

: OFFICIAL PROCEEDINGS :**: FOR THE CITY OF PEORIA, ILLINOIS :**

Peoria, Illinois, March 17, 2010, a Peoria City/County Landfill Committee Meeting was held this date at 8:34A.M., at the Lester D. Bergsten Operations & Maintenance Facility, 3505 N. Dries Lane, Peoria Illinois, with Mr. Lester D. Bergsten presiding.

ATTENDANCE

The following Committee Members were physically present: Les Bergsten, Brad Harding, Dan Irving, Steve Van Winkle, Merle Widmer - 5. Absent: Bob Akers, Ryan Spain - 2.

City/County Staff present: Dave Barber, Steve Giebelhausen, Patti Pitcher, Karen Raithel

Other interested parties: Emily Ambroso, Joyce Blumenshine, Chris Coulter, Rick & Tracy Fox, Joyce Harant, Steve Harenberg, Lynn Pierson, Patrick Sloan, Mike Wiersema, Jerry Wyatt

ANNOUNCEMENTS, ETC.

Mr. Bergsten introduced Peoria City Councilman Dan Irving who is taking over the City Council appointment of Tim Riggenschach. While Mr. Riggenschach's involvement was greatly appreciated, his work schedule conflicts forced him to resign.

Mr. Bergsten announced Bob Akers' daughter passed away recently and asked that Bob and his family be kept in everyone's thoughts and prayers.

As noted on the Agenda, a conference call with IEPA officials is slated for 9:00a.m. this morning. Any questions from the public should be written and given to Mr. Sloan prior to the conference call.

MINUTES

Mr. Van Winkle moved to approve the minutes of the Regular Peoria City/County Landfill Committee Meeting held on February 17, 2010; seconded by Mr. Harding.

Approved by viva voce vote.

AGENDA ITEMS**ITEM NO. 1. REPORT from FOTH INFRASTRUCTURE & ENVIRONMENT, LLC****A. Permit approvals as needed**

Ms. Ambroso presented one Special Waste permit approval from G&D Integrated [Sandblast Grit]. No technical objections.

She is currently working on amending the Title V Air permit (for the entire site) to incorporate the recent flare installation which will require Mr. Barber's signature.

Mr. Sloan reported two permit applications were due this past Monday, March 15th. One regarding new oil and grease background standards; the other pertaining to the G04S assessment as discussed in a public hearing last fall. Foth completed the assessment which included installing new monitoring wells and additional, more frequent sampling. The resulting recommendation was to install a flare to collect gas to resolve the traces of gas in the well. This has been completed and is working well. Foth is also asking permission to plug the 30-year-old well and use the new well instead. No questions.

Mr. Sloan informed the Committee that Whitney & Associates is on site doing soil borings for the dam design.

Mr. Harding moved to approve Foth's report and to secure Mr. Barber's signature as outlined; seconded by Mr. Irving.

Approved by viva voce vote.

ITEM NO. 2 REPORT from WASTE MANAGEMENT, INC.

A. Monthly Activity Reports

Mr. Wiersema presented the Monthly Activity Reports for January 2010. No discussion.

B. Permit approvals as needed

Contingent upon Foth's review and approval, Mr. Barber's signature will be needed for routine Bureau of Land annual reports and certifications for Landfill Nos. 1 and 2 as well as the Annual Air Emission report. All are due on or before May 1st.

While they don't anticipate any time-sensitive permit requests, Waste Management respectfully requests the Committee allow administrative approval of permits (upon Foth's review and approval) for Mr. Barber's signature should any arise prior to the April meeting.

Mr. Bergsten questioned the status of the Stockpile Agreement. Mr. Coulter responded PDC met with Waste Management on March 12th and they are working on an agreeable schedule. He added Waste Management has been very helpful, enabling PDC to stay on schedule.

Mr. Bergsten will coordinate with Mr. Wiersema a tour of the landfill for Mr. Irving.

Mr. Widmer moved to approve Waste Management's report and to secure Mr. Barber's signature as outlined; seconded by Mr. Van Winkle.

