this motion. What we are doing is  
22 proposing a motion under Title 35 of the Environmental  
23 Protection Act, subtitle A, general provision, chapter  
24 1, Pollution Control Board, part 102, regulatory and

1 informational hearings and proceedings, section 102.412  
2 scheduling of hearings.

3           That is a different motion and request than  
4 what Representative Mitchell, the state representative  
5 for the 87th House District, has presented to this  
6 Board.

7           And I will quote what the section of the law  
8 states. It states that, Under section A, except as  
9 otherwise provided by applicable law, no substantive  
10 regulations shall be adopted, amended or repealed until  
11 after a public hearing within the area of the state  
12 concerning.

13           In the case of site-specific rules a public  
14 hearing will be held in the affected county -- which is  
15 what we are at today -- except as otherwise provided by  
16 applicable law in the case of statewide regulations  
17 hearings shall be held in at least two areas. 415 ILCS  
18 528a says this in state statute: If the proponents or  
19 any participant wishes to request a hearing beyond the  
20 number of hearings specified by the hearing officer,  
21 that person must demonstrate in a motion to the hearing  
22 officer that failing to hold an additional hearing would  
23 result in material prejudice. The movement -- the  
24 motion may be oral. If made at hearing or written, the

1 movement must show that they exercised due diligence in  
2 its participation in the proceeding and why an  
3 additional hearing as opposed to the submission of  
4 written comments pursuant to section 102 --

5 COURT REPORTER: Could you slow down?

6 MR. VARBLE: -- is necessary.

7 Okay.

8 COURT REPORTER: And I will need a copy of that,  
9 too.

10 MR. VARBLE: Sure. I will submit that as soon as I  
11 finish my comments.

12 So based upon that citing of the statute, we  
13 propose that a second hearing on case AS 08-10 should be  
14 held in DeWitt County pursuant to 415 ILCS 5/28a as  
15 required for in the case of statewide regulations. The  
16 failure to hold an additional hearing pursuant to 415  
17 ILCS 5/28a would result in material prejudice to the  
18 residents of DeWitt County for the following reasons:  
19 One, we grant that the treatment process is  
20 site-specific to Peoria. That said, the potential  
21 impact from this K061 delisting is effectively  
22 converting subtitle D landfills into hazardous landfills  
23 without local siting approvals if an error is made and  
24 the resulting residue starts to exhibit its previous

1 hazardous characteristics at some time in the future.

2           While hearings at all subtitle D locations  
3 statewide may not be practical, we feel hearings at two  
4 locations as required by 415 ILCS 5/28a and at the next  
5 closest site, which is Clinton, is not only required but  
6 prudent.

7           Our due diligence has been met. DeWitt  
8 County residents did not receive adequate notice of this  
9 hearing to enable their informed participation today.  
10 But once WATCH became aware of the hearing, all due  
11 diligence was exercised to allow WATCH to participate in  
12 this proceeding on a limited basis. We only had 11 days  
13 to prepare, and time did not allow informed  
14 participation by interested members of the general  
15 public, DeWitt County.

16           Our burden of proving that due diligence was  
17 met pursuant to the statutes includes the following:  
18 Notice was received at about noon on August 7th, 2008,  
19 just 11 days prior to today's hearing. We received  
20 notice from the Heart of Illinois Sierra Club. We did  
21 not receive notice at any time during the 18 months that  
22 the Peoria Disposal Corporation was evaluating this  
23 process, although PDC held public and private meetings  
24 during that time in DeWitt County with public and

1 elected officials.

2           After receiving notice, DeWitt County Board  
3 Chairman, Steve Lodd, was contacted and made a decision  
4 on Friday, in one day, to call an emergency special  
5 board meeting for last Wednesday, August 13th, 2008.  
6 The delay in calling the emergency meeting was necessary  
7 due to the need to confirm that a quorum could be  
8 attained and to satisfy the statutory 48-hour rule for  
9 meeting notices.

10           WATCH obtained a consensus of 11 of 12 county  
11 board members by Sunday evening, August 10th, 2008, that  
12 the meeting was needed providing the necessary quorum.  
13 WATCH also obtained a consensus of ten members of the  
14 DeWitt County Board who indicated support for her  
15 resolution calling for an additional Pollution Control  
16 Board hearing in Clinton, Illinois. Notice of the  
17 emergency special meeting of the DeWitt County Board was  
18 attended by active members of WATCH because of the  
19 inherent limitations of mass communications for DeWitt  
20 County residents. Regional papers from Decatur and  
21 Bloomington did not publish the notice once it was  
22 announced. One local paper, the Clinton Journal,  
23 published the story in its next edition at noon on  
24 Tuesday, August 12th.

1                   A second county weekly newspaper, the Farmers  
2 City Journal, did not publish the story in its Tuesday  
3 evening edition. The third county newspaper, the DeWitt  
4 County --

5           HEARING OFFICER WEBB: Mr. Varble, can you  
6 summarize this a little bit?

7           MR. VARBLE: I think it would be prudent to go  
8 through the points due to establishing the burden of due  
9 diligence.

10          MS. MANNING: Madam Hearing Officer, if I could as  
11 a point of order as well --

12          MR. VARBLE: Excuse me. I am answering the Hearing  
13 Officer's question. As a matter of due diligence, I  
14 think it's important to reflect that in the minutes of  
15 the record unless you feel that that's not --

16          HEARING OFFICER WEBB: Okay. Just a minute. What  
17 were you going to say?

18          MS. MANNING: I am going object to this. Public  
19 comments, obviously, we are happy to hear public  
20 comments on the petition that's before the Pollution  
21 Control Board. But, number one, the gentleman is citing  
22 the wrong -- you know, we could argue this in the briefs  
23 afterward, but as the Board knows, he is citing the  
24 regulatory provisions that we have, not the adjudicatory

1 provisions that are -- an adjusted standard is pursuant  
2 to the Board's adjudicatory authority. It's not  
3 pursuant to the Board's regulatory authority. So the  
4 very provisions that he is citing are not relevant to  
5 this particular proceeding. And, secondly, you know, as  
6 a party, you know, I don't know how the Board can  
7 necessarily entertain a motion in this particular --

8 HEARING OFFICER WEBB: It would be a request,  
9 taking a request.

10 MS. MANNING: Right. Certainly not a motion of a  
11 party. So at any rate, I think it behooves us all to  
12 move on with public comment in terms of the substance of  
13 the matter before the Board.

14 HEARING OFFICER WEBB: You understand they are  
15 going to rule on this this Thursday. They won't have  
16 the transcript until next week.

17 MR. VARBLE: Okay. I believe, then, it's important  
18 to make this request, though, because I think --

19 HEARING OFFICER WEBB: If you are going to go into  
20 that much detail, I would encourage you to submit that  
21 as a written public comment.

22 MR. VARBLE: I will submit that.

23 HEARING OFFICER WEBB: It would be a lot easier.

24 MR. VARBLE: I will expedite making my comments.

1 HEARING OFFICER WEBB: Okay. Thank you.

2 MR. VARBLE: So I believe a second hearing is  
3 necessary also due to the fact that communication is  
4 inadequate in DeWitt County for this purpose. While  
5 written communication is possible in the future from  
6 DeWitt County residents, the time to be allotted for the  
7 education and forming of opinions on this delisting  
8 issue needs to be adequate for that to occur.

9 Second hearing with adequate time to prepare  
10 would focus residents on the perspective involvement on  
11 this issue. It would allow time for public education by  
12 the parties. And it would afford and remedy the  
13 disparity between the current four-month opportunity  
14 afforded to residents of Peoria County versus the 11  
15 days of opportunity given to DeWitt County residents.  
16 Contrary to the assertion made by Mr. Meginnes in his  
17 response that was filed on August 14th to Representative  
18 Mitchell's letter requesting a second hearing, we assert  
19 that the residents would not have adequate  
20 transportation to attend today's hearing and express  
21 their concerns. We have a larger-than-average senior  
22 population in DeWitt County living on fixed incomes. We  
23 have a larger-than-average poverty level population with  
24 inadequate private transportation to attend the

1 hearings, such as the one here today. We are now  
2 studying the implementation of a countywide federally  
3 subsidized rural transportation program and have a very  
4 limited local --

5 COURT REPORTER: Could you slow down?

6 MR. VARBLE: We attempted to raise donations  
7 to pay for private transportation to allow concerned  
8 residents to attend today, but that effort was not  
9 successful due to the limited time available to seek  
10 donations due to the late notice of this meeting.

11 Representative Mitchell's request filed on  
12 August 13th for a second hearing citing he received  
13 calls from constituents expressing concerns of the  
14 long-term public health and safety of this hearing's  
15 delisting question. We feel that this is required by  
16 statute to have a second hearing and that the effective  
17 notice was not made. This was not disclosed by Peoria  
18 Disposal formally to the DeWitt County Board. There is  
19 direct evidence of the interest of DeWitt County  
20 residents over landfill related issues if they are given  
21 adequate notice and time to consider their concerns as  
22 evidenced by the February 5th, 2008, primary election  
23 during -- where a near record 44 percent of voters  
24 turned out to consider a public question of whether or

1 not there should be a chemical waste landfill permitted  
2 in Clinton. 74 percent or 3,531 people voted against  
3 the proposed permitted of a chemical waste landfill  
4 which Peoria Disposal currently has pending before  
5 region 5 of the U.S.EPA. And they had a period of over  
6 three months prior to forming their opinions as opposed  
7 to 11 days. And --

8 HEARING OFFICER WEBB: Mr. Varble, you still have  
9 several pages there. Again, I am going to ask you to  
10 please submit this as a written comment or summarize as  
11 quickly as you can. We have a lot of people here to  
12 speak today.

13 MR. VARBLE: I'm on the last page.

14 HEARING OFFICER WEBB: Thank you.

15 MR. VARBLE: It will take me several minutes.  
16 While I would like to sum up, contrary to these  
17 assertions that if reduced to writing and approved by  
18 all parties gives the DeWitt County Board control --  
19 they talk about an amendment that was proposed -- it is  
20 not an adequate substitute for the right for concerned  
21 residents to express their concerns directly as would be  
22 afforded them if a hearing was convened in Clinton,  
23 Illinois.

24 While an amendment to the DeWitt County

1 Landfill hosting agreement, which has not been  
2 specified, just orally presented, DeWitt County has an  
3 option to limit or restrict this waste from coming, but  
4 it does not if it is designed to circumvent this process  
5 rather than to address the issue. Thus we say that if  
6 delisted, DeWitt County not being afforded the right to  
7 participate by holding a second hearing would represent  
8 undue prejudice against the residents of DeWitt County.  
9 And we request a second hearing for those reasons in  
10 addition to the written comments that we will submit.  
11 Thank you.

12 HEARING OFFICER WEBB: Thank you.

13 COURT REPORTER: Can I get the spelling of your  
14 name?

15 MR. VARBLE: Spelling, M-a-t-t, Varble, V as in  
16 Victor, a-r-b, as in bravo, l-e.

17 HEARING OFFICER WEBB: Thank you. I would like to  
18 call Mr. Dennis Ford.

19 (Pause in proceedings.)

20 MR. FORD: My name is Dennis Ford, F-o-r-d.

21 Thank you to the Board for allowing me an  
22 opportunity to participate in public comment on this  
23 issue. The first thing I want to say is that I'm here  
24 to ask you and to encourage you to not approve PDC's

1 petition to delist this waste. I have a number of  
2 concerns about it. I guess the main concern that I  
3 have -- well, first of all, my overarching concern in  
4 the whole issue is just public health and safety. I'm  
5 worried that what they are proposing may be a hazard,  
6 may be dangerous or harmful to the general public, not  
7 only in my community -- I'm from Hopedale. I live near  
8 Indian Creek Landfill -- but also to the whole region of  
9 central Illinois and Peoria, Peoria area.

10           One of my main areas of concern is the lack  
11 of long-term studies on whether or not it's an effective  
12 process. I understand there has been extensive studies  
13 done. Well, I wouldn't say extensive studies.  
14 Intensive studies have been done on this, but not  
15 long-term studies on what is actually going to take  
16 place when this treated waste product ends up in a  
17 municipal landfill, a RCRA, subtitle D landfill.

18           You know, we know there are components of the  
19 waste product in a subtitle D landfill that are not  
20 necessarily under control or even known what's in there.  
21 There is just all kinds of things that can be in a  
22 regular municipal placed landfill that could interact  
23 with this treated waste and render their efforts to  
24 stabilize this, you know, not successful. So that's my

1 concern is the lack of long-term studies on what's  
2 really going to happen when this waste gets into a  
3 municipal waste landfill.

4           Now if it turns out that this is not 100  
5 percent stabilized and that things do start happening  
6 with the -- say the treated waste product starts to  
7 breakdown and chemical reactions are happening within  
8 the landfill, I'm concerned about, of course, emissions,  
9 air emissions from volatilized compounds coming out of  
10 the landfill. I'm concerned about surface water  
11 pollutions. Indian Creek is nearby -- Indian Creek runs  
12 directly into the Mackinaw River within less than two  
13 miles of the landfill, Indian Creek Landfill. And, of  
14 course, the Mackinaw River runs into the Illinois River  
15 several miles away on the boundary of Tazewell County  
16 near Pekin, Illinois.

