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ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:
Illinois Cast Metals
Association Proposed R96-003
Amendments to for
Existing Landfills
Accepting Potentially
Usable Steel or Foundry
Industry Waste: 35 Ill.
Adm. Code 814.902

Hearing conducted on June 26, 1996, by Attorney
Audrey Lozuk-Lawless, at Madison County
Administrative Building, Board Room

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James T. Harrington, Attorney

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Michael P. Slattery, Vice President

Christopher Peters, Project Director

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

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Judith S. Dyer, Attorney

Kenneth Liss, Attorney

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Kenneth E. Smith, P.E.

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1 MS. LOZUK-LAWLESS: I would say good
2 morning. My name is Audrey Lozuk-Lawless and I'm
3 the hearing officer in this docket, which is
4 R96-003, currently titled: In the matter of steel
5 or foundry industry waste landfills, amendments to
6 35 Illinois Administrative Code 817.309 facility
7 location for landfills accepting potentially
8 usable steel or foundry industry waste. This is a
9 continuation of a hearing which was held on Monday
10 at the James R. Thompson Center, at which time two
11 of the ICMA witnesses gave the testimony, as well
12 as prefiled testimony, those being Christopher
13 Peters and Mike Slattery; from the Agency, Kenneth
14 Liss also gave testimony. All of the above
15 witnesses filed prefiled testimony which was
16 entered into the record as Exhibits 1, 2 and 3.
17 If there are any additional questions of any of
18 those witnesses on the prefiled testimony or on
19 anything they testified to on Monday, we can
20 address that today. But what we thought we would
21 start out doing is simply picking up where we left
22 off on Monday. And what I thought I would do is
23 turn the floor over to Mr. Wesselhoft,
24 representing the ICMA, and how he would like to

1 take today's hearing is fine.

2 MR. WESSELHOFT: All right. Fine.
3 First off, I'd like to apologize for being late.
4 We had shipped all the extra prefiled testimony
5 down here and it has not arrived yet, so we were
6 waiting for the extra copies. So we don't have
7 any extra copies to hand out to anybody that would
8 like one.

9 MS. LOZUK-LAWLESS: If anyone does
10 want one, you can ask from the Board and we'll
11 send it to you.

12 MR. WESSELHOFT: At the last hearing
13 there were several suggestions made as to how we
14 could amend the language to make it more
15 approvable and better define some of the issues.
16 We have worked out a revised language proposal
17 here that was sent to the Agency yesterday, and
18 we've not really had a chance yet to discuss it
19 with the Agency as to whether they have any
20 problems with it or not. But we do have language
21 which I'd like to enter into the record.

22 MS. LOZUK-LAWLESS: The revised
23 language submitted by Mr. Wesselhoft will be
24 marked as Exhibit No. 4. And that is revised

1 language to part 817.309(b).

2 (Exhibit #4 marked for identification.)

3 MR. WESSELHOFT: What we've tried to
4 do in this is address two of the major problems:
5 one which was how the demonstration would be made,
6 and the second one was how to deal with the
7 approvability of the reasonable use language.
8 We've added a provision in here that would require
9 conceptual groundwater model. We've also defined
10 "reasonable use" for the purpose of this
11 section. And at this point I would welcome
12 questions on any portion of this.

13 MS. LOZUK-LAWLESS: Does the Agency
14 have any questions they want to address right now?

15 MR. LISS: I looked at the wording,
16 and reviewing it and I thought they had agreed,
17 and I just want to make sure they still agree to
18 look at the elements of 817.413 to incorporate
19 some of those procedures to make it a little more
20 specific where you talk about in your proposed
21 language under Number 2 what site-specific
22 groundwater model number would be.

23 MR. HARRINGTON: Can we have a
24 moment, please?

1 (Christopher Peters sworn in by reporter.)

2 MR. PETERS: Can I answer now?

3 MS. LOZUK-LAWLESS: Yes. Sorry.

4 MR. PETERS: The intention was to
5 meet the intent of 817.413 without going into the
6 specific details. We would evaluate those factors
7 as appropriate. What we had in mind was that that
8 would be a discussion between the Agency and the
9 owner/operator in terms of what they would agree
10 upon as to what's necessary to make the
11 demonstration.

12 MR. LISS: Okay.

13 MS. LOZUK-LAWLESS: You can ask
14 anything else.

15 MR. LISS: No. I don't have any
16 other questions. But could I state I just assume
17 when we leave here today we'll probably be working
18 with them to straighten out the wording.

19 MS. LOZUK-LAWLESS: Okay. Mr.
20 Wesselhoft, is there anything else that you'd like
21 to say on the record today?

22 MR. WESSELHOFT: We were reviewing
23 the prefiled testimony and discovered that in a
24 page of the calculations in Mr. Peters' testimony

1 was not included in the packet. We will be
2 submitting that. We only have the original right
3 now, but we'll submit that as an additional piece
4 of testimony. We also have copies of the site
5 maps, the geological maps that were requested.

6 MR. PETERS: Attachments 1, 2 and
7 3.

8 MS. LOZUK-LAWLESS: I'll take them
9 and enter them as exhibits.

10 MR. PETERS: I've got all the
11 copies. There should be ten copies.

12 MR. WESSELHOFT: Do you plan to
13 consider these additional exhibits? Or --

14 MS. LOZUK-LAWLESS: Yes. Go ahead
15 and move them into the record. Would you? Mr.
16 Wesselhoft, would you have them moved.

17 MR. WESSELHOFT: I'll move that the
18 three documents that we just submitted to you,
19 labeled Attachment 1, Source Water Resource Data,
20 Attachment 2, Source Water Resource Data, and
21 Attachment 3 Source Water Resources Data
22 identified as page 19, 12 and 11 be entered into
23 the record as exhibits.

