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STATE OF ILLINOIS
Pollution Control Board

October 16, 2009

John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

ORIGINAL

PCH 1

Re: In the Matter of Petition of Westwood Lands, Inc. for an Adjusted Standard
AS 09-03

Dear Mr. Therriault:

Please accept this letter on behalf of the United States Steel Corporation ("U. S. Steel") in support of the Westwood Lands, Inc.'s petition for an Adjusted Standard. As further explained below, U. S. Steel believes that the Board should find Illinois' waste handling/permitting regulations inapplicable to Westwood's processing of steel slag fines because such fines are a useful product rather than a waste. In the alternative, if the Board finds that steel slag fines are a waste, then U. S. Steel believes an adjusted standard is appropriate given the *de minimis* environmental impact which results from processing such fines.

I. Steel slag fines are not a waste

As their name suggests, steel slag fines ("fines") are a fraction of the steel slag produced during the steel making process (as opposed to slag which is formed in the iron making process). Steel slag generally consists of calcium silicates and ferrites combined with fused oxides of iron, aluminum, manganese, calcium and magnesium. For decades it has been sold for a number of applications including, but not limited to, asphalt aggregate, fill, cement manufacturing raw feed, and road construction.¹

However, given the valuable metallic content of the slag, the steel industry continuously strives to develop processes to remove as much of the metal as possible to be recycled in its operations. Thus, fines are the end result of slag being crushed and screened to the point where mills can no longer remove the metal from the slag.

¹ We encourage the Board to visit the National Slag Association's website at <http://www.nationalslag.org/> for a more complete overview of steel slag applications.

Even though U. S. Steel lacks the capability to utilize slag fines in its operation, the fines are still very valuable given their metallic content. We depend on operations such as Westwood to extract the metallic portion of the fines to form easily manageable briquettes and nuggets which can be returned to our furnaces to make steel. In this way, fines are just one of the raw materials in the steel making process.

Our review of Illinois case law concludes that the seminal principle in the waste analysis is that, in order for material to be deemed a product instead of a waste, it must be returned to the economic mainstream. *Alternate Fuels, Inc., v. Director of the Illinois Environmental Protection Agency*, 830 N.E.2d 444 (2005). Westwood's process is indeed designed to return the fines back to the economic mainstream. Clearly, U. S. Steel will be purchasing the metal briquettes and nuggets for its steel making. The remaining silicate materials are a valuable commodity as well. Silicate has many uses including cement manufacturing, concrete admixtures, landfill covering, abandoned mine reclamation, and fertilizer. Accordingly, Westwood's process satisfies the *AFI* criteria and, therefore, the fines are not a waste.

II. Approval of adjusted standard.

Should the Board conclude that the fines are a waste, then U. S. Steel believes the environmentally benign nature of such fines qualifies Westwood's operations for an adjusted standard. It seems that the Board's solid waste regulations in Parts 807 and 810 are directed at facilities whose operations are likely to create environmental hazards. For such facilities, permitting requirements and local siting approval are appropriate given the immediate impact on the surrounding communities. However, Westwood's operations are not comparable to waste disposal facilities in this regard.

Steel slag fines will be Westwood's only feedstock. We note that federal regulations expressly exclude slag from the definition of a hazardous waste via the Bevill amendment. See 40 CFR 261.4(b)(7). Moreover, the fines that Westwood will receive from U. S. Steel have been tested to ensure that they do not contain other hazardous constituents. We also understand that steel fines from other mills will be subject to the same testing protocol.

More importantly, Westwood's process does not create a waste stream on the back end, meaning that there will be no emissions, discharges or releases to the land directly. Therefore, the granting of an adjusted standard will not negatively impact the environment in any way.

Conclusion

To summarize, U. S. Steel emphatically believes that steel slag fines are not a waste because they can be processed to form two useful products – metal and silica. Even if the Board concludes they are a waste, then an adjusted standard is appropriate given Westwood's operation's negligible impact on the environment.

Lastly, we hope the Board recognizes the value of Westwood's operation, not only to U. S. Steel, but the entire steel industry as a whole. Without such an operation, much of the metallic content of slag would be lost. We also hope the Board appreciates the positive economic impact that Westwood's operation will have on the City of Madison, which supports Westwood's proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Pricener", with a long horizontal flourish extending to the right.

Joseph Pricener