17           Now I know that there is -- there was some  
18 reference in the application and in the EPA's review of  
19 this petition, there is reference to dioxins and furans  
20 possibly being released into Indian Creek. You know, I  
21 don't think that we want that to happen. There is a lot  
22 of fishing that does take place -- not so much in Indian  
23 Creek, which is a very small creek, but Indian Creek  
24 flows directly into the Mackinaw River. There is a lot

1 of fishing that takes place in the Mackinaw River and a  
2 lot of consumption of fish from that stretch of the  
3 Mackinaw River from Hopedale Township right over to the  
4 convergence of Mackinaw River with Illinois River.

5 There is a lot of fish caught and consumed in that area,  
6 and I think we need to be careful about the health and  
7 safety of those people who are eating that fish.

8 (Brief pause in proceedings.)

9 Oh, yes. The other area I'm really concerned  
10 about is if, in fact, it turns out that -- that this  
11 waste, this treated waste, does start to cause problems  
12 that it does have higher leachability than is  
13 anticipated; that it does -- that it is released into  
14 the environment through the bottom of the landfill.  
15 Indian Creek Landfill is sitting directly on top of the  
16 Mahomet aquifer. It's estimated to be -- the bulk of  
17 the landfill is estimated to be within 35 feet of the  
18 top of Mahomet aquifer, not a very large distance. It's  
19 not known -- I believe it's not known right now how this  
20 waste is going to react once it gets into the municipal  
21 waste landfill, what the potential is for any sort of  
22 leaching or release into the environment. It is known  
23 or it has been published -- I have read information that  
24 says there are already or there can be substances in a

1 municipal waste landfill that are capable of migrating  
2 through an HDPE liner.

3           So if these substances that you expect to  
4 find in a municipal waste landfill start reacting with  
5 the new substances that are going to be put in there  
6 with the treated waste, I feel we just don't know what  
7 is going to happen. But there is information that says  
8 that those constituents could travel through the liner  
9 and end up in the Mahomet aquifer which is a huge  
10 resource, a very important resource for water for a  
11 large area of Illinois, considered to be some of the  
12 cleanest and purest water in the nation.

13           I would like the Board to consider -- take  
14 that into consideration, the possibility of endangering  
15 public health and safety by granting this delisting.

16           Another area of concern of mine is the  
17 implication by PDC that to not receive this delisting  
18 would be really harmful to their business. First of  
19 all, I don't think that business concerns and concerns  
20 for profit should come before public health and safety  
21 concerns. Secondly, I don't think it's the general  
22 public's responsibility or the regulatory agency's  
23 responsibility to ensure convenient avenue for business.

24           Now, of course, we have waste, and it needs

1 to be managed. And I don't -- I don't necessarily think  
2 that if PDC doesn't get this delisting that they need to  
3 fold up and die. We need people who are innovating ways  
4 to manage waste in the future. From the things that I  
5 have been reading lately and hearing from others, it  
6 doesn't seem like what they are proposing here is  
7 cutting edge technology. It's just sort of the same old  
8 thing, treating the waste, putting it in land --  
9 disposal landfill. There seems to be more technology  
10 coming up on the horizon, and I would challenge PDC to  
11 jump out in that and be a leader in that area instead of  
12 trying to find ways to find loopholes to just continue  
13 doing the same old thing. You know, they can be a  
14 leader in this sort of new technology and continue to  
15 have a very successful business. That would be great.

16 HEARING OFFICER WEBB: Could you please sum up the  
17 rest of your argument?

18 MR. FORD: Yes. So, again, I would ask the Board  
19 to not grant this delisting. My areas of concerns are  
20 public health and safety, lack of long-term testing and  
21 not a clear understanding of what's really going to  
22 happen when this waste hits the actual municipal waste  
23 landfill, my concerns over surface water and especially  
24 my concerns over the quality of Mahomet aquifer water.

1 Thank you for allowing me to comment.

2 HEARING OFFICER WEBB: Again, I apologize for  
3 cutting people short. I'm going to try to keep people  
4 under ten minutes, if possible, because we have quite a  
5 few people who wish to speak today. If you did not get  
6 to say everything you wish to say, please submit written  
7 public comment to the Board. And that will be  
8 considered as much as if you said it at today's hearing.

9 (Whereupon, a recess was taken in the  
10 proceedings.)

11 HEARING OFFICER WEBB: When everyone is settled  
12 down, I would like to call Lisa Offutt.

13 (Brief pause in proceedings.)

14 HEARING OFFICER WEBB: Again, I would like people  
15 to please try to be succinct as possible. We have more  
16 than 20 people who still wish to speak. So with that in  
17 mind I will turn the microphone over to you. Spell your  
18 name for the court reporter.

19 MS. OFFUTT: My name is Lisa Offutt. Last name is  
20 O-f-f, as in Frank, u-t-t, as in Thomas.

21 When the Peoria County Board originally  
22 denied PDC's expansion application, it cited concerns  
23 that are relevant to the issue at hand today. The  
24 County Board expressed its finding back in 2006 that the

1 public health and safety and welfare would not be  
2 protected were the landfill to be expanded. Many of the  
3 same health concerns arise when we contemplate the  
4 possibility of the waste treatment facility at PDC  
5 number 1 being allowed to operate indefinitely as it  
6 would if this delisting was approved. I am not going to  
7 go over all of the potential health concerns, but there  
8 are two I would like to highlight.

9           One obvious concern is the increased truck  
10 traffic through our area bringing loads of dusty  
11 hazardous material through our communities to PDC number  
12 1. Trucks do overturn. Just recently a truck hauling  
13 waste to PDC's DeWitt County landfill overturned just  
14 outside the landfill's gates. Imagine a truckload of  
15 heavy metal lace and EAF dust overturning near a Peoria  
16 neighborhood on a windy day. It would be impossible to  
17 contain and thousands could be affected. But my primary  
18 concern for us regarding this landfill is the possible  
19 contamination of our aquifer, the source of our drinking  
20 water, directly over which the landfill sits.

21           Activities related to the waste treatment  
22 facility should this delisting be approved will, in my  
23 opinion, only make aquifer contamination more likely.

24           In the technical support documents for their

1 delisting proposal, PDC describes how the treated waste  
2 will be moved to a storage area in 25 cubic yard  
3 roll-off boxes or 168 cubic yard gondola style rail  
4 boxes to await testing or having failed initial testing  
5 to cure for a period of time before retesting. These  
6 very large, very heavy containers would need to be moved  
7 by very large, very heavy equipment.

8           The storage area PDC proposes to use is  
9 portions of landfill cell C1, C2 and C3. I'm very  
10 concerned about the repeated compaction and wear and  
11 tear to the landfill cells of driving these heavy  
12 machines and heavy loads back and forth over them on a  
13 daily basis.

14           We know from our research during the  
15 expansion hearings that there is evidence that cell C1  
16 has significant leaking of leachate and that the liner  
17 system is compromised. At the hearing I recall it being  
18 brought up that microencapsulated wastes are in the cell  
19 and that there is a weight limit, or at least concern  
20 about the amount of waste that can be placed over this  
21 type of waste. I ask if this is being taken into  
22 consideration regarding this delisting request as I  
23 haven't heard any mention of this issue so far in public  
24 meetings or documentation.

1                   During the landfill expansion hearing process  
2 Peoria Families Against Toxic Waste brought forward  
3 evidence that PDC had encountered sand lense when  
4 digging cell C1, and that they were unable to find the  
5 bottom of it. Sand lenses can be a direct route into  
6 the aquifer below. Cell C1 was built over two sand  
7 lenses encountered in construction of the cell.  
8 Repeated hauling heavy loads back and forth across this  
9 already compromised area only increases chances of a  
10 breach.

11                   There is another reason I believe that it's  
12 relevant to bring up PDC's expansion request and  
13 subsequent denial. As it stands, PDC number 1 is  
14 projected to be full sometime in 2009. If this  
15 delisting is approved and PDC can begin landfilling the  
16 treated waste elsewhere the active portion of the  
17 landfill will fill more slowly and remain open much  
18 longer. PDC representatives have mentioned this in  
19 public as a benefit of delisting on more than one  
20 occasion.

21                   Finally, I believe there is a pattern of  
22 behavior on PDC's part that shows an intention to  
23 subvert the siting authority of the County, and this  
24 delisting proposal is just the latest effort. Of course

1 they did not accept the decision to deny their expansion  
2 request and appealed to the Pollution Control Board to  
3 overturn it. Fortunately, you upheld it, and PDC has  
4 subsequently taken their appeal to the appellate court.

5           But even before IPCB's decision came down,  
6 PDC was hard at work pursuing other means of keeping  
7 their operations going. Last year PDC asked the  
8 Illinois EPA to modify its permit and be classified as a  
9 waste generator. They were asking the IEPA to say that  
10 the waste that goes through their waste treatment  
11 facility that comes from several different sources  
12 inside and outside of the state is actually waste that  
13 is generated by them.

14           I know that the IEPA and IPCB have since  
15 decided that PDC is the generator of the waste it  
16 treats. But with all due respect it still defies  
17 comprehension. The important point is that  
18 reclassification would have allowed PDC to expand the  
19 landfill without County approval. Fortunately, the IEPA  
20 saw fit to deny this request, and the PCB affirmed its  
21 decision when PDC in turn appealed it. Now PDC is  
22 attempting to have the waste that goes through their  
23 treatment facility declared nonhazardous so they can  
24 dump it in a municipal landfill with relatively normal

1 liner systems and no leachate detection system along  
2 with people's cleaning solvents, paint, bleach, organic  
3 waste, et cetera. There is a provision in their  
4 proposal that would allow them to take waste from new  
5 sources not listed in their proposal without any  
6 approval from any regulatory body and merely give 15  
7 days notice.

8           Given the wide variability of what gets  
9 melted down in the steelmaking process and,  
10 consequently, the wide variability in constituents of  
11 concern in the EAF dust, this amounts to PDC being able  
12 to delist waste on their own. PDC keeps coming up with  
13 more ways to make an end run around the fact that the  
14 people of Peoria County and our county board have spoken  
15 loudly and clearly that we don't want their hazardous  
16 waste business to continue indefinitely in our  
17 community.

18           I would also like to point out as evidence  
19 that PDC's unwillingness to openly engage the  
20 communities in which they do business, that the people  
21 of DeWitt County as you heard earlier, had no idea that  
22 their municipal waste landfill was listed as a possible  
23 recipient of those treated EAF dust waste. And because  
24 you heard that earlier and in the interest of time, I

1 won't go into detail. But I will say that I have heard  
2 Chris Coulter state in public that their intention with  
3 this delisting is not just to be allowed to dispose of  
4 the waste in their own landfill, but in any municipal  
5 landfill in the state of Illinois. This radically  
6 widens the pool of counties likely to be affected by  
7 this delisting should it go forward.

8           Finally, I would like to comment on what I  
9 see as the lopsided nature of these processes. I  
10 hesitated and thought long and hard about the arguments  
11 I'm about to make. And I want to be very clear that my  
12 comments are offered respectfully and with an awareness  
13 of size and complexity of the task that confronts  
14 everyone in this and related matters. However, this is  
15 a concern that I have had for three years, and I feel  
16 compelled to express it. My understanding is that the  
17 burden of proof and the proposals like PDC's is on the  
18 petitioner. In other words, on PDC. However, over the  
19 course of the last three years the burden of taking a  
20 locally based careful, critical look at these proposals  
21 has fallen to ordinary citizens like the members of  
22 Heart of Illinois Sierra Club and Peoria Families  
23 Against Toxic Waste and others. We ask the Pollution  
24 Control Board for it's most careful, scientific

1 assessment of the full and long-term impact of this  
2 delisting request.

3 I understand that the regulatory bodies  
4 involved are often understaffed and overworked and,  
5 therefore, they tend to be inclined to look for problems  
6 and more inclined to simply state that regulations are  
7 being met and leave it at that. County board members  
8 are, by and large, not scientists or engineers and  
9 certainly not experts in the relevant fields. And they  
10 rely heavily on county staff. County staff seem  
11 disproportionately concerned about keeping two area  
12 businesses and jobs intact. I personally am tired of  
13 being accused of wanting PDC to go out of business, and  
14 I'm tired of the implication that we don't care about  
15 people losing their jobs. Nothing could be further from  
16 the truth. However, to those who may be understandably  
17 upset about the possibility that their jobs may  
18 disappear, I would suggest that their anger is more  
19 appropriately directed at the owners and managers who  
20 have failed to manage their companies intelligently  
21 enough to adapt to changing circumstances and  
22 technologies.

23 This is a major issue for me. Who is looking  
24 out for the tens of thousands of others who don't happen

1 to work for PDC or Keystone both now and in the future  
2 who have a right to expect clean water to drink and  
3 clean air to breathe? We don't have the deep pockets of  
4 PDC or Keystone or even the county. We stand to gain  
5 nothing here. We have not made one red cent for all of  
6 the hours we have spent over the last three years  
7 reading reams of technical documents, writing letters  
8 and giving public testimony. Nobody is paying us to  
9 come to public hearings and make statements. We all  
10 have jobs, families, and other responsibilities that  
11 demand our time and energy. Indeed we have spent a lot  
12 of time, effort and our own money.

13                   It seems at times the county board and the  
14 county staff think they primarily represent area  
15 businesses. Who represents us in this process? Why  
16 didn't the County hire truly independent experts who  
17 could pore over the 27 boxes of documents in PDC's  
18 expansion application and all of the other documentation  
19 relating to all of PDC's other maneuvering and find the  
20 potential problems in them, instead of hiring the  
21 engineering firm that PDC hired to draw up their own  
22 expansion plans, to rubber stamp this delisting without  
23 access to much of the relevant information. In a  
24 scientific undertaking and to my mind in any clear and

1 rational decision-making process, one makes an argument  
2 and then tries conscientiously to defeat it. This is  
3 how you show that your argument and your position is  
4 valid.

