

Public Comments delivered (in part)
August 18, 2008

IPCB Public Hearing re: PDC delisting request KO 61 Electric Arc Furnace
Peoria Downtown Public Library

PC #16
AS08-10

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CLERK'S OFFICE

AUG 21 2008

Good afternoon. Thank you very much for your time this afternoon.

STATE OF ILLINOIS
Pollution Control Board

My name is Cara Rosson, and I've been involved in fighting the expansion of PDC # 1 landfill since January 2006. I work full time, in fundraising for a local university, and I'm the mother of two young boys, 5 and 7. I have volunteered many hours in the last almost three years to this cause.

I would like to focus my comments today on the nature of EAF delistings – and how I believe PDC's current proposal to differ significantly from other examples nationally.

I have done some research, as has our attorney, into other EAF delistings in other states – and in all examples that we have found fall into one of two categories. In one, the delisting is specific to the steel mill or foundry from which the waste in question is generated. Envirosource's technology, called Super Detox, is one that has achieved delisting in several states, including Illinois, Ohio and Idaho.

With the Super Detox technology, Envirosource goes to each steel mill, also referred to as mini-mills, and installs a treatment plant at the mill. So the components of the waste stream of EAFD are consistent. The components are known and the treatment process at each mill can be relied upon, to a great extent. I have not done specific research into the Super Detox process, but media articles indicate that development started at Bethlehem Steel, and over the course of seven years of research and commercial activity. This second phrase, "commercial activity," implies that Envirosource has tested their Super Detox technology in actual landfill conditions.

There are two key differences that I see between Envirosource and Super Detox and PDC's current request for delisting. One, that PDC has stated that they will be accepting EAFD from multiple sites, in several different states (Iowa was mentioned at a recent county board committee meeting). The Super Detox technology has only been installed on-site at the various mini-mills, where again, the components of the EAFD are known and consistent, as each treatment facility is ONLY dealing with EAFD from that specific mill – and most steel mills/foundries have consistent processes by which they produce steel. The components do not vary, and testing for those specific components can be done more reliably.

PDC is taking EAFD from any number of steel mills in the 10 state area that we know they serve. They did not provide a listing of the steel mills that they are already taking EAFD from, or those that they are developing contracts with, in this delisting proposal. How radically can the components of the EAFD vary from any of the various mills they work for? I would think that the variation would be significant. For example, I understand

that the components of steel milled for home use, as in silverware or appliances, is relatively "pure" or free of the more toxic contaminants that end up in EAFD. Whereas a steel mill that produces steel for, say, fencing wire, does not require the same purity, for obvious reasons. We won't be cooking with it or eating off it. But that does not reduce the toxicity of the components that end up in EAFD from "dirtier" steel.

My question is how can PDC have possibly tested their new process of treating the EAFD on all of the possible components from all of the mills they plan to work with? I know it is impossible that they have tested their process with the EAFD from mills that they state they are negotiating with. PDC has stated that testing was done for their new process during December 2007 and February 2008 – far less than the 7 years Envirosource took to develop Super Detox. I have seen no evidence in their proposal that any of the testing was done during "commercial activity" as was noted about the Super Detox process. Also, per the application, only 9 samplings of an EAFD mix were done, and the additional tenth was a re-sampling.

Given the high variability of the EAFD they plan to take in and treat, how could they possibly have done thorough testing on the numerous components for their safety after treatment, given only 9 samplings from known sources? And, how is it legal OR safe that they will be allowed self-approval of any future EAFD intake from any number of mills that they may or may not contract with?

IL Administrative Code, I believe it's C 35 721 4i or 720.122 d, states that sampling must be "taken over a period of time sufficient to represent the variability or the uniformity of the waste." It seems to me, that PDC, ONE, has not done sufficient testing to demonstrate the safety OR reliability of their new process given the large number of steel mills/foundries they are taking EAFD from. And it is absolutely impossible that they have done sufficient testing on the steel mills they have yet to contract with.

Their current proposal seems to be asking that the IEPA and the IPCB grant them their own delisting ability, since PDC has stated that upon contracting with a new mill, they will give the IEPA at least 15 days notice of the new contract, and that this notification DOES NOT CONSTITUTE APPROVAL. So either the IEPA is trusting that PDC will test to the sufficient standard for disposal at municipal landfills such that whenever they come back at a later date to review the in-house sampling data, or in reviews of any given municipal landfill, that everything will be fine, leachate wise. And as so many of us know all too well, given the glacial pace of any government body, 15 days is a nanosecond of time as regards notification. Hence, I do not trust, given their considerable workload, that the IEPA will have time with a 15 day notice, or even a 30 day notice, to make sure that sufficient testing is done, especially when said testing is likely done in house or in a laboratory, and not during "commercial activity." During "commercial activity" also implies that testing was done, of the treated EAFD, in actual municipal landfills, to assess the effect of any one of thousands of chemicals, both organic and inorganic, that people throw into their household trash. Let any one of these ferment in the summer heat in a

landfill and I'd be afraid of what it might do to any substance it might come into contact with, including ferrous sulfate and Portland cement, as are noted in PDC's proposal.

