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March 19, 1992

Time: 1:00 P.M.

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PROCEEDINGS

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MR. SHAPIRO: Good afternoon.

On behalf of the State of Ohio Hazardous Waste Facility Board, Gerry Ioannides, Chairman, welcome to this public hearing. This hearing is held in accordance with Ohio Revised Code Section **3734.05(D)** to receive comments regarding the application of Southwestern Portland Cement Company, Case No. **91-NF-0700**, for the storage of specified hazardous wastes in containers and tanks.

I am Michael Shapiro, and I will be the presiding officer. Joining me on the panel today are members of the adjudication hearing panel: to my right, Mr. Ralph Nusken, who is the Presiding Hearing Examiner of the adjudication panel: to his right, Mr. Bipender Jindal, Presiding Technical Advisor; Mr. Mark Stello, Technical Advisor: to my left, Miss Karen Story, Hearing Examiner.

Also representing the Board are April Morrison, who is our Public Relations Coordinator, and Miss Linda Herrli, Secretary. They are in the back. They will

1 assist you in registering for this public hearing to  
2 present comments or if you desire to receive additional  
3 information regarding the Board, the permitting process,  
4 or the application.

5 Ohio law requires that a representative of the  
6 applicant who has knowledge of the location, construction,  
7 operation and closure of the facility attend this hearing  
8 in order that they may respond to questions concerning the  
9 facility directed to them by the presiding officer.  
10 During Southwestern's opening remarks, their  
11 representatives **will** 'be introduced.

12 If you have any questions regarding the  
13 application to which you desire a response from the  
14 applicant, please state those -- please state them to me  
15 when you give your presentation, and I will direct them to  
16 the applicant.

17 Southwestern Portland Cement will be held  
18 accountable for their responses provided here today. If  
19 they so indicate, the applicant may request to respond to  
20 certain questions in a written form. All written  
21 responses must be submitted to the Board within 21 days of  
22 our receipt of the hearing transcript. We will provide  
23 all persons who have completed a registration card with a  
24 copy of those responses. Therefore, to assist us, we  
25 request that your name and mailing address are legible.

1                   At this time, are there any elected officials  
2 or their representatives in attendance at this session who  
3 wish to be recognized for the record?

4                   **(No response.)**

5                   MR. SHAPIRO: A copy of the complete permit  
6 application and the Siting Criteria are available for  
7 public inspection during normal business hours at the  
8 **Fairborn** Library, the Yellow Springs Library, and at the  
9 Hazardous Waste Facility Board in Columbus.

10                   In the back, at our registration table, are  
11 several documents. The first is an information packet  
12 which contains -- similar to this -- which contains an  
13 Application Fact Sheet, the Siting Criteria upon which the  
14 Board will judge the application. Ohio law requires that  
15 the Board not issue a permit unless it can find and  
16 determine each and every one of the listed criteria; An  
17 applicant for a permit application has the burden of  
18 proving a demonstration of each of these criteria. Also  
19 included in that packet is a Permitting Process Flow  
20 Chart, public notice of this hearing, the Panel's Ruling  
21 on Petitions to Intervene, the Panel's Questions regarding  
22 the application and the responses submitted by Ohio EPA  
23 and Southwestern Portland Cement, and an index of all of  
24 the filings in this case.

25                   Also at the registration desk are the

1 procedures we will follow today, which is this document,  
2 and also a green registration card. This card is very  
3 important because, in order to present comments, each  
4 speaker must individually register to speak. Speakers  
5 will be called in the approximate order of registration,  
6 with elected officials interspersed throughout the  
7 session.

8 To ensure that this hearing allows all persons  
9 who have registered with an opportunity to present  
10 comments, we will proceed according to our written  
11 procedures. In brief, I will impose no time limit, but  
12 your comments must be restricted to the application; that  
13 is, the storage of specified hazardous wastes in  
14 containers and tanks. I will limit a speaker's comments  
15 if they are not relevant to the container and tank storage  
16 activities or to the wastes described in the application.

17 Each speaker's opportunity to present comments  
18 is determined by the time utilized by the previous  
19 commentators and the order upon which the registration card  
20 was turned in. Therefore, if you have written comments,  
21 you are encouraged, as a courtesy to your fellow speakers  
22 and to facilitate their presentation, to summarize your  
23 comments and to provide us with a complete written -- and  
24 provide us with the complete written comments to either  
25 myself or the court reporter so that they may be entered

1 into the record in their entirety. There is no difference  
2 between oral and written comments. Both are reviewed and  
3 considered equally by both the adjudication panel and the  
4 Board.

