

June 10, 1993

Greene Environmental Coalition  
Bruce Cornett  
Box 266  
Yellow Springs  
Ohio, 45387

OEPA, Hearing Clerk  
1800 Watermark Drive  
Columbus  
Ohio 432 15

re: public hearing for draft Permit To Operate for Southdown cement kiln

Dear OEPA,

The Greene Environmental Coalition is a non-profit organization dedicated to researching the source of public health and environmental hazards and their subsequent abatement. To date most of our efforts have focused on the incineration of hazardous waste. Our board believes that the cheap and easy disposal of hazardous waste encourages the creation of these same wastes. This is in contradiction to the energy and resource policy of the new administration and a contradiction of good sense. I am addressing you as one member of the group. My comments should be considered as part of the groups comments, not it's entirety.

There are a number of areas surrounding this draft permit that disturb the members of the Greene Environmental Coalition. Not the least of which is the fact that OEPA is rushing forward with this permit that clearly avoids many of the safeguards proposed by US-EPA administrator, Carol Browner. Frankly, we question whether any of these comments will have any effect on the permit and consequently the health and safety of Greene County citizens, since you won't even listen to your boss, why should we expect that you will listen to us. At a bare minimum, the comments from this hearing should be incorporated into the proposed permit along with the new directions from US-EPA and another hearing: scheduled. Public participation, as mandated by Ms. Browner, is an iterative process, not merely "public notice" sessions where OEPA announces its decision to the gathered multitudes. Will Ohio EPA include all safeguards proposed by Ms. Browner and schedule another hearing after these changes are made?

- The GEC has repeatedly pointed out to RAPCA and OEPA the fact that the draft permit fails to include emission limits for dioxins and heavy metals. An earlier version of this permit included emission limits for heavy metals. When the GEC pointed out that the permit failed to include standards for monitoring these

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emissions, Ohio EPA chose to respond by removing all mention of emission limits. The GEC does not accept Ohio EPA's rationale that the emissions can be deduced using a mathematical model based on metals being burned. The question is: Why has OEPA removed heavy metal emission limits from the draft permit and why has OEPA failed to include standards for measuring metals emissions? In addition, why has OEPA failed to include dioxin emission limits as proposed by US-EPA administrator, Carol Browner? Will Ohio EPA re-instate metals emission limits and include specifications for monitoring of the same. Will Ohio EPA incorporate limits on dioxins and specifications for monitoring of the same?

• Other issues that concern the GEC are the failure of the permit to:

1) exclude concurrent burning of hazardous waste and used oil. Will Ohio EPA make these two items mutually exclusive?

2) failure to exclude PCBs (the specifications for hazardous waste and used oil allow 50 parts per million PCBs--this amounts to approximately 5000 pounds of pure PCBs incinerated annually (assuming concurrent burning of hazardous waste and used oil). Will Ohio EPA change the PCB specification to say "No PCBs?"

3) failure to include a particulate emission limit that complies with the standard proposed by US-EPA Administrator, Carol Browner (.015 gr/dry standard cubic foot). Will you include these limits?

4) failure of the permit to include a restriction against the burning of radioactive materials at the kiln. This company has had radioactive materials, including plutonium, found in the ash at two of its other kilns. Will you implement restrictions on all radioactive materials coming into the kiln, including the so-called "below regulatory concern" materials. Will you impose testing methodology that guarantees that radiation will not be blocked by either the liquid material in the waste or the container holding the waste as it is tested?

5) failure of the draft permit to include reasonable automatic shutoff limits for the THC, CO, etc. Hourly rolling averages are unacceptable to prevent health hazards. A 5 minute rolling average would be more protective of the public health. Will you change these limits?

6) failure of Ohio EPA to properly inform the public about the true nature of the "on-line" monitoring system. RAPCA does not have a live monitor display active in their office at all times as is suggested. Will Ohio EPA correct this misconception?

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7) Recent studies released by various Universities and government agencies like the Agency for Toxic Substances and Disease Registry in Atlanta, clearly show negative non-carcinogenic health effects on both workers and neighbors at licensed hazardous waste incinerators. These facilities are known to maintain safer operating standards than BIFs and cement kilns. Will Ohio EPA mandate health surveys for workers and neighbors of the facility?

8) In spring of 93, Ohio EPA stopped Southdown from conducting an test of solid hazardous waste using chemicals such as perchlorethylene, dichlorobenzene. Ohio EPA/OEPA has not authorized the test to move forward. Yet the company reportedly conducted the test at night during this spring. Such blatant disregard for the law and the health and safety of Greene County citizens cannot go unpunished. Will Ohio EPA seek the highest penalties for this action, if it occurred, and in addition refuse to issue a permit?