While we're on the subject I'd like to talk for a moment about summer heat. All of PDC's testing was done "in-plant." I assume that means in a laboratory. What does happen to the treated material at high heat and humidity when it is in contact with, say battery acid. Or nail polish remover. Or depilatory cream. Or hair dye. What does that do to the treated materials that are "stabilized?" Or to the "stabilization materials?" I am not a scientist, but any of these chemicals are increasingly dangerous at high heats, as most of them state on the bottle that you bring home "keep away from heat and flame."

Also, in regards to heat, PDC's proposal has stated that they will do daily testing to ensure that the treated EAFD achieves the correct levels contaminant wise, and that I do appreciate it. They also state that when the levels are too high, they allow the treated EAFD to "cure." The treated EAFD cures outside, in the elements. It is common chemistry that many chemicals volatilize, or evaporate, at higher heat. So, my question here is, does PDC allow the chemicals to simply cure outdoors, during which time the hazardous elements volatilize into the air above and around their facility on Southport Road? Do they simply allow the hazardous chemicals to evaporate into the wind, no matter what the heat or humidity level? There is no indoor storage area at the facility that I am aware of.

Did you know that there is a middle school, Pleasant Valley, about ½ a mile uphill from this facility? And that approximately 52,000 people live within a 3 mile radius? How does this volatilization affect their air quality? It may not, but I have seen no evidence in this proposal to say that it won't. It is also worth noting that my opposition group is unaware of any IEPA air monitoring that is done outside of the bag house where the treatment occurs, so it would seem to me that there is not currently any testing in place which might be able to determine any air pollution that might travel during the curing process at the outer locations of the landfill. Also, there is no publicly available information regarding the tests done at the bag house for us to review.

And given the low level of testing of the air quality around the hazardous waste facility, it does not surprise me that 61604, the zip code in which this facility is located, has among the absolute highest cancer rates according to the American Cancer Society's 2006-2007 studies. I accuse PDC of nothing with this, they have been a responsible steward of their facility. I am simply questioning the need for much greater air monitoring on the part of both the IEPA and the US EPA.

I would also like to question the EPA standard, where the treated EAFD must withstand being exposed to an acidic solution for 16 (or 18, (or 24, according to tonight's testimony) I'm not sure of the exact number) hours to pass their testing regulations. This hardly seems sufficient by any stretch of the imagination. A landfill is forever. I can only guess, as can you, as to the number of household chemicals the treated EAFD may encounter during it's lifetime in a landfill. Even just the number of days during which it

sits near the top of the active cell. Brake fluid? Hairspray? Vinegar? Suppose someone's half empty bleach container gets packed down on top of the treated EAFD? It won't be moved in 16 or 18 or 24 hours. It won't be moved ever. Then the next day or two might see some Drano or rancid steak sauce. Providing a second acidic solution that again, won't be moved. Again, what happens to these various household items when they mix together, heat up, and pour down through treated EAFD? I don't know, but I feel confident that the possibly minimal amount of testing that has been done for this proposal cannot show us either.

The second example, as regards other delistings of EAFD around the country, other said delistings do not cover disposal of EAFD at municipal landfills. They are only for "on-site" delistings, so the EAFD is disposed of or landfilled on the site of the steel mill itself. So in this case, it is again, as in my first example, a "single source" delisting, where the toxic components of the EAFD are from a single manufacturing process and are relatively reliable in the amounts found in the EAFD. In addition to this, they are disposed of "on-site" at the mill, in which case, I assume the treated EAFD is the *ONLY* thing being disposed of at the site. Given a dry tomb like situation, with good bottom liners and top covers, this seems to me a much safer situation in which to landfill EAFD – as it is highly unlikely that the treated and landfilled EAFD would come into contact with any other substance, let alone those that are corrosive, acidic or flammable – assuming that the steel mills aren't handling any other disposal or landfilling on the mill site. I am confident that the other mills where EAFD is disposed of onsite aren't also managing municipal waste, although I cannot say this for sure.