24 (Exhibit #5 marked for identification.)

1 MS. LOZUK-LAWLESS: Okay. And we
2 will enter into the record as Exhibit No. 5
3 Attachment 1, source titled Water Resources Data,
4 Illinois U.S. Geological Survey Water Data Report,
5 IL-92-1. And we will enter into the record as
6 Exhibit No. 6 Attachment Number 2 source titled
7 Water Resources Data, Illinois U.S. Geological
8 Survey Water Data Report IL 92-1 and Exhibit No.
9 7, Attachment Number 3, Source Water Resources
10 Data, Illinois U.S. Geological Survey Water Data,
11 report IL 92-2, which are enlargements of maps
12 that were previously entered into the record under
13 the testimony of Mr. Peters. Thank you.

14 And I was wondering the status of
15 the additional data that Mr. Slattery was going to
16 provide to the Board.

17 MR. WESSELHOFT: Mr. Slattery has
18 reviewed the data and does have some comments on
19 that.

20 MR. SLATTERY: Do we need to
21 rephrase the question that needs to be answered or

22 --

23 MS. LOZUK-LAWLESS: You can.

24 (Michael Slattery sworn in by reporter.)

1 MR. SLATTERY: I think the question
2 posed to me was: Do we have data that would give
3 us a review, a review of the data that would give
4 a range of the data on manganese and chloride?
5 This was in respect to the model that Chris Peters
6 is working on. I've reviewed the data from my
7 personal files back at the office from -- or I did
8 review 38 separate analysis for Ferris Foundries.
9 And the chloride ranged from less than 1.0
10 micrograms per liter to a high of 22 micrograms
11 per liter; the manganese, 85 percent of the values
12 were less than .12 micrograms per liter. I just
13 point out that the qualifying number for
14 beneficial use is .15. The remaining 15 percent
15 of high value was .25 micrograms per liter.

16 MR. WESSELHOFT: Mike, could I
17 clarify? Is it micrograms or milligrams?

18 MR. SLATTERY: I'm sorry.
19 Milligrams.

20 MR. SLATTERY: So parts per mil.

21 MR. FLEMAL: But then milligrams per
22 liter, largest value that you have in file is
23 still the order of magnitude lower than the MACL.
24 Is that correct?

1 MR. SLATTERY: Yes.

2 MR. FLEMAL: Is your understanding,
3 as well, that the values that you've looked at are
4 generally representative of the kinds of values
5 that would be encountered, from your professional
6 experience?

7 MR. SLATTERY: Yes, they are. And I
8 did represent cross examination of several waste
9 streams typical of the foundry industry.

10 MS. LOZUK-LAWLESS: Would you like to
11 ask any questions?

12 MS. DYER: I believe Mr. Liss has a
13 question.

14 MR. LISS: A couple questions. I
15 missed the beginning on -- was that 38 sites? Or
16 38 sets of data?

17 MR. SLATTERY: 38 separate
18 analysis.

19 MR. LISS: Separate analysis? And
20 how many sites?

21 MR. SLATTERY: That came from
22 approximately six separate facilities.

23 MR. LISS: Thank you.

24 MS. LOZUK-LAWLESS: You're welcome.

1 So I can assume then that no data will be
2 submitted to the Board that we would be answering,
3 just what you've given us today in your summary.

4 MR. SLATTERY: That's correct.

5 MS. LOZUK-LAWLESS: Is there anything
6 else you'd like to say or finish up?

7 MR. WESSELHOFT: At this point, if
8 there are no questions from the Board, what I
9 would suggest is a short recess so we can talk
10 with the Agency to see if we can work out the
11 difference in the language for the revised
12 proposal.

13 MS. LOZUK-LAWLESS: Okay. Is there
14 anything else from the Agency, on the record, at
15 this point?

16 MS. DYER: I don't believe so.

17 (A discussion was held off the record.)

18 MS. LOZUK-LAWLESS: Mr. Wesselhoft, I
19 was looking through the record and noticing that
20 the analysis of economic and budgetary effects of
21 the proposed rule making, you had used a form that
22 I think was an older form, and there's a new
23 revised form; so if it's acceptable to you I could
24 fax you the form and then you could put into the

1 record and update it revised sheet.

2 MR. WESSELHOFT: Okay.

3 MS. LOZUK-LAWLESS: And we'll send to
4 you as soon as we receive it. Well, actually it
5 would go on the service record to you.

6 And while we were off the record, it
7 was decided this proceeding would close on July
8 18th. If additional hearings are requested in the
9 future, then we can deal with that and change that
10 date accordingly.

11 MR. WESSELHOFT: I believe Mike
12 Slattery has a clarification.

13 MR. HARRINGTON: I'll ask Mr.
14 Slattery. Could you explain the data that you
15 reviewed and why you did not offer it for the
16 record?

17 MR. SLATTERY: Basically, the data
18 that I have in my office is through my clients
19 with my employment with RMT. They, of course, are
20 confidential. It's not data that is through the
21 Illinois Cast Association.

22 MR. HARRINGTON: I do believe you
23 are under obligation of the confidentiality of
24 that data.

1 MR. SLATTERY: Yes, I am.

2 MS. LOZUK-LAWLESS: Is there anything
3 else that ICMA would like to put on for the
4 record?

5 MR. WESSELHOFT: I think we've
6 presented our case.

7 MS. LOZUK-LAWLESS: Is there anything
8 else that the Agency would like to add for the
9 record?

10 MS. DYER: No.

11 MS. LOZUK-LAWLESS: Are there any
12 questions from anyone from the audience?

13 (Indicating no.)

14 MS. LOZUK-LAWLESS: We'll say that
15 today's hearing is closed.

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