5 I am not at all satisfied that this has been  
6 a process with regard to PDC at least on the part of  
7 county staff and the IEPA. I sincerely hope this is the  
8 approach that will be taken by the Pollution Control  
9 Board and that the siting authority of the Peoria County  
10 Board, the elected voice of the people of Peoria County,  
11 will be upheld.

12 HEARING OFFICER WEBB: Thank you. I am going to  
13 try a new incentive program. Please raise your hand --  
14 if you are going to speak for five minutes or less, I  
15 will take you out of the order of the list, five minutes  
16 or less.

17 Sir, in the white shirt. You had your hand  
18 up first. And your name, sir?

19 MR. HABBEN: Rudy, Habben, H-a-b-b-e--

20 HEARING OFFICER WEBB: Please keep your voice up.

21 COURT REPORTER: I can't hear you, sir.

22 HEARING OFFICER WEBB: Spell that again for the  
23 court reporter.

24 MR. HABBEN: Rudy Habben, H-a-b-b-e-n.

1 COURT REPORTER: And what was the first name?

2 MR. HABBEN: Rudy, R-u-d-y. And I have a short  
3 letter to read and then few comments of concern.

4 HEARING OFFICER WEBB: Okay.

5 MR. HABBEN: My name is Rudy Habben. I live at  
6 3732 North Monroe Avenue, Peoria Heights, Illinois,  
7 61616. And I'm currently vice chairman of the Heart of  
8 Illinois Group Sierra Club, and I wish to state my  
9 concerns about the delisting. I am concerned that the  
10 Illinois Environmental Protection Agency says in its  
11 June 12th, 2008, comment letter that PDC requests will  
12 likely meet the required level of justification with  
13 some additional information. And I respectfully wish to  
14 point out that "will likely" is a very open-ended way to  
15 consider regulation that could impact municipal waste  
16 landfills and area water resources across Illinois for  
17 years and years to come.

18 This delisting should be denied. PDC should  
19 not be allowed to send treated -- pardon me -- electric  
20 arc furnace waste, dust waste, to any title D municipal  
21 waste landfill in Illinois. I also think PDC should not  
22 be allowed to delay reaching capacity at its hazardous  
23 waste landfill at Peoria until 2018. And it should be  
24 closed next year. Because this delisting could impact

1 municipal waste landfills across Illinois, I think a  
2 second hearing must be held. I request that the  
3 Illinois Pollution Control Board hold a public hearing  
4 in Clinton. Thank you.

5           And then the reason I generated this concern  
6 is in the -- generated this concern is in the electronic  
7 filings received by the Clerk's office on 2/12/2008 and,  
8 specifically, H section 104.406(H) justification of the  
9 proposed adjusted standard. And this is where the EPA  
10 said there had to be modified with regard to toxic,  
11 paren, DRAS modeling summary in the appendix that a  
12 fraction of fish intake is reduced from the generic  
13 input of 1.0 to the quite specific input of .05. And  
14 also in appendix 4H cites specific model function table,  
15 the fish consumption rate is increased from the default  
16 input of 0.02 kilograms a day to the site-specific input  
17 of 0.06 kilograms per day. And congratulations to EPA  
18 that -- whoever did the review of the application found  
19 that in appendix 4H that only 0.006 kilograms a day was  
20 used in the model and then requested that it be rerun.  
21 And so this raises a real red flag to me. It's been  
22 years and years since I had to do anything with  
23 statistics and data going into a model and so forth, and  
24 the danger of manipulating the data and get the outcome

1 that you desire.

2                   So I would request that that model be rerun  
3 by an independent agency. I don't know if EPA is  
4 capable of doing that, but I think it has to be -- it  
5 can't be the company that does the -- again, reruns the  
6 model in terms of determining the impact on the  
7 environment. Thank you.

8           HEARING OFFICER WEBB: Does that have your name on  
9 it?

10          MR. HABBEN: No. This was your --

11          HEARING OFFICER WEBB: Thank you very much. Five  
12 minutes or less?

13                               (Brief pause in proceedings.)

14          HEARING OFFICER WEBB: Spell your name, ma'am.

15          MS. BUCKLAR: My name is Tessie Bucklar. It's  
16 T-e-s-s-i-e, last name is B-u-c-k-l-a-r.

17                   I have many concerns that I would like to  
18 speak about today. I am not a scientist, but a mother.  
19 I know there are many people that would like to  
20 discredit those like me that do not have a scientific  
21 background, yet I have spent several years trying to  
22 educate myself on this issue. I am a citizen and a  
23 volunteer and have nothing to gain by speaking today  
24 except to hope that I might be protecting health and

1 safety of my family in the future. I am a citizen of  
2 Peoria County, but I currently purchase my drinking  
3 water from a company that sources water from the Mahomet  
4 aquifer, the aquifer that would be affected by  
5 contamination from the landfills in both Clinton and  
6 Hopedale, Illinois, where PDC is proposing to send this  
7 delisted hazardous waste.

8 My first concern deals with the treatment of  
9 these hazardous substances. Nothing I have read or  
10 heard even today about this treatment process states  
11 that the chemical composition of these toxins is changed  
12 during the treatment process. Mixing hazardous waste  
13 with cement or whatever substance they use to create a  
14 lower parts per million does not change the amount of  
15 lead, chromium or mercury and other heavy metals that is  
16 contained within the EAF dust. The lead is still lead,  
17 the chromium still chromium, the mercury still mercury.  
18 It is just being put into a larger package.

19 COURT REPORTER: I need to change my paper.

20 (Brief pause in proceedings.)

21 MS. BUCKLAR: As I was stating, lead is still lead,  
22 the chromium still chromium, the mercury still mercury.  
23 It is just being put in a larger package. My concerns  
24 increased when I learned that this treatment process is

1 considered proprietary information and it is kept secret  
2 and not allowed to be examined by the public.

3 My second concern is that these substances  
4 are being sent to municipal landfills with even less  
5 restrictions than hazardous waste landfills. And it's  
6 my understanding that we are not talking about a small  
7 amount of EAF dust just being occasionally deposited at  
8 a municipal landfill, but a large-scale operation with  
9 as much as 95,000 cubic yards going in each year. There  
10 is absolutely no waste toxicity ever changing mixture of  
11 substances that the lead, chromium, mercury and other  
12 heavy metals will come into contact with the municipal  
13 landfill. Substances that may not be allowed in a  
14 municipal landfill, but that will find their way there  
15 anyway. Is this hazardous waste being segregated from  
16 the rest of the household waste, or is it just being  
17 thrown in with everything else? What happens when the  
18 sulphuric acid from a car battery, the solvent from  
19 paint thinner or simple household bleach comes in  
20 contact with these heavy metals? What happens when they  
21 are left exposed to the elements of nature during the  
22 day when there is no cover on the landfill? What  
23 happens when they are mixed with the methane gas  
24 produced by municipal landfills? What happens when they

1 are subjected to the daily compaction of heavy equipment  
2 that is used at these landfills? Until these questions  
3 are answered, it would be irresponsible to allow these  
4 hazardous materials to be mixed with municipal trash.

5 I believe Chris Coulter said it best himself  
6 in the Journal Star this weekend. Quote, "It's not the  
7 hazardous waste landfill that keeps me up at night, said  
8 Coulter. At a municipal waste landfill I don't know  
9 what people are putting in their trash," end quote. If  
10 we don't know what comes in, how can we test for it?  
11 And if we can't test for it, how can you tell us that  
12 it's safe?

13 My third concern deals with economic issues.  
14 It is my understanding that one of the main arguments in  
15 favor of this delisting is that it would be economically  
16 beneficial to both PDC and Keystone. I'm wondering if  
17 anyone is taking into account the negative economic  
18 impact any type of contamination of the Mahomet aquifer  
19 would have on many other Illinois businesses and  
20 industry. What about the company that provides my  
21 drinking water? They have employees and drivers. What  
22 happens to them if they can no longer pump  
23 uncontaminated water? What happens to the farmers that  
24 use water from the aquifer for irrigation? What happens

1 to the ethanol plants that use enormous quantities of  
2 water from the aquifer for ethanol production? Do the  
3 business interests of PDC and Keystone trump those of  
4 these other Illinois businesses that depend on the  
5 Mahomet aquifer? Once again, until these questions are  
6 addressed, it would be irresponsible to allow this  
7 delisting.

8                   In closing, I respectfully ask the Illinois  
9 Pollution Control Board to deny this delisting.  
10 The huge quantity of EAF dust that is proposed to be  
11 landfilled above the Mahomet aquifer is too great a  
12 risk. Even trace elements of carcinogens and  
13 neurotoxins contained in the dust could be triggers for  
14 cancers, autism and many other illnesses. Deny this now  
15 so that we can avoid a potential health, environmental  
16 and economic disaster in the future.

17                   Lastly, I respectfully request that public  
18 hearings be held in both Clinton and Hopedale, Illinois,  
19 so that citizens of those communities can have the same  
20 chance to voice their concerns as I have. Thank you.

21                   HEARING OFFICER WEBB: Thank you. Anyone else have  
22 a short comment?

23                   Ma'am?

24                   (Brief pause in proceedings.)

1 MS. JORGENSEN: My name is Diane, D-i-a-n-e,  
2 Jorgensen, J-o-r-g-e-n-s-e-n. I live in East Peoria.  
3 And I strongly oppose the delisting of EAF dust because  
4 of concerns of long-term health and safety concerns. I  
5 also request a second hearing in Clinton, Illinois  
6 regarding PDC delisting application. This delisting  
7 will create a statewide rule change allowing PDC to send  
8 its EAF to any subtitle D municipal waste landfill in  
9 Illinois. Thank you.

10 HEARING OFFICER WEBB: In the green.

11 (Brief pause in proceedings.)

12 MS. LUNER: My name is Julie Luner, L-u-n-e-r. And  
13 I live in Peoria. And my primary concern as a resident  
14 of Peoria County is a verification of RMT's conclusion.  
15 RMT is a paid client of PDC. There is a conflict of  
16 interest. There has no been no independent testing and  
17 verification of the new proprietary stabilization  
18 technology. Unless RMT's finding of efficacy and  
19 long-term safety of this new technology is verified by a  
20 qualified, independent party, I believe it would be  
21 irresponsible for the IPCB to delist the EAF dust based  
22 upon the current information.

23 HEARING OFFICER WEBB: Thank you. Short comment,  
24 sir, in the glasses?

1 (Brief pause in proceedings.)

2 HEARING OFFICER WEBB: Five minutes or less?

3 MR. MAURER: Don Maurer, M-a-u-r-e-r, from  
4 Hopedale, Illinois. And I'm on the Hopedale Betterment  
5 Association, the Lions' Club, the Triangle of  
6 Opportunity, and -- about -- and I go to the township  
7 meetings, by the way, and the village board meetings.  
8 So I have an idea of what's going on.

9 And I was a little concerned about the  
10 landfill so I talked to Jess Slager who is the head of  
11 the township. And he filled me in on what it was about.  
12 And so I heard a lot of good things about the landfill.  
13 So the landfill is two miles from my home. And last  
14 year in Hopedale there was a hearing in December and  
15 January that lasted a day and a half. And I thought it  
16 was a real great meeting. And it brought out a lot of  
17 things with -- I didn't realize. The liner is kind of  
18 like the back of your chair. They've got a -- if I'm  
19 not mistaken, it's white and black. And they take this  
20 big huge hole. It's probably higher than this ceiling,  
21 maybe it's from that wall to this wall. And they -- the  
22 liner is really sturdy. They put the liner down first  
23 and then they put the stuff in. Then after they put the  
24 garbage in, then they put it in. And then last week

1 there was a township meeting, and I went to the township  
2 meeting. And the township meeting, Chris Coulter he  
3 came to the meeting, and he showed two jars of the dust  
4 and the liquid. And he -- it's really a long story  
5 about that, but he cleared everything up about that.  
6 And there was no secret meetings or nothing like that as  
7 far as the township went. And like I say, I went to --  
8 last year I went to the December and January meeting in  
9 Hopedale. And I really found it fascinating. And I  
10 would like to challenge anybody in this to go out to the  
11 landfill and judge it for yourself. You will find that  
12 it is very well clean. As a matter of fact, if there is  
13 any garbage out on the highway, they have maintenance  
14 men clean up the garbage on the highway, on I-55. They  
15 keep it really clean.

16 This is kind of like a book.

17 HEARING OFFICER WEBB: Sir --

18 MR. MAURER: Okay. This is kind of like a book.  
19 You open up the pages. You have ten pages. And you  
20 only go to page 8. You are not getting the whole  
21 meaning of the landfill. And I guess I only got one  
22 minute, but the Coulters at the landfill are doing an  
23 excellent job. And if anybody would like to see this  
24 landfill in Hopedale, I would contact the Coulters to

1 see this landfill. Okay. I'm already on five minutes.

2 Okay. Thank you.

3 HEARING OFFICER WEBB: Thank you. Again, I will  
4 take longer comments at the end. I just want to take  
5 short comments. Purple shirt? I will take short  
6 comments first, and at least let those people go. And  
7 people who wish to speak a little bit longer than  
8 that -- up to ten minutes -- can go after that.

