

1 BEFORE THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
2 IN THE MATTER OF: PROPOSED ISSUANCE)
3 OF A STATE CONSTRUCTION PERMIT FOR)
4 NORTH SHORE SANITARY DISTRICT, WAUKEGAN)

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6 REPORT OF PROCEEDINGS taken at the
7 hearing of the above-entitled matter, held at
8 1011 Washington Street, Waukegan, Illinois,
9 before Hearing Officer William Seltzer, reported
10 by Janice H. Heinemann, CSR, RDR, CRR, a notary
11 public within and for the County of Du Page and
12 State of Illinois, on the 3rd day of October, 2001,
13 commencing at the hour of 7:00 p.m.

14

15 APPEARANCES:

16 MR. WILLIAM SELTZER, IEPA Hearing Officer;

17 MR. CHRISTOPHER ROMAINE, BOA, Manager of Utility
 Unit, Air Permit Section;

18

 MR. JASON SCHNEPP, BOA, Permit Engineer;

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 MR. BRAD FROST, Community Relations.

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1 HEARING OFFICER SELTZER: Good evening,
2 ladies and gentlemen. My name is Bill Seltzer.
3 I'm an attorney with the IEPA, and I have been
4 asked to be the hearing officer for tonight's
5 hearing. Tonight's hearing is in regard to the
6 matter of the Proposed Issuance of a State
7 Construction Permit for the North Shore Sanitary
8 District in Waukegan, Illinois.

9 The way we will proceed tonight is
10 that I will have everybody that is employed by the
11 IEPA introduce themselves that is here tonight.
12 And after that, if there is anybody here
13 representing or from the applicant, I will ask if
14 they would stand and introduce themselves for the
15 record so that we note their presence. After that,
16 the IEPA will put on a short presentation.

17 The purpose of tonight's hearing is
18 for the public to make comments and ask questions
19 with regard to the draft permit that has been
20 prepared for this matter. The purpose of this
21 hearing this evening is not to ask questions of or
22 cross examine the applicant. The responsibility
23 tonight to respond belongs to the Illinois
24 Environmental Protection Agency.

1 Before we get started, I want to
2 indicate a couple things. First of all, the record
3 in this proceeding will stay open through
4 October -- I'm sorry -- through November 3rd of
5 this year according to the notice that was
6 published in the newspaper. The hearing officer,
7 that's myself, I have the authority to make the
8 record a shorter period of time or a longer period
9 of time. In this case, I am considering possibly
10 extending the close of the record for another
11 two weeks so that the record would stay open for
12 45 days instead of the 30 days.

13 If I do that, we will issue a notice,
14 issue an order indicating when the record will
15 close; and we will also send a copy of that order
16 to those that have signed registration cards this
17 evening. As long as we have your name and address,
18 you will receive a copy of that order.

19 Now, all written comments will become
20 part of the record as will the proceedings tonight
21 and the transcript of tonight's proceeding so long
22 as they are received or postmarked by midnight,
23 date of the close of the record. And at this point
24 in time, the record will close November 3rd of this

1 year.

2 The record really was open as of the
3 date the notice was published in the newspaper.
4 And since that time, I have received some written
5 communications; and they will become part of the
6 record. The first communication is dated
7 September 25. It is directed to myself signed by
8 Michael Kuhn, Solid Waste Specialist, Lake County
9 Health Department & Community Health Center. That
10 letter will be marked for the record and accepted
11 into the record as Exhibit No. 1.

12 (Document marked as Exhibit No. 1
13 for identification as of 10/03/01.)

14 HEARING OFFICER SELTZER: I also received
15 another communication dated September 10 directed
16 to myself from the Jeff Diver Group. The letter is
17 signed by Mr. Jeffrey Jeep and that will be marked
18 as Exhibit 2 and accepted into the record as
19 Exhibit 2.

20 (Document marked as Exhibit No. 2
21 for identification as of 10/03/01.)

22 HEARING OFFICER SELTZER: I also received a
23 communication from Mohan, Alewelt, Prillaman &
24 Adami and that letter is also directed to myself.

1 It's dated September 24, signed by Mr. Fred
2 Prillaman. That will be accepted into the record
3 as Exhibit 3.

4 (Document marked as Exhibit No. 3
5 for identification as of 10/03/01.)

6 HEARING OFFICER SELTZER: Another
7 communication dated September 25 is my response to
8 some issues raised by Mr. Jeep. This letter is, of
9 course, directed then to Mr. Jeffrey Jeep signed by
10 myself, and that will be identified and accepted
11 into the record as Exhibit No. 4.

12 (Document marked as Exhibit No. 4
13 for identification as of 10/03/01.)

14 HEARING OFFICER SELTZER: And finally, I
15 have a letter dated September 26 of this year
16 directed to myself. The letter is from the
17 Waukegan Park District signed by Greg Petry and
18 that will be marked and accepted into the record as
19 Exhibit No. 5.

20 (Document marked as Exhibit No. 5
21 for identification as of 10/03/01.)

22 HEARING OFFICER SELTZER: Now, what I have
23 done this evening, I have copied all of those
24 exhibits. I have a stack of them here. And either

1 at a recess or at the end of the evening tonight,
2 if you folks want, you can come up and take a copy
3 of the packet, each packet contains Exhibits 1
4 through 5. And of course, if I don't have enough
5 here this evening, we can make more copies for
6 those that feel they need copies.

7 Also, everybody that came in this
8 evening should have signed a registration card.
9 The registration card will indicate whether or not
10 you wish to ask questions or make any comments. As
11 long as we have your name and address, at the end
12 of this entire process you will receive a
13 Responsiveness Summary, which is the Agency's
14 response to all the comments and questions that
15 have been raised.

16 At this point I will ask everybody
17 else present this evening from the Illinois
18 Environmental Protection Agency to stand up and
19 introduce themselves.

20 MR. ROMAIN: Mr. Romaine. Good evening,
21 my name is Chris Romaine. I'm manager of the
22 Utility Unit in the Air Permit Section. Thank you
23 again for coming this evening.

24 MR. SCHNEPP: My name is Jason Schnepf.

1 I'm a permit engineer in the Bureau of Air.

2 HEARING OFFICER SELTZER: Thank you, Jason.

3 We also have at the desk when you
4 first enter here is Mr. Brad Frost. I don't think
5 we have anybody else present from the IEPA this
6 evening.

7 Then at this point we will go ahead
8 and give the presentation for the IEPA.

9 MR. SCHNEPP: Good evening, ladies and
10 gentlemen. My name is Jason Schnepf.

11 As I said, I'm a permit engineer in
12 the Bureau of Air. I will be giving you a brief
13 description of the project. The North Shore
14 Sanitary District has requested a permit, a
15 construction permit, for the sludge drawing and
16 processing equipment at its plant in Waukegan. The
17 new equipment would allow the North Shore Sanitary
18 District to dry its wastewater sludge for disposal
19 or further process dry sludge in a melter to make a
20 glass aggregate that can be used in construction.

21 In the dryer, wet sludge will be dried
22 from approximately 83 percent moisture to a
23 moisture content of approximately 5 percent. Heat
24 from the melter or a natural gas-fired heater

1 equipped with low NOx burner technology will be
2 used to heat the dryer. The dryer exhaust will be
3 controlled by the facility's existing odor control
4 system.

5 Dry sludge will be processed in a
6 melter, which would be operated at temperatures of
7 2400 to 3,000 degrees Fahrenheit. Oxygen is
8 supplied to the melter to aid in the combustion
9 process. In the melter, the combustible portion of
10 the dry sludge will burn while the mineral portion
11 will form a molten glass. The exhaust from the
12 melter is sent through a filter and a scrubber for
13 control of particulate matter and sulfur dioxide.

14 The handling and storage of both wet
15 and dry sludge would occur in an enclosed building
16 that would be vented to the facility's existing
17 odor control scrubber system.

18 The Illinois EPA has reviewed
19 materials submitted by North Shore Sanitary
20 District and has determined that the emissions from
21 the project will comply with applicable state and
22 federal standards. The conditions of the proposed
23 permit contain limitations and requirements on the
24 activities of the facility. The permit also

1 establishes appropriate testing, monitoring,
2 recordkeeping, and reporting requirements.

3 In closing, the Illinois EPA is
4 proposing to grant a construction permit. We
5 welcome any comments or questions from the public
6 on our proposed action. Thank you.

7 HEARING OFFICER SELTZER: Thank you.

8 I'm going to call individuals from the
9 audience in accordance with the way in which -- at
10 the time in which they signed the registration
11 cards.

12 The first is Robert J. Masini. I'm
13 going to ask that when you come forward, please
14 spell your last name for the record.

15 MR. MASINI: Good evening. I serve as one
16 of the Assistant Corporation Counsels for the City
17 of Waukegan, and the Mayor and the City Council
18 have asked that I come here and make a statement to
19 you tonight.

20 The City's hope is that there would be
21 better coordination and cooperation with the North
22 Shore Sanitary District. Unfortunately, to this
23 point in the process such cooperation has not
24 occurred. The NSSD has taken the position that it

1 does not have to follow any of the ordinances of
2 any of the communities in which its facilities are
3 located.

4 The District's representatives told
5 the City last week that steel framework is arriving
6 this week and construction would begin. This
7 position is obviously without regard for the City's
8 authority over construction within its boundaries,
9 and it certainly is without regard for whether or
10 not an Illinois Environmental Protection Agency
11 construction permit has been granted. The District
12 representatives have also told the city point-blank
13 that when this project proceeds it does not have to
14 comply with the City's building codes, nor does it
15 have to pay building permit fees.

16 In the City's opinion, Illinois law
17 clearly states that the District is subject to
18 those regulations. It's unfortunate for the
19 taxpayers of both governmental bodies that the
20 courts will likely be forced to deal with this
21 particular issue. Illinois law also requires that
22 a municipality must issue a site location approval
23 before this Agency may issue a permit for a
24 pollution control facility such as the District's

1 sewage sludge incinerator.

2 If this project is not considered to
3 be a pollution control facility, the District must
4 comply with Waukegan's local zoning regulations.
5 The Illinois Environmental Protection Agency has
6 not yet responded to the City's plea that the
7 permitting process be halted until the Agency
8 determines whether the sewage sludge incinerator is
9 a pollution control facility, which is the City's
10 position.

11 The District's representatives have
12 told the City that the District does not need
13 siting approval, nor does it have to comply with
14 the City's zoning ordinance. The District believes
15 that it can do whatever it wants whenever it wants.
16 The Mayor and City Council will not stand by and
17 allow this to happen in their community. They
18 believe that the District's project does involve a
19 new pollution control facility and, therefore, it
20 is subject to the City's siting approval. They
21 urge the Agency to protect the environment of the
22 City and the citizens of Waukegan.

23 Specifically, the Mayor and City
24 Council ask the Agency to conduct an investigation

1 of the District's plan to determine whether it has
2 violated the Illinois Environmental Protection Act
3 and regulations by beginning construction of this
4 facility without an Agency permit and, secondly, to
5 deny the pending construction permit application
6 because of the District's failure to first obtain
7 site location approval from the Waukegan City
8 Council.

9 And I thank you for this opportunity
10 to speak to you.

11 HEARING OFFICER SELTZER: Thank you,
12 Counsel.

13 Next is Peggy Shorts.

14 MS. SHORTS: Hi. My name is Peggy Shorts.
15 I live at 411 Franklin. I'm here as a resident.
16 I'm also here as a county board member representing
17 the 9th District, which is where this facility
18 would be.

19 I want to start off by saying I am
20 very disappointed, as are many of the citizens here
21 this evening, that this is our first opportunity to
22 even hear publicly about this, to get a chance to
23 speak about this. For two public bodies to have
24 not gotten to together to let the citizens know,

1 let the City know, what is going on is appalling.
2 We have had no public meetings. We have had no
3 chance to say anything about this. I know this is
4 not totally your doing, but I'm saying this because
5 there are people from North Shore here tonight and
6 we are not happy with them.

7 We have a petition drive going on. We
8 have hundreds of signs all over the City, not just
9 for this issue but also for other industrial things
10 that are trying to come to our lakefront. We have
11 over 600 petition signatures here. There are many
12 more that are out there being collected. I am not
13 giving these to you tonight. I am waiting until
14 next week. I will send you copies of them. There
15 will be way over 1,000 I'm sure, maybe closer to
16 2,000, saying we don't want this for our lakefront.
17 This is not in the plans for our lakefront.

18 I'm sure there are other places for
19 this. We were told according to what the newspaper
20 said that there was a study per se done as for with
21 North Shore Sanitary as far as what the best
22 location is. Where is that study? Why haven't any
23 of us had access to that? Why haven't we had any
24 information given to us at all? I mean this is --

1 This has to be stopped right now so that we can all
2 have input and understand what's going on.

3 So you will be getting copies of this
4 and something in writing from me. Thank you.

5 HEARING OFFICER SELTZER: I have one quick
6 question. In your testimony you said that there
7 was a study, you were told there was a study.

8 MS. SHORTS: According to the New Sun, the
9 New Sun article last week, it talked about there
10 was some kind of study talking about a couple other
11 locations and they were ruled out and Waukegan was
12 the best. I haven't seen that. I know of other
13 people that say they have not seen that either. I
14 would like to see that. I think it should be a
15 public record, and I think -- If they didn't look
16 at all the other sites, then they certainly need to
17 look at them and they certainly need to work with
18 the City of Waukegan as far as they are saying this
19 is the best site.

20 This all seems so suspect. It seems
21 so suspect and under the table, and nobody -- We
22 have all been kept in the dark, and we are not
23 happy.

