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COMMUNITY AND ECONOMIC
DEVELOPMENT DIVISION

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The Honorable James J. Florio
Chairman, Subcommittee on Commerce,
Transportation and Tourism
Committee on Energy and Commerce
House of Representatives

RELEASED

Dear Mr. Chairman:

Subject: Information on a Hazardous Waste Facility Contain-
ing Chromium Lead Sludge (CED-82-13)

Your letter dated October 27, 1981, asked us for additional information which we developed during our work on our report entitled "Hazardous Waste Facilities with Interim Status May Be Endangering Public Health and the Environment," CED-81-158, September 28, 1981. You specifically asked for information on a hazardous waste facility at which chromium lead sludge was being deposited in a wetland area as part of a hazardous waste disposal operation. Specific information about the facility is set forth below.

NATURE OF ACTIVITIES AND
WASTES DISPOSED AT SITE

The facility is located in the Chicago area and has been land-filling chromium lead sludge for approximately 11 years. The disposal area covers about 60 acres of land, of which about 40 acres have been filled with chromium lead sludge, and about 20 acres remain for future disposal use. The facility is located in a marshy area and has a substantial underground clay layer which provides for the lateral flow or movement of water or leachate from the disposal facility to an adjoining lake connected to Lake Michigan. Adjacent to the landfill area is a coke plant that processes coal into coke for use as fuel in coke ovens.

The chromium lead sludge disposed of at the facility is not produced there. It is brought to the facility for disposal from a steel plant at another location. The sludge is comprised of residues from a lime treatment process of spent pickle liquors (acids) resulting from a steel finishing process.

In addition to the chromium lead sludge, iron oxide dust and slag, which have been classified as nonhazardous wastes, are also being disposed of at the facility. Various piles of both hazardous

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and nonhazardous wastes are located on the premises. The volumes of wastes disposed of at the facility could not be provided readily by the facility operators. On November 3, 1981, the operators informed us that it would take approximately 2 weeks to develop this information.

NATURE AND STATUS OF EPA AND
STATE INSPECTIONS OF THE FACILITY

We initially visited the facility on June 3, 1981, accompanied by a State inspector; an EPA inspector was not available to accompany us. During the course of the visit, the State inspector completed an inspection of the facility to determine the extent of facility compliance with EPA's interim status regulations. Before our visit, the facility had not been inspected for compliance with the interim status regulations by either EPA or the State, although it had been inspected earlier by EPA because questions had been raised regarding some of the disposal activities taking place.

Based on the inspection, the facility was determined to be in compliance with only 4 of 48 interim status standards. The facility was not in compliance with or compliance could not be determined for the remaining 44 interim status standards because the necessary records or plans were not available or could not be provided. The deficiencies noted were largely administrative, in keeping with the administrative nature of the interim status regulations.

In June 1980 EPA visited the facility, and in October 1980 sludge samples from the facility were taken and analyzed by EPA because it suspected that the facility might pose an imminent potential health hazard. In April 1981 the regional director of EPA's Enforcement Division referred the case to the U.S. Attorney's Office for criminal prosecution because of alleged violations of the Federal Water Pollution Control Act (FWPCA), as amended (33 U.S.C. 1251 et seq.).

The referral letter stated that the facility lacked the necessary FWPCA permit and that it was involved in the intentional pumping of water contaminated with organic and inorganic pollutants from lagoons into adjacent wetland areas that drained into an adjoining lake. The letter further stated that the pollutants being discharged may include a number of suspected or demonstrated carcinogens and a variety of toxic materials that may affect both human health and the environment.

On October 30, 1981, an Assistant U.S. Attorney in the U.S. Attorney's Office told us that the Department is still considering the merits of the case. The U.S. Attorney's Office told us that it was not aware that chromium lead sludge was being disposed of at the facility.

CONTENTS OF INTERIM STATUS APPLICATION
AND KNOWLEDGE OF FACILITY CONDITIONS

At the time the facility applied to EPA for interim status and completed the part A application, it disclosed on the application that chromium lead sludge (designated as KO63 wastes in the regulations) was being disposed of at the facility. Subsequent to our June 1981 visit, however, the part A application was revised to describe the residues being disposed of as "wean plant sludges"-- the residues of a process that removes unwanted metals from the surface of finished steel and treats them with lime. At the present time EPA is considering de-listing chromium lead sludge (KO63 wastes) as a hazardous waste.

As discussed above, EPA has been aware of activities at the facility since at least June of 1980 when it first visited the site. As also noted, EPA sampled the facility wastes in October 1980.

State records show that an inspection of the facility was made in November 1974, at which time the State engineer noted that a water pollution permit for the facility may be required because water was being pumped from pits at the facility. In January 1975 the Chicago Department of Environmental Control granted a permit for the facility to be used for the land disposal of inert residues from pollution control collection devices, steelmaking process slag, and inorganic materials. The permit did not allow the disposal of garbage, liquid, sewage sludge, or toxic and hazardous materials.

NATURE AND PROXIMITY TO
RESIDENCES AND DWELLINGS

Three homes are located near the facility. A resident told us that these homes rely on private wells for their water supply. During our June 1981 visit to the facility, the facility representative told us that no groundwater monitoring wells used to check for possible contamination of drinking water are located in the area of the facility. The State inspector, who accompanied us to the facility, told us that the interim status regulations requiring groundwater monitoring wells adjacent to the facility do not become effective until November 1981.

ROLES AND RELATIONSHIPS BETWEEN
EPA AND THE CORPS OF ENGINEERS

The area where the facility is located is considered a wetland area. In 1972, with the passage of the Federal Water Pollution Control Act, the U.S. Army Corps of Engineers was authorized to regulate the discharge of dredged and fill material into such wetland areas for pollution control purposes. In 1980 the Corps issued a

permit to the facility to install drainage culverts to eliminate flooding problems. According to a Corps of Engineers district official, the Corps has not issued any other permit to the facility.

Under the Resource Conservation and Recovery Act (42 U.S.C. 6901) the facility has interim status and is considered by EPA to be a legally operating facility. As noted above, the facility does not have a permit as required by the Federal Water Pollution Control Act, as amended, and has been referred to the U.S. Attorney's Office for prosecution.

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We reviewed Environmental Protection Agency (EPA) Region V records dealing with the facility and Illinois Environmental Protection Agency facility records. We held discussions with EPA headquarters and regional office hazardous waste officials, representatives of the U.S. Attorney's Office for the Northern District of Illinois, and U.S. Army Corps of Engineers representatives to determine jurisdictional responsibility for facility operations, problems with the facility, and actions taken or planned with respect to the facility. We visited the facility at the time of our review and discussed operations with facility representatives. We again visited the facility on October 30, 1981.

At your request, we did not obtain agency comments on the matters discussed in this report. As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of the report until 15 days from the date of its issuance. At that time we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,



Henry Eschwege
Director