And as a third point, as for the number of EAFD delistings that have been allowed, I have a few actual numbers – and these numbers are taken from PDC's own submission to the IPCB, in which they respond to the questions put forth by the IPCB regarding this delisting proposal. PDC took them from the RCRA 20 year assessment, I believe. EAFD delistings comprise only 4.5% of ALL delistings nationally. Only 13% of EAFD delistings have been granted, and 56% of them are withdrawn. I believe that a delisting was even revoked in 1997 due to health and safety concerns.

This approval rate seems very low to me, with at least one example of a revocation. And I can only assume that in that 13% of EAFD delistings that were approved, all those were either single source delistings, or for on-site disposal at the steel mill. It appears to me that *NONE* of these delistings include multiple sources of EAFD waste AND in the cases where disposal has been allowed in non-hazardous waste, municipal landfills – the waste has been single source – so with the exact same hazardous components every time, every day, every batch.

I contend that approving PDC's current delisting proposal is essentially delegating *delisting* responsibility to a private company, and away from the regulatory and government agencies that were established to protect the health and welfare of the citizens of their state, county or region. Hazardous materials are regulated for very good reason, they are toxic and carcinogenic pollutants – this is scientific fact. I understood

that the government was established on behalf of the people, not on behalf of any corporation or business. To protect the health and welfare of the general population, not at the benefit of a small group of owners and employees.

I request that the IPCB at the least demand further, extensive testing. "Commercial activity" testing. And that you at least demand that the IEPA approve each new source of EAFD PDC contracts with in the future.

Ideally, I request that you deny this delisting proposal. It sets a dangerous precedent in that it would allow multi- and unknown source delisting, without sufficient testing for safety and leaching, for disposal into municipal landfills where the dangers are great at best, and unknown at worst.

I request that you deny this delisting proposal on behalf of the citizens of Central Illinois, who have been fighting to close this hazardous waste landfill lying in our backyards for several years. On behalf of the San Koty and Mahomet Aquifers, THE source of drinking and household water for all of Central Illinois. I myself have a well tapping directly into the San Koty. I rely upon it for contaminant free water – water that I will drink and bathe in for years and years to come. I hope it remains so.

R Ms. Cara G. Rosson
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CC

May 16, 2008

Doug Scott
Director
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Dear Mr. Scott,

I am a member of Peoria Families Against Toxic Waste and I have been involved in the fight against Peoria Disposal Company's (PDC) hazardous waste landfill at 4349 Southport Rd in Peoria for about 3 years now.

I am writing to you concerning PDC's recent petition for an adjusted standard before the Illinois Pollution Control Board – the RCRA delisting petition docketed as Case # AS 08-10 – the delisting of residues from the treatment of electric arc furnace (EAF) dust created by steel mills. They propose this delisting so that they may dispose of the treated EAF dust in regular municipal landfills and not in their hazardous waste landfill.

I ask you and the Illinois Environmental Protection Agency (IEPA) to help us oppose this current effort by PDC. This is a *highly* unusual measure that they propose.

Firstly, there is no precedent for it in the state of Illinois, or anywhere else in the United States that I am aware of. Other delistings in the US have been given to the generator of EAF dust only, i.e. Bethlehem Steel and Indiana Steel. These two companies were allowed to delist their own EAF dust, as primary generators of said dust, for treatment/disposal on the source property. In these situations, the dust was from their factory alone and all components of the dust were known and reliably consistent. They could demonstrate that they could consistently and safely treat and landfill the dust. A DRAS model for these situations would be relatively reliable, as the dust and the added components in the treatment process would not change. This is what the delisting process was designed for – single point source, on site disposal.

The huge difference in PDC's petition is that they will be accepting EAF dust from multiple point sources, the components of the dust are not completely known and will have high variables, and then landfilling the treated dust in municipal landfills where the treated product would be exposed to any number of other chemicals and components. PDC accepts EAF dust from many sources in several states and the process they propose – treating it and landfilling it in municipal landfills – is completely untested and untried. They propose delisting EAF dust that they have treated to safer levels, but this does not eliminate the fact that the dust has many different components from many different sources and they are unable to demonstrate how mixed components from many point sources will react when in combination with one another and then in combination with the variety of organic compounds that they will encounter in municipal-type landfills. The DRAS model for this, in my opinion, cannot be relied upon at all. It does not provide for the hundreds of potential variables when the EAF dust components, though treated, combine with the thousands of possible combinations of liquids found in any municipal landfill – from Kool Aid and battery acid to orange juice and bleach, the list is endless.