24 HEARING OFFICER SELTZER: Thank you.

1 Larry McShane.

2 MR. MC SHANE: Correct. Larry McShane.

3 My understanding in what I have read
4 about this proposed facility is that it will be a
5 unique facility in the United States turning waste
6 into glass product. Believe me, I don't know a lot
7 about any of this; but I understand it's going to
8 be a unique type of a facility.

9 Now, I saw tonight here a number of
10 very technical, extraordinarily technical,
11 information about particulate and all kinds of
12 issues that is hard for a layman such as myself to
13 understand. But the question I pose to yourselves
14 tonight is that is this based upon NSSD, North
15 Shore Sanitary District, projections, these
16 studies? Since there is no such plant in existence
17 as I understand, these are based upon projections,
18 on models that they have presented to the board, is
19 that how it works?

20 MR. ROMAINE: That is correct. The North
21 Shore Sanitary District has submitted this
22 application describing how the system would
23 perform. The permit establishes specifications to
24 which the unit must be operated.

1 MR. MC SHANE: So in reality, in reality we
2 don't know if this is going to be the case or I
3 mean a projection. We don't know in reality what's
4 going to really, really going to be happening here.
5 This is a hypothesis, theory.

6 MR. ROMAINE: I would describe it more as
7 an engineering designed proposal for the facility.

8 MR. MC SHANE: Just for the record, I
9 wanted to clarify that.

10 Like Attorney Masini and Miss Shorts
11 have presented tonight before yourselves, other
12 than this there has been no public hearing on any
13 of this. Again, this is extraordinarily technical.
14 It's distressing to me to hear that this is based
15 on projections. We don't have anything
16 referring -- as a referent to see how these kinds
17 of plants operated anywhere else. I'm very alarmed
18 by that. I don't know really what's going to be
19 happening down there if they do build this thing.
20 I think it's shameful.

21 The North Shore Sanitary District is a
22 public entity, and I repeat, a public entity. I
23 think they should do the favor of, since there is
24 great concern about this, of permitting the

1 citizens to be heard on this issue. Again, I think
2 it's a shameful act. I'm very, very distressed
3 about this. Thank you.

4 HEARING OFFICER SELTZER: Thank you.

5 Sara Griffin.

6 MS. GRIFFIN: My name is Sara Griffin.

7 I, too, am appalled by the audacity of
8 the North Shore Sanitary District to haul sludge in
9 from all over Lake County into one of the most
10 populated areas of our City. And I would like to
11 know if you have taken into consideration the
12 amount of air pollution that is currently at the
13 lakefront in Waukegan.

14 MR. ROMAINE: That is something that we
15 have generally considered. We have looked at
16 ambient air quality data, and that ambient air
17 quality data suggests that the lakefront in
18 Waukegan is well within ambient air quality
19 standards except for ozone.

20 MS. GRIFFIN: So in addition to the fly ash
21 and the Gypsum, we can take not too much more air
22 pollution; right?

23 MR. ROMAINE: I guess I'm saying we do not
24 have particulate monitors in Waukegan but based on

1 similar locations --

2 MS. GRIFFIN: Oh, you don't?

3 MR. ROMAINE: No.

4 MS. GRIFFIN: How can you say this is okay
5 then?

6 MR. ROMAINE: We can compare it to other
7 similar, more developed areas.

8 MS. GRIFFIN: But you don't know what this
9 is, do you? You really only know what North Shore
10 Sanitary District is proposing, is that correct?

11 MR. ROMAINE: No. We also have already
12 issued permits for facilities such as Midwest
13 Generation, the Gypsum plant --

14 MS. GRIFFIN: No. I'm speaking
15 particularly --

16 HEARING OFFICER SELTZER: Miss Griffin, I'm
17 going to ask you to --

18 MS. GRIFFIN: No.

19 HEARING OFFICER SELTZER: Miss Griffin,
20 please.

21 MS. GRIFFIN: I have to ask --

22 HEARING OFFICER SELTZER: Would you let the
23 Agency please respond to your questions one at a
24 time without your interruption, I would appreciate

1 that.

2 MS. GRIFFIN: All right.

3 HEARING OFFICER SELTZER: Mr. Romaine.

4 MR. ROMAINE: The Agency does permit air
5 pollution sources and is generally aware of air
6 pollution sources in areas, yes.

7 MS. GRIFFIN: But have you done this
8 particular study in this area?

9 MR. ROMAINE: We have not done specific
10 modeling in this area, no.

11 MS. GRIFFIN: Thank you.

12 And also, I have a question to ask
13 you, in your reporting requirements, it appears
14 that the North Shore Sanitary District with this
15 sludge facility would be allowed to monitor
16 themselves and report on themselves; is that
17 correct?

18 MR. ROMAINE: That is correct. That is the
19 general practice for air pollution sources that the
20 first level of reporting and recordkeeping is
21 performed by the source. We do have a staff of
22 field inspectors. We conduct our own audits as
23 necessary. We can also review their records and
24 verify that we are getting accurate information.

1 MS. GRIFFIN: Thank you.

2 HEARING OFFICER SELTZER: Thank you.

3 Robert, the last name S-a-b-o-n-t-o or
4 j --

5 MR. SABONJIAN: That's Robert Sabonjian.
6 I'm here representing basically myself and the
7 interests of my community.

8 I have to go back to the question that
9 Ms. Griffin posed to you and I have to ask you, are
10 we basing this then on science if we have no
11 factual background or actual work done to provide
12 us with the information necessary? That's no
13 longer science, it's conjecture. And we can't do
14 something like this based on conjecture.

15 I have to say that you three gentlemen
16 have been thrown into a meat grinder here. You are
17 not the ones responsible for what's happening. It
18 comes up higher in the food chain than you are, and
19 I understand that. But you have to take back our
20 requests, our feelings, our desires, for what we
21 want in our City, what we feel is appropriate for
22 our community. And I'm hoping that you will give a
23 good solid reflection of what we tell you today.

24 I have to say that what we are faced

1 with here is nothing short of arrogance at its
2 worst. It was arrogant of the North Shore Sanitary
3 District to believe that they could build this
4 project and bring this project into our community
5 without our cooperation or, as you are seeing right
6 now, our resistance. And I just believe that the
7 EPA, the IEPA, should step back, take a look at
8 this situation a little bit longer, do an actual
9 field study here before you go forward saying that
10 this plant will not cause a pollution problem.

11 As a member of the county board, we
12 have been advised time and time again that the air
13 quality in this area is considered nonattainment.
14 That means the pollution is too high. We have been
15 told time and time again by the federal government
16 that our federal highway funds are in jeopardy due
17 to the area's nonattainment.

18 Now, I cannot honestly conceive
19 myself, and I'm not a scientist and you will excuse
20 me for not being technically correct if I say
21 something wrong, but I cannot see how adding more
22 tonnage of particulate matter into the atmosphere
23 will not add to that situation and potentially push
24 us over that area where we do begin to have a

1 situation where our highway funds and other federal
2 funding is put in jeopardy. And I think that my
3 main request of you tonight, since you are not here
4 representing North Shore Sanitary District, I
5 honestly cannot say the things that I would have
6 said to them.

7 But I would ask you to take this
8 report back, sit down, come up with a hands-on
9 study, a field study in the Waukegan area along the
10 lakeshore, then come back to us with the facts.
11 Don't just base it on engineering modeling, nor the
12 engineering modeling that comes from the
13 manufacturers of these plants that are going to
14 come from Europe.

15 So I respectfully request that you do
16 hold off, you don't move too quickly. If we don't
17 get this built in a year, nobody is going to die.
18 But at least we will have the information in hand
19 and make a better decision, one the community might
20 be able to understand a little bit better. Thank
21 you.

22 HEARING OFFICER SELTZER: Thank you.

23 Verena Owen.

24 MS. OWEN: Good evening. I'm Verena Owen.

1 Somewhat on the same vein, both the USEPA and the
2 IEPA has been to Waukegan repeatedly. You know
3 this community well. I don't think you were
4 surprised when Peggy Shorts said there will be
5 1,000 signatures on a petition. I wonder why you
6 did not decide to have a meeting before this
7 hearing tonight. Could you have had a meeting?

8 MR. ROMAINE: We could have held a meeting.
9 That would have raised the problem that people
10 would have had the question do we attend the
11 meeting or do we attend the hearing.

12 MS. OWEN: I'm sure everybody in this room
13 would have been at both, I can guarantee you that.

14 MR. ROMAINE: Then we might as well just
15 hold a hearing.

16 MS. OWEN: No. I disagree because we have
17 questions. We would like answers. We would like
18 to take those answers home and think about them and
19 then ask more questions. Right now all we can do
20 is come here and make statements, and you go home
21 and you issue them a final permit, and that will be
22 the end of the story. A meeting offers another
23 step, and it offers the citizens true involvement
24 in the permitting process which you are denying

1 MS. OWEN: I hope I have it correctly.
2 That's the list of 28.

3 MR. ROMAINE: It would not qualify as a
4 municipal waste incinerator as defined under
5 40 CFR 52.21. There is a question whether the
6 melter would qualify as an incinerator or not. We
7 have pursued that matter with USEPA and recently
8 been informed that they would consider it to be
9 subject to the NESHAP that has been established for
10 mercury emissions from sludge drying and
11 incineration facilities.

12 MS. OWEN: So this is an incinerator? Did
13 I understand your answer right?

14 MR. ROMAINE: When I refer to NESHAP, I was
15 referring to the National Emission Standards for
16 Hazardous Air Pollutants. They are regulations
17 that are found in 40 CFR, part 61, and 40 CFR,
18 part 63. And for purposes of those regulations, as
19 we now understand it, this melter would be
20 considered an incinerator. The dryer itself isn't
21 subject to those regulations because it does not
22 involve direct contact between the combustion gases
23 or the heating fluid and the sludge.

24 MS. OWEN: So it is an incinerator, but

1 it's not a waste incinerator, was that your answer
2 then?

3 MR. ROMAINÉ: It's not a municipal waste
4 incinerator.

5 MS. OWEN: Because it burns not municipal
6 waste?

7 MR. ROMAINÉ: That's correct. It wouldn't
8 be considered a municipal waste incinerator because
9 the wastewater treatment sludge for this process
10 doesn't qualify as municipal waste.

11 MS. OWEN: What other kind of incinerators
12 are there then? You have a municipal waste
13 incinerator, a sludge incinerator, a --

14 MR. ROMAINÉ: There are commercial
15 incinerators. There are medical waste
16 incinerators. There are sewage sludge
17 incinerators. There are specialized material
18 incinerators. There are industrial incinerators.
19 There are a whole manner of different categories of
20 incinerators each with its own unique
21 characteristics.

22 MS. OWEN: Okay, thanks. I'm looking at
23 the permit, still trying to understand this. It
24 says under description, "Wet sludge will be

1 delivered by truck and dumped onto --" And so on.
2 Do you have any idea how many trucks there will be?

3 MR. ROMAINE: Is that something that's
4 mentioned in the application, Jason?

5 MR. SCHNEPP: I don't recall.

6 MR. ROMAINE: I don't have it off the top
7 of my head, no.

8 MS. OWEN: Okay.

9 MR. HAWN: Six or seven.

10 MS. OWEN: 67?

11 MR. HAWN: Six or seven.

12 MS. OWEN: A day?

13 MR. HAWN: Yeah, approximately.

14 MS. OWEN: There it talks about the dryer,
15 the dry -- approximately 5 percent moisture. I
16 tried to find anywhere if this moisture ever gets
17 measured. And what happens if it's not 5 percent,
18 and does it have any ramification for air
19 emissions?

20 MR. ROMAINE: I guess the question we are
21 getting into is something we would have to think
22 about. And my expectation would be that would be
23 an operating characteristic that would be important
24 to balance the operation of the dryer and prepare

1 the dried material for entering into the glass
2 works.

3 If the material was too wet, that
4 could interfere with the proper operation of the
5 glass melt from an operating perspective. Given
6 the controls that are present, which are certainly
7 well-established controls, filters, scrubbers are
8 established control devices. There is no question
9 that those are techniques that can work. I would
10 not expect a significant change to the emissions,
11 but it may have an operational effect on how the
12 unit operates in terms of making glass aggregate
13 and the nature of the product.

14 MS. OWEN: So you don't expect but you
15 don't know?

16 MR. ROMAINE: That's correct.

17 MS. OWEN: Do you think you should?

18 MR. ROMAINE: If we determined based on the
19 testing information that changes in moisture
20 content were significant as related to particulate
21 matter emissions, we could certainly refine the
22 provisions related to moisture assuming a permit
23 was issued and assuming it was built as part of the
24 operating permit that was issued for the facility.

1 MS. OWEN: I hope you meant "will be issued
2 for the facility."

3 On the next page it talks about
4 exhaust passing through particulate and SO2
5 emission control devices. Do they also have NOx
6 control devices on this one?

7 MR. ROMAINE: No. They do not have
8 specific control devices for nitrogen oxides
9 emissions.

10 MS. OWEN: Could they have some? I mean
11 from a technical standpoint.

12 MR. ROMAINE: There is not a requirement
13 under current regulations for there to be control
14 devices for nitrogen oxide, so we have not
15 investigated whether it would be possible. It may
16 or may not be possible to put additional control
17 measures on for nitrogen oxide.

18 MS. OWEN: See, that would have been a
19 question I would have asked at the meeting; and you
20 could have gone home and done your homework and
21 give me an answer, and now you don't know.

22 Before you answered just a couple of
23 minutes ago, on page 3 under D, it says, "because
24 the melter is not an incinerator." See, that's why

1 I'm so confused about this thing.

2 MR. ROMAINE: That's correct. This is new
3 information. We have been trying to get USEPA to
4 make a determination, and I guess we did not get
5 that information before this draft permit was
6 prepared.

