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STATE OF ILLINOIS
Pollution Control Board

November 27, 2007

Illinois Pollution Control Board
Clerk : Public Comment File
RE: PCB No. 08-25 (Permit Appeal – Land)
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

PC#8

Public Comment Letter
RE: PCB No. 08-25
Peoria Disposal Company, v. Illinois Environmental Protection Agency

To the Illinois Pollution Control Board:

Heart of Illinois Group Sierra Club, representing its over 800 members in Central Illinois, strongly supports the Illinois Environmental Protection Agency decision to deny the Peoria Disposal Company Class 3 Permit Modification request, regarding the expansion of their hazardous waste landfill at the edge of the city of Peoria.

The varied attempts of PDC to expand their hazardous waste landfill are of grave concern to the citizens of the Peoria area, whose children, grandchildren, and future generations will be faced with the millions of tons of hazardous and other wastes PDC has buried over aquifer level sands linked to the Sankoty Aquifer¹, our major aquifer resource for Peoria. The PDC hazardous waste landfill is immediately adjacent to the edge of the city of Peoria, with over 53,190 residents living within three miles of the landfill operations.²

It is completely disingenuous and a ruse that PDC attempts to claim that their expansion does not constitute a new pollution control facility. The PDC claim that this expansion is exempt from local siting authority is totally unacceptable, based on their decades of previous existence, and continued existence, as a hazardous waste landfill, accepting

¹ Herzog, Beverly L., et al. Evaluation of Groundwater Monitoring Programs at Hazardous Waste Disposal Facilities in Illinois (Illinois Geological Survey, 1988) p. 43

² Enforcement & Compliance History Online: ECHO (US EPA <http://www.epa-echo.gov/cgi-bin/get1cReport.cgi?tool=echo&IDNumber=110000438143>) Demographic Profile of Surrounding Area (3 Miles), Population

wastes from locations over 15 states. The waste that PDC landfills does not generate from their site. The waste that PDC treats or mixes with substances originates from other locations, and is transported to PDC.

The specifics of the PDC permit modification request clearly show that the expansion has a new vertical structure, which will hugely increase the elevation of a large section of the landfill to a pitched height of 45 feet above about 32 acres of current ground level. This will create a new mountain of toxic wastes where no current mountain exists. The other part of the PDC permit modification request expansion at issue, is to open a new, lateral landfill burial area. The 8.2 acres of this new expansion are not currently part of the hazardous waste burial area that is being used or open at PDC. New excavation will need to be done, new liners will need to be put in place, and the entire construction of this completely new waste facility will commence, if PDC gets its way. The facts regarding their permit modification request show that their plan is to develop two new hazardous waste storage areas that do not currently exist.

PDC received federal Resource and Recovery Act (RCRA) Part B permitting for hazardous waste disposal and treatment at this landfill in 1987. Wastes were being dumped in this same location as early as the 1940's from information that used to be on the PDC website. The current PDC website states that PDC operates landfills, waste transfer stations, recycling facilities, and laboratories, and their services are hazardous and non-hazardous waste collection and disposal, waste treatment, waste transportation and waste brokerage and other waste related services.³ Their website description does not include that they generate hazardous waste or some kind of product. For PDC to attempt to claim that what comes out of their waste treatment plant process is their own product is a sad attempt to circumvent existing hazardous waste landfill regulations.

PDC's appeal, using the Illinois Environmental Protection Act, 415 ILCS 5/3.330(a)(3), to enable their expansion, should be denied. The law to which PDC refers to states:

3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for **wastes generated** by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;

Standard dictionary definitions of the word 'generate' mean to "bring into existence"^{4, 5}; "create"⁶; or "to cause something to exist."⁷ PDC is not the source that creates the waste they landfill. They do not bring it into existence or cause it to exist. PDC takes in wastes

³ PDC Area / Peoria Disposal Company, "About Us" web page, <http://www.pdcarea.com/htm/aboutus.htm>

⁴ DK Illustrated Oxford Dictionary (Dorling Kindersley Limited and Oxford University Press, Inc.; New York, NY, 1998) p. 339

⁵ Merriam-Webster's Online Dictionary, <http://www.m-w.com/dictionary/generate>

⁶ Wikipedia Encyclopedia, <http://en.wikipedia.org/wiki/Generate>

⁷ Cambridge Dictionaries Online, <http://dictionary.cambridge.org/define.asp?key=32472&dict=CALD>

from other locations. That is their business as a hazardous waste landfill. Mixing substances with wastes that already exist is not generating the waste. It already exists when they receive the waste.

A U. S. Environmental Protection Agency web page⁸ regarding hazardous waste states the following:

What types of businesses generate hazardous waste?