9 Your name, sir?

10 MR. JORGENSEN: Bob Jorgensen, 212 Sunnybrook  
11 Drive, East Peoria. And I didn't realize I was wearing  
12 a purple shirt today, but I guess purple is as good as  
13 anything. I oppose the delisting of this hazardous  
14 waste K061. I want to remind the Pollution Control  
15 Board that we as citizens depend on you, the Pollution  
16 Control Board, to make the safe call, the fair call, the  
17 hard call and the right call. We look to you to protect  
18 us from harm, to not be influenced or swayed by a  
19 corporation putting the "new and improved label" on its  
20 product when it's really the same old dangerous toxin in  
21 a different box with a nice sounding ad campaign. You  
22 must not fall into relaxed ways of faulty protection  
23 agencies like the FDA, for instance, which seems to  
24 approve anything the corporate drug companies put out

1 there. And then later the real world experience, the  
2 lawsuits, come back and effect a recall of something  
3 that was undertested and overpromised. And I think  
4 that's what PDC's new and improved hazardous waste is,  
5 just that, undertested and overpromised. Lack of a  
6 vigilant oversight agency can cause irreparable harm to  
7 individuals who believe the corporate sales pitch of  
8 "Trust us. We know what's best for you." You are the  
9 agency that we depend on to look for holes in the fabric  
10 of PDC's rosy assertions, to look down the road and  
11 critically ask, critically ask, Will this be a good  
12 environmental choice ten years from now? Will it be a  
13 good choice one generation from now? Will it be a good  
14 choice one century from now? If there is the slightest  
15 chance that it will be a regretted choice because of  
16 toxins, furans, dioxins, heavy metals, et cetera,  
17 contained in EAF dust, you must stand up and protect  
18 current and future generations from a risk that really  
19 does not need to be taken. Do what your name says,  
20 control pollution. Protect our children's children from  
21 this dangerous gamble. Don't allow PDC to export  
22 hazardous waste out of Peoria County into Tazewell  
23 County. Don't delist EAF dust. And thank you for  
24 taking the time to listen to all of our public comments.

1 I appreciate it.

2 HEARING OFFICER WEBB: Thank you. Does anyone else  
3 have a short comment?

4 MR. SKELLEY: My name is Jack Skelley,  
5 S-k-e-l-l-e-y. I am here today on behalf of Gerdau  
6 Ameristeel to offer our support for the Peoria Disposal  
7 Company's delisting petition application. My current  
8 position is serving as the corporate environmental  
9 affairs manager for Gerdau Ameristeel at the Wilton,  
10 Iowa, steel mill.

11 Gerdau Ameristeel is first and foremost a  
12 recycling company. Our preference is to recycle. But  
13 in the case of EAF dust, there is not enough capacity to  
14 recycle the entire North American production of 800 to  
15 1.1 million tons. Secure and well-run treatment and  
16 landfill operations like Peoria Disposal Company are  
17 critical to the steel industry until such time as  
18 sufficient capacity to recycle all EAF produced. There  
19 are a number of recycling projects being conducted  
20 worldwide to solve the EAF dust challenge. However, it  
21 will be a number of years before these are commercially  
22 available with recycling capacity limit.

23 Therefore, PDC's K061 delisting petition is  
24 crucial to meet the EAF dust capacity requirements in

1 the interim.

2 Peoria Disposal Company is one of Gerdau  
3 Ameristeel's approved strategic regional suppliers for  
4 our St. Paul, Wilton and Jackson, Tennessee, mills. As  
5 an approved supplier, Gerdau Ameristeel has monitored  
6 the delisting petition application process.

7 Gerdau Ameristeel supports the conclusions of  
8 the Illinois EPA in the response to the RCRA delisting  
9 adjusted standard petition submitted by Mr. Ingersoll to  
10 the Illinois Pollution Control Board on June 12th.

11 PDC has shown the thorough, objective,  
12 scientific data that the treated K061 is environmentally  
13 stable and safe. In addition, the Indian Creek Landfill  
14 exceeds design requirements for the subtitle D landfill,  
15 and will be an environmentally sound facility to store  
16 the treated K061.

17 PDC's environmental performance record is  
18 unmatched in the landfill industry. This is well known  
19 and highly respected in the steel industry. Gerdau  
20 Ameristeel, as a current customer, has great confidence  
21 in PDC in the future. We, therefore, respectfully urge  
22 you to support the K061 delisting petition.

23 HEARING OFFICER WEBB: Do you have a short comment,  
24 five minutes or less?

1 MR. PIOLETTI: Yes.

2 HEARING OFFICER WEBB: Your name, sir?

3 MR. PIOLETTI: Dan Pioletti, P-i-o-l-e-t-t-i.

4 First of all, there is no such thing as  
5 totally objective. My problem is I see EPA sitting here  
6 and not saying anything. And they are basing their  
7 decision based on a study paid for by PDC. Now that's  
8 called conflict of interest. And why do we not allow  
9 testimony totally based on this when it's a conflict of  
10 interest? There should be a totally independent study  
11 for something so hazardous that could affect the health  
12 and well-being of thousands of people. I think Peoria  
13 County has one of highest cancer rates in the state, if  
14 not the highest. What is that about? So I'm just  
15 concerned about EPA not demanding a totally independent  
16 study, not paid for by PDC, so there is no conflict of  
17 interest. So far I don't see it. So I have some real,  
18 real concerns, and I hope everybody else does, too.  
19 Thank you.

20 HEARING OFFICER WEBB: Short comment, five minutes  
21 or less?

22 MR. TAYLOR: My name is David Taylor, T-a-y-l-o-r.  
23 I'm an elected trustee for the Village of Wapella which  
24 is located in DeWitt County. I would also like to

1 request a public hearing in DeWitt County, not only for  
2 the residents of Wapella, but for the residents of  
3 DeWitt County. As an elected trustee, I feel it's my  
4 obligation to request that for those who did not have  
5 notice and for those who have concerns. Thank you.

6 HEARING OFFICER WEBB: Thank you. In the red  
7 shirt?

8 MR. ERDMANN: Chad Erdmann, C-h-a-d, E-r-d-m-a-n-n.  
9 I'm the environmental manager at Keystone Steel and  
10 Wire, and I am here on their behalf. Keystone currently  
11 employs over 900 people. Even though Keystone is one of  
12 the largest recyclers in the area we, like any other  
13 large industrial facility, have some processed  
14 bi-product that must be handled as hazardous wastes  
15 under current environmental regulations. PDC has a  
16 strong history of environmental compliance which is very  
17 important to Keystone. For many years these wastes have  
18 been transported, treated and disposed of by PDC in an  
19 environmentally safe manner while still being convenient  
20 and cost effective.

21 If PDC would no longer have the capability to  
22 treat in the landfill K061 electric arc furnace dust, in  
23 the near future Keystone's cost of waste disposal will  
24 increase significantly because of high transportation

1 costs to the next nearest facility capable of receiving  
2 K061 hazardous waste.

3           It is a short trip to Keystone's facility to  
4 the PDC waste stabilization plant and Indian Creek  
5 Landfill. Currently at PDC's facility the wastes are  
6 stabilized and treated as necessary to meet stringent  
7 disposal requirements before being placed in a landfill  
8 cell.

9           PDC is a valid supplier to Keystone's  
10 business plan moving forward. Keystone has followed  
11 PDC's K061 delisting petition application and supports  
12 IEPA's response to the RCRA delisting adjusted standard  
13 petition submitted on June 12, 2008, to the Illinois  
14 Pollution Control Board.

15           Keystone holds PDC's environmental  
16 stewardship in high regard and supports this K061  
17 delisting petition application. Thank you.

18           HEARING OFFICER WEBB: Any more short comments,  
19 five minutes or less?

20           Ma'am?

21           MS. KELLY: My name is Jeannine Kelly.

22           COURT REPORTER: Would you spell your last name?

23           MS. KELLY: Oh, do you want my first name as well?

24           COURT REPORTER: Yes.

1           MS. KELLY: J-e-a-n-n-i-n-e, Kelly, K-e-l-l-y. I'm  
2 the director of regulatory compliance for Alton Steel in  
3 Alton, Illinois, Southern Illinois. I am here today on  
4 behalf of Alton Steel to support PDC's petition to  
5 delist the stabilized residue from the treatment of K061  
6 dust.

7           Now for those of you who don't know it, Alton  
8 Steel is a new company. We purchased Laclede's Steel,  
9 the bankrupt -- we purchased the assets of Laclede's  
10 bankrupt estate in May of 2003, and we began operations  
11 in September of 2003. We went through a year and a half  
12 of structuring of a deal with IEPA, U.S. EPA, Laclede's,  
13 Alton Steel, structuring a deal that would be beneficial  
14 to all and to the community. We basically took a site  
15 that could very well become a superfund site and we  
16 created a prosperous company that now employs 240  
17 people, and we are growing. Alton Steel, as part of its  
18 steel manufacturing process, generates K061 dust. We  
19 have to do something with that dust. That's what  
20 electric arc furnaces do. They generate dust. We have  
21 to do something with it. We generate millions of pounds  
22 of this waste each year, and we spend hundreds of  
23 thousands of dollars for its disposition.

24           As an environmentally responsible company, it

1 is of utmost importance to Alton Steel to ensure that  
2 its waste is handled in an environmentally responsible  
3 manner from the time it is generated until its final  
4 disposition. It is also crucial for ASI to ensure that  
5 it is receiving cost effective services, that it  
6 minimizes its environmental liability, and that it  
7 minimizes its carbon footprint. That is something new  
8 that people are talking about now. We all need to look  
9 at our carbon footprint.

10           Peoria Disposal Company's delisting is  
11 crucial for Alton Steel to ensure that it achieves all  
12 of these results. By PDC's strict adherence to  
13 environmental laws and its close proximity to ASI, ASI  
14 can rest assured that it is utilizing the services of a  
15 company with an exceptional track record for  
16 environmental stewardship, and at the same time we can  
17 ensure that we are minimizing our potential liability by  
18 traveling a shorter distance. We have reduced the  
19 chance for environmental releases by traveling a shorter  
20 distance. And we minimize our carbon footprint by using  
21 less energy traveling to the site and in the process  
22 itself. A lot of recycling activities generate a lot --  
23 or utilize a lot of energy in recycling.

24           As a customer of PDC and as an advocate for

1 the environment and the scientific data that PDC has  
2 submitted, ASI strongly urges the Board's approval of  
3 PDC's petition to delist the stabilized K061 residue.  
4 Thank you.

5 HEARING OFFICER WEBB: Anyone with any more  
6 short -- sir?

7 (Brief pause in proceedings.)

8 MR. BARNETT: Thank you. Tom Barnett. Arcelor  
9 Mittal Steel --

10 COURT REPORTER: Wait. Wait. What did you say?

11 MR. BARNETT: Okay. I will start again. Tom  
12 Barnett, B, as in boy, a-r-n-e-t-t, first name Tom. And  
13 I will spell it for you. It's Arcelor Mittal,  
14 A-r-c-e-l-o-r-m-i-t-t-a-l. And I'm the solid and  
15 hazardous waste manager in Indiana, just over the line  
16 in Indiana. That facility supplies substraight to feed  
17 our plants in Riverdale, Illinois, Hennepin, Illinois.  
18 And between those two plants and our large sales force  
19 downtown, we employ about 1,000 people in the state of  
20 Illinois.

21 I think what is important is that we once did  
22 recycle EAF dust. And we divorced that industry. So we  
23 essentially got cut off because of a couple of things.  
24 One, there is not enough capacity. Our particular

1 material was very low in zinc. So they just one day  
2 said, "That's it."

3           We have to have safe, well run landfills in  
4 order to operate. That's just a fact of life. Since  
5 that time at our Columbus Avenue research facility, we  
6 have been working ever since trying to figure out how to  
7 recycle this material, and we think we will get there.  
8 But worldwide -- and our store is worldwide. We have  
9 the same problem and the same issue. We have not been  
10 able to figure out a way to effectively recycle this  
11 material.

12           So, obviously, our sole purpose here is to  
13 support this delisting petition. Thank you.

14           HEARING OFFICER WEBB: Thank you.

15           Sir?

16           MR. COOK: My name is Bill Cook, C-o-o-k. I live  
17 in Hollis Township, Peoria County. I'm a former chemist  
18 for the Army Corps of Engineers, for Daley Laboratories  
19 and a chemist for the Illinois State Water Survey. And  
20 I am currently teaching chemistry out at ICC. I often  
21 tell my students that if it were cheaper and more cost  
22 effective to do what was most environmentally sound that  
23 we probably wouldn't be having these debates. This does  
24 boil down to money. The money that can be made by PDC

1 and its competitors and the money that companies like  
2 Keystone don't want to spend in order to landfill this  
3 waste. And so it appears that the public health  
4 continues to take a back seat to those monetary  
5 interests. And it seems that the issue here seems to  
6 revolve around PDC's ability to guarantee that the  
7 stabilization system they are going to use on the arc  
8 furnace waste is not going to contaminate the  
9 groundwater or in any way escape the facility to which  
10 it was assigned. And therein lies the problem. As a  
11 chemist, when I was associated with research, it was  
12 very common to have kind of preconceived ideas regarding  
13 the outcome of your research. And it's difficult at  
14 best to accept results that might run contrary to your  
15 wishes or, for that matter, contrary to your business  
16 objectives. But you hope that all scientists would  
17 enter this arena with an absolute open mind to the  
18 possible outcomes. But in reality, this is not always  
19 the case.

