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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

PUBLIC MEETING FOR THE RECORD)
OF DECISION FOR OPERABLE UNIT 4)
OF THE NEW JERSEY ZINC/MOBIL)
CHEMICAL SUPERFUND SITE IN)
DEPUE, ILLINOIS)

REPORT OF PROCEEDINGS of the public meeting
held on the 29th day of June, 2016, at the DePue School
Gymnasium, 204 Pleasant Street, DePue, Illinois, at
6:00 p.m.

PRESIDED BY:
MR. DEAN STUDER, Hearing Officer
Right-to-Know Coordinator

PRESENTED BY:
MS. CHARLENE FALCO,
Illinois EPA Project Manager

INTERPRETED BY:
Ms. Jimena Lopez-Rehmer

1 MR. STUDER: Good evening. I want to apologize
2 for the late start. We had a little --

3 THE INTERPRETER: My fault.

4 MR. STUDER: Can everyone hear me?

5 Okay. Is that better?

6 Before we begin this evening, we have a
7 Spanish interpreter here for those in attendance who
8 are Spanish speaking, and just for the record I'd like
9 to have a show of hands if there is anyone here this
10 evening that would like this meeting interpreted into
11 Spanish for them.

12 Okay. Can you hear without a
13 microphone?

14 THE INTERPRETER: Yes, she can hear me.

15 MR. STUDER: Okay. If you cannot and you need
16 to interrupt, let us know and we'll provide a
17 microphone. We've got one here.

18 Okay. We'll proceed with interpreting
19 this meeting into Spanish this evening.

20 My name is Dean Studer. I'm the hearing
21 officer for the Illinois Environmental Protection
22 Agency or Illinois EPA, and I'll be serving as the
23 facilitator for this public meeting.

1 This meeting is being held for the
2 purpose of gathering public comments on the proposed
3 plan for the cleanup of Operable Unit 4 offsite soils
4 of the New Jersey Zinc/Mobil Chemical Superfund site
5 here in DuPage -- in DePue, Illinois, excuse me. This
6 meeting is the only time the Illinois EPA will be
7 accepting oral comments on the proposed plan. Written
8 comments will also be accepted at tonight's meeting,
9 but following this meeting comments will need to be
10 received in written form either by U.S. or carrier mail
11 or by e-mail in order for us to consider them.

12 The proposed plan identifies a proposed
13 cleanup option. Illinois EPA also welcomes comments
14 regarding other cleanup options. In a few minutes, the
15 project manager for this site, Charlene Falco, will be
16 presenting more information on the site and the
17 proposed plan.

18 The comment period for written and
19 e-mail comments began on June 14, 2016, and will end on
20 July 14, 2016. All comments submitted in this matter
21 in writing must be postmarked no later than Thursday,
22 July 14, 2016, to be considered by Illinois EPA when we
23 make a final determination in this matter. The address

1 to mail written comments is provided in the public
2 notice for this meeting, in the fact sheet, and in
3 tonight's handout. That address is: Illinois EPA,
4 Office of Community Relations, Re: New Jersey
5 Zinc/Mobil Chemical Superfund Site Proposed Plan,
6 1021 North Grand Avenue East, P.O. Box 19276,
7 Springfield, Illinois, 62794-9276. There are also
8 comment forms available at the registration table. You
9 can simply write your comment out and submit it to us
10 here tonight at this meeting or you can take the form
11 with you and mail the completed form to us.

12 Also, I believe that there are comment
13 form mailers in circulation that contain the wrong
14 meeting and comment dates. I will accept those forms,
15 but the correct comment period is June 14th, 2016,
16 through July 14th, 2016. And, again, those comments
17 need to be postmarked no later than July 14th, 2016, to
18 be considered.

19 Illinois EPA will also be accepting
20 e-mail comments in this matter. E-mail comments are to
21 be sent to EPA.publichearingcom@Illinois.gov. That's
22 E-P-A dot p-u-b-l-i-c-h-e-a-r-i-n-g-c-o-m at
23 I-l-l-i-n-o-i-s dot g-o-v. Please include New Jersey

1 Zinc/Mobil Chemical Site Operable Unit 4 in the subject
2 line to ensure the comments become part of this record.
3 E-mails are electronically sorted, so it's important
4 that the subject line be complete. E-mails will be
5 accepted through July 14th, 2016, and must be received
6 before midnight, before the date changes to July 15th.
7 I encourage you to file your comments early as the
8 server can become quite busy in the minutes before the
9 close of the comment period, and again, we need to have
10 your e-mail before the date changes to July 15th, 2016.

