

PC 20

Lisa Offutt
10629 N. Moss St./PO Box 222
Mossville, IL 61552

August 21, 2008

Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

RECEIVED
CLERK'S OFFICE

AUG 25 2008

STATE OF ILLINOIS
Pollution Control Board

Re: AS 2008-010 RCRA Delisting Adjusted Standard Petition of Peoria Disposal Company

When the Peoria County Board originally denied PDC's expansion application, it cited concerns that are relevant to the issue at hand today.

The County Board expressed its finding back in 2006 that the public health, safety, and welfare would not be protected were the landfill to be expanded. Many of the same health concerns arise when we contemplate the possibility of the waste treatment facility being allowed to operate indefinitely, as it would if this delisting is approved. I'm not going to go over all of the health concerns, but there are two I would like to highlight.

One concern is the increased truck traffic through our area, bringing loads of dusty hazardous material through our communities to PDC #1. Trucks do overturn. Just recently a truck hauling waste to PDC's DeWitt County Landfill overturned just outside the landfill's gates. This summer a truckload of gravel overturned in downtown Chillicothe at the intersection of Route 29 and Truitt Ave. Last year a tanker truck of ammonia overturned on the Route 6 interchange with Route 29. Imagine a truckload of heavy-metal-laden EAF dust overturning near a Peoria neighborhood on a windy day. It would be impossible to contain.

The primary concern for us regarding this landfill is possible contamination of our aquifer and source of our drinking water, directly over which the landfill sits. Activities related to the waste treatment facility should this delisting be approved will, in my opinion, only make aquifer contamination more likely. In the Technical Support Document for their delisting proposal, PDC describes how the treated waste will be moved to a storage area in 25 cubic yard rolloff boxes or 168 cubic yard gondola-style railboxes to await testing, or (having failed initial testing) to cure for a period of time before retesting. These very large, very heavy containers will need to be moved by very large, very heavy equipment. The storage area PDC proposes to use are portions of landfill cells C-1, C-2, and C-3. I am very concerned about the repeated compaction and wear and tear to the landfill cells of driving these heavy machines and heavy loads back and forth over them on a daily basis.

We know from our research during the expansion hearings that there is evidence that cell C-1 had significant leaking of leachate and that the liner system was compromised. At the hearing I recall it being brought out that microencapsulated wastes are in this cell and that there is a weight limit, or concern about the amount of weight that can be placed over this type of waste. I ask if this is being taken into consideration regarding this delisting request? I haven't heard any mention of this issue so far in public meetings or in documentation.

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

There is another reason, I believe, that it is relevant to bring up PDC's expansion request and subsequent denial. As it stands, PDC #1 is projected to be full sometime in 2009. If this delisting is

approved, and PDC can begin landfilling the treated waste elsewhere, the active portion of the landfill will fill more slowly and remain open much longer. PDC representatives have mentioned this in public as a benefit of delisting on more than one occasion.

Finally, I believe there is a pattern of behavior on PDC's part that shows an intention to subvert the siting authority of the county, and this delisting proposal is just the latest effort. Of course they did not accept the decision of the County Board to deny their expansion request, and appealed to you, the Pollution Control Board, to overturn it. Fortunately, you upheld it, and PDC has taken their appeal to the appellate court.

But even before the IPCB decision came down, PDC was hard at work pursuing other means of keeping their operations at PDC 1 going.

Last year, PDC asked the Illinois EPA to modify its permit and reclassify them as a waste generator. They were asking the IEPA to state that the waste that goes through their waste treatment facility—the EAF dust that comes from several different sources inside and outside of Illinois—is actually waste that is generated by them. I know that the IEPA and IPCB have since decided that PDC is the generator of the waste it treats, but with all due respect it still defies comprehension. The important point is that the reclassification would have allowed PDC to expand the landfill without county approval. Fortunately the IEPA saw fit to deny this request. And the IL PCB affirmed the decision when PDC in turn appealed it.

And now PDC is attempting to have the waste that goes through their treatment facility declared nonhazardous, so that they can dump it in municipal landfills with relatively minimal liner systems and no leachate detection systems, along with people's cleaning solvents, paint, bleach, organic wastes, etc. There is a provision in their proposal that would allow them to take wastes from new sources not listed in the proposal without any approval from any regulatory body, and merely give 15 days' notice. Given the wide variability in what gets melted down in the steelmaking process—and consequently the wide variability in constituents of concern in the EAF dust—this amounts to PDC being able to delist waste on their own. PDC just keeps coming up with more ways to make an end run around the fact that the people of Peoria County and our county board have spoken loud and clear that we don't want their hazardous waste business to continue in our community.