20                   And with sampling techniques and  
21 methodologies as complex as those cited in PDC's  
22 request, the numbers can tell many different stories.  
23 And this alone warrants a much more thorough look at  
24 potential risks to the environment. There aren't any

1 guarantees.

2                   I arrived here late today, but I got here  
3 just in time to hear testimony that this stabilized  
4 waste was absolutely impervious to temperature, acidity,  
5 alkalinity. I saw nothing in PDC's request indicating  
6 that this waste was subjected to any of these extremes.  
7 The organic solvents and undocumented solvents in  
8 municipal landfills can be very corrosive. As a matter  
9 of fact, when I worked for the Corps of Engineers -- and  
10 this was in 1975, they had just finished a ten-year  
11 study looking at the disposal of TNT wastewater. And  
12 they wanted to spread it on municipal landfills. And  
13 they wanted to see how it metabolized and how it would  
14 percolate down through the landfill. In order to do  
15 that they mounted a ten-year long study where we built  
16 20-foot diameter cylinders that were basically  
17 artificial landfills. They had every employee of the  
18 Corps of Engineers lab in Champaign bring in their  
19 waste, all their garbage. We built an artificial  
20 landfill indoors, actually built five of them. And the  
21 assay of what was put in there included car batteries,  
22 paint waste, things that find their way to our municipal  
23 landfill. And we sprinkled TNT wastewater on the top of  
24 it and checked the leachate for ten years. There hasn't

1 been a ten-year study on this. And as many people have  
2 already said in their public statements, this is what  
3 needs to be done. We can't go on the surface of this  
4 preliminary study of this waste stabilization system and  
5 assume that this is going to be effective.

6           Now there is a 23-year long study that was  
7 mounted in 1985 by the EPA on the environmental impact  
8 of dioxin. And it's still not in its final form or  
9 published. And this is basically because of the  
10 influence of the chemical industries and those that care  
11 for the waste have pretty much muddied the waters and  
12 sort of bogged down the system. The dioxins and furans  
13 mentioned in PDC's request cannot be converted into  
14 insoluble salts, not like the metals that are contained  
15 in the waste. And so, consequently, they are going to  
16 find their way into the leachates below these landfills.

17           Now these are some of the most insidious  
18 pollutants that we have ever manufactured in the United  
19 States. How can these not be listed as constituents of  
20 concern? Dioxin is considered a class 1 carcinogen by  
21 the CDC. It causes birth defects, immune system  
22 suppression, diabetes, a wide array of different forms  
23 of cancer. It bioaccumulates in fish and dairy products  
24 and beef. A typical diet in the United State, 38

1 percent of the dioxin that we all intake here comes from  
2 beef. It moves up the food chain very rapidly, and it  
3 wouldn't take long once it leached into surface waters  
4 for that to appear.

5           Now to the subject of metals, the mercury now  
6 linked with the epidemic of autism in our population,  
7 how can even the smallest amount of additional mercury  
8 in the system be allowed? The process for stabilization  
9 merely converts according to Enviroscience's own super  
10 detox system. It says it converts the heavy metals  
11 contained within to their least soluble forms, not  
12 insoluble, their least soluble forms. So the idea of  
13 burying this type of waste anywhere near a water supply  
14 is not only foolhardy, but borders on criminal.  
15 Pthalate esters in this waste are considered endocrine  
16 disruptors that affect reproduction in humans. How can  
17 we risk even the smallest amount of this to contaminate  
18 an underlying aquifer? Pthalates have already been  
19 banned in Europe for this very reason. Now once this  
20 waste is delisted any further objections by the EPA or  
21 the public that changes in methodology or sample  
22 composition or leachability will be met with boxes and  
23 boxes of data and paperwork to choke or stall this  
24 system or any close examination of procedures or

1 results. Once this barn door is open, you will not get  
2 this horse back in the stall. If any of these  
3 contaminants turn up down the road or if mercury or  
4 dioxin levels begin to spike, no amount of money is  
5 going to clean this up.

6           Now many times I have quoted at these public  
7 forums Marvin Resnikoff from his book Living Without  
8 Landfills. And he says that the bottom line of our  
9 waste management plan is eternal vigilance. We can no  
10 longer produce waste, place it in the ground and hope  
11 that the earth just stands still. Waste will have to  
12 remain in sight and in mind. And as waste containers  
13 and storage vaults degrade, future generations will need  
14 to repair and replace them. Waste must be stored in  
15 ways accessible to future generations. Burying this  
16 waste is not acceptable. And when it leaches, and that  
17 day will come, we will look back and wonder how we could  
18 have been so foolish. So I stand adamantly opposed to  
19 the delisting of this furnace dust.

20           HEARING OFFICER WEBB: Okay. Thank you.

21           Short comment, sir?

22                           (Brief pause in proceedings.)

23           HEARING OFFICER WEBB: Your name, sir?

24           MR. SPENCER: Bill Spencer, Clinton, Illinois,

1 DeWitt County.

2           I had a few issues with delisting. I'm not  
3 currently in favor of it. I had questions concerning  
4 the process. It was obvious after I reviewed some of  
5 the information that the process was analytical and  
6 actually has never gone into production. So it's  
7 conceivable to me since I have worked as a process  
8 engineer that it's possible that it may not be  
9 achievable in reality.

10           Then after doing that, I thought that the  
11 thing that I was concerned about was, is there any other  
12 alternatives other than storing it in a hazardous waste  
13 dump? I would like to read a brief statement here.  
14 "1984 RCRA was amended and strengthened by Congress with  
15 passing of the federal hazardous and solid waste  
16 amendments. These amendments to RCRA required the  
17 phasing out of land disposal and hazardous waste."

18           When I read that, I considered, Can they  
19 recycle it? I found out that the recycling of the  
20 electronic arc furnace dust can be achieved, but major  
21 steel mills that are running in other parts of world are  
22 doing 100 percent recycling right now. So as far as it  
23 being achievable, it's already a proven fact.

24           In 1991 the EPA made a test run or a

1 production run. Unlike the process that PDC is  
2 proposing, they actually tested this production run, and  
3 they found out that this production run that it is  
4 financially feasible to actually earn money from the  
5 recycling process. So there is not a cost to it  
6 actually.

7           Currently the minimills and stuff are  
8 struggling to survive and are on the verge of bankruptcy  
9 in this country. Currently the minimills are in a  
10 financial burden and are on the verge of bankruptcy as  
11 was stated by some of them today at the meeting.

12           I think that their resources to produce  
13 recycling centers is limited. And I would like to see  
14 the government step forward and offer them some type of  
15 finances to produce these recycling centers and get them  
16 running.

17           Other than that, I have one other concern.  
18 When I read some of the process, the analytical study of  
19 it, they weren't directing anything toward dioxins. I  
20 mean, it's obvious dioxins are present within a steel  
21 mill and the processing of scrap. And those dioxins may  
22 not be present at all times in that scrap. They may  
23 come and go. Dioxins are not friendly to us. They  
24 should be processed correctly. And the process for

1 recycling disposes of a dioxin which is an important  
2 process in our society to reduce dioxins as much as  
3 possible because those dioxins are going to be present  
4 here for many, many generation, for thousands and  
5 thousands of years. Any opportunity to capture a dioxin  
6 is a very important process. That's it.

7 HEARING OFFICER WEBB: Again, I will be taking  
8 longer comments, but I would like to first clear out the  
9 people who believe they will be speaking for five  
10 minutes or less. Are there any more five minute or less  
11 commenters here?

12 (Brief pause in proceedings.)

13 MS. GERARD: My name is Suzanne Gerard,  
14 S-u-z-a-n-n-e, G-e-r-a-r-d. And as a nurse I can't  
15 speak to solubility of one thing or another, but I can  
16 speak to the fact that Peoria County has a very high  
17 rate of cancer, the highest rate being in the  
18 neighborhood just below the treatment center. And if  
19 this delisting is allowed to take place, that treatment  
20 center is given God knows how many more years of use.  
21 And at one point Mr. Meginnes said, By delisting we are  
22 taking things out of Peoria County; that's what you  
23 wanted. You should be happy. No. What we wanted was  
24 for things not to be placed over the water supply. The

1 water supply is far more important than the landfill or  
2 the companies involved. Without water we all die. And  
3 that being said, the people of Clinton, Illinois, should  
4 be given a chance to have an open meeting on the  
5 delisting application.

6           And I will read this just to have it  
7 absolutely straight. As per 415 Illinois Compiled  
8 Statutes 5, section 8 -- I beg your pardon -- section  
9 28a, this delisting would create a statewide rule change  
10 which would allow PDC to send the EAF to any subtitle D  
11 municipal landfill in Illinois. They could send it  
12 anywhere which may or may not be over an aquifer. But  
13 the IEPA and the EPA have both agreed that they would no  
14 longer allow this sort of thing over aquifers if it were  
15 a new application. And I won't take your time for it,  
16 but as a nurse I could describe to you minutely how  
17 somebody dies of cancer. Thank you.

18           HEARING OFFICER WEBB: Thank you. Were there  
19 any more very short comments, five minutes or less,  
20 before we move on to the rest of the list? Mr. Edwards,  
21 are you going to be five minutes or less?

22           MR. TOM EDWARDS: My name is Tom Edwards, 902 West  
23 Moss Avenue, right up the hill here. I request that  
24 Peoria Disposal Company's appeal to the IPCB to uphold

1 delisting of electric arc waste, furnace waste, EAF it's  
2 called, as a hazardous waste after going through secret  
3 proprietary stabilization technology, that this request  
4 be summarily rejected because PDC's denial of any  
5 further public disclosure in the process itself. How  
6 can we make a logical, intelligent decision? We can't  
7 know all of the details of it that they are disclosing  
8 privately in backrooms by their own hired consultants.

9           And we also reject proof of any short- or  
10 long-term effectiveness of the safety of this. The  
11 public's right of its due process is therefore being  
12 violated because there is no way to consider, let alone  
13 respond to, the PDC request for exemption in the  
14 hazardous waste classification. Therefore I ask the  
15 hearing, this matter be thrown out for the questions of  
16 this permit.

17           PDC wants to have highly hazardous electric  
18 arc furnace waste -- so far at least ten steel  
19 manufacturers from throughout the Midwest -- brought to  
20 its hazardous waste landfill adjoining Peoria's west  
21 side. To go through the secret processing to  
22 theoretically reduce its toxicity by at least  
23 temporarily immobilizing but not removing the bevy of  
24 toxic materials in the waste -- I mean, a bevy. I could

1 list 20 if you want me to -- in the waste to qualify it  
2 as an nonhazardous. It could then be reshipped, PDC  
3 says, to local municipal waste dumps.

4           It has been brought up today at this hearing  
5 it could also be acted upon by the waste in the landfill  
6 itself garbage and so and so forth that those things  
7 that were supposedly locked in place. This steel mill  
8 furnace dust is loose and fluffy. It is now also mixed  
9 with soil or nonhardening cement to hold it stable, that  
10 is, keep it from blowing away. But this dilution of  
11 toxic waste with regular soil is not now permitted, is  
12 considered a reduction of the toxic hazard of the  
13 original chemical waste that came in.

14           PDC would have that law changed to permit  
15 this, too, that dilution take place. This is termed  
16 quote, "solution by dilution," unquote.

17           There are many contaminants listed in the  
18 steel mill wastes, endless steel mill wastes, both  
19 metals and chemicals, including very toxic lead and  
20 mercury which are now banned from all European  
21 landfills. Under its proposed permit change, PDC would  
22 be allowed to truck in 95,000 cubic yards of such waste  
23 per year for so-called treatment at the PDC landfill  
24 adjoining Peoria at Pottstown.

1           After this treatment if it proves effective,  
2 the waste would be reloaded onto trucks and taken to one  
3 or more other local landfills for nonhazardous municipal  
4 waste. If 95,000 cubic yards were stacked vertically  
5 yard by yard it would be a tower 54 miles high. That's  
6 a lot of waste. At a five-yard per load truck trip  
7 would be 19,000 trips into PDC's Peoria dump site, and  
8 probably be retrucked 30 miles to PDC's regular landfill  
9 in Tazewell County or, if they can, what they will do  
10 the Peoria County, city and county landfill which is  
11 only a few miles away.

12           PDC's landfill for hazardous waste or  
13 hazardous toxic waste is one of only 16 such commercial  
14 landfills still operating in the nation. The last few  
15 years a lot of them have closed and Los Angeles taken 75  
16 miles out from the city. And the only one in the top  
17 half of the nation from 50 miles this side of  
18 Indianapolis to the Rocky Mountains. The Indiana one is  
19 closer to Chicago and Milwaukee and the entire east side  
20 of Illinois and is centrally located for Indiana, Ohio,  
21 Michigan and Tennessee and the bulk of Kentucky and  
22 Tennessee. If those landfills are accepting their waste  
23 here, PDC is charging them less because Peoria County  
24 doesn't take any tax to speak of off the top of that

1 cost.

2 HEARING OFFICER WEBB: Can you please sum up the  
3 rest of it?

4 MR. TOM EDWARDS: Yes. We need to work with the  
5 EPA and PDC to find a safe place, to find a safe  
6 landfill and also close this one safely. Thank you.

7 HEARING OFFICER WEBB: If we have gone through  
8 everyone who has a short comment, I will move on to  
9 people who have slightly longer comments. I still ask  
10 you to please stay under ten minutes. At about nine  
11 minutes I will ask you to please sum up everything you  
12 have to say. May I ask, have we had anyone join us  
13 recently who want to speak that is not signed in? Any  
14 new people coming from work?