11 Comments that are submitted anonymously
12 will not be considered by the Illinois EPA. Written
13 comments, whether by e-mail or submitted in writing
14 through the mail system need to contain the name and
15 address of the person or group of people providing the
16 comments. I point out that personal e-mail addresses,
17 mailing addresses and phone numbers are not releasable
18 to the public and are protected from disclosure under
19 the Freedom of Information Act requests. However,
20 names may be released. Businesses, organizations and
21 commercial interests do not share the same level of
22 protection and generally are releasable.

23 After the close of the comment period,

1 Illinois EPA will review and evaluate the comments
2 received. Comments received by e-mail or in written
3 form are given the same weight and consideration as
4 comments made orally at this meeting.

5 The proposed plan for Operable Unit 4
6 may be amended based on the comments the Illinois EPA
7 receives. Responses to issues raised at this meeting
8 and provided to us during the comment period will be
9 included in a responsiveness summary. The
10 responsiveness summary document will be made available
11 to those who have legibly completed a registration card
12 this evening or provided comments to the Illinois EPA
13 during the comment period in writing.

14 A transcript of this meeting is required by the
15 National Oil and Hazardous Substances Pollution
16 Contingency Plan. For that reason, we have a court
17 reporter here this evening taking a verbatim record
18 of this meeting so that we will have a transcript of
19 this meeting. For her benefit, please keep the
20 general background noise in this room to a minimum
21 so that everything that's said can be properly
22 transcribed. Also, it is important that only one
23 person at a time speak and that those making

1 comments or asking questions come forward to the
2 microphone when doing so. When you come forward, I
3 will ask that you state your name and, if
4 applicable, any governmental body, organization or
5 association that you represent. Please spell your
6 last name. If there are alternate spellings or
7 unusual spellings of your first name, you may also
8 spell your first name. I know this seems a little
9 formal, but it's important that we follow these
10 procedures so that the court reporter can accurately
11 transcribe this proceeding.

12 Finally, we have indicated that this
13 meeting ends at 8 p.m. This is a general guide, and we
14 will stay longer if there are people that still wish to
15 provide comment. It is important that we make
16 efficient use of the time that we have and avoid
17 repetition. If we begin to repeat, I may interrupt and
18 ask you to proceed to your next relevant issue. I also
19 reserve the right to limit comments and questions in
20 time or numbers so that as many here tonight as
21 possible will have time to speak. In the event that we
22 cannot accommodate everyone, you do have the right to
23 file comments with us in writing during the comment

1 period which runs through July 14th, 2016.

2 I will now turn things over to Charlene
3 Falco, the Illinois EPA remedial project manager for
4 the site and regarding the proposed plan.

5 Go ahead, Charlene.

6 MS. FALCO: Okay. Hi, I appreciate you coming
7 out tonight. I'd like to introduce you to some of the
8 folks from Illinois EPA that are here tonight with me.
9 Jay Timm, back corner, community relations; Connie
10 Sullinger, risk assessor; Clarence Smith, manager of
11 the federal site section, my supervisor; Heather
12 Nifong, acting chief of the Bureau of Land; and Kevin
13 Phillips of Ecology & Environment, technical support to
14 the Illinois EPA.

15 All right. Tonight's purpose of
16 tonight's meeting is to tell folks about the proposed
17 plan for the cleanup of Operable Unit 4 and the goals.

18 (Whereupon, the reporter asked
19 Ms. Falco to speak into the
20 microphone.)

21 MS. FALCO: I'll summarize what we know about
22 the contamination, describe actions for cleanup and the
23 next steps in the process. We may take some questions

1 for clarification, but we are mostly here to hear your
2 comments.

3 This is a map of the New Jersey Zinc
4 Superfund site. It's an old zinc smelter and
5 fertilizer production plant. Superfund is a name for a
6 federal program that addresses the cleanup of old waste
7 sites. Much work has been done out here already by the
8 potentially responsible parties, who are Exxon Mobil
9 Oil Corporation and CBS, and most of the investigations
10 are completed.

11 The site is organized into operable
12 units: OU1, the south ditch, focus of the cleanup in
13 2005; OU2, the Phosphogypsum Stack, undergoing closure,
14 planning is underway now; OU3, the former plant site,
15 the former facility; and Operable Unit 5, Lake DePue.
16 Those investigations are mostly complete, and risk
17 assessment is underway.

18 Illinois EPA works through a consent
19 order, a legal agreement with responsible parties to
20 address the problems at the site. There is a specific
21 process that we follow for Superfund sites. We are in
22 the public comment period for a remedial action for
23 OU4.

1 This is a closer look at the village.
2 The areas marked in blue are the residential areas and
3 the focus of the upcoming activities. There are other
4 areas, agricultural and natural areas will be addressed
5 at a later time.

6 Village soils may have become
7 contaminated through aerial emissions from plant
8 operations and from material taken from the plant and
9 used throughout the village on private property as fill
10 material. There have been previous studies of the
11 residential area back in 1992, but these studies were
12 limited and looked at a small number of properties.