7 MS. OWEN: Okay. So fine.

8 MR. ROMAINE: This provision, for
9 everybody's information, the language in
10 condition 1.1.4(d) would provide in the future that
11 the unit would be considered an incinerator or
12 subject to this particular regulation. It really
13 doesn't affect anything in terms of the control
14 that's required. The particular standard that's
15 being discussed is actually probably over 20 years
16 old. But it is important if you are concerned
17 whether this thing is classified as an incinerator
18 or not.

19 MS. OWEN: Well, I'm concerned because it
20 says that this permit is issued based on it not
21 being subject to NESHAP for mercury. So now it is?

22 MR. ROMAINE: That's correct. So there
23 would be some additional provisions added to it to
24 assure that people are aware that there is a

1 mercury standard that has to be complied with.

2 MS. OWEN: And can they comply with the
3 standard as far as you know?

4 MR. ROMAINE: That standard would allow
5 emissions of seven pounds per day of mercury. That
6 standard is an extraordinarily generous standard.
7 As I have said, that standard is 20 years old.

8 MS. OWEN: Do you ever consider having it
9 changed?

10 MR. ROMAINE: It's a federal standard. We
11 are not in a position to change federal standards.
12 And so to the extent the technology is doing better
13 than those standards, it's up to the USEPA to
14 decide whether it's appropriate to put the effort
15 into updating those standards.

16 MS. OWEN: I would like to know how this
17 permit will deal with the changing components in
18 the sludge. Sludge is not the same sludge every
19 day, which is -- I didn't know that to tell you
20 the truth, but I called the North Shore Sanitary
21 District and they explained to me that some of the
22 odor problems they have in Gurnee had something to
23 do with the ever-changing components in the sludge
24 and that this is very hard to control. And I would

1 like to know how this permit deals with that issue.

2 MR. ROMAINÉ: For the purposes of this
3 system, which is simply drying the sludge, we have
4 not made any -- We think it's consistent enough
5 for the purpose of this function. Certainly the
6 composition of sludge could affect the wastewater
7 treatment plant and how that process affects the
8 sludge as related to odors; but in this process
9 it's fairly straightforward. You are removing the
10 water from the sludge. Then you are taking the
11 remaining material, putting it in melter that
12 destroys the organic composition and converts the
13 rest into a glassy aggregate.

14 MS. OWEN: There is, obviously, something
15 else in there except organic components. This is
16 what I was referring to. You are letting them burn
17 something that you don't know what's in it. And
18 that's where I have my problem. What about
19 arsenic? What about beryllium? What about nickel?
20 What about all the other stuff that could be in
21 sludge? Where in the permit is this addressed?

22 MR. ROMAINÉ: The handling of sludge is
23 actually addressed by a sludge management program
24 under the Division of Water. There are

1 requirements that require sampling and analysis of
2 the sludge for nonmetals, that program would
3 continue on and would, as necessary, interface with
4 this air permit that is dealing with the emissions
5 aspect of the process.

6 MS. OWEN: So there is a process in place
7 already existing that would test every load of
8 sludge that will go into this incinerator, is that
9 correct?

10 MR. ROMAINE: No. I'm not sure what the
11 frequency of sampling and analysis of the sewage
12 sludge is.

13 MS. OWEN: I don't understand why you don't
14 know and why you are not interested, giving them a
15 permit to burn sludge and you don't know what the
16 components are. I find this -- well --
17 aggravating.

18 I have some questions about emission
19 limits, which seem very minor; but you limit them
20 by sludge per hour, but you don't have hourly
21 emission limits. So how does this add up?

22 MR. SCHNEPP: I don't understand the
23 question. Could you repeat it?

24 MS. OWEN: Yes. Sure. You have emission

1 limits on page 4. And since I usually do peaker
2 and we have hourly emission limits, I noticed that
3 they are limited by the hourly amount of sludge
4 that can burn, but your emission limits are set in
5 either pounds or -- Oh, never mind. Pounds per
6 hour. Sorry. Forget that one.

7 Okay. Same page, though, it says that
8 the individual hazardous air pollutants are less
9 than ten tons per year. I read the application
10 very carefully, and I couldn't find any
11 documentation.

12 MR. SCHNEPP: Well, the VOM is limited to
13 less than ten tons per year.

14 MS. OWEN: No. Well, that might be true,
15 too; but this particular paragraph talks about
16 hazardous air pollutants.

17 MR. SCHNEPP: Right. The majority of the
18 hazardous air pollutants are also volatile organic
19 material or particulate matter and both are limited
20 in the permit.

21 MS. OWEN: I would like to read you
22 something. This is paragraph 503.5, and I don't
23 know where from. But anyway, somewhere in the
24 application it said that this would be based on

1 this regulation. And it says, "On a case by case
2 basis, the permitting authority may impose
3 requirements for the use or disposal of sewage
4 sludge in addition or more stringent than the
5 requirements in this part when it is necessary to
6 protect public health and the environment from
7 adverse pollutants in the sewage sludge." Did you
8 do this in this case?

9 MR. ROMAINE: The particular provision is,
10 in fact, the existing sewage sludge program that's
11 managed by the Bureau of Water. We did not address
12 that program as part of the air permit.

13 MS. OWEN: I'm sorry. I don't understand
14 your answer. Could you please try that again. I
15 didn't understand the answer.

16 MR. ROMAINE: Okay. The 503 regulations
17 that are referred to are the Sewage Sludge
18 Management Program. It is a federal program in the
19 Illinois EPA. It's administered by the Bureau of
20 Water. It's something that the North Shore
21 Sanitary District is already complying with with
22 regard to its handling of sewage sludge.

23 MS. OWEN: My follow-up question would be
24 since this is the second time you refer to a

1 program from the Bureau of Water, and I understand
2 this is an air hearing, but there is precedent
3 before that the IEPA can bring people from other
4 bureaus to hearings. You never considered that,
5 and why didn't you?

6 MR. ROMAINÉ: I guess we didn't. This is
7 an air hearing. It's to discuss air matters. At
8 this point the only application we have in front of
9 us that we can take action on is this air permit
10 for the proposed sewage sludge drying melter
11 system.

12 MS. OWEN: Mr. Romaine, in Lockport there
13 was a gentleman from the Bureau of Land at your air
14 hearing. Now, why couldn't we have a gentleman or
15 a lady from the Bureau of Water at this one?

16 HEARING OFFICER SELTZER: Let me just say,
17 I mean, Mr. Romaine really can't answer that
18 question.

19 MS. OWEN: Okay. Can you?

20 HEARING OFFICER SELTZER: The truth is we
21 could have had somebody here. For whatever reason,
22 the Agency did not have anybody here from another
23 bureau.

24 MS. OWEN: Under the testing requirements,

1 on page 5, will this be a one time stack test they
2 have to do for compliance?

3 MR. ROMAINE: The testing under the
4 construction permit is a one time test. There will
5 be further testing as agreed to or developed by
6 conditions imposed in the operating permit assuming
7 this facility is permitted and built.

8 MS. OWEN: Now, the conditions imposed
9 would be based on conditions or provisions in the
10 construction permit; isn't that correct?

11 MR. ROMAINE: No. With regard to testing,
12 the operating permit can impose additional
13 requirements for emission testing. They can look
14 at the performance and set some requirements that
15 says testing shall be done every five years, every
16 two years. That is something that's handled in the
17 operating permit.

18 MS. OWEN: Will we have a hearing in the
19 operating permit to raise this issue, or now is the
20 time to do this?

21 MR. ROMAINE: Before we issue an operating
22 permit, we can certainly hold public comment period
23 with the opportunity for a hearing if there is
24 significant interest in the project.

1 MS. OWEN: This is a raised bill from the
2 state of Connecticut. "Statement of purpose: To
3 place a moratorium on the construction of new
4 incinerators and to require the operator of each
5 sewage sludge incinerator in the state to conduct
6 stack tests for certain emissions." And this goes
7 on, it goes into great details.

8 So I hope that when we have a hearing
9 or public comment on the operating permit, if there
10 is going to be an operating permit, that you will
11 consider this. I don't think a one time stack test
12 shows compliance especially in this case.

13 And I will have to talk a little
14 faster, I'm sorry. In the application, it talks
15 about carbon monoxide and total hydrocarbons will
16 be less than ten parts per million. However, this
17 is nowhere mentioned in your application -- I'm
18 sorry -- in your permit. What was the comment in
19 the application for, and where is this in the
20 permit?

21 MR. SCHNEPP: You will not find ten parts
22 per million in here. You will find an hourly and
23 an annual limit. I'm not sure where in -- Do you
24 know exactly where in the application?

1 MS. OWEN: Well, no. But it isn't that
2 big. Never mind. I will comment on this in
3 writing. I don't want to bore everybody to death
4 with this.

5 I think I have one final -- another
6 question, one final statement. Actually, it's
7 something I would like to read. This will be an
8 excerpt. This is from the Detroit News, July 30,
9 2001. "Michigan regulators are considering a
10 proposal to take the city's solid wastes, fire them
11 in furnaces ... and market the resulting glass for
12 use in roof shingles ..."

13 "Making treasure from trash, however,
14 carries a price: The planned" facility "could
15 release lead, mercury, arsenic, sulfuric acid,
16 dioxins and other pollutants."

17 "Hearings this month by the Michigan
18 Department of Environmental Quality prompted
19 questions about public safety and the accuracy of
20 pollutant calculations included in the state's
21 draft operating permit."

22 "According to the DEQ documents," the
23 facility "would burn the sludge ..." And so on and
24 so on.

1 And it says, "All emissions
2 should fall within acceptable --" da, da, da,
3 "Although" -- and this is in quotation marks --
4 "'dioxins may pose concerns.'"

5 "DEQ regulators said toxicologists are
6 reviewing ... pollution estimates." Do we have
7 toxicologists doing that?

8 "Following public meetings in June and
9 July --" They had two.

10 "'This is an extremely technical issue
11 and we need to reevaluate it,' said Randall" so and
12 so "of the state agency."

13 "'There's this feeling in Detroit that
14 everything needs to be burned.'"

15 "'There are alternatives,' he says."

16 And this is Isaac Elnecape of the Michigan
17 Environmental Council. "'We're just not being as
18 clean as we can possibly be.'"

19 And my question to you, gentlemen, are
20 we as clean as we can possibly be? And if we are
21 not, is this the proper location for this? And is
22 this the right process to do this? And these are
23 the questions I want you to answer. Thank you.

24 HEARING OFFICER SELTZER: Ms. Owen, did you

1 want that to be made part of the record?

2 MS. OWEN: Okay.

3 HEARING OFFICER SELTZER: We will mark that
4 as Exhibit No. 6. It was taken off of the
5 Internet, am I correct?

6 MS. OWEN: Yes.

7 HEARING OFFICER SELTZER: It consists of
8 two pages. It will be identified and accepted into
9 the record as Exhibit No. 6.

10 (Document marked as Exhibit No. 6
11 for identification as of 10/03/01.)

12 HEARING OFFICER SELTZER: Ramon Georges.

13 MR. GEORGES: That's Ramon Georges. First
14 of all, can the Sanitary District begin
15 construction without your approval?

16 MR. ROMAINE: No. This is an emissions
17 source. Emission sources have to have -- It's an
18 emission source, that does require a permit. And
19 before on-site construction of the unit would
20 begin, they need to get a construction permit
21 from us.

22 MR. GEORGES: I think what was offensive to
23 most of the citizens of this area was that they
24 said we are going to start the -- we have bought

1 all the materials, we are going to start
2 construction right away; and I think that's
3 bothered us considerably.

4 Now, this is a very complicated and
5 detailed thing. I really wish we had some time to
6 study it. And I just received it, I had three
7 minutes to look at it. And just in that short
8 time, I would just like to ask a few questions.

9 One of the things that we discussed in
10 here, that we were going to have moisture at an 83
11 percent level to be reduced to 5 percent. And I
12 was wondering where that contaminated moisture that
13 was reduced down, where does that go? Is it --

14 MR. SCHNEPP: It gets sent through the
15 facility either through the facility's existing
16 odor control scrubber system or through -- from the
17 melter, it goes through a scrubber and a filter.

18 MR. GEORGES: Yes, but where does it go?
19 And how does it -- Is it recycled?

20 MR. SCHNEPP: After it goes through the
21 control devices, it would be exhausted to the
22 atmosphere.

23 MR. GEORGES: It goes into the atmosphere,
24 okay. Because I was worried about the water, our

1 precious water supply that we drink out of.

2 Now, the trucks that are bringing in
3 sludge, are they going to be bringing it in in open
4 dump trucks?

5 MR. HAWN: They are tarped.

6 MR. GEORGES: They are tarped. I know
7 everybody here from time to time has driven behind
8 a garbage truck and knows what it smells like. And
9 I'm just wondering, as I see it, you are going to
10 bring it all over Lake County, come down Grand
11 Avenue, which is very heavily populated with
12 businesses and residences, and seven of these
13 trucks, from what I heard, somebody said seven of
14 these trucks are going to roll down by this area,
15 in this area, day after day after day.

16 The other thing that I was going to
17 say is that we have an unusually high air pollution
18 level, especially with ozone when we have a south
19 wind or if we have a southeast wind. We get all of
20 Chicago's pollution. This has been going on in
21 Waukegan since -- And I have been here for 43
22 years. This has been going on from the first year
23 I was here. We know we have pollution.

24 And one of my questions is that the

1 pollution hazard as stated was within IEPA
2 guidelines, but we really feel you should add that
3 to the pollution that's already here and not when
4 we have a northeast wind but when we have a south
5 wind or a southeast wind. I think maybe they will
6 exceed levels that are acceptable to you people.

7 MR. ROMAINE: I think that makes a good
8 point. That certainly Lake County especially along
9 the lakefront is an ozone nonattainment area. But
10 as it was stated, that is a consequence not of
11 activities in Lake County but of the emissions from
12 areas to the south, from the City of Chicago, from
13 facilities in Will County. And, in fact, it's also
14 affected by downstate sources, power plants,
15 sources of NOx emissions.