I would also like to point out, as evidence of PDC's unwillingness to openly engage the communities in which they do business, that the people of DeWitt County, Illinois had no idea that their municipal waste landfill (a PDC property) was listed as a possible recipient of these treated EAF dust wastes—at least, not until a citizen from Peoria County told them about it. The Illinois Administrative Code states that the petitioner in cases like this must publish a public notice "in the area likely to be affected by the petitioner's activity that is the subject of the proposed adjusted standard." The code also states that any citizen can request a public hearing "in the county likely to be affected by the petitioner's activity that is the subject of the proposed adjusted standard." Three landfills in three separate counties are listed specifically in PDC's proposal and can reasonably be expected to be affected by PDC's activities. Furthermore, I have heard Chris Coulter state in public more than once that their intention with this delisting is not just to be allowed to dispose of the waste in their own landfills, but in any municipal landfill in the state of Illinois. This radically widens the pool of counties likely to be affected by this delisting, should it go forward.

The deadline for requesting a public hearing is 21 days after the posting of the notice, but how likely is it that citizens of DeWitt, Tazewell, and Pike counties would just happen be reading the fine print in the Peoria Journal Star classified section on the day it was published? Perhaps posting only one notice is standard operating procedure in cases like this, but I would argue that the wording of the administrative code allows a very different interpretation. In any case, meeting legal requirements and obeying merely the letter of the law is a necessary but not sufficient condition for honorable and ethical behavior. Therefore, I respectfully request that a second public hearing be held in Clinton, Illinois, regarding this PDC delisting application, per 415 Illinois Compiled Statutes, 5, Section 28, (a). This delisting will create a state-wide rule change allowing PDC to send EAF to any Subtitle D municipal waste landfill in Illinois.

Finally, I would like to comment on what I see as the lopsided nature of these processes. I hesitated and thought long and hard about the arguments I am about to make, and I want to be very clear that my comments are offered respectfully and with an awareness of the size and complexity of the task that confronts everyone in this and related matters. However this is a concern that I have had for three years and I feel compelled to express it.

My understanding is that the burden of proof in proposals like PDC's is on the petitioner; that is, on PDC. However, over the course of the last three years the burden of taking a locally-based careful, critical look at these proposals has fallen to ordinary citizens like the Heart of Illinois Sierra Club and Peoria Families against Toxic Waste, and others. We ask the Illinois Pollution Control Board for its most careful scientific assessment of the full and long term impacts of this delisting request.

I understand that the regulatory bodies involved are often understaffed and overworked, and therefore may tend to be disinclined to look for problems, and more inclined to simply state that regulations are being met and leave it at that. The County Board members are by and large not scientists or engineers, and certainly not experts in relevant fields, and they rely heavily on County Staff. County Staff seem overwhelmingly concerned about keeping two area businesses and jobs intact. I'm tired of being accused of wanting PDC to go out of business, and I'm tired of the implication that we don't care about people losing their jobs. Nothing could be further from the truth. However, to those who may be understandably upset about the possibility that their jobs may disappear, I would suggest that their anger is more appropriately directed at the owners and managers who failed to manage their companies intelligently enough to adapt to changing circumstances and technologies.

This is a major issue for me: who is looking out for the tens of thousands of others who don't happen to work for PDC or Keystone, both now and in the future, who have a right to expect clean water to drink and clean air to breathe? **Are we to put our trust in the Illinois Environmental Protection Agency, whose attorney sat and knitted during public comments at the August 18 public hearing, oblivious to the concerns of the public?** We don't have the deep pockets of PDC or Keystone or even the County. We stand to gain nothing here, we have not made one red cent for all of the hours we've spent over the last three years reading reams of technical documents, writing letters and giving public testimony. Nobody is paying us to come to public hearings and make statements. We all have jobs, families, and other responsibilities that demand our time and energy. Indeed we've spent a lot: time, effort, and our own money.

It seems at times that the County Board and County Staff think they only represent area businesses. Who represents us in this process? Why didn't the County hire truly independent experts who could pore over the 27 bankers' boxes of documents in PDC's expansion application and all of the other documentation relating to all of PDC's other maneuvering and find the problems in them? Instead of hiring the engineering firm that PDC hired to draw up their expansion plans to rubber stamp this delisting without access to much of the relevant information. In a scientific undertaking—and to my mind in any clear and rational decision-making process—one makes an argument and then tries conscientiously to defeat it. This is how you show your argument, your position, is valid. I am not at all satisfied that this has been the process with regard to PDC, at least on the part of County Staff and the IEPA. I sincerely hope this is the approach that will be taken by the Pollution Control Board, and that the siting authority of the Peoria County Board—the elected voice of the people of Peoria County—will be upheld.

Sincerely
Lisa Offutt



attachment: photo of Michelle Ryan knitting during public comment

Offutt
PO Box 222
Mossville IL 61552