13 In 2013, we looked at 41 properties
14 throughout the village to determine the kind of metals
15 present in village soils and their concentrations.
16 Over 1200 samples were taken from these properties.
17 They were analyzed for metals, antimony, arsenic,
18 barium, cadmium, chromium, cobalt, copper, iron, lead,
19 manganese, mercury, thallium and zinc.

20 All right. Samples were taken to 24
21 inches in six-inch increments, and the results were
22 compared to screening levels. These are concentrations
23 that we feel are protective. Below those

1 concentrations we would not take action. Some of these
2 were -- some levels were taken from federal guidance,
3 some from Illinois regulation, and one was based on
4 naturally occurring background. What we found was lead
5 was commonly detected above its screening level at
6 about 70 percent of the properties sampled; arsenic
7 above its screening level at about 40 percent of the
8 properties; cadmium at about 16 properties, mostly in
9 gardens; and manganese at about 11 properties. Since
10 there are a large number of samples that exceed the
11 protective criteria, we want to take action to prevent
12 further exposure. We also found that fill material was
13 present in isolated areas, in some yards.

14 So what are we going to do? Well, the
15 purpose of the cleanup is to prevent exposure by
16 ingestion, inhalation, and dermal contact, contact with
17 your skin, of soil contaminated with metals above
18 cleanup goals. We want to protect the child, and adult
19 and construction worker. We'll be addressing
20 residential properties throughout the village, some
21 commercial properties, vacant lots and property owned
22 by the village, like parks, alleys, the school,
23 possibly some others.

1 All residential property owners will be
2 provided the opportunity to have their property
3 sampled. We are looking at about 814 residential lots
4 including the vacant lots, five special use areas, the
5 athletic fields, school, three village parks, a total
6 of about 22 acres more or less, and about 16 acres of
7 alleys.

8 All right. Soil samples will be
9 collected from properties and analyzed. Sampling will
10 occur within portions of yards, like a front yard, a
11 back yard, to 18 inches. If the cleanup goals are
12 exceeded, that portion of the yard represented by that
13 sample will be removed. Excavated areas will be
14 backfilled with clean soil, and properties will be
15 restored with grass and landscaping. We estimate about
16 55,000 cubic yards to be removed, 27,000 from
17 residences and 28,000 from special use areas and
18 alleys.

19 We looked at three options to address
20 the soil contamination. The details are spelled out in
21 this document called the Scoping Document. It's
22 available at the library. And the first option,
23 alternative one, no action. We're required by law to

1 look at and we have evaluated all these options against
2 nine criteria. Alternative two is excavation and
3 management of soils on the former plant site, and
4 alternative three is excavation and off-site disposal
5 in the landfill or some other place.

6 Criteria one and two are very important.
7 If an alternative does not meet one of these
8 requirements, it cannot be considered. They are
9 overall protection of human health in the environment
10 and compliance with state and federal regulations.

11 Criteria three through seven are used to
12 compare the alternatives to each other. Long-term
13 effectiveness addresses how protective and how certain
14 we are that the action will be successful. Reduction
15 of toxicity, mobility and volume through treatment,
16 it's the treatment part that's important here and the
17 degree to which each alternative uses treatment to
18 address contamination. Short-term effectiveness deals
19 with risks to the community during the action, impacts
20 on workers and the time needed. Implementability
21 addresses how easily the work can be done. And cost.

22 Criteria eight and nine, we address
23 these after the public comment period is over. The

1 support agency in this case is the United States
2 Environmental Protection Agency. We deal with the
3 Region 5 office in Chicago.

4 Alternative one, we won't talk about it.
5 It doesn't meet criteria number one. It won't be
6 selected.

7 Alternative two, excavation and
8 management of soils on the former plant site. Soil
9 samples will be taken from yards and parks and alleys
10 and the school like I described. Any soils above
11 cleanup goals will be excavated from these areas, and
12 the excavated soil and the fill material will be
13 stockpiled in the plant area -- in that plant area for
14 future management. The fill material and the more
15 highly contaminated soil will be stockpiled at the base
16 of the slag pile, and the less contaminated soil will
17 be stockpiled separately in a different location on the
18 plant site. The estimated cost is about 13 million.
19 And the costs are based on certain assumptions; for
20 instance, the rate of return on access agreements and
21 how much soil needs to be removed from each yard, so it
22 can change.

23 This is a conceptual plan of where the

1 stockpiles will be, their locations. The stockpiles
2 will be covered and protected, will be contained in a
3 way to prevent water run-off and run-on, so
4 contaminated soil will not migrate away from the
5 stockpiles. A simple liner may be used to protect
6 against leaching into soil and groundwater. What will
7 happen with the soil will be determined during the
8 final action of the plant site, OU3.