16 What that means is that this facility
17 won't affect ozone in Lake County. It will have a
18 contribution to the regional air quality. It's
19 emissions are really fairly small. It is something
20 that we are concerned about in terms of our
21 regional evaluation for ozone. But if you are
22 concerned about ozone, what you should be looking
23 at is programs that broadly control emissions
24 throughout the region, if not throughout the state,

1 if not throughout the midwest. And again, this is
2 ozone. Ozone is a very specific contaminant. It's
3 different than particulate matter.

4 MR. GEORGES: I understand that. But
5 again, we have no way of knowing without testing
6 what else is out there when the bad wind blows in
7 from Chicago. And basically as a resident that
8 lives very close to the lakefront, I live very
9 close, I would say about half a mile away from the
10 lakefront, one of the great pleasures of living in
11 Waukegan is that when you walk around the community
12 and you get a breeze off the lake. It's clean and
13 it's fresh smelling. I have a feeling that this --
14 There is no way you are going to be able to hide
15 the smell that's going to come out of this sludge.
16 And you are going to make life -- You are going to
17 degrade life for the people that live in this
18 community. And I do, I really ask you to help us
19 out, maybe study this thing a little more in
20 detail. And as somebody else suggested, it isn't
21 going to hurt if we wait a year or so. They can
22 just hold their building materials until then.
23 Thank you.

24 HEARING OFFICER SELTZER: Thank you.

1 F. McGregor Miller.

2 MR. MILLER: Good evening. Most of what I
3 have is questions because I just became aware of
4 this only a few days ago and have not had a chance
5 to really evaluate it. For one thing, I don't know
6 what the flow diagram of the proposed plant system
7 will look like so that we can trace where the gases
8 are going, where the solids are going, and do at
9 least a theoretical material balance on this system
10 so we can see where things are going and try to get
11 an idea as to the credibility of the projections
12 being made by the proposed constructor. That's my
13 first question.

14 Then my second question is do we have
15 any data thus far on what the existing scrubber
16 system is emitting? Do we know what efficiency it
17 is obtaining right now? Do we have any data to
18 evaluate with this additional load what it's likely
19 to be able to do based upon what it's already
20 doing?

21 MR. ROMAINE: The existing scrubber is an
22 odor control scrubber. And I think the proof is,
23 as stated, whether you can smell the sewage
24 treatment plant, the activities are being

1 controlled. As an odor control scrubber, there are
2 ways to increase the amount of additives that are
3 put in the water so that it really comes down to
4 adding additional oxidant. And I think it's a
5 lime -- is it lime -- the odor control system, to
6 enhance the control.

7 So we do not have emission data
8 because it is an odor control scrubber, but it
9 appears to be doing its job from what we have
10 heard. In terms of the proposed filter, the filter
11 that they have proposed, they have taken a fairly
12 generous number, they have proposed an emission
13 rate of only .05. Filters generally achieve a
14 fraction of that emission rate. So we don't have
15 specific numbers for particulate matter emissions
16 because of the odor control in the scrubber but the
17 number for the filter is very reasonable.

18 MR. MILLER: I notice you did make the
19 point that this is principally an issue of
20 particulate matter control. But at least speaking
21 for myself, my concerns are much greater in the
22 area of the gases than they are in the particulate
23 matter except for the potential that the
24 particulate matter may contain significant levels

1 of trace metal. And, of course, obviously, I would
2 like to have some data on that as well.

3 But for me, this would start with
4 looking at a flow diagram for the proposed facility
5 to see where things are going and to be able to get
6 some idea as to how the material balance would be
7 calculated.

8 MR. ROMAINE: Talk to Mr. Frost and he can
9 see you for the best way for you to get access to
10 that information.

11 MR. MILLER: Thank you.

12 HEARING OFFICER SELTZER: Mr. Frost is the
13 gentleman at the table when you first come in.
14 Thank you very much.

15 Peggi Braden.

16 MS. BRADEN: My name is Peggi Braden. I
17 live in Waukegan on Sheridan Road. I have
18 questions. I have concerns. I have concerns about
19 the air quality because this is close to a
20 residential area. And then I'm also concerned in
21 terms of the proposed sports complex that's going
22 to be built by the park district just north of this
23 area and the air quality that may change because of
24 this sludge treatment facility.

1 Another concern that I have is when
2 you mention seven pounds of mercury per day, the
3 possibility that this will emit, the permit -- And
4 I am a nurse, and I'm not a scientist. And the
5 permit says 90 -- If you add it up roughly, I
6 think it's 92 pounds of mercury per year, but now
7 because it's going to be -- Something you said
8 earlier this evening, seven pounds per day.

9 As a nurse, I know what happens in a
10 hospital if someone drops a mercury thermometer.
11 It is like panic city. You know, the HAZMAT team
12 has to come. I can't -- And we are talking about
13 a small amount of mercury in a thermometer. But
14 seven pounds of mercury per day? That I don't --
15 I mean is that truly what's going -- this plant is
16 going to be emitting?

17 MR. ROMAINE: No, it is not.

18 MS. BRADEN: Okay.

19 MR. ROMAINE: The point I was making is
20 that when the USEPA adopted the rules for sewage
21 sludge incinerators back in the early '70s, at that
22 time they set the emission standard at seven pounds
23 per day.

24 MS. BRADEN: So this plant --

1 MR. ROMAINÉ: This plant is subject to much
2 tighter limits than that, as stated in the permit.
3 We have no intent to relax it simply because it
4 qualifies as an incinerator.

5 MS. BRADEN: So 92 pounds per year is
6 the --

7 MR. ROMAINÉ: The most it can emit.

8 MS. BRADEN: The most it can emit. That is
9 still a concern especially when -- Mercury is a
10 heavy metal. Depending on how the wind blows, will
11 it go into the soil? Will it go into the lake
12 where the fish -- the fish will absorb the mercury?
13 And I think there already is now a limitation on
14 the number of fish a person can eat from Lake
15 Michigan, especially a pregnant woman, when young
16 children are growing, because of the untoward
17 effects of mercury. I do have a concern with that.

18 And then someone -- Well, I don't
19 know if it was tonight or -- The question has been
20 asked by citizens of Waukegan, why Waukegan? You
21 know, why is the North Shore Sanitary District
22 wanting to build this facility in Waukegan? North
23 Shore Sanitary District has a treatment facility in
24 Highland Park. North Shore Sanitary District has a

1 facility in Gurnee that I'm aware of. Why
2 Waukegan?

3 Now, my husband was able to go to the
4 Sanitary District about a month ago. And he asked
5 that same question of North Shore Sanitary District
6 board, and Highland Park was ruled out because the
7 location, there was not enough space for it, for
8 this treatment facility. Gurnee was ruled out
9 because there is so much space there that they have
10 plans in the future possibly to double their sewage
11 treatment facility in Gurnee.

12 Now, those of us who live in this area
13 know how much the citizens of Gurnee complain about
14 the odor that comes from North Shore Sanitary
15 District's facility. I would think that the
16 citizens of Gurnee would be dying to get this
17 sludge treatment facility at that location because
18 if this sludge treatment facility is so nice and
19 neat and clean and odorfree, they would certainly
20 rather have that than double the treatment facility
21 in Gurnee. Thank you.

22 MR. ROMAINE: I'd just comment, the
23 Illinois EPA certainly shares your concern about
24 mercury emissions. It is an issue, though, that

1 issues. Number one, this City has embarked upon a
2 very intelligent, comprehensive study of how best
3 to use the lakefront of this community all the way
4 from the park to North Chicago. And considering
5 the degree to which this whole thing has been kind
6 of done behind our backs, I am very concerned that
7 anything would be done until that study is
8 completed and we have a good firm view of what is
9 going to be best for us and not have something like
10 this thrown at us without the adequate
11 consideration that I think it's entitled to.

12 Point two, I don't know whether you
13 are aware of this, but we are currently going
14 through a horrendous difficulty trying to fend off
15 some very energetic promoters from out of state who
16 are trying to sell a power plant into this area.
17 Now, there is a relationship here that I think you
18 want to understand. The people promoting this
19 thing have presented data, for instance, that
20 suggests that the natural ambient air quality
21 standard for NOx was a factor of something like
22 100, I think it was 100 parts per million, and that
23 this proposed power plant would have emissions of
24 only 6 parts per million or whatever the factor was

1 but it was 6 versus 100 and, therefore, it's okay.
2 That is total deception and dishonesty which we
3 have had thrust upon us, because the 6 is additive
4 to everything else we have had. And in addition to
5 which, it is not a question of the NOx national
6 ambient air quality standard so much as it is the
7 ozone standard. And they totally ignored that
8 issue.

9 The facts are that the NOx contributes
10 towards the ozone by virtue of its combination with
11 HC and the presence of sunlight, and they simply
12 walk past that. Now, I am very concerned that we
13 are being given figures all over the place about
14 these things. "Well, it's okay because it's within
15 some kind of standard." I'm not sure we are
16 getting good information on this sort of thing.

17 Now, let me carry that one step
18 further. As far as this power plant is concerned,
19 we just found out very recently that one of the
20 largest producers of power plant equipment, Siemens
21 Westinghouse has committed to production of a power
22 generating system that will produce -- follow me --
23 less than 5 percent of the NOx of this proposed
24 power plant and perhaps as close as 2 percent. It

1 consumes no water whatsoever, whereas this new
2 power plant would consist of over a million gallons
3 per day, and it would be more efficient in terms of
4 Btu in and energy out.

5 I am here to ask you this: In view of
6 the total misrepresentation of those people about
7 this thing, where do we stand on best available
8 technology in this regard? They ignored it on that
9 one. Are you ignoring it on this one? I'm very,
10 very concerned about this because we have been
11 deceived. They are -- Well, there is an attempt
12 to deceive us. I'm not sure it's going to work.
13 I'm very concerned that it's going to happen here
14 again. If we can have a power plant that has a
15 fraction of the NOx, uses no water and is more
16 efficient, why would we even think of this other
17 thing? And yet, that was totally obscured by the
18 people trying to promote that thing. Are we being
19 misled about this one?

20 HEARING OFFICER SELTZER: Thank you.

21 Bill Anderson.

22 MR. ANDERSON: Bill Anderson, 1114 North
23 Sheridan Road in Waukegan. I live about a half
24 mile away from the proposed site of the plant. I

1 would just like to say I am amazed and appalled at
2 the arrogance of the North Shore Sanitary District.
3 I don't know what bothers me more, their single-
4 handed drive to reindustrialize Waukegan's
5 lakeshore or the secrecy and combativeness in which
6 they have conducted themselves in this matter.

7 We have recently had a series of
8 hearings about a power plant in Waukegan. I
9 believe those hearings have been fairly above-
10 board, transparent, honest, and fair. I do not
11 feel at all that these proceedings and that the
12 North Shore Sanitary District is in good faith in
13 how it is handling this matter.

14 There are a number of concerns that I
15 do not know if you will address, but I hope will be
16 addressed in the future. These concerns include,
17 first of all, noise; secondly, impact on the
18 lakeshore ecology. I note that much of the land on
19 the Waukegan lakeshore is a brownfield. I would be
20 very concerned about whether or not they are
21 operating on a brownfield, whether or not they have
22 any preparations for that, whether they are going
23 to take care of emissions or dust on the site, what
24 are the various substances in the ground, and how

1 they intend to deal with it.

2 I would also note, and this is sort of
3 paradoxical, that this is an area that has had
4 benign neglect for a number of years. There is
5 very interesting ecology on the lakeshore, dune
6 formation, species of plants, birds, animals, that
7 are found no place else in Illinois. Some of them
8 are endangered. I would hope that they are also
9 taken into consideration.

10 I would like to know about the traffic
11 that this is going to be causing, the size of the
12 trucks, the number of trucks, the emissions from
13 the trucks. Who is going to pay for the roads that
14 the trucks operate on?

15 I would like to know the size of the
16 facility. I would like to know the size of the
17 stack. I would like to know the hours of
18 operation. I would like to know the effect on
19 property values. I would like to know the effect
20 on the orderly development of Waukegan's lakefront.

21 I believe that the emissions from this
22 are of great concern. I don't know what worries me
23 more, when the wind is going to be blowing off the
24 lake blowing it onto my house or when the wind is

1 going to be blowing it onto the lake, which is
2 essentially a closed system.

3 I cannot understand North Shore
4 Sanitary District's attitude in this, the fact that
5 they hope to somehow spring it on us. I note that
6 this is probably the most densely populated area in
7 Lake County. I don't think this is a proper place
8 for a site. I would wonder if they sited it here
9 for our lack of political clout, perhaps the
10 minorities in the area, the lack of income in the
11 area; but I think it's very important that all
12 these things be considered. Thank you.

13 HEARING OFFICER SELTZER: Thank you.

14 Mihan Kajfez I believe.

15 MR. KAJFEZ: I'm here as concerned citizen.
16 My name is Mihan Kajfez. Many of the questions I
17 have, a lot of them are questions and answers from
18 the people. But I'm still concerned about
19 pollution. I live just on Sheridan Road, which is
20 about a half a mile from the present stacks from
21 the power plant. Every winter every time you blow
22 the stacks, I can walk outside, it's nothing but
23 soot. Now we get more pollution, we get another
24 power plant, we get this plant or proceeds with the

1 sludge, I think it's just unbelievable why would
2 they dump everything in this area. I have been
3 here for 45 years, maybe better. And every time
4 we're trying to clean up the lake, somebody comes
5 down and dumps something else on us. I think it's
6 not fair. They should take into consideration
7 pollution is plentiful already. That's all I have
8 got to say. Thank you.