15 (No audible response.)

16 HEARING OFFICER WEBB: Okay. Then I am going to go  
17 back to my list here and call Tracy Fox.

18 MS. FOX: Thank you. My name is Tracy Fox. I'm a  
19 resident of Chillicothe, Illinois, and I ask the  
20 Illinois Pollution Control Board to please dismiss this  
21 delisting petition today. I have had a chance to look  
22 over everything PDC has filed, and I have tried to read  
23 it as carefully as I can. I have read the RMT technical  
24 report. I have read the Illinois EPA's response. And I

1 have read the questions and PDC's responses submitted by  
2 the Pollution Control Board. And I am very disappointed  
3 because I think Lisa Offutt is on track. I wonder who  
4 is looking out for me? My reading of these documents  
5 was very disturbing to me.

6 I want to begin by talking about the tests  
7 procedures. And I am going to be quoting from the RMT  
8 technical document here. On page 42 they say "Some  
9 initial" --

10 COURT REPORTER: Could you slow down?

11 MS. FOX: "Some initial sample results showed  
12 exceedences (sic) of the anticipated delisting level."  
13 They continued. "The initial sampling program did not  
14 fully demonstrate PDC's procedures verified that  
15 anticipated delisting levels would be achieved for  
16 additional curing time --

17 HEARING OFFICER WEBB: Can you slow down a little  
18 bit?

19 MS. FOX: I'm sorry.

20 -- "and/or retreatment prior to disposal."

21 Later in the document, on page 53, RMT  
22 discloses that, quote, "A few of the samples collected  
23 during the eight sampling event exhibited TCLP cadmium  
24 and zinc concentrations above their anticipated

1 delisting levels."

2                   Still later on page 62 it's disclosed that  
3 using an acidic extraction fluid, TCLP concentrations of  
4 cadmium greater than the screening levels were found in  
5 four of the first samples. TCLP concentrations of zinc  
6 greater than the screening levels were found in four  
7 samples as well. In all, five of the eight samples,  
8 62.5 percent, leached cadmium or zinc in an acid  
9 environment. Now I think that's worth talking about,  
10 and I'm curious why the IEPA and why the Illinois  
11 Pollution Control Board didn't have any questions about  
12 those results.

13                   Now to respond to this, PDC took an  
14 additional sample in early February. Now this initially  
15 also exhibited TCLP concentrations above the screening  
16 levels for both cadmium and mercury, a new player in the  
17 mix. The report also notes -- and this is on page 42 as  
18 well -- the sample was analyzed with three additional  
19 parameters -- silver, cyanide and sulphide -- since the  
20 data validation process indicated these tests had failed  
21 quality control standards during the initial phase of  
22 analysis -- excuse me, that's on page 44. So to  
23 demonstrate the retreatment, to fix the problem of  
24 leaching cadmium and mercury in an acid environment over

1 a 16-day period, and that includes time for this ten-day  
2 lab result to come back as discussed on page 44. The  
3 stabilized material was resampled and retreated before  
4 it actually passed its test. RMT explained that the  
5 IEPA agreed this additional data could replace previous  
6 data for cadmium and zinc exceeding the LDR treatment  
7 levels in the risk analysis. So, basically, according  
8 to RMT the IEPA approved throwing out the 62.5 percent  
9 failure rate and replacing it with a single test. I  
10 have to ask, Who is looking out for me? That does not  
11 seem very protective.

12           The only proof of concept offered in this  
13 document on page 62 to offset all the variability in the  
14 test results is this statement: The efficacy of  
15 additional curing time and retreatment when necessary is  
16 demonstrated by PDC's experience and knowledge of the  
17 waste reagent chemical reaction and verified by  
18 additional trials designed to demonstrate this  
19 additional treatment. However, the RMT document only  
20 contains a single trial, number 9 in subsequent  
21 resampling which they label round 10 and its final  
22 retreatment round 11 when it finally passes its test  
23 with a 62 percent failure rate in the original eight  
24 sampling. I would expect more than one test. I fail to

1 see how this widely out-of-control proof of process  
2 demonstrates anything even close to production ready. I  
3 urge the Illinois Pollution Control Board deny this on  
4 the basis of these test results alone.

5 I'm also troubled that there is nothing more  
6 than -- there is no testing at all to ensure that the  
7 waste meets delisting limits in the long-term. I don't  
8 expect PDC to study the process for 10 or for 50 years.  
9 But I do think it is reasonable to expect that you would  
10 provide a full year's test results, including some  
11 testing of the actual materials after exposure to the  
12 active base of the municipal landfill. I believe that  
13 the Illinois Pollution Control Board should deny this  
14 petition on that condition alone.

15 Furthermore, I do not believe that the  
16 analysis and the modeling is truly protective of  
17 long-term help. I quote again from the RMT technical  
18 document. "RMT was unaware of existing calculation  
19 errors within the DRAS D2, and the U.S. EPA was  
20 transitioning to version 3 of DRAS in the future. Not  
21 to undermine the representatives' credentials, but I  
22 find it somewhat troubling that PDC hired a consultant  
23 that did not even know about problems with the model  
24 they were supposedly experts in.

1                   Furthermore, Todd Ramolly (phonetic) of the  
2 U.S. EPA states that the DRAS D2 model incorrectly  
3 tabulates the risk to human health for constituents with  
4 the tendency to bioaccumulate. He then had to provide  
5 additional guidance modeling on both mercury ingestion  
6 and dioxin residue. To me this fiasco suggests the  
7 Illinois Pollution Control Board should just deny this  
8 petition. It is too risky to take any action until the  
9 problems with the risk assessment software are ironed  
10 out, a stable version 3 is released and, hopefully, new  
11 bug-free software can be cured and determined to be  
12 correct.

13                   There is no overwhelming justification  
14 presented here that would address delisting when there  
15 is no standard for ascertaining risks. PDC claims to  
16 have a 6 Sigma quality program, and I am certain that  
17 they are implementing it. But processes that operate 6  
18 Sigma quality of the short-term are assumed to produce  
19 long-term defect levels below 3.4 defect per million  
20 opportunity. PDC has a long way to go here. World  
21 class process control is critical to protecting the  
22 health and safety of Illinois citizens. None of the  
23 justification PDC has presented can offset the risks  
24 they are asking citizens to accept. A widely

1 out-of-control process with test results that would even  
2 fail its approval concept in most businesses based on  
3 the sketchy list of assessment methodology in a state of  
4 flux. These risks strongly outweigh the benefits. IPCB  
5 should deny this petition.

6 HEARING OFFICER WEBB: Ms. Fox, would you please  
7 summarize as best you can. It looks like you have a lot  
8 of pages there.

9 MS. FOX: I have a lot of pages, and I will submit  
10 them all as written comments. I will look over PDC's  
11 disclosures and the description of the process. Yeah.  
12 I'm just -- there is so much to say about these  
13 documents. You know, I'm disappointed that the IEPA and  
14 the Illinois Pollution Control Board didn't look into  
15 these matters further. And a number of other matters I  
16 will be listing in my letter. Thank you.

17 HEARING OFFICER WEBB: Thank you.

18 Cara Rosson.

19 (Whereupon, a recess was taken in the  
20 proceedings.)

21 MS. ROSSON: Good afternoon. Thank you very much,  
22 you guys, for your time this afternoon. My name is Cara  
23 Rosson, C-a-r-a, R-o-s-s, as in Sam, -o-n, as in Nancy.  
24 And I have been involved in fighting the expansion of

1 PDC's number 1 landfill since January 2006. I work full  
2 time. I'm here on vacation time, or I was here on  
3 vacation time for the start of it. I'm in fundraising  
4 for a local university, and I'm the mother of two young  
5 boys, five and seven, who were lucky enough and got to  
6 stay home with Daddy today. I have volunteered many  
7 hours in the last -- almost three years to this cause.

8 I would like to focus my comments today on  
9 the nature of EAF delisting and how I believe PDC's  
10 current proposal differs significantly from other  
11 examples nationally. I have done some research, as has  
12 our attorney, into other EAFD delistings in other  
13 states. And in all examples that we have found fall  
14 into one of two categories. The first category, the  
15 delisting is specific to the steel mill or foundry from  
16 which the waste in question is generated. EnviroSource  
17 -- although I think it might be Enviroscience. I have  
18 written EnviroSource so bear with me -- technology  
19 called super detox is one that has achieved delisting in  
20 several states including Illinois, Ohio, and Idaho.

21 With the super detox technology EnviroSource  
22 goes to each steel mill, also referred to as minimills,  
23 and installs a treatment plant at the mill. So the  
24 components of the waste stream or of EAFD are

1 consistent. The components are known and the treatment  
2 process at each mill can be relied upon to a great  
3 extent. I have not done specific research into the  
4 super detox process, but media articles indicate that  
5 development started at Bethlehem Steel and over the  
6 course of seven years of research and commercial  
7 activity.

8           This second phase, commercial activity,  
9 implies to me that EnviroSource has tested their super  
10 detox technology in actual landfill conditions. There  
11 are two key differences that I see between EnviroSource  
12 and super detox and PDC's current request for delisting.  
13 One, that PDC has stated that they will be accepting  
14 EAFD for multiple sites in several different states.  
15 Iowa was mentioned at a recent county board committee  
16 meeting, for example.

17           The super detox technology has only been  
18 installed on site at the various minimills, where again,  
19 the components of the EAFD are known and consistent as  
20 each treatment facility is only dealing with EAFD from  
21 that specific mill. And most steel mills or foundries  
22 have consistent processes by which they produce their  
23 steel. The components do not vary and testing for those  
24 specific components can be done more reliably. PDC is

1 proposing to take EAFD from any number of steel mills in  
2 the ten-state area that we know they serve. They did  
3 not provide a listing of the steel mills -- although  
4 they have already done so today -- in this delisting  
5 proposal. How radically can the components of the EAFD  
6 vary from any of the various mills they work for? I  
7 would think that the variation would be significant.  
8 For example, I understand that the components of steel  
9 mills for home use as in silverware or appliances is  
10 relatively pure or free of the more toxic contaminants  
11 that end up EAFD often. Whereas, a steel mill that  
12 produces steel for, say, fencing wire does not require  
13 the same purity for obvious reasons. We won't be  
14 cooking with it or eating off it. But that does not  
15 reduce the toxicity that end up EAFD from, quote,  
16 unquote, "dirtier steel."

17           My question is, How can PDC have possibly  
18 tested their new process of treating the EAFD from all  
19 of the possible components from all of the mills they  
20 plan to work with. I know it is impossible that they  
21 have tested their process with the EAFD from mills that  
22 they state they are negotiating with. PDC has stated  
23 that testing was done for their new process during  
24 December 2007 and February 2008, far less than the seven

1 years EnviroSource took to develop super detox. I have  
2 seen no evidence in their proposal that any of the  
3 testing was also done during "commercial activity,"  
4 quote, unquote, as was noted about the super detox  
5 process. Also per the application, only nine samplings  
6 of an EAFD mix were done and the additional tenth was a  
7 resampling. Given the high variability of EAFD they  
8 plan to take in and treat, how could they possibly have  
9 done thorough testing on the numerous components for  
10 their safety after treatment giving only nine samplings  
11 from known sources. And how, I question, is it legal or  
12 safe that they will be allowed self-approval of any  
13 future EAFD intake from any number of mills that they  
14 may or may not contract with.

15 Illinois Administrative Code -- I believe  
16 it's C357214I or 720.122D state that, Sampling must be,  
17 quote, unquote, "taken over a period of time sufficient  
18 to represent the variability or the uniformity of the  
19 waste." It seems to me that PDC, one, has not done  
20 sufficient testing to demonstrate the safety or  
21 reliability of their process given the large number of  
22 steel mills and foundries that they are taking EAFD  
23 from. And it is absolutely impossible that they have  
24 done sufficient testing on steel mills they have yet to

1 contract with. Their current proposal seems to be  
2 asking that the IEPA and the IPCB grant them their own  
3 delisting ability since PDC has stated that upon  
4 contracting with a new mill they will give the IEPA at  
5 least 15 days notice of the new contract and that this  
6 notification does not constitute approval. So either  
7 the IEPA is trusting that PDC will test to the  
8 sufficient standard for disposal at municipal landfills  
9 such that whenever they come back at a later date to  
10 review the in-house sampling data or in reviews of any  
11 given municipal landfill that everything will be fine  
12 leachate-wise. And as so many of us know all too well,  
13 given the glacial pace of any governmental body 15 days  
14 is a nanosecond of time as regard to notification.  
15 Hence, I do not trust given their considerable workload  
16 that the IEPA will have time with a 15-day notice or  
17 even a 30-day notice to make sure that sufficient  
18 testing is done. Especially when said testing is likely  
19 done in-house or in a laboratory and not during  
20 "commercial activity," quote, unquote.

21           During -- again quote -- "commercial  
22 activity" also implies that testing was done of the  
23 treated EAFD in actual municipal landfills to assess the  
24 affect of any one of thousands of chemicals both organic

1 and inorganic that people throw into their household  
2 trash. Let any one of these ferment in the summer heat  
3 in a landfill and I would be afraid of what it might do  
4 to any substance it might come into contact with.