9 Alternative three is the same as
10 alternative two except one difference. The excavated
11 soil and fill material will be transported and disposed
12 off site in a landfill in another community. One cost
13 estimate is based on an assumption that all the soil is
14 nonhazardous, and the higher cost estimate is based on
15 an assumption that all the soil is hazardous.

16 Hazardous has a specific regulatory meaning, and the
17 soils material will be tested to see if it meets that
18 definition. We know from investigations conducted at
19 the plant site and our own experience that the soils
20 will not all be hazardous or all be nonhazardous. It
21 will be a mix, so the cost will be somewhere in
22 between.

23 So in comparing the alternatives two and

1 three, there are certain things in common. An access
2 agreement with the property owner will be needed to
3 allow sampling and work. Excavated areas will be
4 backfilled with clean soil and restored to previous
5 condition. The owners will receive a letter from
6 Illinois EPA documenting the sample results and the
7 activities, the work done on their property. There may
8 be some cases where all the contaminated soil or fill
9 material is not removed. In those cases we may use
10 institutional controls. There may be a marker barrier
11 laid down, like orange snow fencing, to indicate that
12 the soil beneath it is still contaminated. If the
13 owner needed to access the soil, they could, but there
14 would be some assistance provided to manage that soil.
15 These details are still being worked out but could
16 involve the use of the one-call system like you do for
17 JULIE when you want to dig, a construction support
18 program, with assistance from the responsible parties
19 to handle and move that soil from your property to the
20 plant area.

21 This chart compares the two
22 alternatives. Alternatives two and three are very
23 similar. They differ in cost due to transportation and

1 disposal cost. They also differ somewhat in the
2 treatment aspect. With alternative three we know that
3 the treatment criteria would only be partially met
4 depending on the status, hazardous or nonhazardous, of
5 the soil.

6 As far as the preferred alternative,
7 Illinois EPA prefers alternative two, primarily due to
8 those aspects of short-term effectiveness. There's
9 less risk to the community and workers due to less
10 truck traffic on village streets, less risk to other
11 communities from possible trucking accidents or spills
12 or accidents at the landfill. The same level of risk
13 reduction occurs within the village at a lower cost,
14 and responsibility for the soil brought back to the
15 plant site remains with the potentially responsible
16 parties.

17 We are almost done. This is the last
18 section.

19 I want to talk to you about the cleanup
20 goals that we are using. These are based on
21 protections to the most sensitive receptor, the child
22 that lives in DePue. If we protect the child, we also
23 protect the adults and the construction worker. We

1 know that a child who lives in DePue could also be
2 exposed to contaminants in the lake, so we considered
3 exposures from both the village area and the lake.
4 Those exposures include ingestion, inhalation, skin
5 contact and ingestion of garden produce grown in
6 people's gardens. And the exposures from the lake took
7 into account activities conducted in the lake, swimming
8 and boating and fishing and activities like that.

9 These are the cleanup goals that we came
10 up with. These cleanup goals are based on
11 concentrations protective against certain health
12 effects, and in the case of arsenic, protective against
13 cancer as well. Many of them were already calculated
14 by Illinois EPA or USEPA. In most cases these are the
15 same values that we used as the screening levels during
16 the 2013 investigation. Arsenic was a value we
17 developed specifically for this site.

18 You will notice that some of the
19 chemicals are in a green color. Those are the five
20 metals that exceeded the screening levels from all the
21 samples that were taken. We know that arsenic and
22 cadmium and lead will be the focus of the cleanup
23 activities. At least those three. We'll take more

1 data from the next 20 properties we sample to determine
2 if other contaminants like manganese and cobalt also
3 need to be addressed separately. If they do, we
4 already have cleanup goals established.

5 Finally, we talk about lead a little
6 bit. Risk from lead is assessed differently than from
7 other metals. The protective levels in the soil are
8 based on lead levels in children's blood. This also
9 represents a degree of risk or probability. It's not a
10 certainty or guaranteed fact. We use 400 parts per
11 million, milligram per kilogram as one of the cleanup
12 goals, and this means if a child is exposed at 400
13 milligrams per kilogram of soil over certain conditions
14 and time and so on, they would have no more than a five
15 percent chance for exceeding a blood lead level of 10
16 micrograms per deciliter. The 400 parts per million
17 and 10 micrograms per deciliter are under review at the
18 federal level. 400 parts per million is currently
19 being used as the cleanup goal at Hegeler Zinc near
20 Danville and proposed for Matthiessen & Hegeler in
21 LaSalle. It's the value we'll be using here.