9 HEARING OFFICER SELTZER: Thank you.

10 Daniel Hirsch.

11 MR. HIRSCH: My name is Daniel Hirsch. I
12 live at 527 North Sheridan Road, about a mile from
13 the -- pardon me -- about three quarters of a mile
14 or about a half a mile from the proposed plant. I
15 first want to express my thanks to you gentlemen
16 for coming here and giving us this opportunity to
17 let all of the folks here explain what their
18 concerns are about this plant. And I'm going to
19 try and ask you some questions that you folks can
20 answer.

21 I'm going to refer to the draft
22 application, which you were nice enough to make
23 sure that everybody here has got a copy of. And
24 the first question I have for you, gentlemen, is I

1 have read through this entire document and I never
2 saw the word incinerator or incineration in here,
3 and I want to know why this is not considered an
4 incinerator.

5 MR. ROMAINE: At the time the draft was
6 prepared, we were of the opinion that it was not an
7 incinerator. It was a sludge drying process
8 followed by a glass production process. Subsequent
9 to that, we have been informed that it is an
10 incinerator.

11 MR. HIRSCH: Are there separate regulations
12 for monitoring and controlling the incineration of
13 municipal sludge?

14 MR. ROMAINE: Yes, there are.

15 MR. HIRSCH: Will those be applied to this
16 plant?

17 MR. ROMAINE: Yes, they would.

18 MR. HIRSCH: Thank you. I'm not done.
19 Continuing, let's see, in Section 1.14,
20 "Nonapplicability of regulations of concern." We
21 talk about the fact that in part A "This permit is
22 issued based on the melting process not being
23 subject to New Source Performance Standards for
24 glass manufacturing plants." Why is it not?

1 MR. ROMAINE: The NSPS for glass
2 manufacturing plants was developed for conventional
3 glass manufacturing plants, plants that either make
4 window glass or glass bottles or other types of
5 container glass. There aren't any provisions under
6 that regulation that would apply to a facility
7 making this type of glass aggregate as we
8 understand.

9 MR. HIRSCH: I just am lucky enough to
10 happen to have subpart C(c), "Standards of
11 Performance for Glass Manufacturing Plants." In
12 the first article, 60.290, "Applicability and
13 designation of affected facility." And in part A,
14 they talk about the fact that each glass melting
15 furnace is an affected facility to which the
16 provisions of this subpart apply. Now, we're
17 melting glass or making commercial product here;
18 right? I mean that's what the applicant has
19 represented.

20 MR. ROMAINE: That's correct.

21 MR. HIRSCH: Okay. Part B, "Any facility
22 under paragraph A that commences construction or
23 modification after June 15, 1979, is subject to the
24 requirements of this subpart." Well, we meet that.

1 MR. ROMAINE: Uh-huh.

2 MR. HIRSCH: Subpart C, "This subpart does
3 not apply to hand glass melting furnaces," which I
4 would assume is where the guy sticks the glass in
5 the furnace. And I think we are all pretty sure
6 that's not what this is. "Glass melting furnaces
7 designed to produce less than 5 tons of glass per
8 day and all electric melters."

9 Well, we know we are not putting the
10 stuff in by hand and we know it's not electric.
11 And according to the general manager in the
12 September 12 meeting, they intend to produce about
13 7 tons of glass a day.

14 Shouldn't this apply?

15 MR. ROMAINE: As I said, we didn't think it
16 applied. We will reevaluate that. I think given
17 our experience with the NESHAP, we better ask USEPA
18 about it. That's a good point.

19 MR. HIRSCH: Thank you. I'm not done yet.

20 The mercury NESHAP, which I understand
21 you folks got an answer back from -- I guess
22 Mr. Varner, you communicated to Mr. Frost in the
23 middle of August that the NESHAP would apply
24 because, in fact, this is an incinerator. That

1 represents a change in this permit application,
2 right?

3 MR. ROMAINE: Yes, it does.

4 MR. HIRSCH: Okay. It's a significant
5 change?

6 MR. ROMAINE: Not really.

7 MR. HIRSCH: Okay. All right. Good.

8 MR. ROMAINE: It establishes an emission
9 limit that is way outdated.

10 MR. HIRSCH: I understand. And I'm not too
11 worried about mercury. Okay. You gentlemen, I'm
12 sure, understand what a severe 17, nonattainment
13 zone for ozone is?

14 MR. ROMAINE: Yes, we do.

15 MR. HIRSCH: You guys are the air guys.
16 You know this. You are also aware that Lake County
17 falls into that, as does the whole northeastern
18 Illinois. And I guess my one question on this
19 topic is 95 tons per year of NOx. What kind of
20 improvements in other operations could be put in
21 place that would remove 95 tons per year of NOx,
22 which I believe it is a precursor for ozone; isn't
23 it?

24 MR. ROMAINE: Yes, it is.

1 MR. HIRSCH: Okay. What kind of thing
2 would we have to do besides not building this plant
3 to get rid of 95 tons of NOx a year?

4 (Discussion outside the record.)

5 MR. ROMAINE: I guess the simple answer is
6 that Midwest Generation at the Waukegan power plant
7 is already moving forward with measures that will
8 substantially reduce the NOx emissions from that
9 facility. I don't have the exact numbers behind
10 me. But assuming it's roughly 10,000 tons per year
11 at the present time, they are going to be taking
12 measures that will easily eliminate 100 tons, about
13 the size of this facility.

14 MR. HIRSCH: Okay. I have another
15 question. Going back to the application, we talk
16 about in 1.15, the -- Oh, I'm sorry. Wrong one.
17 1.16, okay. We have got three little charts there.
18 And they are talking about the emissions. The
19 first one I believe refers to the incinerator. And
20 you add those up, taking out the NOx. And those
21 are all pollutants, right? I mean it says
22 pollutants, those are all pollutants?

23 MR. ROMAINE: That's correct.

24 MR. HIRSCH: All right. Part B talks about

1 the pollutant emissions from the auxiliary heater.
2 And let's face it, those things are small change,
3 that's practically a throwaway. Part C, this is
4 the emissions from the rest of the whole processing
5 plant; right?

6 MR. ROMAINE: That's correct.

7 MR. HIRSCH: So if I want to look at the
8 emissions from this entire operation, I would have
9 to add A and B and C.

10 MR. ROMAINE: That's correct.

11 MR. HIRSCH: Okay. And I'm looking in
12 article E here, and it says that the limitations of
13 this permit effectively limit the potential for the
14 emissions of air pollutants from the source to less
15 than major source threshold. In other words, what
16 we are saying here is it's going to be less than
17 what we really have to do something about, i.e.,
18 nitrogen oxides to less than 100 tons per year.

19 Well, if I add up the NOx numbers, I
20 get 95.09 tons per year. Okay, that's less than
21 95, but it's pretty close.

22 The next one, it says "Individual
23 hazardous air pollutants to less than 10 tons per
24 year." Is SO2 a pollutant?

1 know that one of the general principles in the
2 whole air quality thing is we are always trying to
3 knock down all of the sources of pollution. And I
4 want to know if you have given any consideration to
5 the change in air pollution from the current
6 process by which the sludge is handled. For the
7 folks who don't know, as I understand it, North
8 Shore Sanitary District owns the landfill which
9 they are trying to sell. They have a contract to
10 sell it, and they are trying to sell that so they
11 can stop burying the sludge.

12 Could you just in real general terms
13 compare the amount of air pollutants that will be
14 emitted by the -- Oh, let me stop a minute.

15 Are you familiar with the fludge
16 product?

17 MR. ROMAINE: Yes, I am.

18 MR. HIRSCH: And could you explain to
19 everybody what that is? Because I'm not sure I get
20 it.

21 MR. ROMAINE: Basically the North Shore
22 Sanitary District currently disposes of its sewage
23 sludge by mixing it with fly ash from coal-fired
24 power plants, that additional solid material

1 solidifies, absorbs the moisture, and that material
2 is then landfilled.

3 MR. HIRSCH: So it's buried?

4 MR. ROMAINE: That's correct.

5 MR. HIRSCH: Under the ground?

6 MR. ROMAINE: Or on top of the ground. I'm
7 not sure whether it's under or on top.

8 MR. HIRSCH: If you could compare the
9 amount of SO₃ that will be emitted by that process
10 versus this process just in real qualitative terms.
11 I mean would one be little and one be big?

12 MR. ROMAINE: Well, the current process is
13 not a combustion process. There may be some mobile
14 sources involved in terms of dozers moving stuff
15 around. But there are no heaters or melters
16 present at the fludge facility to my knowledge.

17 MR. HIRSCH: How much NO_x do we get from
18 the sludge by moving it around and burying it?

19 MR. ROMAINE: From the sludge, none.

20 MR. HIRSCH: So that's one way we can get
21 rid of 95 tons per year. I realize it's just a fly
22 speck. But that's one way we could get rid of
23 95 tons of NO_x per year or actually we could avoid
24 it. And that would probably be true for all these

1 other things, correct?

2 MR. ROMAINE: That's correct.

3 MR. HIRSCH: Okay. The last question I
4 have is we are taking 33 tons of SO₂, 85 tons of
5 NO_x, tons and tons and tons of stuff, and we are
6 running it up a stack. And my understanding is the
7 stack height right now is about 82 or 3 feet. I
8 don't really understand why you make smoke stacks
9 tall. Could you explain that to me?

10 MR. ROMAINE: It's part of the process to
11 have some initial dispersion of the exhaust
12 parameter -- of the exhaust coming out to assure
13 that there are not excess concentrations in the
14 immediate vicinity of a facility.

15 MR. HIRSCH: So let's say I have a four-
16 foot tall smoke stack, I think small sometimes, and
17 I was putting all that stuff out of there, would I
18 expect that stuff to land pretty close?

19 MR. ROMAINE: Not land. The concentrations
20 would be higher. The concentrations would be the
21 same as if you were 78 feet above the ground in a
22 balloon next to the exhaust point of the stack.

23 MR. HIRSCH: If I had an 80-foot tall
24 stack, and I had a bluff 500 or 600 or 800 feet

1 away that was 50-feet high, and I had residences
2 that were up to 30-feet tall, would I not expect
3 maybe some unreasonable concentrations of my
4 33 tons of SO₂ and the rest to be experienced at
5 those areas?

6 MR. ROMAINE: It depends on the nature of
7 the terrain. If it's a gradual bluff, you would
8 expect that the air would gradually flow over it.
9 If it were an apartment building that stood out of
10 a level ground, there could, in fact, be higher
11 concentrations on the third floor than there would
12 be at the ground level.

13 MR. HIRSCH: So like a 30-degree slope,
14 which is what my back yard is, that's pretty steep;
15 right?

16 MR. ROMAINE: No.

17 MR. HIRSCH: That's not. So you would
18 think we might get some higher concentrations?

19 MR. ROMAINE: That's correct.

20 MR. HIRSCH: Has this been looked at?

21 MR. ROMAINE: The North Shore Sanitary
22 District hasn't looked at it. But in fact, people
23 have already raised the Kinder Morgan project. The
24 Kinder Morgan project as part of their modeling has

1 addressed terrain for their facility. The impacts
2 come on the flat area actually north of the
3 facility. So the bluff phenomenon, that particular
4 local feature doesn't result in higher air quality
5 impacts.

6 MR. HIRSCH: Not even locally?

7 MR. ROMAINE: The points of maximum impacts
8 that have been discussed are, in fact, on the flat
9 area north of the proposed site.

10 MR. HIRSCH: Is that only based on like a
11 south wind?

12 MR. ROMAINE: No. It means that the south
13 winds, in fact, cause the highest concentrations as
14 well. So it's something that has been looked at by
15 Kinder Morgan. It did not show a particular
16 concern given the interaction of the bluff and
17 stacks.

18 MR. HIRSCH: Have you reviewed their
19 calculations?

20 MR. ROMAINE: No, I have not.

21 MR. HIRSCH: Do you plan on it?

22 MR. ROMAINE: It's something that we would
23 look at as part of the review of the Kinder Morgan
24 application.

1 MR. HIRSCH: Well, let's just say that the
2 Kinder Morgan application were for some strange
3 reason to go away.

4 It's not that we don't like you guys.
5 If that application were to go away, would you then
6 look at this as a separate issue for this plant?

7 MR. ROMAINE: Yes, we could.

8 MR. HIRSCH: One last question. Sorry to
9 take so long. Given the questions we have raised,
10 the mercury NESHAP, the fact that this is an
11 incinerator, and the fact that different standards
12 apply, the fact that -- my memory is not too
13 good -- the fact that we really don't know about
14 the impacts of the stack height versus the land
15 configuration, and the fact that as I understand it
16 when you are looking at applications for
17 construction permits, if you have a way of reducing
18 a pollutant, say if you could reduce NOx here in
19 one of your other operations, okay -- As I
20 understand it, like if I were -- If I were a
21 coal -- If I were an electric utility and I had a
22 couple different plants, and I wanted to build a
23 new plant, I would have to have less emissions from
24 my new plant; and I could use that to kind of

1 offset my old ones, right?

2 MR. ROMAINE: No.

3 MR. HIRSCH: I couldn't, I couldn't get
4 credit that way?

5 MR. ROMAINE: Not for nitrogen oxides, no.
6 The only pollutant for which credits are involved
7 in that manner in terms of construction is for
8 volatile organic material as the northeastern
9 Illinois area is a severe ozone nonattainment area.

10 MR. HIRSCH: So we don't look at NOx that
11 way.

12 MR. ROMAINE: No.

13 MR. HIRSCH: You would still agree just as
14 an engineer guy, not as an EPA guy -- you can take
15 the hat off for a minute -- that it would probably
16 be better to from an air pollution point of view
17 we'd get a lot less air pollution if we continued
18 to bury this stuff on the land that the North Shore
19 Sanitary District already owns.

