

ILLINOIS POLLUTION CONTROL BOARD

August 21, 2008

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

ORDER OF THE BOARD (by A.S. Moore):

On April 25, 2008, Peoria Disposal Company (PDC) filed an adjusted standard petition to delist the residue from treating K061 electric arc furnace dust (EAFD) at PDC’s waste stabilization facility, which is located at 4349 W. Southport Road in Peoria, Peoria County. Petition at 1. Before PDC can be granted a hazardous waste delisting for the treated EAFD, PDC must prove that the material no longer constitutes hazardous waste under the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 *et seq.*

The Board held a public hearing in this case on August 18, 2008, in Peoria, Peoria County, and will accept all written public comments filed with the Board on or before September 11, 2008. The Board encourages all interested persons to file public comments. In today’s order, the Board addresses an information request filed by Ms. Tracy Meints Fox on August 13, 2008. First, however, the Board discusses several pending requests that the Board hold an additional public hearing in this proceeding.

REQUESTS FOR AN ADDITIONAL PUBLIC HEARING

As mentioned, the Board held a public hearing on August 18, 2008, in Peoria. On August 13, 2008, the Board received the written request of Illinois State Representative Bill Mitchell of the 87th District that the Board hold an additional public hearing, this time in Clinton, DeWitt County. PDC filed a response on August 14, 2008, opposing Representative Mitchell’s request. The Illinois Environmental Protection Agency (IEPA) did not file a response to the Representative’s request. At the August 18 hearing, several citizens also requested that an additional public hearing be held in this case.

The Board today reserves ruling on all of the pending requests for an additional hearing. The citizen requests were made verbally on the record at the August 18 hearing, which was transcribed by a certified court reporter. Accordingly, the citizen requests, and the reasons provided by the citizens for requesting another hearing, will be set forth in the official hearing transcript. The Board has not yet received the transcript. When the Board receives the transcript, the Board will make it available on the Board’s website (www.ipcb.state.il.us) through the Clerk’s Office On Line (COOL). The Board expects to rule on the hearing request of Representative Mitchell and the subsequent citizen requests at the Board’s scheduled September 4, 2008 meeting. To that end, any response from PDC or IEPA to the citizen requests must be received by the Clerk of the Board no later than 10:00 a.m. on September 2, 2008, *i.e.*, the “mailbox rule” does not apply. *See* 35 Ill. Adm. Code 101.300(b)(2).

REQUEST FOR INFORMATION DISCLOSURE

On August 13, 2008, Ms. Tracy Meints Fox filed a letter (Info. Requ.) asking that the Board:

review the redacted information in Appendix B of the initial PDC filing from April 25, 2008 (case AS 2008-010) and determine whether the locations of the ten steel mills used in the sampling process can be disclosed. Info. Requ. at 1.

On August 14, 2008, PDC filed a response (Info. Resp.) to Ms. Meints Fox's letter, maintaining that "Appendix B does not list the geographic locations of the ten steel mills that ship K061 waste to PDC for treatment relevant to this case." Info. Resp. at 1.

The Board notes that on April 25, 2008, PDC filed, along with its adjusted standard petition, an application to treat as "non-disclosable information" certain portions of Appendix B to the Technical Support Document attached to the petition. *See* 35 Ill. Adm. Code 130. The Board has reviewed Appendix B, as Ms. Meints Fox requests. The Board finds that Appendix B does not provide the geographic locations of the steel mills. However, at the Board's August 18, 2008 hearing in Peoria, PDC offered a hearing exhibit that discloses the steel mill locations. The exhibit, Hearing Exhibit 4, was admitted into the public record of this proceeding and may be viewed and downloaded through COOL on the Board's website.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 21, 2008, by a vote of 4-0



John T. Therriault, Assistant, Clerk
Illinois Pollution Control Board