22 Okay. So what's next? Next steps, as
23 Dean said, we'll take public comments tonight and

1 through July 14th. We will write a response to the
2 comments we do receive, and that will be part of the
3 record of decision when we select the final action for
4 this portion. We hope to complete that by summer -- by
5 the end of the summer this year. Then we move into
6 remedial design, which discusses the construction
7 specifications and field work. We'll work on that
8 through 2016. We have to negotiate a new consent order
9 with the potentially responsible parties, and hope to
10 accomplish that throughout fall and winter 2016 so we
11 can begin cleanup in 2017. There's a possibility that
12 we may be able to start access agreements earlier.
13 We'll try to get those started as soon as the process
14 will allow.

15 This is just a review of the closure of
16 the public comment date. You can request an extension
17 to the public comment period. We should receive that
18 request before July 14th. If you do not wish to submit
19 a comment tonight, here's the other ways you can do so.

20 And that ends my presentation, so I'll
21 turn it over to Dean.

22 MR. STUDER: Thank you, Charlene.

23 Okay. We've got a couple of -- about

1 three people that have indicated on comment cards they
2 would like to make comments this evening. I will call
3 their names when they are to come forward. When I call
4 your name, the interpreter will have a cordless mike,
5 please use the cordless mike to speak. Since we only
6 have three people, I'm not going to necessarily put a
7 time limit on them, but I do want to get through these
8 three comment cards. And we may go back to people for
9 additional time if we've got it, but I don't want
10 someone to feel they have to stay here, you know,
11 indefinitely and wait for someone else. So I would
12 like the first comment round to be three minutes, which
13 will be about six if you go through interpretation.

14 Okay. First person will be Eric Bryant,
15 and if he would come forward.

16 MS. FALCO: Either one.

17 MR. STUDER: I'd ask that you speak -- use
18 short phrases so the interpreter can interpret also for
19 you.

20 Go ahead, Mr. Bryant. Would you spell
21 your last name for the court reporter?

22 MR. BRYANT: My name is Eric Bryant, E-r-i-c,
23 B-r-y-a-n-t. I'm the Village President of DePue, and

1 I'd just like to take a few minutes to kind of get out
2 the big picture, the way things have affected us over
3 the years and make a couple of small comments.

4 I would like first to show our
5 appreciation for the Illinois EPA, in particular
6 Charlene, who just gave you the presentation, who has
7 been with us for, I don't know, the last seven years or
8 so.

9 MS. FALCO: (Indicating.)

10 MR. BRYANT: Five.

11 And also for E&E. I don't know how many
12 people realize that they are consultants for Illinois
13 EPA and have been working for I think almost a year or
14 more, always under contract but have been working
15 without receiving pay because of the budget problems.
16 So I compliment that company for doing what they are
17 doing for us.

18 It's been 20 years, over 20 years since
19 we started this process. During this time our children
20 have had to endure all the different health risks,
21 burdens; the residents in town, depreciation of the
22 value of their homes and property. So with all these
23 things in mind, I'd like to just make a couple of quick

1 points in relation to what is going on with this plan.

2 We are happy that it's finally getting
3 time where something is going to be done. We would
4 like to see this plan moved ahead as quick as it
5 possibly can. We don't think it should take this long.
6 When children are involved, there's always an urgency,
7 and urgency has not been at the top of the ladder
8 dealing with our children over these last 20 years. We
9 would like to see this cleanup process get going,
10 especially with the 41 properties that have already
11 been tested.

12 As our attorney, Nancy Loeb, will
13 explain in more detail later, we are disturbed with the
14 choice of 21 parts per million of arsenic being the
15 standard level for the cleanup in DePue. At the M&H
16 site it is noted in this plan that 400 parts per
17 million for lead is being used, but for the arsenic
18 level at M&H in LaSalle they are using 18.5. We think
19 at a minimum we should be afforded the same level.

20 The other thing is the 18-inch level,
21 that your property may not be totally cleaned up. An
22 institutional barrier could be there for a long, long
23 time, and the burden is on you or the people you sell

1 it to to deal with it. If there is contamination in
2 your property, it should be taken out regardless of the
3 depth. We are not responsible for having it in our
4 yard, so the people responsible should get it out of
5 there without any burden on us.

6 The last point is the temporary storage
7 of throwing all the contaminated soil over the fence,
8 further contaminating OU3, the plant site, and leaving
9 that to be taken care of later and making it tougher
10 and more costly to clean up OU3. We want the
11 contaminated soil out of town, and we want the most
12 health protective standard that we can get for our
13 people that live in OU4.

14 Thank you.

15 MR. STUDER: Thank you.

16 Nancy Loeb. If you could go ahead and
17 spell your last name for the record, please.

18 MS. LOEB: My name is Nancy Loeb.

19 (Whereupon, the court reporter
20 asked Ms. Loeb to speak into
21 the microphone.)