20 MR. ROMAINE: That's correct. Then you
21 would not have this facility at the lakeshore.

22 MR. HIRSCH: And you wouldn't be here.
23 Thanks very much.

24 HEARING OFFICER SELTZER: Diane and Mark --

1 MS. KAJFEZ: Hi. It's Diane Kajfez.

2 You need to explain something to me
3 about these stacks. I'm way back there and I have
4 a big concern. First of all, how many stacks are
5 there?

6 MR. SCHNEPP: I believe there are three
7 stacks.

8 MS. KAJFEZ: There are three stacks, and
9 they are all 85-ish feet high, is that what you
10 said or someone had said? 83 feet? Within 80 to
11 90 feet tall.

12 MR. SCHNEPP: I don't know the exact
13 height.

14 MS. KAJFEZ: Now, I'm just confused. You
15 had said -- The gentleman before me had said that
16 the bluff didn't matter because studies were done
17 by Kinder Morgan going north? Is that what you had
18 just said? I'm --

19 MR. ROMAINE: Studies that were performed
20 by Kinder Morgan showed that the points of maximum
21 impact at the Kinder Morgan facility which again
22 were in the same general area were located north of
23 its facility, they were not located in the area of
24 the bluff.

1 MS. KAJFEZ: West.

2 MR. ROMAINÉ: They weren't located toward
3 the west.

4 MS. KAJFEZ: So if the wind is coming off
5 the lake, it's still not going to affect --

6 MR. ROMAINÉ: The impact or the emissions
7 will come in that direction. There would be
8 increases in ambient concentrations, but they are
9 not a point of maximum impact.

10 MS. KAJFEZ: So even at that height, I mean
11 to me if it's -- If it's way up here, it's going
12 to blow this way over me. If the stack is down
13 here and I'm right here, it's going to blow right
14 at me. Isn't that kind of how that works? Or I --
15 I'm just a housewife.

16 MR. ROMAINÉ: In a simplistic way, that is
17 how it works. You are still talking about a
18 separation and how the wind behaves and how the
19 pollutants disperse, so certainly the
20 concentrations are higher than if there were a
21 taller stack or if the bluff were lower.

22 MS. KAJFEZ: Okay.

23 MR. ROMAINÉ: But the material that Kinder
24 Morgan provided where they did specifically

1 evaluate it, this pointed to the points of highest
2 impact which were within acceptable levels being to
3 the north of the facility.

4 MS. KAJFEZ: And these studies, Kinder
5 Morgan gave you these studies?

6 MR. ROMAINE: As part of their permit
7 application, Kinder Morgan did submit some air
8 quality modeling.

9 MS. KAJFEZ: We are supposed to trust them
10 on this? Shouldn't North Shore Sanitary District
11 give you some sort of study because aren't their
12 emissions different? I'm not trying to be a
13 smarty. I'm just saying, aren't their emissions
14 different? It's a different type of study. Their
15 stacks are higher. They're looking this way. They
16 want to scam us in. I just -- I don't understand
17 why we are accepting Kinder Morgan's study. This
18 should --

19 Pardon me?

20 HEARING OFFICER SELTZER: Excuse me. Wait,
21 please.

22 MS. OWEN: Well, he's making comments on an
23 unissued draft permit from an application with air
24 modeling that the IEPA has not accepted. I find

1 this --

2 HEARING OFFICER SELTZER: You can have
3 another chance to get up here if you'd like.

4 MS. KAJFEZ: Secondly on the stacks or
5 thirdly -- Now, don't we need water to cool these
6 stacks? I was reading through here, and I'm seeing
7 all this heat thing. Don't we need a lot of water
8 to cool the stacks, like Kinder Morgan has water to
9 cool the stacks? Is there going to be water used
10 to cool the stacks, and where does the water come
11 from? Is it going to be coming from Lake Michigan,
12 or is it going to be some more grade water?

13 MR. ROMAINE: A lot of the cooling occurs
14 by using the heat from the melting process in the
15 drying process. So that actually cools the exhaust
16 from the melting process, which is the high
17 temperature operation. Then the other step in the
18 cooling is, in fact, the scrubber. The scrubber
19 currently uses water. We do not know at this
20 point, we can find out, whether, in fact, that is
21 to be grade water or whether it is incoming water
22 to the treatment plant.

23 MS. KAJFEZ: And just for the record, the
24 scrubbers smell. I mean they don't work. They are

1 crappy. Because I live right there, and I smell it
2 all the time. So you might want to have a chat
3 with them on that. Or I can personally give them a
4 call, and they can stop by and smell because it
5 smells really bad. So that really concerns me if
6 we are going to be looking at both water and these
7 scrubbers.

8 Just bear with me a little bit
9 here. Here is another thing I really don't
10 understand. It says here, "Production rate of the
11 drying process shall not exceed 20,000 pounds wet
12 sludge per hour." Okay. I heard back there, you
13 either said there were six or seven trucks coming
14 in a day. How many pounds of sludge does a truck
15 hold?

16 You don't know? So there is going to
17 be lots of stinky stuff coming in, and then it's
18 going to be put in these two silos. And it's going
19 to be held there, right? And it's just going to
20 keep building up and building out, and then does
21 North Shore San come to you and say, "Well, you
22 know what, we have got more property, and we have
23 got lots of trucks of poo poo coming in, so we want
24 to expand. And we want to get more silos in and

1 more stuff coming down the road."

2 Do we have to have another hearing if
3 they want to expand the facility, and then you look
4 at this whole procedure again? Or I'm hoping it
5 doesn't ever come to that, but I'm just saying some
6 of these other communities, like Libertyville and
7 everybody else, might jump on the bandwagon and
8 say, "Hey, let's ship our crap over to Waukegan and
9 let them handle it." Do you need another hearing?
10 I'm sorry.

11 MR. ROMAINE: In terms of an expansion to
12 the drying and melting process, those are certainly
13 types of emission units where we require a
14 construction permit. We would expect there to be
15 an opportunity for input if it were of concern to
16 the public.

17 In terms of adding additional storage
18 capacity, that is a good question. For other types
19 of facility, addition of storage capacity is not a
20 significant concern, has not been a significant --
21 It could be in this case. We will take that back
22 with us and see if there is some way to address it
23 as part of this application and permit.

24 MS. KAJFEZ: Okay. Another thing, I was

1 under the impression that North Shore Sanitary was
2 going to be here to answer some questions, too. So
3 some of my questions I'm not sure if they are going
4 to pertain to you or not. But -- And I was
5 sitting in the back, and I heard one of the ladies
6 in the front ask a question about other site
7 studies. They claimed -- Well, at least the paper
8 reported, the New Sun reported, that there was
9 another -- There were other site studies done and
10 that Waukegan was, you know, prime location.

11 But one thing that wasn't mentioned
12 was that North Shore Sanitary District has property
13 in North Chicago and that plant is away from public
14 view. And it's at the rear of the Abbott
15 Manufacturing plant, and there is no residential
16 area around. And we haven't heard anything about
17 that, if that was looked at. And that's a pretty
18 big area over there. So I didn't know if you were
19 privy to that information.

20 MR. ROMAINE: No, we are not.

21 MS. KAJFEZ: You don't give that. So
22 that's not one of your questions. I can call them
23 up. That's not a problem.

24 Did you state why, why they said

1 Waukegan was the site that they wanted to use?

2 MR. ROMAINE: No, we don't.

3 MS. KAJFEZ: That has nothing to do with
4 you, okay. Okay. I guess that's it. My final
5 thing was the scrubbers aren't doing their job, and
6 thank you very much for coming in and listening to
7 us. It's greatly appreciated.

8 HEARING OFFICER SELTZER: Russ Tomlin.

9 MR. TOMLIN: I'm here. I did not sign up
10 to speak but I'm more than happy to ask a couple of
11 questions as long as I have the opportunity.

12 As I walked in, did I not hear you say
13 that it's the IEPA's opinion that the local
14 community has zoning control over this type of
15 facility in your opinion?

16 MR. ROMAINE: What I said was our permits
17 do not overrule local zoning issues if they are
18 applicable. I think the point was made by the City
19 of Waukegan that if this facility is local --
20 subject to local siting, then that process
21 overrules local zoning. Either way through the
22 local process for approving pollution control
23 facilities or through the zoning process, the local
24 government has a decision in siting of new

1 facilities of all kinds.

2 MR. TOMLIN: I'm very happy for you to say
3 that. For the record, let it be shown that it is
4 certainly our opinion that we do have local siting
5 control as a pollution facility and through zoning
6 control as well, both in terms of conditional use
7 permits that we would feel would be necessary and
8 in terms of the fact that the proposed facility is
9 25 feet in excess of the height limitations that
10 the existing zoning permits.

11 HEARING OFFICER SELTZER: Under certain
12 circumstances, the Agency must first determine if
13 siting is needed, local siting. And if local
14 siting is needed for a particular facility that you
15 will permit, then that local siting must be
16 approved before the Agency can issue a permit.
17 That is an issue. The Agency is not here tonight
18 to say local siting under the Environmental
19 Protection Act must occur or need not occur.

20 MR. TOMLIN: We respect that that is not
21 the primary subject that we are here to discuss
22 tonight; but as a matter of record, we are glad
23 that it's out there right now. And we believe that
24 we do have siting control. And again, the height

1 limitation is a concern. And I'm sorry, that's
2 basically all we wanted to put on the record this
3 evening.

4 MR. ROMAINE: I guess I would comment just
5 what I'm saying is our permits don't supersede
6 whatever the process is at the local level.
7 Whether it's local siting, whether it's zoning,
8 whether it's building code, we are a creature of
9 law. Our ability to interact with local provisions
10 is strictly limited by the law. And if you are
11 familiar with the law, then you know what
12 provisions are governing.

13 MR. TOMLIN: Thank you.

14 HEARING OFFICER SELTZER: Thank you.

15 Bill Biang.

16 MR. BIANG: It's Bill Biang. I live at
17 2335 South Bonnie Brook in Waukegan. I'm also a
18 commissioner for the Waukegan Park District. I
19 have a letter which I would like to read into the
20 record from the park district to the Illinois EPA
21 hearing officer, and then I have a couple of
22 comments that I would like to make as well if I
23 could. I have copies for you as well.

24 HEARING OFFICER SELTZER: We already

1 received a letter from the park district. Is this
2 that letter?

3 MR. BIANG: This is the same letter.

4 HEARING OFFICER SELTZER: Well, that is
5 already made part of the record.

6 MR. BIANG: Could I read it for the record
7 as well?

8 HEARING OFFICER SELTZER: Yes, you can.

9 MR. BIANG: The Waukegan Park District
10 respectfully submits these comments for the record
11 regarding the proposed project referenced above.
12 These comments are being submitted pursuant to the
13 Notice of Public hearing.

14 The Waukegan Park District is
15 currently negotiating with Johns Manville
16 Corporation to acquire approximately
17 100 acres of the former JM manufacturing site
18 located north of the North Shore Sanitary District
19 proposed project site. The former JM site will be
20 developed into a sports complex that will include
21 facilities for soccer, baseball, and other
22 recreational activities.

23 Because of the recreational nature of
24 our proposed facility that will attract many

1 residents including children, we are concerned
2 about the air emissions from the proposed North
3 Shore Sanitary District's project. Keep in mind
4 that the southern boundary of our property, of our
5 proposed sports complex, Greenwood Avenue, will
6 only be about 1100 meters away.

7 As part of our due diligence with
8 JM, the Waukegan Park District has undertaken an
9 air modeling study to evaluate the impact of
10 emission sources in the area. Preliminary results
11 from our study indicate that elevated levels of
12 nitrogen oxides may occur when winds are out of the
13 south. The projected nitrogen oxide emission limit
14 of the North Shore Sanitary District project is
15 approximately 95 tons per year. We are concerned
16 this may contribute to elevated nitrogen oxide
17 levels in the area.

18 The proposed North Shore Sanitary
19 District project will involve the handling and
20 storage of sludge from the sewage treatment plant
21 as well as other plants. We are concerned about
22 odors resulting from the sludge.

23 The North Shore Sanitary District
24 should explore an alternate site away from the

1 heavily populated area where the impact will have
2 less effect.

3 We understand that the sludge melting
4 process is the first of its kind to be built in the
5 United States. We have concerns about possible
6 process upsets and malfunctions and the resulting
7 air emissions. Also, since this is a new
8 processing technology, there may be sparse
9 information on the emissions of trace materials and
10 hazardous air pollutants.

11 We appreciate this opportunity to
12 submit these comments and await the IEPA response.

13 Our other concern and, as I my say,
14 the IEPA is certainly welcome and -- Our air
15 modeling studies, which are being conducted by
16 Versar Corporation are available and will be
17 available within four to six weeks. We have done
18 an extensive air modeling because some of our
19 concerns with our facility were Midwest Generation,
20 Abbott Laboratories, Midland Dexter Paint Company.
21 And now with the addition of the proposed power
22 plant, and with the addition of this sludge plant
23 on the North Shore Sanitary District property, this
24 may have a severe impact on the fact of whether we

1 will be able to go forward with our recreational
2 facility at all, the addition of any kinds of air
3 pollutants, because of the nature of our facility
4 where we are going to have children, recreational
5 activities, where there will be people at that
6 facility.

7 And as you indicated earlier, the
8 Kinder Morgan project, we are on that flat piece of
9 property north of where this facility is located.
10 We are very concerned about the additional impact
11 that this will have on our proposed site, which is
12 well underway. As many of our residents will tell
13 you that the J. M. Plant is not completely down.
14 They are still in the process of removing the site
15 from this brownfield that we are hoping to return
16 to a greenfield. We hope it doesn't become a
17 project that we have to back away from because of
18 the air quality that will be created by another
19 plant putting pollutants into our City. Thank you.