Many types of businesses generate hazardous waste. Some are small companies that may be located in your community. For example, the following types of businesses typically generate hazardous waste: dry cleaners, auto repair shops, hospitals, exterminators, and photo processing centers. Some hazardous waste generators are larger companies like chemical manufacturers, electroplating companies, and petroleum refineries.

PDC's contention now that they generate waste is neither believable nor acceptable. PDC is paid to take in wastes intended for disposal and they landfill the wastes. The fact that PDC mixes substances with some of the waste does not make them the generator of the waste, nor does it change the fact that the material is still delivered to the landfill for disposal. PDC would have nothing to landfill if they did not accept wastes generated outside of their facility.

This application is a blatant attempt to circumvent local siting authority. In May of 2006, the Peoria County Board voted with a strong majority of 12 to 6 to deny the expansion request presented by PDC. The local County Board determined that PDC did not prove they would protect public health, safety, and welfare; PDC failed to prove need; and the expansion was found to be incompatible with the surrounding area. These issues are the same in regard to the Class 3 Permit Modification under consideration. PDC has supplied the identical expansion area request to IEPA for this modification as they supplied to the Peoria County Board for their vote in 2006.

In using the same expansion plans as they presented to the Peoria County Board, PDC is showing that they should not be exempt from local governmental siting authority. This is the same physical expansion request, but it was directed to the IEPA, after PDC was not granted local siting authority approval for their proposed expansion.

Issues brought out at the Peoria County Board hearing regarding the landfill expansion, showed clear concerns regarding the integrity of the Cell C-1 liners at this landfill. Through use of Illinois EPA reports and monitoring data, hydrologist Charles Norris pointed out in his written comments to the Peoria County Board,⁹ that Cell C-1 liners showed failure in the primary and base liners, with large losses of leachate in the late 1980's. Problems were obvious by 1988. Capping of Cell C-1 limited the leachate issues, however, the proposed expansion request in the PDC Class 3 permit modification would remove the cap on Cell C-1 for their proposed vertical expansion, thus exposing this

⁸ US EPA, "Wastes: Frequently Asked Questions, Hazardous Waste Answers", <http://www.epa.gov/epaoswer/osw/basifact.htm#whois>

⁹ Charles H. Norris, March 27, 2006, comment letter to the Peoria County Board, Siting Committee, pp. 2-6

known compromised cell to weather elements and construction affects. The vertical expansion would also subject this cell to further stresses on the old liners. Special conditions agreed to during the Peoria County Board hearings would have exempted this cell from the vertical expansion. PDC has put their original plans back on the table, with full knowledge of public and Peoria County engineering review doubts regarding the integrity of the liners of Cell C-1, and IEPA data verifying failure of the liners in Cell C-1. What kind of a company would do this?

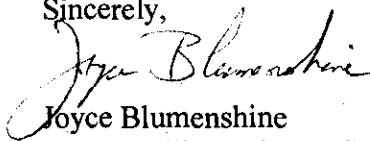
At the required Public Meeting regarding this Class 3 permit modification, which was held by PDC in the crowded, angled hallways at their PDC Laboratories building in Peoria, January 26, 2007, Ron Edwards, PDC Vice President of Operations, stated that the expansion area is the same as proposed in their original siting expansion request to Peoria County. His comment is on page 9 of the meeting transcript. Mr. Edwards also comments that the waste has to be managed as waste and cannot be sold on page 19 of the Public Meeting transcript from that same meeting.¹⁰ There was standing room only at this meeting, with members of the public asking questions until PDC attorney Brian Meginnes announced the meeting was over.

The Peoria County Board, by unanimous vote at their February 8, 2007, meeting, affirmed their opposition to the PDC Class 3 Permit Modification request and directed that a letter be sent to IEPA stating their opposition.¹¹

Peoria County has done its part for the state of Illinois and the nation in accepting hazardous waste. Heart of Illinois Sierra Club would like the Illinois Pollution Control Board to know that we do not wish to continue as a sacrifice zone for the convenience of dumping toxic wastes for a private, profit making company. After well over 30 years of operations as a hazardous waste landfill, it is not now plausible or acceptable for PDC to claim that they generate wastes. PDC is clearly attempting to circumvent the local siting authority denial of their expansion request.

Heart of Illinois Sierra Club supports the decision of the Illinois Environmental Protection Agency in denying the PDC Class 3 permit modification request to expand their landfill. We hope the Illinois Pollution Control Board will reach the same decision after your review of the complete facts, and deny this appeal.

Sincerely,



Joyce Blumenshine
Heart of Illinois Group Sierra Club

¹⁰ Peoria Disposal Company, Transcript of the January 26, 2007, Public Hearing, held by PDC at the PDC Laboratory, 2231 W. Altorfer Drive, Peoria, IL 61615

¹¹ Minutes of the Peoria County Board, February 8, 2007, meeting, page 5, item number 8