22 MS. LOEB: My name is Nancy Loeb, L-o-e-b. I'm
23 the director of the Environmental Advocacy Clinic at

1 Northwestern Pritzker School of Law and represent the
2 Village of DePue in these certain proceedings. These
3 comments are preliminary. The Village of DePue expects
4 to submit additional comments in writing during the
5 public comment period.

6 I would like to reiterate a critical
7 point made by Mayor Bryant. The people of DePue have
8 waited more than 20 years for their properties where
9 they live and their children play to be cleaned up.
10 There has never been any question that these properties
11 are contaminated with dangerous heavy metals, and young
12 children are being exposed to them. These are the
13 yards, parks, ball fields and school yards where
14 children play. To begin the entire process for the
15 proposed plan itself was originally intended to speed
16 up cleanup of OU4 in order to protect people's health.
17 This process of the proposed plan short-circuited
18 in-depth testing of things like absorption rates of the
19 dangerous contaminants in the OU4 soil. Therefore,
20 there are no site-specific -- that is, there are no
21 DePue-specific standards for contaminants like lead and
22 arsenic. The bottom line is in order to move quickly,
23 IEPA does not know what levels of these contaminants

1 are truly safe at DePue. IEPA, therefore, has a
2 responsibility to propose the most protective standard
3 for these contaminants. The proposed plan does not do
4 this.

5 For arsenic, the proposed plan uses a
6 cleanup standard of 21.5 parts per million -- I'm
7 sorry, that should be 21 parts per million. This is
8 almost twice the background level for arsenic in this
9 area of Illinois. It is also higher than the 18 parts
10 per million USEPA is applying at the Matthiessen &
11 Hegeler site just a few miles away. The proposed plan
12 fails to provide any justification for using the higher
13 arsenic removal standard at DePue.

14 For lead, the cleanup standard for lead
15 in the proposed plan is based on an out-of-date and
16 insufficiently protective health standard for lead.
17 The proposed plan sets a removal level of 400 parts per
18 million in the soil. That level is based on a model
19 that uses 10 micrograms per deciliter as the target
20 blood lead level in children.

21 (Whereupon, the interpreter
22 conferred with Ms. Loeb.)

23 MS. LOEB: But that standard was cut in half by

1 the Center for Disease Control all the way back in
2 2012. The proper standard is five micrograms per
3 deciliter. Here again, we do not have any
4 site-specific information that would enable IEPA to
5 conclude that 400 parts per million can achieve the
6 five micrograms per deciliter standard. In the absence
7 of such information, greater prudence and protection is
8 called for to protect the children of DePue.

9 As Mayor Bryant pointed out, the
10 proposed plan requires cleanup of residential
11 properties only as deep as 18 inches. There is no
12 explanation or reasonable justification in the proposed
13 plan for this decision. Instead of fully cleaning up
14 yards and ball fields and places where children play,
15 the proposed plan puts a significant burden on the
16 residents of DePue. In the future, residents of DePue
17 will not be able to dig below 18 inches without getting
18 further help. There is no justification for this, and
19 it makes no sense. Many normal activities -- for
20 example, just planting a tree -- often require digging
21 beyond 18 inches. The people of DePue will be forced
22 to bear the delays and possible digging up again of
23 property sometime in the future. There is no

1 justification for subjecting residents of DePue to this
2 further penalty.

3 The institutional controls will reduce
4 the value of residents' property and make selling their
5 homes much more difficult. There is also a risk that
6 information about the institutional controls will not
7 be fully communicated in the future, and future
8 residents will be put unknowingly at risk.

9 With respect to the chosen option two,
10 the chosen option, which will essentially dump the
11 contaminated OU4 soils onto OU3 for an indefinite
12 period, is unacceptable to the Village of DePue. It is
13 dangerous from both a human health and environmental
14 risk perspective. This plan subjects property in DePue
15 to potential increased flooding with contaminated
16 waters. Water already overflows onto Village streets
17 during heavy storms. This has been documented.
18 Placing thousands of tons of additional contaminated
19 soil on the former plant site, OU3, will likely lead to
20 increased flooding of contaminated waters during heavy
21 storms.

22 It is also well documented from studies
23 done at OU3 that the groundwater is being contaminated

1 by the slag pile and contaminated soils. This issue
2 was briefly addressed by Ms. Falco during her
3 presentation, but far more information about how the
4 groundwater under OU3 will be protected is needed.

5 Also with respect to the choice of
6 option two, the cost analysis on which the choice of
7 option two is made is not sound. The analysis assumes
8 that there will never be a cost for proper storage of
9 OU4 soil. That is unrealistic. At some point the OU4
10 soil will have to be properly disposed of. Therefore,
11 the proper cost comparison is the total cost of each
12 option over time, not the short-term cost looked at
13 here. All that option two does is delay the cost of
14 proper disposal of OU4 soil. In reality, option two
15 might even increase the overall cost of proper disposal
16 of OU4 soils. Soils will have to be moved twice, once
17 during OU4 remediation and again during OU3
18 remediation.