9) The draft permit includes language calling for compliance with state and Federal regulations. This company has failed to institute the OSHA safety requirements. The health of workers at hazardous waste incinerators is closely monitored by routine blood screening for hazardous materials, routine medical examinations, and air monitoring. This company has failed to implement any of CFR 29-19 10.120 rules. Will Ohio EPA and RAPCA mandate immediate compliance with all OSHA rules to protect workers from the hazardous waste? Will RAPCA recommend damages to any worker found to have been damaged by the company's failure to implement adequate safeguards?

10) GEC has repeatedly called for the presence of a 24 hour on-site inspector reporting to either the Board of Health or Ohio EPA. Given the recent cutbacks in OEPA budget, and the apparent disregard Southdown has for both worker safety and the rules imposed by RAPCA and Ohio EPA, will Ohio EPA mandate an on-site inspector (all fees charged back to the company)?

11) GEC has repeatedly noted the discrepancy between the hazardous waste feed rate of the draft air permit and the amounts of hazardous waste proposed for storage in the RCRA permit application for the tank farm. The company explains this discrepancy by claiming the additional capacity will be for the incineration of solid hazardous waste. The company proposes to place these solids in the cold end of the kiln, where conditions are not right for adequate combustion. In addition, solid hazardous waste tends to have a greater concentration of toxic principals versus BTU value that does

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liquid hazardous waste. Will Ohio EPA place a limit on storage that matches the limits for burning? Will Ohio EPA place a condition in the permit that solid hazardous waste is an unacceptable material for incineration? Will Ohio EPA place a condition in the permit that an application to burn solid hazardous waste will not be accepted at any time in the future?

12) Will Ohio EPA mandate a re-test of the facility to insure that these new standards can be met before any new permit is issued. Will Ohio EPA hold another public hearing to assure proper public participation in the permit?

Finally, the GEC has a particularly serious problem with this proposed draft permit. Ohio EPA has accepted a risk assessment conducted for Southdown by Clement International. Ohio EPA, RAPCA, and the Greene County Board of Health have used this document as the final say on whether or not this facility is dangerous. The GEC has a number of problems with risk assessment, including the uncertainty factor, the use of cancer as the only health criteria, etc. Three weeks ago, we requested the formal review of this risk assessment. We were told by Tammy Hilkins of Ohio EPA that a parallel risk assessment would be run to cross-check the company's work. We were told by RAPCA that the work would be checked. Imagine our surprise when we found that none had been done. Neither RAPCA or Ohio EPA had a piece of paper accepting this document--not even their scratch pad where they checked a few calculations.

In the short period of time, we were unable to analyze the entire document, so we looked at just one parameter--dioxin. We were shocked at the results. The company has completely misrepresented the danger posed by dioxin. The company didn't even use the EPA official numbers for calculating the risks posed by dioxin. The company simply pulled numbers out of a hat that suited their needs. Since 1985, EPA has used in all its regulations and risk assessments an estimate of dioxin's cancer potency of .156 per (ng/kg/day)<sup>5</sup>. This remains the current official estimate. In 1992, EPA published draft results of its reassessment of dioxins toxicity that suggested that dioxins carcinogenicity ranged from .3 to .6 per (ng/kg/day)<sup>5</sup>--2-4 times greater than previously thought. Despite this information, Clement substitutes a lower estimate of dioxin's carcinogenicity. Instead of EPA's standing official number or the more recent higher figure, Clement uses a cancer potency of .038 per (ng/kg/day)<sup>5</sup>. Clement's number is about 4 times lower than EPA's official estimate and 8-16 times lower than EPA's proposed revision based on new data. Clement's manipulation of these numbers is absolutely unacceptable.

In addition, the numbers used by Clement in calculating the cancer risk from eating beef contaminated with dioxin appear to also be inaccurate. Compared to recent EPA risk assessments for the controversial WTI incinerator, Clement's exposure analysis for beef gives results 387 to 4000 times lower than EPA's.

If we apply the underestimation of the beef exposure multiplied by the underestimation of dioxin carcinogenicity, we find that the risk for eating beef exposed to Southdown's emissions may range from 763 to 30,3125 per million. At a minimum, this is hundreds of times over the EPA standard of 10 cancer deaths per million.

Will Ohio EPA seek criminal charges against both Southdown and Clement for deceptive business practice with intent to harm the citizens of Greene County?  
Will Ohio EPA immediately rescind the draft permit, and stop this farce now?

Thank you.

Bruce Cornett for the Greene Environmental Coalition