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To: Illinois Pollution Control Board

Public Comment RE: Case AS 08-10

The Delisting of K061 has been presented in this case as BDAP using stabilization process. One other process HTMR has been determined a more viable rout due to recycling. Both are considered a logical approach to over come the environmental dangers related to Electric Arc Furnace dust, listed RCRA hazardous waste.

When sufficient information has been provided to allow the IPCB to determine that the waste does not meet any of the criteria for which it was listed as a hazardous waste then a delisting will be granted.

In petition PDC has not asked for or indicated any limitations. If this delisting is granted I see no reason that K061 treated waste can not be used as usable, marketable products (such as road base or construction fill)and no longer stored in subtitle C or D landfills.

Submitted information in support of comment

DRAS employs standard risk assessment default parameters.

DRAS does employ a conservative approach to exposure assessment by assuming the receptor may be exposed to both the most sensitive groundwater pathway and the most sensitive surface exposure pathway and selects the most sensitive pathway for each constituent.

DRAS model calculates risk assuming a worst case scenario of no liner at all.

DRAS software the appropriate model for evaluation, migration and exposure was used.

EPA has considered plausible types of improper management in accordance with Sec.261.11(a) (3) (vii) when it assumed that contaminants will migrate from the landfill to a receptor well, uncontrolled erosion of exposed waste will migrate into a stream, and long term absence of daily cover will expose the waste to the atmosphere. Operating a facility in this manner is considered improper management as it violates the proper management standards and requirements promulgated for licensed subtitle D landfills set fourth in 40 CFR parts 257 and 258.

Presence of dioxins is considered unlikely based on an understanding of the process, the agency believes that this constituent is not likely to be present in the waste. Generator knowledge also supports the absence of this constituent in the waste. In this case as in others a single sample is considered sufficient to verify the absence of this compound.

Considerable amount of time and effort went into the development of the TCLP and the Agency believes that it is a reasonable laboratory test and that the TCLP results generally correlate well with

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environmental measurements.

Agency requires leach testing for stabilized waste using the TCLP procedure at three different pHs.

The DRAS program was developed in consideration of all the factors presented in 40 CFR 261.11 (a) (3).

Constituent specific toxicology, chemical, and physical data are in the database used in the DRAS software as are appropriate models for evaluating migration and exposure. The DRAS is not capable of evaluating degradation products as described in 40 CFR 261.11 (a) (3) (iii) through (vi) and the risk posed by degradation products would typically be evaluated independently. The petitioned waste, however, did not contain any chemicals which have known degradation products and therefore this additional analysis was not necessary.

In conclusion

Proposed actions will promote recycling and resource recovery of K061 in the course of becoming a product that is inseparable by physical means (PDC claims in this case to be a generator of a product).

These provisions will encourage more generators to choose treatment technologies that are industrially beneficial and environmentally sound.

Waste -derived products that are produced in whole or in part from hazardous wastes and used in a manner constituting disposal, are not subject to hazardous waste disposal regulations provided the products produced meet two conditions. First, the hazardous waste must undergo a chemical reaction in the course of becoming products so as to be inseparable by physical means (see Sec. 266.20(b)). A second condition for exemption is that the waste-derived products must meet best demonstrated available technology (BDAT).

Signed / William D Spencer

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