19 The time frame during which the OU4
20 soils will be stored on OU3 is likely to be a long one.
21 Studies are still being conducted on OU3, and OU3 is
22 likely years away from finally being cleaned up. The
23 harm from moving the OU4 soils to OU3 will continue for

1 several years making this option even less acceptable.
2 Further, there is no support for the suggestion in the
3 proposed plan and the presentation tonight that moving
4 the OU4 soils to a nearby off-site facility for proper
5 disposal is riskier than on-site temporary storage.

6 The proposed plan, therefore, fails
7 under several of the evaluation criteria, including
8 number one, overall protection of health and the
9 environment; number three, long-term effectiveness and
10 permanence; and number nine, community acceptance.

11 Moving on to another issue, the proposed
12 plan requires testing of only 20 additional residential
13 properties before a decision will be made whether to
14 continue testing for cadmium, cobalt and manganese.
15 The proposed plan does not adequately explain why 20
16 additional properties is sufficient and does not
17 describe where the additional properties will be
18 located or why those properties are sufficiently
19 representative. We know from the pilot program that
20 these metals are above safe levels in some properties
21 in DePue, but we don't know where they are, and in
22 fairness to the people who live here, their properties
23 should be tested to make sure they are safe.

1 Moving on, the proposed plan provides
2 for a very long time frame for accomplishing the OU4
3 cleanup. Under the proposed plan, some children would
4 continue to be exposed to these dangerous heavy metals
5 for at least another three years, and the proposed plan
6 does not prioritize cleanup based on risk or
7 contamination patterns seen in the OU4 pilot study.
8 The property most likely to be more heavily
9 contaminated should be prioritized for the OU4 cleanup.

10 I would like now to discuss an issue
11 that was not discussed in the presentation. The
12 proposed plan does not require a sampling at a measure
13 zero from the surface to just one inch and a second
14 interval from one inch to six inches. Instead, the
15 proposed plan allows sampling of zero to six inches
16 including that entire span to determine what will be an
17 average for whether something should be cleaned up.
18 Use of only the zero-to-six-inch interval is
19 inappropriate at the smelter site. At a smelter site
20 like DePue, aerial deposition of metals is the primary
21 concern. The contaminated soils are more likely to be
22 closer to the surface. Technical assistance provided
23 by USEPA in the task review of this proposed sampling

1 method and comments previously made by task review
2 pointed out that this sampling method is not fully
3 supported by the DePue site documents.

4 I would also like to address the access
5 agreement which was mentioned but not fully explained
6 this evening. The access agreement that you will be
7 asked to sign provides for just one sign-off on
8 sampling and cleanup. The access agreement as drafted
9 does not describe the institutional controls. Without
10 this information, residents cannot give knowing consent
11 to what cleanup of their property actually involves.

12 And to conclude, the Village of DePue is
13 pleased that cleanup of OU4 is finally moving forward.
14 As Mayor Bryant said, we very much appreciate the work
15 of Illinois EPA and E&E which has assisted
16 significantly here. However, the proposed plan has
17 deficiencies that must be corrected, and the cleanup
18 must happen much more quickly than the proposed plan
19 allows.

20 Thank you.

21 MR. STUDER: Thank you, Ms. Loeb.

22 Grant Bosnich.

23 MR. BOSNICH: Good evening, everybody. How you

1 doing? First, thank you to Mr. Bryant, Mayor Bryant,
2 and Ms. Loeb who so eloquently --

3 MR. STUDER: Can you spell your name for the
4 record?

5 MR. BOSNICH: Sorry?

6 MR. STUDER: Can you spell your name for the
7 record?

8 MR. BOSNICH: Oh, yeah. Bosnich -- Grant,
9 G-r-a-n-t, and then Bosnich, B-o-s-n-i-c-h.

10 So, again, thank you to Mayor Bryant and
11 Ms. Loeb. I completely understand the need for a
12 translator and I think it's great, but I encourage
13 everyone, both English and Spanish speaker, to go back
14 and reread the transcript from Ms. Loeb's remarks. She
15 highlights numerous deficiencies in this plan, which
16 aren't just hypothetical or hopeful, but are backed by
17 solid numbers. And, unfortunately, I think the effect
18 of those numbers were somewhat lost in the format of
19 this presentation. Furthermore, I would also encourage
20 you to share those remarks specifically by Ms. Loeb
21 with your friends and family so they can also be
22 informed of the shortfalls of this plan.

23 Now I don't have any formal remarks, so

1 I'll try to be concise and clear, and I would like to
2 start with a few brief anecdotes to contextualize my
3 remarks.