20 HEARING OFFICER SELTZER: Looks like Martin
21 Trudy.

22 MR. TOUHY: Yes. My name is Martin Touhy.
23 I live at 518 Broadway in Libertyville. My
24 business is 699 Lakehurst Road in Waukegan, and I'm

1 will this significantly improve or degrade the
2 quality of air in Waukegan?

3 MR. ROMAINE: It's not big enough to
4 significantly effect the air quality in the
5 entirety of Waukegan.

6 MR. TOUHY: I probably disagree with that.
7 Would you say that there -- you cannot separate the
8 quality of air with the quality of life?

9 HEARING OFFICER SELTZER: Okay. I'm going
10 to stop this point in the questioning because we
11 are letting people go way askew, far afield. You
12 are not accomplishing anything with that form of
13 question. So please go to some other line of
14 questioning.

15 MR. TOUHY: I'm sorry. What is your name,
16 sir?

17 HEARING OFFICER SELTZER: William Seltzer,
18 Bill Seltzer.

19 MR. TOUHY: Are you the attorney for North
20 Shore Sanitary District or IEPA?

21 HEARING OFFICER SELTZER: I work for the
22 IEPA.

23 MR. TOUHY: IEPA. Well, I'm trying to
24 establish by that line of questioning that you

1 cannot separate air quality from quality of life.
2 And in Waukegan and in Lake County, Illinois, we
3 care extremely about the quality of life. It seems
4 to me that North Shore Sanitary District has
5 multiple locations, and they have chosen to put
6 this sludge burning plant on the Waukegan
7 lakefront. I don't know how they have the
8 authority to spend \$26 million committed to this
9 before they come to the City of Waukegan for a
10 permit. Why here?

11 Now, it seems to be very closely tied
12 to the lease they executed with Kinder Morgan to
13 burn -- no -- to put a power plant. They are going
14 to recycle their liquid effluents, we are going
15 to -- Is that going to be a yellow steam? Now we
16 are going to burn the sludge. When you stand
17 around the blueprint table, what do you call it?
18 Do you call it sludge?

19 MR. ROMAINE: It's sludge. Sewage sludge.

20 MR. TOUHY: You call it sludge.

21 MR. ROMAINE: I think you've answered your
22 question, that there are certainly aspects of the
23 quality of life that are unrelated to air quality
24 impacts. And this particular facility, this

1 particular proposal, based on the comments tonight
2 there are a lot of concerns about the quality of
3 life that are totally separate from the air quality
4 issue.

5 MR. TOUHY: Yes. But I'm saying you cannot
6 separate the air quality issues from the quality of
7 life issues.

8 MR. ROMAINE: Well, if you do that, then I
9 don't think the air quality issues are going to
10 affect the quality of life. This is not a
11 significant emission project.

12 MR. TOUHY: The sludge coming in before
13 it's burnt, what does that smell like?

14 MR. ROMAINE: It smells like sludge.

15 MR. TOUHY: It smells like sludge. Is
16 there another name for that or--

17 HEARING OFFICER SELTZER: Sir, I have to
18 stop you.

19 MR. TOUHY: Does it smell like roses or
20 Lemon Pledge?

21 HEARING OFFICER SELTZER: When the permit
22 people present this evening make their decision,
23 there is a set of rules, laws, that they have to
24 look at. They can't look beyond that boundary.

1 Let's assume this facility is going to be a
2 tremendous noise maker.

3 MR. TOUHY: Firecrackers.

4 HEARING OFFICER SELTZER: The State of
5 Illinois has noise regulations. They are among the
6 most stringent in the country. These permit
7 reviewers cannot look at that even though they may
8 be aware that a violation will occur once the plant
9 is up and running. The law doesn't allow the
10 permit reviewers in this case to look at that.

11 Now, your problem might be with the
12 legislation and the rules that are applicable in
13 the State of Illinois. But the Agency cannot act
14 extralegal. Everybody wants a good quality of
15 life. We all live in this state also. And if we
16 see something that we feel degrades the quality of
17 life but law prohibits us from assessing that
18 particular aspect in making a permit decision,
19 that's what the law is. And so in this case, you
20 are going beyond what these permit reviewers are
21 legally allowed to look at in making their permit
22 decision. Do you understand that?

23 MR. TOUHY: I understand what you are
24 saying, and I'm saying that you cannot separate the

1 air quality from the quality of life.

2 HEARING OFFICER SELTZER: Okay.

3 MR. TOUHY: We have heard that the burning
4 process results in a firecracker smell. I asked
5 what does it smell like before it's burnt.

6 HEARING OFFICER SELTZER: Well, I think
7 it's very subjective. I mean it may smell like
8 something to you, and it may smell like something
9 to the permit reviewers. It has nothing to do with
10 whether or not they issue or do not issue a permit.
11 It has nothing to do with the conditions they are
12 going to add to this permit.

13 MR. ROMAINE: Excuse me. I did not say
14 that this facility would smell like firecrackers.
15 The specific question that was asked was what is
16 the characteristic odor of SO₂. And in
17 sufficiently high concentrations, the
18 characteristic odor to my sense is like
19 firecrackers.

20 MR. TOUHY: I'm sorry if I mischaracterized
21 it. But you know, we all sit down on the toilet at
22 some point during the day. We all have greater
23 tolerance for our own than we have for other's.
24 And we are saying Waukegan does not want other's.

1 Has the IEPA been -- Sounds like this
2 is the first plant like this in the state or in the
3 country. Does the IEPA look at whether this makes
4 sense or not? They are spending \$26 million of
5 service user area fees. Does this make sense? Is
6 this something they are going to lose \$5 million a
7 year on?

8 HEARING OFFICER SELTZER: What do you mean
9 by make sense?

10 MR. TOUHY: Does it make economic sense?
11 Do they have the authority to apply for this,
12 number one; and does it make economic sense? The
13 annual cost, the bond holders -- I assume they are
14 going to have to borrow the money. Or they are
15 overcharging if they have so much money that they
16 can spend \$26 million, do all these studies, order
17 the plant they are going a ship from Holland, do
18 they have that much money in that account?

19 HEARING OFFICER SELTZER: That exact
20 question that you are asking is beyond the scope of
21 our knowledge.

22 MR. TOUHY: Forgive me for bringing it up.

23 I also would question how Waukegan was
24 sited. We have a vision for a different future

1 that does not include a steaming off the liquid
2 effluents from the NSSD plant in the form of steam
3 at a power plant, nor burning what you call sludge
4 on the Waukegan lakefront. We are looking for a
5 higher quality of life. We care about our
6 environment. And we have a brighter future than
7 that.

8 And I'm also very concerned about the
9 marriage of this -- do the least without any input
10 to Kinder Morgan. And now their studies are part
11 of this whole sludge burning plant. It seems like
12 we have got a bureaucracy with taxpayers' money
13 that is going into business to make some sort of a
14 glass product that's going to be used for shingles.
15 I don't know how it could possibly be justified.

16 I heard you use a phrase, and don't
17 get me wrong, but it was something to the effect of
18 the increase in the ambient impact but not to the
19 point of maximum concentration. Will we smell this
20 nondried or dried, nonburnt sludge coming in; and
21 will we smell it when it's being burnt?

22 If the answer is yes or if we have
23 visual proof of it, visual pollution, we are not
24 improving the quality of life or the potential for

1 the future of the Waukegan lakefront, and that is
2 our gem. It's no different. It's the same
3 lakefront. We are no longer going to be the
4 dumping grounds for Lake County.

5 And if the IEPA thinks it's going to
6 give its approval, they are wrong. And NSSD ought
7 to go back and take a look at their charter, and
8 the authority upon which they make -- they spend
9 \$26 million. It's on the way in a barge from
10 Holland? It takes a lot of nerve. They,
11 obviously, have too much money.

12 HEARING OFFICER SELTZER: Desiree --

13 MS. SAMANGOIE: Desire Samangoie. In
14 response to Martin Touhy's question about air
15 quality and quality of life, my mother is on
16 oxygen, so the quality of air is connected to her
17 quality of life.

18 I would like to ask you a question.
19 Please define a nonhazardous pollutant.

20 MR. ROMAINE: I prefer to do it the other
21 way around. There are a number, actually 187, I
22 believe -- Is that the right number?

23 MR. SCHNEPP: 188.

24 MR. ROMAINE: 188 pollutants that have

1 specifically been identified by USEPA as hazardous
2 air pollutants due to their particular nature.
3 There are also some other pollutants that were
4 identified earlier that are simply regulated
5 pollutants or criteria air pollutants.

6 MS. SAMANGOIE: And in regards to how this
7 is going to smell, one comment. This is going to
8 make to us in Waukegan it's going to smell like
9 sludge, but to North Shore Sanitary it's going to
10 smell like money.

11 And I would also like to say that I
12 don't have the control of the facts and science
13 like you do, like Bob, and like Bob does, but what
14 I would like for to tell you, I wasn't born and
15 raised in Waukegan, I moved here in 1968. I was
16 born in Honolulu, Hawaii. And there aren't many
17 people left here that were born and raised here
18 because usually when you get old enough and you
19 graduate from high school, you leave.

20 And when your father was mayor, I was
21 a lifeguard down at North Beach from 1971 to 1975.
22 And I swam in that beach with all my other
23 classmates that were also lifeguards. I got in
24 that water when that water tingled. I got in that

1 water when I broke out in rashes. No one told us
2 that there was PCP in that harbor. No one told us
3 that the industry that supported the life-styles
4 that all of us enjoyed in Waukegan's heyday was
5 going to make us sick. How many people in this
6 room know someone that has cancer? How many people
7 know someone that's on oxygen? How many people
8 have lost someone in their family and friends
9 because of -- because the industry that supported
10 our life-style, and how many of you are tired of
11 it.

12 I'm one of the new generation. I'm
13 one of the people who is choosing to stay here. I
14 have elderly neighbors that I care for. I had a
15 gentleman here on the commission -- on the board
16 for the peaker plant that was here the other day
17 that said about property values, he sells property.
18 He sells real estate. That one gentleman -- I
19 don't know what your name is -- that asked you to
20 justify why you decided to buy in Waukegan while
21 the generation plant was still downtown, still on
22 the lakefront. I want to know right now. I have
23 got a mother who is a senior citizen, who is on
24 oxygen and has health problems. I have had health

1 problems from living in this area and from being in
2 that water. Should I sell my house now and move?
3 I have got one kid going to college, and I need to
4 know because it is a quality of life issue.

5 Diane Kajfez bought the house that I
6 was looking at on Sheridan Road. I'm sorry,
7 Diane, great house, but I'm glad I didn't buy it.
8 Because I don't buy anything that you are saying
9 about smoke stacks, soil deterioration. I don't
10 buy any of it. Because unless you are living
11 there, and you have got children playing at the
12 beautiful parks that the park district has provided
13 us, if you have got elderly relatives in this
14 community, you can't tell us this isn't going to be
15 a problem for us. When we look at that lakefront,
16 we don't expect to look at 13 smoke stacks. That's
17 not what we want.

18 We have already -- We already paid
19 the price to build this community. We built Lake
20 County. This community built Lake County. We
21 support Gurnee. They have half our businesses now
22 as it is. And now we have to process their crap
23 for lack of a better word, and I mean no
24 disrespect. But those of you, especially those of

1 you who are 65 and older. You know we built this
2 community. You built this community. And in their
3 golden years, now they are going to have to worry
4 about where they are going to go because we are
5 going to have all this pollution down here. Their
6 livelihoods are at stake. Their homes that they
7 are retired to are at stake. Their health is at
8 stake. And you are going to give me a pat answer
9 when you don't have all the facts that we didn't
10 consider it, we didn't know about the incinerator.
11 That's bull because we are talking about people's
12 lives here.

13 And if anything, don't lie. And I'm
14 not saying that you are liars. My father always
15 said if you say someone is lying, you are calling
16 them a liar. And I'm not calling you liars. But
17 if you don't have all the facts, don't mislead
18 people like I was. I was mislead in 1971 to '75
19 when I got in that water and I swam. And over the
20 years -- I graduated in 1975. And I go back for
21 every high school reunion Waukegan has for my
22 graduating class. And every year another girl,
23 another guy has got cancer. I'm burying my
24 friends. And I would like to know if there has

1 been a health impact study done in this area of
2 what the cumulative effect this is going to be. We
3 have still got garbage down in that lakefront
4 that's poisoning us. And doesn't the water that we
5 give that services this area come from that lake?
6 Isn't that where our water source is coming from?

7 MR. ROMAINE: Yes.

8 MS. SAMANGOIE: So I don't know why people
9 from Gurnee aren't here. I don't know why people
10 from Libertyville aren't here. Because don't we
11 sell our water to Gurnee? But it's not in their
12 back yard. Libertyville is happy because the
13 peaker plant is not in their back yard, so they put
14 it down here in Waukegan.

15 Waukegan was told by one of the
16 lawyers from Kinder Morgan that he was going to
17 give us a pittance of 125 to our athletic
18 department. Waukegan is not poor. This is a rich
19 community in culture, in people, in our heritage.
20 People stick together here. We are not poor. We
21 are not some underprivileged community that has to
22 take a \$40 million package over 30 years.

23 And what I would like for you to know,
24 and I have told some of you this because it's not a

1 rumor, it might be a fact, there are groups that
2 are coming to Waukegan to fight this, environmental
3 groups that are coming to really fight this.
4 Because this isn't going to just affect Waukegan,
5 North Chicago, Zion, Winthrop Harbor. It's going
6 to be Lake Forest, Chicago, and anything that's
7 connected to this lake. And once they come, we
8 won't be able to stop it. And we are all old
9 enough to know what happened when Three Mile Island
10 happened, and it's going to happen to us. And
11 shame, shame on these people. The price of land in
12 Gurnee has gone up, so now we are going to burn it,
13 we are not going to bury it.