Approved by viva voce vote.

ITEM NO. 3 REPORT from PEORIA DISPOSAL CO.

A. Landfill No. 3 Update

Mr. Coulter reported the bore hole procedure (with the radioactive probes) is done and there were no problems.

Due to equipment breakdown and site access issues, PDC and Reynolds Drilling Corporation (which also performed drilling during the construction of the Indian Creek facility in Tazewell) have amicably parted ways in order to stay on schedule with the Site Investigation Plan. Their backup contractor, Raimonde Drilling Corporation out of Chicago, has been hired and is on site. Despite this change in contractors, Mr. Coulter is confident the April deadline will be met (if not exceeded). The recent break in weather has also helped progress things forward. He will update the Committee at the May meeting.

Mr. Coulter will meet with Mr. Sloan as part of the Agreement to discuss a reasonable timetable regarding capping work to be done at Landfill No. 1.

Mr. Harding asked how IEPA's reorganization is expected to impact the Landfill Expansion project. Mr. Coulter said it will be manageable if they are able to keep on schedule. He also shared that a permit modification for PDC's Clinton site took two-and-a-half years for approval.

Mr. Harding moved to approved PDC's report; seconded by Mr. Irving.

Approved by viva voce vote.

ITEM NO. 4 REPORT on RESOURCE TECHNOLOGY CORPORATION

There were no representatives of RTC present at the meeting.

Mr. Giebelhausen requested an Executive Session to update the Committee on the progress being made.

No royalty monies have been received.

ITEM NO. 5 ACCEPTANCE of the DeLISTED "EAFDSR" HAZARDOUS WASTE

A. IEPA Conference Call

Mr. Sloan moderated the conference call with Mr. Steve Nightingale, IEPA Bureau of Land Permit Section Manager, and Mark Crites of the IEPA Waste Permitting Section and an expert on delisting.

In 1976 the Resource Conservation and Recovery Act (RCRA) was amended to the Special Waste Act by Congress. This provided a framework for:

- ❖ Directing USEPA to identify hazardous wastes and develop standards for generators, transporters and treatment/storage/disposal facilities.
- ❖ Allowing transfer of authority to authorized states (of which Illinois is one).
- ❖ Petitioning (by demonstrating they do not pose a significant threat) for delisting wastes with low concentrations of hazardous constituents.

In Illinois, such petitions are directed to the Illinois Pollution Control Board (IPCB) under 35 Ill. Adm. Code 720.122. Generators must demonstrate the waste does not exhibit hazardous waste characteristics, does not pose a threat to human health/environment and is not hazardous by the manner in which it is listed.

The USEPA process is stringent. The IPCB has only received four (4) applications for delisting, of which two (2) have been approved. Facilities receiving delisted waste must be Subtitle D facilities - meaning they are state-of-the-art which utilize plastic liner, leachate collection system, groundwater monitoring system and permit requirements for additional monitoring and corrective actions should impacts in monitoring wells occur.

PDC's petition to delist K061 (Electric Arc Furnace Dust) from ten (10) generators was submitted April 25, 2008. After review of the submittal and input from 327 commenters, it was approved January 8, 2009 with conditions.

This approval requires the waste be stabilized prior to disposal at PDC's Tazewell County or Indian Creek facilities (Clinton County and Pike County are optional facilities) and provides for delisting contingent upon the following five (5) conditions:

- ✓ Only for residue resulting from the treatment of K061 at PDC's facility on Southport Road;
- ✓ Original proposed treatment process must be used (unless amended requests are submitted to and approved by IEPA);
- ✓ Only from the ten (10) generators identified in the application;
- ✓ Verification testing is required, including a daily composite grab sample;
- ✓ Disposal in a Subtitle D landfill.

Committee members were given an opportunity to ask questions.

Mr. Van Winkle asked if a waste stream is processed and deemed delisted, would it be more or less toxic than general waste in our landfill? IEPA responded there would be less chance of leaching due to the stabilization treatment and, therefore, less likely to be a problem. In fact, regular special wastes are likely to have higher TCLP values because the delisting process specifically treats against these.