PDC claims that they will test each and every batch to counter the multiple source problem – but how is any consistency possible given the variability of the sources? How many of the source steel mills have components that are trade secrets, the components of which they are unwilling to completely detail? And while testing each and every batch could display the safety of the treated material itself,

are they going to test how any particular batch of treated chemicals will react when they encounter five different cleaning products in the municipal landfill? The chemical reaction possibilities appear to be endless, or at least would seem to increase exponentially, once dumped in with the millions of items found in municipal landfills. Is there any way to test for these unknown possibilities? I doubt it.

Secondly, our lawyer has informed us that the state of Illinois has not delisted any such chemical for over 15 years. I ask that you at the very least undertake an in-depth review of what PDC is proposing before recommending any course of action. My hope is that you will see the myriad dangers of what they suggest and disapprove of such a universally untried and untested process.

We are also concerned that the IEPA itself has worked with PDC to craft this delisting proposal. There is language in the proposal itself that suggests as such. We do not know to what extent PDC consulted with IEPA staff in preparing the document, and certainly do not suggest that there has been any impropriety on the part of the IEPA – we simply ask that any consideration PDC has given the IEPA in asking the advice of staff members towards the preparation of their current proposal not be given any special consideration by the IEPA. I trust that any consultation by PDC of any IEPA staffers will not replace a thorough examination and review of PDC's delisting proposal Case # AS 08-10.

Third, I would like to address the components of KO61 EAF dust. KO61 includes hexavalent chromium, lead, zinc and other heavy metals. NO matter how much one treats heavy metals, no matter how much ash or cement, or how many other chemicals a company adds during the treatment process to "neutralize" the effects of their toxicity, these heavy metals remain unchanged, they are still and will always be highly toxic and present a danger to humans.

Fewer and fewer states and countries continue to landfill heavy metals. All 26 member nations in the European Union have banned entirely the landfilling of heavy metals like lead, mercury, zinc and hexavalent chromium. Companies that sell their products in the EU have since discontinued using heavy metals in their products. The effect was virtually immediate and caused little economic burden. The State of California is moving towards such a standard as well. It is feasible that PDC and the State of Illinois could become the dumping ground for heavy metals as more and more states and municipalities move towards this same, increasingly popular standard. I doubt anyone in Illinois, and I know for sure hundreds of us in Peoria, do not want this to come to pass.

There are companies around the US, one right here in Illinois, that offer recycling services for KO61 EAF dust. The Horsehead Corporation has a facility in Calumet (<http://www.horsehead.net/ourfacilities.php>) that processes EAF dust. There is another facility in Millport, Alabama (<http://www.steeldust.com/>) that does the same. I have even read about German technology that is reducing the creation of EAF dust in the first place, at the steel mills themselves. Landfilling EAF dust is increasingly unnecessary and simply wasteful. In this age where recycling is not only encouraged, but necessary in the fight for a sustainable lifestyle and the battle for the health of our planet – recycling – not landfilling – is our present and future. Landfilling is rapidly becoming our past, the dinosaur of the waste industry. Encouraging continued landfilling, especially of an almost entirely recyclable and valuable product, is a step backwards both economically and regulatorily, while continuing to endanger our environment and our citizens.

Fourth, the public outcry against PDC's effort to expand and/or continue operations of their hazardous waste landfill at 4349 Southport Rd in Peoria is consistent and growing every day as people learn more. The turnout for the original effort/application for expansion generated huge public involvement and protest in the Spring of 2006. Then in May 2006 the Peoria County Board resoundingly denied the application for expansion 12 votes to 6. Hundreds of people attended the IEPA's hearing in February 2007, at the Downtown Peoria Public Library, to speak out against and suggest stringent regulatory modifications for PDC's permit renewal application (the permit that the IEPA just renewed

late in 2007). Peoria City and County residents continue to email and write letters to the multiple agencies involved to protest and oppose any expansion or continuation of operations.

To date, the Illinois Pollution Control Board has affirmed the Peoria County Board's 12-6 "no" decision and this matter is still under appeal by PDC. In August of 2007, the IEPA itself denied PDC's permit modification request (to be considered a "manufacturer" or "generator" of the waste they treat). PDC's requested an extension on their application to the US EPA to increase its existing authority to accept PCBs under TSCA. The US EPA has told PDC that they do not grant extensions as such, and PDC needs to re-apply when they are ready to move forward with this process, which to date they have not done.

