

7/31/03

To Mr Bradley P Halloran
IL Pollution Control Board
Hearing Officer

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JUL 31 2003

STATE OF ILLINOIS
Pollution Control Board

Fx # 312-814-3669

From Michael Strupinski

cc: David Stone

Michael Stringini Respondent

In Response to the Motion for Summary Judgement


People v. Stringini

PCB 01-43

(RCRA Enforcement)

I object to this motion on the grounds that the activity I was engaged in, metal and mineral recovery, did not fall under RCRA jurisdiction. From the time I first approached Sloan I was interested in their scrap metals primarily, I had been in the scrap metal business since 1969 and had only recently become interested in sand. Spent foundry sand not as valuable as dross or skimmings, but sand is much less hazardous, rich brass fines would be even more hazardous, my point is that a pile of rich brass fines would not fall under RCRA because it is like a pile of money waiting to be scooped up, it is only because no one scoops it up that it would become a waste issue. When the Zimmerman property was being remediated I offered to recycle the material and all they had to do was ship it. My offer was not taken seriously, and I believe the sand went to a landfill which should never have happened and was quite against my will. I had contacts with firms who would recycle the sand into Portland cement, Portland cement manufacture involves heating the sand to such a high temperature that it turns to glass. Metals in the sand become metasilicates which do not oxidize and are not hazardous in any case. Portland cement manufacturers routinely buy high silica sand for their kilns and so do Primary smelters, in fact I am in negotiations with a Primary Smelter to buy sand for a discount that is hazardous waste under RCRA, I'm going to get the generators delisted and the sand recycled, for the Smelters the metal in the sand is a bonus, the content of metals being equivalent to a natural mine. In the case of Sloan the sand in question was not a hazardous waste under RCRA and the activity I was engaged in was not regulated by RCRA, was not waste related, was not a landfill, I was engaged in mineral recovery. With regard to the charge of abandoning the site, Sloan abandoned me, misled and deceived me, breaking verbal agreements we had made, which caused me to lose my business, that was not according to my will or under my control or power to change.

I motion for summary dismissal.


Mike Stringini

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