Mr. Harding asked if K061 compares to common household waste and if delisted, if it's comparable to other municipal solid waste. He also asked if the delisting process has ever been wrong. IEPA explained K061 compares to industrial waste from metal processing (i.e., slag). The process is a practical way in which generators can get out of the system if they prove their waste isn't a concern.

Mr. Van Winkle asked if this "slag" is the same or different product as is used on roadways during winter events or resurfacing activities. IEPA confirmed it is the same product.

Mr. Bergsten questioned the origin of evaluations (in-house vs. outside source). IEPA said testing is the responsibility of the generator but standard USEPA methods must be used. The IEPA field office staff visits the site regularly and may take duplicate samples (the frequency of which is unknown at this time). As long as the process is followed, the process is efficient. If the process is not followed, the waste stream is subject to the hazardous waste regulations.

Mr. Sloan stated four questions provided by public attendees:

1. Q: Please explain how IEPA can be assured toxics, after being chemically processed and bound to make them resistant to other chemicals, weather and time, will never be released into the water and soil.

A: IEPA stated the waste is required to be taken to a landfill with a number of protective (liner, leachate collection, etc.) and monitoring (groundwater) components in place. Numerous procedures in the delisting process simulate years in a landfill which are then repeated multiple times to monitor any leachability trends.

2. Q: The USEPA procedures for estimating risk based on toxicity has undergone a revision from DRAS 2.0 to 3.0 since PDC's petition was approved. How will IEPA ensure PDC is still compliant?

A: No additional modeling will be required. The 180 changes to the 2.0 model were manual inputs that were automated in the 3.0 version. PDC was aware of these proposed changes and proactively incorporated them in their application.

3. Q: PDC's delisting treatment process for EAF dust has never been made available to the public. Did IEPA review the data of this process from the censored information in the public PDC application?

A: Yes.

4. Q: How many changes to its delisting chemical process has PDC made since approval was granted in January 2009? What's IEPA's timeline for review/approval of changes?

A: There has been one change that did not require IEPA approval, but notice and analytical were provided. The IEPA reviews applications as quickly as possible. The reviewer is familiar with the process and waste stream and, therefore, can expedite the review.

There being no further questions of IEPA, Mr. Sloan thanked Mr. Nightingale and Mr. Crites for their time and information. Likewise, they thanked the Committee for allowing their participation via

conference call due to recent IEPA staff reductions, adding they would continue to be a resource of further information as needed.

[Phone call ended at 9:32A.M.]

Mr. Van Winkle asked County Board members if the Resolution the County passed should be re-addressed based on the new information provided today. Mr. Harding confirmed the County Board did not possess the knowledge provided today and had voted against the Resolution. Ms. Lynn Pierson, Chairman of the County's Health & Environment Committee, said she's only one voice of 18 but doubts it would be changed [if re-addressed].

Mr. Harding asked to attend the next Health & Environment Committee meeting to address the matter. Ms. Pierson said he's always welcomed and often attends, but to re-hash the issue would be wasteful. Mr. Harding decided sharing today's newfound information one-on-one or via email would be best.

Mr. Van Winkle feels far more confident about this [EAF] waste stream than he did before today's meeting and suggested this information be shared with the City Council and County Board for better understanding and future reference. Mr. Irving agreed, asking Mr. Barber to provide a summary in the City's "Issues Update" publication. Mr. Barber agreed, in turn asking for Foth's assistance to provide a document he could post on the website, adding he would issue an eAlert.

Mr. Bergsten thanked Mr. Sloan and Ms. Ambroso for coordinating this very informative conference call with IEPA. Mr. Sloan will follow-up with a thank you letter to IEPA on the Committee's behalf.

ITEM NO. 6 APPROVAL of SEYFARTH SHAW, LLP INVOICES – \$4,499.00

Mr. Giebelhausen explained these fees are related to the favorable hearing from December which required some follow-up in order to maximize the impact of the December rulings.