4 I look around the room, and I think
5 there are two people under the age of 30, and I don't
6 mean to be estimating wrong on anyone's age. I am 21
7 years old. DePue was named a Superfund site in 1994 --
8 '99. Well, nonetheless, this fight has been a fight
9 over my lifetime, so it's no wonder that there are two
10 people of my generation in this room. Of course, the
11 beat dog cowers when the hand is raised.

12 Second anecdote: I was at work the
13 other day, and a man mentioned -- I was talking to a
14 co-worker. I told him I was from DePue, and he said,
15 oh, I was thinking about buying a house there. He
16 said, yeah, I decided against it, I heard the water is
17 bad.

18 Final anecdote: My girlfriend came to
19 visit two weekends ago. She's a life-long resident of
20 Chicago. We came down Route 6 by the junction, came
21 through Smokey Hollow down towards the lake. She
22 remarked, man, you know, the lake is beautiful, it's a
23 really cute town. And we came up past the library, and

1 we turned right. I think that's Broadway there heading
2 up towards White City, and I had to explain to her the
3 fenced-in position that DePue sits in. Much like the
4 pollutants that sit on OU3, we are boxed in, and a lot
5 of times it looks like the EPA would like to take
6 option two and just pile it on us.

7 I would like to thank the EPA. I do
8 respect the work they do, not just in DePue but
9 throughout Illinois. But, for the record, I would like
10 to say that it's a little bit insulting that we take
11 haphazard -- or excuse me, haphazard attempts at
12 cleanup are proposed because the dollar amounts are
13 smaller.

14 I'm not sure if I will ever seen a clean
15 DePue, and it's certain after my 21 years that I have
16 yet to see one. While this plan is a step in the right
17 direction, I fear we are headed down the wrong road.
18 Killing time does injure eternity, and while the health
19 of our -- my little sister, my little cousin who is two
20 years old who lives in town, while the health of these
21 children and the adults in this room need to be
22 concerned, I have seen nothing in my four years of
23 staying involved with this case that suggests cleanup

1 is really on the table. Rather, decent headlines,
2 appealed the citizens and avoided class action
3 lawsuits.

4 In closing, again, I urge you to reread
5 Ms. Loeb's remarks detailing the specifics of how this
6 plan is not morally or frankly I think legally
7 justifiable. Please share her remarks with your
8 friends and family throughout town and do not settle
9 for little. Remember, we are Giants.

10 MR. STUDER: Thank you, Mr. Bosnich.

11 Is there anybody in the room that has
12 not spoken that would like to make a comment on the
13 record this evening?

14 Okay. We listed a closing time for the
15 public meeting of 8:00. I've got about nine minutes
16 to 8. We are going to officially go off the record for
17 a few minutes, and we're going to come back on the
18 record a few minutes before 8 and officially close it
19 out.

20 Okay. We'll officially take a short
21 recess at this point.

22 (Whereupon, a break was
23 taken.)

1 MR. STUDER: Okay. I think if you'd like to
2 make your way back to your seats, we'll go ahead and go
3 back on the record.

4 Charlene, did you have any closing
5 comments you wanted to make?

6 MS. FALCO: Yeah. I just wanted to remind
7 everybody that we will be responding to comments we
8 receive. It's referred to as a responsiveness summary,
9 and we'll do what we can to make sure copies of that
10 are accessible and available to everyone.

11 There is a community advisory group.
12 They meet about every six weeks. The next meeting is
13 July 13th at 6 p.m., and I report on current
14 activities, and I'll give a little update on where we
15 are on everything, including OU4.

16 But we will respond to every comment
17 received, and thank you very much for coming out
18 tonight. Thank you for your patience, and thank you
19 for your respect and the care for your community.

20 MR. STUDER: I also want to thank everyone for
21 being here tonight. You have been very patient and
22 very respectful of everyone's time, and we appreciate
23 that. There is a comment period that's open until the

1 14th of July.

2 Thank you again.

3 (Which were all the
4 proceedings held in this
5 matter.)

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1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF LASALLE)

3 I, BRENDA KAY LAUNIUS, being first duly sworn
4 on oath, say that I am a Certified Shorthand Reporter
5 doing business in the City of Ottawa, County of
6 LaSalle, Illinois; that I reported in shorthand the
7 proceedings of the public meeting on the 29th day of
8 June, 2016; and that the foregoing is a true and
9 correct transcript of my shorthand notes so taken
10 aforesaid and contains all the proceedings given in
11 said meeting.

12 IN TESTIMONY WHEREOF I have hereunto set my
13 hand and affixed my Notarial Seal this 6th day of July,
14 2016.

15
16 _____
17 BRENDA KAY LAUNIUS
18 Certified Shorthand Reporter
19 Ill. License No. 084-001462
20
21
22
23