5           While we are on the subject, I would like to  
6 talk for a moment about summer heat. All of PDC's  
7 testing was done, quote, unquote, "in plant." I assume  
8 that means in a laboratory. What does happen to the  
9 treated material at high heat and humidity when it was  
10 in contact with, say, battery acid and nail polish  
11 remover and depilatory cream and hair dye. What does  
12 that do to the treated materials that are, quote,  
13 unquote, "stabilized," or to the stabilization  
14 materials. I'm not a scientist, but any of these  
15 chemicals are increasingly dangerous at high heats as  
16 most of them state on the bottle that you bring home,  
17 "Keep away from heat and flame."

18           Also in regard to heat, PDC's proposal has  
19 stated they will do daily testing to ensure that the  
20 treated EAFD achieves the correct level  
21 contaminant-wise. And that I do appreciate. They also  
22 state that when the levels are too high they allow the  
23 treated EAFD to cure. The treated EAFD cures outside in  
24 the elements. It is common chemistry that many

1 chemicals volatilize or evaporate at higher heat. So my  
2 question here is, Does PDC allow the chemicals to simply  
3 cure outdoors during which time the hazardous elements  
4 volatilize into the air above and around their facility  
5 on Southport Road? Do they simply allow the hazardous  
6 chemicals to evaporate into the wind no matter what the  
7 heat or humidity level? There is no indoor storage area  
8 at the facility that I am aware of. Did you know that  
9 there is a middle school, Pleasant Valley Middle School,  
10 about a half mile uphill from this facility and that  
11 approximately 52,000 people live within a three-mile  
12 radius. How does this volatilization affect their air  
13 quality? It may not, but I have seen no evidence in  
14 this proposal to say that it won't.

15           It is also worth noting that my opposition  
16 group is unaware of any IEPA air monitoring that is done  
17 outside of the bag house facility where the treatment  
18 occurs. So it would seem to me that there is not  
19 currently any testing in place which might be able to  
20 determine any air pollution that might travel during the  
21 curing process at the outer locations of the landfill.  
22 Also, there is no publicly available information  
23 regarding the tests done at the bag house on air quality  
24 for us to review. And given the low level of testing of

1 the air quality around the hazardous waste facility, it  
2 does not surprise me that 61604, the zip code in which  
3 this facility is located, has among the highest cancer  
4 rates in Illinois according to the American Cancer  
5 Society's 2006 and 2007 studies.

6 I accuse PDC of nothing with this. They have  
7 been a responsible steward of their facility. I am  
8 questioning the need for much greater air monitoring on  
9 the part of both the IEPA and the U.S. EPA. I would  
10 like to question the EPA standard where the treated EAFD  
11 must withstand being exposed to an acidic solution for  
12 16 or 18 -- I said I wasn't sure. I will actually refer  
13 to the 24-hour number quoted here -- to pass their  
14 testing regulations.

15 This hardly seems sufficient by any stretch  
16 of the imagination. A landfill is forever. I can only  
17 guess, as can you, as to the number of household  
18 chemicals the treated EAFD may encounter during its  
19 lifetime in a landfill, even just the number of days  
20 during which it sits near the top of the active cell.  
21 Brake fluid, hair spray, vinegar, suppose some half  
22 empty bleach container gets packed down on top of the  
23 treated EAFD.

24 HEARING OFFICER WEBB: Can you summarize?

1           MS. ROSSON: Second example as to regard to the  
2 delisting of EAFD around the country, other delistings  
3 do not cover disposal of EAFD at municipal landfills.  
4 They are only for on-site delisting. So the EAFD is  
5 disposed of in landfills on the site of the steel mill  
6 itself.

7           As a third point, the number of EAFD  
8 delistings that have been allowed -- I have a few actual  
9 numbers, and these numbers are taken from PDC's own  
10 submission to the IPCB. EAFD delistings comprise only  
11 4.5 percent of all delistings nationally. Only 13  
12 percent of EAFD delistings have been granted and 56  
13 percent of them are withdrawn. A delisting was even  
14 revoked in '97 due to health and safety concerns. This  
15 rate seems very low to me. I contend that approving  
16 PDC's current delisting proposal is essentially  
17 delegated delisting responsibility to a private company  
18 and away from the regulatory and government agencies  
19 that were established to protect the health and welfare  
20 of the citizens of their state, county or region.

21           Hazardous materials are regulated for very  
22 good reason. They are toxic and carcinogenic pollutants  
23 just at science's expense. I understood that government  
24 was established on behalf of the people, not on behalf

1 of any corporation or business, to protect the health  
2 and welfare of the general population not at the benefit  
3 of a small group of owners and operators. I feel the --

4 HEARING OFFICER WEBB: Are you --

5 MS. ROSSON: Okay. I request that the IPCB at  
6 least demand further extensive testing, commercial  
7 activity testing, and to at least demand that the IEPA  
8 approve each new source of EAFD PDC contracts with in  
9 the future. Ideally, I request that you deny this  
10 delisting proposal. It sets a dangerous precedent in  
11 that it would allow multi and unknown source delisting  
12 without sufficient testing for safety and leaching for  
13 disposal into municipal landfills where the dangers are  
14 great at best, unknown at worst. I request that you  
15 deny this delisting proposal on behalf of the citizens  
16 of central Illinois who have been fighting to close this  
17 hazardous waste landfill that lies in our back yards for  
18 several years. Also on behalf of the San Koty and  
19 Mahomet aquifers, the source of drinking and household  
20 water for all of central Illinois. Thank you.

21 HEARING OFFICER WEBB: Thank you. And, again, you  
22 can submit that comment in its entirety as a written  
23 comment.

24 MS. ROSSON: Okay.

1 HEARING OFFICER WEBB: Ms. Converse?

2 (Brief pause in proceeding.)

3 HEARING OFFICER WEBB: Did she leave? Okay.

4 Ms. Blumenshine?

5 (Brief pause in proceedings.)

6 MS. BLUMENSHINE: Madam Hearing Officer, I would  
7 like to give sworn testimony, please.

8 HEARING OFFICER WEBB: We are not doing that at  
9 this hearing. We are just taking public comments. But  
10 if you would, please state and spell your name for the  
11 court reporter.

12 MS. BLUMENSHINE: Thank you. My name is Joyce  
13 Blumenshine. That is B-l-u-m-e-n-s-h-i-n-e. I do live  
14 in Peoria. I'm a volunteer with the Heart of Illinois  
15 Sierra Club. And to edit my comments tonight there is  
16 several issues that were already covered so I will be  
17 brief. I do want to first sincerely thank the members  
18 of the Illinois Pollution Control Board and the Illinois  
19 Environmental Protection Agency for their time and for  
20 allowing this democratic process. We sincerely  
21 appreciate your coming to Peoria.

22 Part of my comments were to discuss major  
23 concerns regarding the Mahomet aquifer. That has been  
24 covered in detail. I wish to discuss also site-specific

1 concern regarding the Indian Creek Landfill. And this  
2 is regarding the section 28.1 factors, which I believe  
3 alone would be sufficient to deny this application. You  
4 have heard regarding the underlying Mahomet. In  
5 addition to that concern at Indian Creek Landfill number  
6 2, is the wetland that was destroyed, moved, when this  
7 landfill application expansion will occur. On the maps  
8 that were provided in Appendix E supplied by Peoria  
9 Disposal Company, there is no indication of the location  
10 or any existence of that wetland. And Appendix E was  
11 not on the Pollution Control Board website. I did  
12 request it. I did review it in detail. In the packet I  
13 will submit today are two maps, and they are provided  
14 from the U.S. Army Corps of Engineers public notice for  
15 the same site, dated June 5, 2007.

16           The map on page -- figure 2 shows very  
17 clearly the proposed wetland area to be impacted at the  
18 site of the Indian Creek Landfill number 2 expansion.  
19 This area was then to be mitigated by the construction  
20 of another wetland just outside of that area. And  
21 figure 3 map that I am supplying shows the proposed  
22 mitigation area southwest of the landfill area. The  
23 importance of this cannot be overlooked, and I ask the  
24 Illinois Pollution Control Board to please consider this

1 in their review.

2 I have presented also a letter from Dr. Cindy  
3 Skrukkrud, who is with the Illinois Sierra Club. Her  
4 last name is S-k-r-u-k-r-u-d. She is a Ph.D., of  
5 course. Pardon me. And I would just like to read  
6 briefly from her comments and this is in response to the  
7 U.S. Army Corps of Engineers listing. It says, "We are  
8 not only concerned with the proposed wet landfill, we  
9 are concerned with the potential impacts on Indian Creek  
10 and the underlying aquifer. The proposed landfill site  
11 lies in an area subject to high water tables since the  
12 public notice states that the proposed wetland  
13 mitigation 200 feet south of the landfill expansion will  
14 only require two to three feet to contact groundwater,  
15 there is potential for stream contamination to occur as  
16 a result of landfill leaching, leaching the  
17 groundwater." She goes on to discuss this further, and  
18 I do have this in complete for the Board's review. And  
19 then she also adds her concerns for the additional  
20 special waste and things that are going into the  
21 landfill and concludes that increasing -- all these  
22 things do increase the vulnerability to contamination of  
23 this water resource the major sand and gravel aquifer.

24 In addition, I will spare you my wetland

1 information that I printed out about the nature of  
2 wetlands and the definition of wetlands pertaining to  
3 this site and what was actually at this site.

4           And then moving as quickly as I can. In  
5 addition, I have some other comments regarding dioxins  
6 and bioaccumulation, impacts on animals, and I will  
7 spare you that. And the final thing I have included  
8 here is of concern also, not only does this fail to meet  
9 the site specific regulation, it is my understanding  
10 that there should be site information for all the sites  
11 PDC wants to send this to, not a massive open-ended  
12 opportunity to send EAF all over the state. As you  
13 know, these municipal landfills vary greatly. Indian  
14 Creek is fortunate to have some double liners. In  
15 Clinton they have a single liner. The locations, of  
16 course, vary greatly in the state. A multistate listing  
17 is incomprehensible. A multistate opportunity for this  
18 is incomprehensible.

19           In closing, I would like to ask permission to  
20 read an e-mail from Chuck Norris who is a certified  
21 geologist in Illinois. And I received this from him.  
22 It says that he thanks me for contacting him some time  
23 ago. He says, "I have completed a preliminary review of  
24 the proposed and related Agency, Board and PDC

1 materials. Based upon that review, my education,  
2 training and experience, I believe your concerns" -- and  
3 he is talking about issues with which I talked to him  
4 over the phone and by e-mail -- "are well-founded. As  
5 we discussed earlier, my existing obligations to other  
6 clients make it impossible to attend the public meeting  
7 in person to offer sworn testimony. I am sorry for that  
8 because I do believe personal testimony, with the  
9 opportunity for cross-examination, the most effective  
10 way to present technical issues. However, in lieu of  
11 that, I can provide written comments to you and the  
12 Board for its and its technical staff's consideration.  
13 I will try to have my comments ready for submittal by  
14 August 21st. By filing early I hope to generate a  
15 dialogue before the Board with the applicant during the  
16 public comment period instead of simply providing  
17 closing statements at the end of the comment period. It  
18 isn't the same as testimony with the cross, but it is  
19 the best I can do at this time. At present, my  
20 principal concerns are the modeling performed by the  
21 applicant, the environment or environments targeted for  
22 disposal, the reliance upon problematic test protocols  
23 and the poor performance record of lime enhanced coal  
24 combustion waste as a stabilizing agent for other waste

1 treatments. I will likely call upon some or all of  
2 these, and I may address other issues that arise."  
3 Chuck Norris and his licensed professional geologist  
4 number is here. Thank you very much for your time.

5 MR. MEGINNES: Ms. Hearing Officer, could I clarify  
6 for the record the letter from Mr. Norris is coming in  
7 as public comment?

8 HEARING OFFICER WEBB: Yes. Yes. This is all  
9 public comment here.

10 MR. MEGINNES: Thank you. I just wanted to clarify  
11 that for the record.

12 HEARING OFFICER WEBB: Mr. Wentworth?

13 (Brief pause in proceedings.)

14 HEARING OFFICER WEBB: Spell your name, please, for  
15 the court reporter.

16 MR. WENTWORTH: Sure. My name is David Wentworth,  
17 W-e-n-t-w-o-r-t-h. Thank you to the members of the  
18 staff of the Pollution Control Board for being here in  
19 Peoria and accommodating the afternoon meeting request  
20 very much. In addition, thanks to the parties and  
21 everything for being here. I'm here representing the  
22 Heart of Illinois Group of Sierra Club and Peoria  
23 Families Against Toxic Waste.

24 There have been two previous Pollution

1 Control Board hearings or decisions regarding this  
2 landfill. One was the case 06-184, which was the  
3 affirmation of the denial of siting expansion. The  
4 second was the case 08-25, which was the denial of the  
5 class 3 permit modification request. Under section 27A  
6 of the Illinois Environmental Protection Act, the Board  
7 shall, and I respectfully submit that the Board should,  
8 take into account the existing physical conditions, the  
9 character of the areas involved, including the character  
10 of surrounding land uses, zoning classifications, the  
11 nature of the existing air quality or receding body of  
12 water as the case may be and the technical feasibility  
13 and economic reasonableness of measuring or reducing a  
14 particular type of pollution. The generality of this  
15 grant of authority shall only be limited by the  
16 specifications of particular classes of regulations  
17 elsewhere in this Act.

18 Now in the denial of the siting expansion,  
19 this Board affirmed the Peoria County Board's decision  
20 that the expansion which was directly related to the  
21 capacity that we are talking about here, the electric  
22 arc furnace dust, that that expansion was not needed,  
23 was not protective of the health, safety and welfare,  
24 and was not compatible with surrounding land uses.