Mr. Irving moved to approve the invoice in the amount of \$4,499.00; seconded by Mr. Harding.

Approved by viva voce vote.

UNFINISHED BUSINESS

Mr. Barber announced that yardwaste collection started this week and PDC recycling container deliveries continue. PDC's recycling collection will begin Friday, April 2nd. Waste Management has one last recycling collection.

No current update on the recycling pledge contest mentioned last month. The cumulative \$500 prize was donated by Rehrig Pacific, Midwest Fiber and Peoria County. PDC's most recent count of over 2,000 subscribers to date increases daily.

NEW BUSINESS

Mr. Widmer commented the recycling locations at Northpoint Shopping Center are overflowing. Ms. Raithel hopes once PDC's curbside recycling program is implemented the drop-off box activity will decline. These sites were intended for those without curbside recycling but households are using them as well. Currently, the Northpoint site is picked up 3 times/week, Sterling Avenue 2 times/week and Bartonville 1 time/week where volume has increased. The drop-off containers will remain in place until PDC assumes this program in 2012, per the Agreement, when the County's current contract with Midland Davis expires.

Mr. Coulter confirmed PDC will then add four more recycling locations: Chillicothe, PDC's site in Pottstown, PDC's hauling operation in West Peoria and in PDC's laboratory facility in Pioneer Parkway. PDC is considering the removal of the Sterling site due to its close proximity to the forthcoming Pottstown site, explaining if this occurs, PDC would be sure to add additional containers.

PUBLIC COMMENT

JOYCE BLUMENSHINE – Heart of Illinois Sierra Club

She commended the Committee for the time and attention given to this [EAF] issue. She is concerned IEPA doesn't do independent testing. As for EAF being compared to industrial type metal waste, she feels the number one purpose of our municipal waste landfill is for municipal waste. This should be Peoria's focus as responsible citizens for our future to cut down on waste, recycle and pursue ways to save landfill space by encouraging industries to use more green processes. She also has reservations about using EAF as a "cash cow" as Mr. Harding inferred. The Landfill Committee looking for revenue opportunities shouldn't take priority over the long-term health, environment, safety and protection of this landfill for public purposes.

Mr. Harding responded his words never included "cash cow"; However, he feels the only way to make improvements is by having a revenue stream that is secure enough to allow Peoria to take advantage of new technology and opportunities as they present themselves. If this [EAF] waste is not as benign as household paper and baggies yet far from the composition of the original material as IEPA suggested, it behooves the Committee, County and City to assess whether or not the revenue generated from this could be put to good future use while putting our landfill into the 22nd Century.

RICK FOX – Rural Peoria County

Mr. Bergsten acknowledged Mr. Fox's previous inquiry to join the Landfill Committee; however, Mr. Bergsten's previous attempt to expand the Committee's membership was denied.

Mr. Fox hopes this Committee would focus on finding ways to reduce risks to our community and to our landfill. He thinks IEPA saying this [EAF] waste is as safe as other industrial waste indicates Peoria should be finding ways to look at all industrial waste and all special waste streams and find ways to encourage industries to reduce, reuse and recycle to help reduce risk on all waste streams. Furthermore, where there are hazards Peoria should not put them in the public municipal landfill. He feels the IEPA regulations don't serve us well as a community if we're simply complying with the minimum requirements. Peoria has the opportunity to set the bar higher while further reducing the risks.

NEXT MEETING

The next Regular Landfill Committee meeting will be held at the Lester D. Bergsten Operations & Maintenance Facility at 3505 N. Dries Lane, Peoria, on **Wednesday, April 21, 2010**, at 8:30A.M.

ADJOURNMENT

Mr. Van Winkle moved to adjourn the regular meeting to go into Executive Session to discuss pending litigation, not returning to Regular Session; seconded by Mr. Irving.

Approved by viva voce vote.

The regular Landfill Committee meeting adjourned at 9:50A.M.

Lester D. Bergsten
Chairman