Agency after agency, government after government, has denied PDC's efforts to expand this landfill and to continue operations and treatment of hazardous wastes at the facility. This current effort, the proposal to delist treated EAF dust, is just another in the lengthening string of PDC's attempts to continue profiting from a dangerous facility that is far too close to the general public. I am confident that this proposal is not based on science or safety, but upon their desire to keep making money. It is a desperate attempt by PDC after failed attempts to expand (based on facts related to health and safety), and upon failing to achieve Class 3 designation, etc, etc, etc. Do not doubt, though, that my group, Peoria Families, and others like HOI Sierra Club and River Rescue, will continue our opposition until this facility is closed, both the landfill and the waste stabilization facility (WSF).

I would like to remind you that there are apartment buildings a mere 250 yards away from this hazardous waste landfill, at the every edge of the required setback/distance. Pleasant Valley Middle School sits less than 1 mile directly uphill/upwind from the landfill (on Richwoods Blvd). When I drive on I 74, just east of Rt 6, I look right to see the landfill, its large hill and the flashing light on one of the facility's buildings and I look left at the Weaver Ridge Golf Course and the \$250,000+ homes that sit at the edge of the greens. Both sights are just a few hundred yards from my vantage point as I drive through. Much of the municipality of West Peoria is downgradient from the landfill, not much more than a mile away. Approximately 53,000 people live within 3 miles of this landfill – not including those who work or attend school/college in the same radius. And of course, our most desperate and important point, this landfill sits on top of the San Koty Aquifer, the Peoria area's primary source of drinking and household water. The San Koty Aquifer is integrally connected to the Mahomet Aquifer, and contamination of the San Koty could endanger citizens from Bartonville to Rantoul, and huge swath of Central Illinois.

Per the IEPA's recent permit renewal, PDC's landfill #1 is allowed to release 7.7 tons of particulate matter and .0 tons of VOCs per year. To no person I know does this sound safe, especially given the close proximity to so many families and children – less than a mile away from a middle school! Per your current permit renewal, PDC is only required to do air monitoring within the facility, NOT at the borders of the facility. And they are only required to do so twice a year, 2 days out of 365 days, every single one of which I am confident sees some sort of release of particulate matter or gaseous substance. And only inside the facility – do the waste cells at the outside of the facility not emit matter or gas? Wouldn't it be wise to do air testing around the facility, for awareness of which way the winds blow and what kinds of emissions are found outside the facility and in local neighborhoods? I am not a regulator or a hazmat scientist, but common sense would dictate that the more testing done, the better – especially where public safety is concerned. Twice a year hardly seems adequate given the variety of materials PDC receives from a large variety of sources.

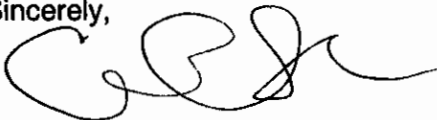
And to add insult to injury, in my humble opinion, PDC tests *their own materials in their own laboratories!* I can't think of any other regulation, especially concerning public safety, where a known polluter is allowed to monitor itself! It certainly doesn't work financially – I think it's safe to say PDC employs an outside auditor for their taxes, and that's just for their money. When it comes to public

health and safety, and hazardous materials that we know cause cancer and illness, they regulate themselves? Does that not seem entirely ludicrous to you? They take hazardous materials from other states, but they cannot employ another facility to test treated materials and air quality? Other such facilities exist in Illinois – they wouldn't even have to go out of state.

Construction is regulated and monitored by outside agencies. Health clubs, restaurants, schools, day care centers, banks – all are regularly visited by independent, outside agents to check and monitor their health, safety and fairness, their compliance with regulations. BUT, PDC, a company that handles some of the most hazardous substances on the planet, is allowed to test their own safety??!!! I have seen myself that they do do their best to follow state and federal requirements – but performing their own regulation? As another member of Peoria Families is wont to state, “self-regulated is UNregulated.”

I cannot implore the IEPA, the Illinois Pollution Control Board, and any other agency involved, enough to *recommend AGAINST* or to *DENY* approving the proposal to delist KO61 EAF dust. In so many ways, as I have written above, this is a dangerous new path for hazardous waste treatment. One that is untried and untested to a great extent. It is incumbent upon state and federal agencies to take the best interests of the general public, the vast majority of citizens, into consideration when such proposals are put forth by a private entity whose first and foremost concern is their own profitability and continuance. I beg of you to put the people of Peoria, and the citizens of the hundreds of landfills in Illinois where this treated KO61 EAF dust could land (should the proposal be approved), FIRST. Please put us above PDC's profit margin. Please. As the old saying goes, “*safety first.*”

Sincerely,



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