1 While acknowledging that that is on appeal with the  
2 Third District Appellate Court, as it stands right now  
3 it is the position of this Board that those conditions  
4 existed for this site. The fact that the petitioner  
5 here is requesting to use the landfill and maintain its  
6 use of the waste stabilization facility is indicative of  
7 it still not being needed, not protective and not being  
8 compatible with the surrounding land uses. It all comes  
9 down to the location, location, location. Whether there  
10 is actual disposal there or a use of that facility  
11 during the curing process, during the opening -- the  
12 open curing process on the closed cells of PDC landfill  
13 number 1.

14 In addition, from my reading -- and I would  
15 love to learn how I am wrong in the response, but from  
16 my reading most of these electric arc furnace dust  
17 delistings are very site-specific. So you heard about  
18 the super detox; they will put a super detox facility at  
19 a steel mill. And then it can go -- it will be  
20 processed at the steel mill and then put in the local  
21 municipal dump adjacent to or in close proximity to each  
22 steel mill. Here it appears just the opposite is going  
23 to happen. Everything is going to be coming in from  
24 multiple mills and multiple states to one central

1 location and treated. It will then go out into just one  
2 single municipal landfill at Indian Creek and/or  
3 additional ones. It seems to turn the letter and spirit  
4 of the RCRA laws on its head in that the -- you know,  
5 about what is a "generator," quote, unquote, by site.  
6 About what the limits of the delisting to apply within  
7 the state of Illinois.

8 I request the Pollution Control Board to take  
9 as hard a look at the generator issue and these issues  
10 as they did in the case 08-25 regarding the class 3  
11 permit modification.

12 Granting this petition would essentially not  
13 just delist PDC's waste stabilization facility hazardous  
14 waste for K061, but all K061. It would undo the listing  
15 under RCRA. The only limit to that is that the capacity  
16 that they stated in their petition. But we all know  
17 from the Keystone case of AS91-1 and other law that  
18 those caps on the capacity may or may not hold up. So,  
19 essentially, PDC's proposed waste stabilization facility  
20 could accept waste from any electric arc furnace mill in  
21 the nation. They could be going 24/7. They could  
22 expand within the contours of their current permit, or  
23 they could seek to modify to expand even more. So this  
24 could be the magnet for all electric arc furnace dust to

1 come in here.

2 I respectfully submit that that type of  
3 wholesale change in the law is best done in Congress to  
4 change the waste code to make K061 not a listed waste  
5 anymore. But that granting this petition would have the  
6 same effect, only limited by the, quote, unquote,  
7 "capacity or cap limit" which may not be worth the paper  
8 that it's written on. The headline would be, you know,  
9 "Delisting exception swallows rule," or something like  
10 that.

11 With all due respect to Peoria Disposal  
12 Company, PDC talks about the costs and the efforts  
13 necessary to comply with the regulations of general  
14 application. They have to do that as part of the  
15 permit. It was very nice to see the representatives of  
16 the customers coming here and giving their own public  
17 comments, and this is just public comment also about the  
18 needs and justification. And in the press there has  
19 been a lot of talk about Keystone and that this is very  
20 important and integral to Keystone's survival. But  
21 Keystone already has an adjusted standards permit for  
22 K061 through the super detox method. Apparently they  
23 have not been able to handle the cost or have not kept  
24 that in full force and effect, but that has been around

1 since 1991. So that is the same waste that PDC is going  
2 to be taking in plus the waste from all the other  
3 surrounding states to treat. That's all that I have.  
4 Thank you.

5 HEARING OFFICER WEBB: Thank you.

6 Dave Long?

7 (Brief pause in proceedings.)

8 MR. LONG: My name is David Long, L-o-n-g. It's  
9 simple to spell.

10 I'm sure a lot of people are thinking, oh,  
11 here is another one of those steel guys here to sing the  
12 praises of PDC. And, well, that's true.

13 But I'm the environmental manager at Sterling  
14 Steel Company in Sterling, Illinois. We are located  
15 about 75 miles north of Peoria, and we are considered a  
16 minimill like Keystone and the other steel companies  
17 that have been up before. Understanding that we do not  
18 make steel; we recycle it. We do not start with iron  
19 ore. We take scrap, and we take that material, melt it  
20 down and make steel.

21 I do want to, right from the beginning,  
22 indicate that Sterling Steel supports the delisting  
23 petition because we do make a lot of K061. And we feel  
24 that the way it is being treated and handled at Peoria

1 Disposal Company is appropriate and safe for the  
2 environment and for our health.

3           We have approximately 250 employees and make  
4 about 500,000 tons of steel each year. With those  
5 500,000 tons of steel, we make about 8,000 tons of K061  
6 waste. K061's -- I will just abbreviate it as K061, but  
7 one thing that I found that many people talk about the  
8 material and have never actually seen it. So this is  
9 two ounces of K061. It's a powder. It's metallic. And  
10 there have been a number of comments that I have seen  
11 where people say, "It's evaporating," or, "It's going  
12 into the air." This is a metal. These are metal  
13 oxides, meaning, iron, zinc, manganese, mostly iron, 60  
14 percent or more. So the material itself, this is not  
15 the idea of hazardous waste that most people have.

16           You know, the drums of bubbling green goo  
17 that eat through everything is not what we are dealing  
18 with here. This is a solid, harder material. This  
19 small sample has been in this jar for about eight years.  
20 It is still not leaking through the glass.

21           I wanted to mention that our company makes an  
22 end product which is rod. Now once we make the rod, we  
23 send it to our parent company who makes bedsprings. So  
24 the steel that we make, you sleep on at night. Seeley

1 and all the big companies use our steel. That steel  
2 comes from billets that we make out of melting scrap.  
3 So we melt scrap into steel, this shape, and run it  
4 through a mill and make rod.

5           Before we make that steel, it comes to us  
6 like this. This is a sample of scrap. Scrap steel is  
7 dirty. It's rusty. There have been comments that  
8 people make about, "We've got to keep this K061 stuff  
9 out of the landfill." People, it's going in the  
10 landfill. For sure it's going in. If it doesn't go in  
11 as a dust that we produced, it goes in as a steel from  
12 wrecked cars. At one time this was part of an  
13 automobile. It was shredded; now it goes to the steel  
14 plant. When you take steel like this, 200 tons at a  
15 time at our plant and put it into a furnace, putting  
16 70-degree steel like this into 3,000 degree liquid steel  
17 immediately vaporizes all the contaminants and junk  
18 that's on there. If this was a galvanized piece of  
19 steel, it certainly could be, that zinc that's on the  
20 galvanized piece goes right into the air. When that  
21 happens we collect it on fabric filter as dust. And  
22 that dust is collected and sent to PDC.

23           The material is going into the landfill one  
24 way or the other. Either as 100 million tons of scrap

1 steel or as a much, much, much smaller percentage of  
2 K061 dust. I thought I might go to six or seven  
3 minutes. That's why I didn't stand up earlier.

4 Sterling Steel has sent K061 material to  
5 Peoria Disposal Company since 1988. So when earlier  
6 speakers were talking about super detox process, I might  
7 be the only person in the room who actually knows the  
8 process and has been involved with it. At our steel  
9 plant up in Sterling we used the super detox process for  
10 about ten years. We used to make about 40,000 tons a  
11 year of K061 material. EnviroSource had a plant on-site  
12 in Sterling. Our K061 material went to that plant.  
13 It's true that that was dedicated to our material. Our  
14 dust went to that plant. They stabilized it, and they  
15 put it into a landfill that we had on site. But CSI's  
16 stabilization process was not site-specific. The  
17 delisting petition that they sought and received from  
18 the United States Environmental Protection Agency was a  
19 process specific delisting, not site-specific. So it  
20 allows them to use their process at any site to delist  
21 K061. I believe they may have set up a site at another  
22 steel plant, but I do know that they have the super  
23 detox process operating at their landfill near Toledo,  
24 Ohio. And at that landfill they took in dust from many

1 different electric arc furnace shops in that area,  
2 stabilized, delisted and landfilled. We do not send our  
3 material that far because Toledo is not a reasonable  
4 distance to send material when Peoria and some other  
5 landfills are much closer.

6           Also comments were made about things -- other  
7 things in the landfill. A comment that Chris made in  
8 the paper about, you know, you worry about what else  
9 goes into the landfill. We all worry about that. But  
10 one thing to be aware of, a battery that is full of acid  
11 or a bottle of fingernail polish remover may have an  
12 effect on the K061. But you don't put a whole truckload  
13 of batteries in the landfill. The K061 material goes  
14 out in truckloads. And a battery, whatever effect it  
15 may have on the K061, would be an extremely limited  
16 effect on very, very, very small portion of material  
17 that's there. We are not washing the K061 in gallons  
18 and gallons of acid or other organic material.

19           One of the things that is just -- I'm  
20 preaching to the choir for some people, but the testing  
21 that is done on the K061 is referred to as TCLP,  
22 toxicity characteristic leaching procedure. It's an  
23 18-hour wash in an acidic solution, which is more acidic  
24 than you would expect in a municipal landfill. If the

1 material is put in a hazardous waste landfill like we  
2 have now, we don't have the concern of acid materials  
3 getting to the K061. But once you put it in a municipal  
4 landfill, there is a possibility -- because after a  
5 while the waste starts to degrade and degrade and you  
6 get kind of a toxic soup in there that can be removed as  
7 a leachate, but it can affect the material. But the  
8 test, the TCLP test, is supposed to take that into  
9 account by being more acidic than what you would find in  
10 a landfill.

11           Other steel company people have mentioned  
12 there are other things to do with K061 material. One  
13 thing is to stabilize a landfill. We have been  
14 stabilizing it, like I said, for about 15 years. We  
15 think it's a very viable solution to the problem. We  
16 have recycled our material also. But, again, the amount  
17 of recycling capability has some restriction. One is  
18 the amount of zinc. Recyclers that recycle K061 don't  
19 want to recycle and get iron. They want a more valuable  
20 material. Lead and zinc are things that they can make  
21 money from. If the K061 material does not have enough  
22 zinc in particular, they don't want it. They can't make  
23 any money out of recycling low zinc material.

24           We think that PDC is an exceptional company.

1 Like I said, for 15 more years I have been sending  
2 material there. I come down from time to time to audit  
3 their operations. I have seen their test results on my  
4 material. I think their results are as comparable to  
5 super detox method that I used personally for about 12  
6 years. The test results shows that the material is  
7 stabilized. You cannot remove zinc and lead by  
8 landfilling. Metals are not something that are going to  
9 evaporate. They are there. When you make a cake, you  
10 mix a lot of ingredients. You bake it. When you are  
11 done, where is the egg and flour and everything else?  
12 It's still there, but you don't see it. It's tied up.  
13 That's the same way as with the metals and the  
14 stabilized K061.

15                 Steel companies have a need for different  
16 options. There are companies that recycle material. We  
17 want to recycle. It's probably the best option. We do  
18 recycle some, but we can't recycle all of it. The  
19 capability and capacity in the United States is not  
20 there. 100 million tons of steel are made. Some small  
21 percentage of that is K061 tons. That capability is not  
22 there for the entire country. In the meantime, until it  
23 is or until other processes are designed, landfilling is  
24 a very viable option and one that we want to take care

1 of.

2                   So just in closing, Sterling Steel supports  
3 the petition. We hope that any technical questions that  
4 are still out there get answered. We are confident that  
5 we reduce our liability greatly by going to a company as  
6 strong as PDC. Thank you for listening.

7           HEARING OFFICER WEBB: Thank you.

8                   I will just ask one more time if Kim Converse  
9 is here? She left? Okay. Thank you. Is there anybody  
10 else who came in late and did not have a chance to sign  
11 in?

12           MR. FOX: This will be very brief.

13           HEARING OFFICER WEBB: Your name, sir?

14           MR. FOX: My name is Rick Fox. Just one quick  
15 proposal to the Board. In the application there are  
16 three landfills stated. And we have the Tazewell and  
17 DeWitt County facilities. There is also one in Pike  
18 County. And I would like to make the request that there  
19 be a public hearing there for those folks so they can  
20 have an opportunity to have this discussion as well.  
21 Thank you.

22           HEARING OFFICER WEBB: Anybody else not have an  
23 opportunity to speak that came here to speak?

24                                   (No audible response.)

1           HEARING OFFICER WEBB: Okay. Great. I think  
2 that's everybody. Is there any final comment from PDC,  
3 EPA, Board?

4                               (Brief pause in proceedings.)

5           HEARING OFFICER WEBB: At this time I will  
6 concluded the proceedings. We stand adjourned, and I  
7 thank all of you for your very thoughtful and  
8 intelligent comments and everybody's participation.  
9 Thank you.

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13                               (Whereupon, the proceedings concluded  
14 at 6:35 p.m.)

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1 STATE OF ILLINOIS )  
 )  
2 COUNTY OF TAZEWELL)

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CERTIFICATE OF REPORTER

5

6 I, GALE G. EVERHART, CSR-RPR, Notary Public in and  
7 for the County of Tazewell, state of Illinois, do hereby  
8 certify that the foregoing transcript, consisting of  
9 pages 1 through 139, both inclusive, constitutes a true  
10 and accurate transcript of the original stenographic  
11 notes recorded by me of the foregoing proceedings had  
12 before Hearing Officer Carol Webb, in Peoria,  
13 Illinois, on the 18th day of August, 2008.

14

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Dated this 25th day of August, 2008.

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GALE G. EVERHART, CSR-RPR  
Illinois License No. 084-004217

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