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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