5 When your name is called, please approach the  
6 podium, clearly state and spell your last name, and  
7 identify if you are representing yourself, a citizens  
8 group, elected official, political subdivision, an  
9 organization or an association.

10 As you see in the back, we are being televised,  
11 live, on public access T.V. in the **Fairborn** area. If for  
12 some reason you would not want your picture televised,  
13 please indicate that to me when I call your name, and the  
14 television cameras will block you out.

15 In order to provide everyone with the same  
16 opportunity to present oral comments, oral comments can be  
17 presented at one session only. **If you** have additional  
18 comments, please submit them to Miss Herrli or Miss  
19 Morrison in the back. All written comments, additional  
20 comments, must be received by the Board by the close of  
21 business on March **30th**, 1992.

22 If you have to leave before your name is called  
23 to present comments, again, please give those comments to  
24 Miss Herrli and Miss Morrison or mail those in to us.

25 By request **of** the city government, they have

1 asked that no food or drink be allowed in this room.  
2 Also, this entire building is designated as no smoking.  
3 As we are guests in this facility, I would request that we  
4 all be courteous and police our own area.

5 This session will last from one o'clock to four  
6 o'clock. I intend to recess approximately every 90  
7 minutes.

8 To be fair and courteous to all speakers,  
9 regardless of their position or their view, we request  
10 that the audience hold all responses to the absolute  
11 minimum. It's extremely important that all persons who  
12 wish to speak be afforded that opportunity in order that  
13 the panel and the **Board** review and consider the comments  
14 presented.

15 Before we begin, the applicant, Southwestern  
16 Portland Cement, has requested an opportunity to present  
17 opening remarks. The panel has approved that request on  
18 the condition that those remarks contained are relevant to  
19 the application, again which is the storage of hazardous  
20 wastes in tanks and containers, and that they not exceed  
21 ten minutes. This will be strictly enforced.

22 Mr. Curtis, if you would present your opening  
23 remarks, and also introduce those representatives of the  
24 applicant that are with you today.

25 (Whereupon, the speaker approaches the podium.)

1 MR. CURTIS: Thank you, Mr. Shapiro, members of  
2 the Hazardous Waste Adjudication Panel, and ladies and  
3 gentlemen.

4 To my far left is Bill Sadowski, he will be  
5 assisting me in answering your questions. He is our  
6 Manager of Environmental Permitting. And also to my left  
7 is Brad Phillips, our local Environmental Manager at our  
8 plant here in Fairborn.

9 I am Steve Curtis, Plant Manager of the  
10 facility here in Fairborn, Southwestern Portland Cement.

11 The meeting we are holding is part of the  
12 process associated with granting a permit for the storage  
13 of hazardous wastes at our **Fairborn** facility. The process  
14 that we're engaged in is one that involves several of the  
15 more than 80,000 environmental regulations currently on  
16 the books at the federal, state and local level, all  
17 designed to protect the public and the environment. Clean  
18 air, clean water, the safe disposal of hazardous wastes,  
19 and the conservation of our natural resources are  
20 important to all of us, goals that we all share.

21 The regulatory permitting process that we are  
22 following for our storage facility in **Fairborn** was  
23 responsibly crafted, with a public input, and designed to  
24 yield a fair answer, one that would provide a proper  
25 balance between environmental and economic concerns.

1           Environmental extremists nurture the fallacy  
2           that zero pollution and zero risk are possible to achieve  
3           now. They are asking for the perfect and the impossible,  
4           instead of achieving the good and practical. This is  
5           graphically illustrated in their opposition to what  
6           Southwestern is proposing in Fairborn. The process here  
7           is one of the best methods known to modern science to  
8           manage and utilize some hazardous wastes, a process that  
9           eliminates hazardous wastes instead of creating them.

10           In 1984, Southwestern evaluated the technical  
11           and economic feasibility of using hazardous-waste-derived  
12           fuels to replace part of the coal we currently burn. As  
13           required by the then current regulations, we made an  
14           application for a Permit to Install four fixed-roof  
15           storage tanks. Public hearings were conducted by the Ohio  
16           EPA in June of 1985, and a PTI, a Permit to Install, was  
17           issued in July of that year. The permit issued required  
18           that liquid fuel come from only one source, that a  
19           chemical analysis be performed on each shipment, that all  
20           records for each shipment be maintained, and that no more  
21           than fifty percent of the coal be replaced by liquid  
22           fuels.

23           Those tanks were installed in 1985 with  
24           containment areas capable of holding the volume of each  
25           tank. By 1987, a complete laboratory was operating in