14 I'm not going to bury any more of my
15 friends or any more of my neighbors. And that's
16 what I would like for you to consider, that it is a
17 quality of life issue. When you can't breathe,
18 it's a quality of life issue. Thank you.

19 HEARING OFFICER SELTZER: Nedda Schledrin?
20 Is Nedda Schledrin here?

21 William McCaffrey?

22 MR. MC CAFFREY: I decline my request to
23 comment at this time. Thank you.

24 HEARING OFFICER SELTZER: June Maguire?

1 MS. MAGUIRE: Good evening. I live on
2 Sheridan Road north of where this project is
3 proposed. And I think there are a lot of questions
4 that need to be answered and haste makes waste. I
5 don't think we need to make any quick decisions on
6 this. There is a lot of unanswered questions. And
7 I can tell you that over ten years ago, I was a
8 member of a group of Waukegan citizens called
9 Focus 90. And with the closing of the industrial
10 plants down in the lakefront, we made some
11 decisions with what we would like to see in
12 Waukegan in the future. And the things that we
13 came up with were similar to what you now see in
14 Racine and Kenosha. That is the kind of future we
15 need in Waukegan. That has housing, it has
16 recreational activities. And they have gotten rid
17 of all of their industrial along the waterfront,
18 and it's now a very nice place to live. This is
19 what Waukegan is looking forward to.

20 And this plan that the North Shore
21 Sanitary District has I think would just put us
22 back many, many years from what we see that we
23 would like in the future. And some mistakes were
24 made when we had our landfill in Waukegan called

1 Yeoman Creek. For over ten years, that has been in
2 litigation. Mistakes were made. And it's costing
3 the taxpayers of Waukegan millions and millions of
4 dollars to try to rectify that. We don't need to
5 see another Yeoman Creek project on our lakefront.
6 Thank you.

7 HEARING OFFICER SELTZER: Thank you.

8 Paul Eagon.

9 MR. EAGON: It's Paul Eagon. I live at
10 1435 North Avenue. I'm not going to go into any of
11 the technicalities that we have been subjected to
12 tonight, which is fine. But I think common sense
13 should step into this program. And forget even
14 thinking about putting something on that lakefront
15 that you are. At this time we have started a
16 program and a study for reclaiming that lakefront
17 for purposes other than what you propose, and I
18 would respectfully submit or request that you
19 forget the whole thing and let common sense rule.
20 Thank you.

21 HEARING OFFICER SELTZER: Thank you.

22 We are going to take a short recess
23 now. But before we do that, I want to make a
24 statement or two. The people that are sitting up

1 here tonight have devoted their careers to working
2 for the environment and enough said about that.
3 Believe me, we all could do a lot better in the
4 private sector. So at least in my opinion, I think
5 the people I work with have their hearts in the
6 right places. I believe they do the best job they
7 can within the constraints that constrain them, and
8 that is the laws that they must follow.

9 Now, with regard to most of the
10 facilities that get permitted by this Agency, there
11 is very often a public human outcry against siting
12 a particular facility in a particular location.
13 Sometimes local zoning, which you all have more of
14 an input in through your local legislature as to
15 what your zoning ordinance reads, and sometimes
16 things can be controlled that way. The Agency has
17 no authority to act in those areas. In this case,
18 if, in fact, certain applicable laws apply, we will
19 look into that before a permit is not issued.
20 Maybe there does have to be a local siting process,
21 which is somewhat different than a zoning process
22 may be. And if, in fact, it's determined that that
23 law does not apply, the Agency cannot look into the
24 fact of whether or not a particular facility meets

1 its local zoning or whether or not a facility has
2 been sited in accordance with the environmental
3 laws that we have to follow.

4 That being said, let's take a ten-
5 minute recess.

6 (Whereupon a ten-minute recess
7 was taken.)

8 HEARING OFFICER SELTZER: We are going to
9 call our next person now. Susan Zingle.

10 MS. ZINGLE: My name is Susan Zingle. Some
11 of the questions I had have already been asked, but
12 I would like to tie some of them together. I think
13 as you noticed from our reaction in the audience I
14 take strong exception to your using the Kinder
15 Morgan modeling to try to dismiss some of the
16 people's concerns here. Your department has
17 multiple times rejected the Kinder Morgan
18 application as incomplete. And until it is
19 complete and there is a draft permit and we can all
20 see the modeling so we can share in this
21 discussion, I think the use of that information
22 here is inappropriate.

23 MR. ROMAINE: Thank you. I was wondering
24 if that might have been appropriate as well. I was

1 trying to respond to it. I apologize if it was
2 inappropriate.

3 MS. ZINGLE: But since you started it, I
4 will add their smoke stacks are 120 feet tall. So
5 it clears the bluff. If these stacks are, in fact,
6 85 feet tall, they won't clear the bluff. And
7 several people have talked about the soccer fields
8 and the park and the Waukegan air study, I would
9 like to tie that all together and officially
10 request that the IEPA use its administrative
11 discretion and require modeling of this permit,
12 which the precedence has been set with the peakers.
13 You can, in fact, require modeling on a minor, and
14 then come back, sit down with the City, who has an
15 environmental consultant, and put all these pieces
16 together.

17 They are trying to revitalize their
18 lakefront. They have got a coal-fired plant that
19 is just heinous. They have got maybe a Kinder
20 Morgan plant that is using effluent from this
21 plant, and we don't know what is in that effluent
22 so we don't really know what's coming out of the
23 stacks. If, in fact, the point of maximum impact,
24 which we have never seen, is north, the soccer

1 field is in danger. If the Kinder Morgan point of
2 maximum impact is north, so will this be. At a
3 breakfast this morning Exelon discussed their plans
4 to build a gas-fired 850 megawatt plant on the
5 Waukegan lakefront and that should be factored in
6 so that these folks know exactly what they are in
7 for.

8 I believe it may not technically fit
9 within the rules. You have expressed your intent
10 to be helpful and your intent to work with people,
11 do so. Go beyond the strict letter of the law and
12 use the discretion that you have.

13 As part of Kinder Morgan's
14 presentation at some of the zoning hearings, you
15 dismissed the issue of how close Waukegan might be
16 to the national ambient air quality standards. The
17 Kinder Morgan information may have been wrong, but
18 it showed that they are very close to hitting
19 national ambient air quality standards here. And I
20 don't know if this little plant would be enough to
21 put them over the top, but it's enough to limit
22 their future development potential here
23 significantly.

24 And I think all of that should be

1 looked at before this permit is issued in
2 conjunction with the City. And please, the next
3 time -- There is enough wrong in here. You are
4 going to have to rewrite the permit anyway. Come
5 back, have another hearing, bring a water sludge
6 sewage person with you, so all these questions get
7 tied together. Please.

8 The other thing I noticed earlier this
9 evening they mentioned that principally it's a
10 matter of particulate matter control, that there is
11 particulate matter from this; but I don't see any
12 reference to opacity in the permit. And so I would
13 think if particulate matter is an issue that
14 opacity should certainly be in the permit.

15 I further take exception a year ago
16 when we were working on Zion, not as part of the
17 hearing but in outside conversations, you yourself
18 described to me the lake effect air and, in fact,
19 that the ozone can get caught between the cool air
20 coming in off the lake and the hot air coming in
21 off the land and it sits on the lakefront and
22 cooks. Well, if it happens in Zion, it will happen
23 here. And I think that should be taken into
24 consideration not only with this permit but with

1 the Kinder Morgan permit, the coal plant, all of it
2 together. And that essentially was all that I had.
3 Thank you.

4 HEARING OFFICER SELTZER: Thank you.

5 John Matijevich.

6 MR. MATIJEVICH: Matijevich, John. First
7 of all, I met you fellows at the Beach Park hearing
8 on the Zion plant. And I want to commend you
9 because you allowed the citizens extra latitude
10 and not talk about air quality only. You did that
11 there and you are doing it here. And I commend you
12 because we citizens don't really have the
13 opportunity to speak on these issues. The Sanitary
14 District kind of crept up on us with this surprise.

15 And I might address one thing to you,
16 though. If I were you, I would kind of get a
17 little angered at the Sanitary District because --
18 And I think Mr. Masini mentioned it and somebody
19 else did, too. They have already ordered all this
20 equipment coming from Germany, ordered it to come
21 over here before they even had their hearing. You
22 know, to me that is, as Masini said, arrogance.
23 That is what this is all about, the arrogance of
24 the Sanitary District. You know, some of us say

1 people who are arrogant think their stuff doesn't
2 stink. I want to tell the Sanitary District, this
3 stuff really stinks. And what bothers me, that
4 they have gone ahead without a scintilla of input
5 from the public, nothing. Nothing in the public.
6 They just foisted it on us.

7 Now, I'm an old man. But there is one
8 advantage of being old. You remember some things
9 that some people didn't know existed because you
10 were old enough to remember it happened. And I was
11 hoping that Murray Counzelman, who is my age and
12 represents the Sanitary District, was here because
13 he would remember. I fought the Sanitary District
14 when they imposed a user fee. They said it was
15 more -- the fair way to charge people with water
16 usage as a user fee. And I want to remind them. I
17 used to get mad inside. And they got their way,
18 but I want to remind them what happened when they
19 finally put that user fee in. They had promised
20 that they were going to -- it was going to be a
21 transition off of our property tax. I don't know
22 if anybody is as old as I am here, but that's what
23 they said. They made a promise that we would
24 eliminate the property tax.

1 Now, some of these property taxpayers
2 jumped with joy last year, an election year,
3 because they reduced their property tax, got good
4 editorials, some people wrote letters to the
5 editor. I said to myself, reduce it, it's about
6 time they eliminate it, because that was back in
7 the '70s. So I want that arrogant Sanitary
8 District before they even talk about anything else,
9 get rid of the property tax. You promised you were
10 going to do it. It's been about 30 years I know,
11 get rid of it now.

12 Now, another thing, the general
13 manager of the Sanitary District, I didn't know
14 that they have studies; but I recall reading in the
15 newspaper he said they considered Gurnee, and they
16 considered one other, Gurnee and Highland Park.
17 But then they chose Waukegan, he said, because it's
18 in an industrial area. I don't know where
19 Mr. Jensen lives. But wherever he lives in Lake
20 County, I hope, he ought to realize that all the
21 talk has been that Waukegan is going to change the
22 image and really change the lakefront and remove
23 the industrial past of the lakefront. And instead,
24 we hear of power plants coming in, a sludge plant

1 coming in; and that to me is not the direction of
2 the lakefront, simple as that.

3 Now, I think the Sanitary District as
4 a public body ought to be able to get along with
5 the City of Waukegan, a public body. And for the
6 Sanitary District to say to its -- Waukegan, City
7 of Waukegan, that we don't have to listen to you,
8 all we need is an air quality permit and we
9 can haul this sludge wherever we want, I think
10 that's the height of arrogance of the Sanitary
11 District.

12 Now, somebody had mentioned -- In
13 fact, I think you fellows remember when I was up at
14 Beach Park, I said, "If something is bad, it's
15 going to go either in Waukegan, North Chicago, or
16 Zion." I left out Round Lake, I'm sorry, but I
17 should have known better, but add Round Lake to
18 that.

19 And somebody also mentioned the fact,
20 I don't think they raised it before, you know,
21 there is a matter of what we might term
22 environmental justice. You know, we are talking
23 about minority areas. And I think that the
24 Sanitary District is taking advantage of these

1 minority areas to put up something like this. And
2 I realize that you gentlemen are only here to talk
3 about air quality. But I think we have to talk
4 about water. We have got to talk about land uses,
5 and I surely hope that the Waukegan --

6 I don't want to see Waukegan and the
7 Sanitary District to get in a lawsuit. But if they
8 are going to put this crap on the lakefront, City
9 of Waukegan, there is nothing you can do but sue
10 them. And you are going to get a lot of help from
11 the public when you do sue them. We have had
12 enough.

13 And you know, we talk about air
14 ambient standards and all that. We citizens, I
15 hope, we have common sense. We like to say it just
16 stinks. You know, I don't care what you call it.
17 Going down, the trucks sit here on Grand Avenue,
18 someone said, that crap stinks. Nobody wants it.
19 And so I would hope -- I thank you, gentlemen, for
20 being here and for allowing us to go overboard and
21 speak to other issues besides air quality.

22 One other thing to show the arrogance
23 of the Sanitary District. I know that at least one
24 of commissioners is here. I served in the

1 legislature when we had redistricting of the
2 District. It's a process. And then when you are
3 through, you provide the public with maps to allow
4 the public to know where people can run from
5 Districts. The Sanitary District had three pages
6 this week of public notice, three pages; and all it
7 had was census tracks. Doesn't mean a damn thing
8 to the public. But in that public notice, they
9 said a map is being provided to the county clerk,
10 and that's by law because the county clerk has to
11 draw up for election purposes where somebody can
12 run.

13 But the state legislature, you saw a
14 map in the paper. County board redistricted, you
15 saw a map in the paper. Sanitary District, no map.
16 No map. They afraid somebody is going to run
17 against them? That again is the proof of
18 arrogance. So let's get off your arrogant you know
19 what and get rid of this issue. The public doesn't
20 want it. We don't need it. And let's do the
21 business of the public.

22 And before you do anything, before you
23 do anything, get rid of that property tax like you
24 said you were going to.

1 HEARING OFFICER SELTZER: Mark Hawn.

2 MR. HAWN: Mark Hawn, 104 Sheridan Court.

3 I'm on the North Shore Sanitary District, and I
4 appreciated John's comments. Nice to follow you,
5 John. I felt it a little important for me to come
6 up and make a couple comments. I feel the Illinois
7 EPA gets accolades for a lot of the work that they
8 have done. I look at the lake that we have had
9 that Mrs. Samangoie talked about swimming in and
10 maybe catching something from. But now that lake
11 is cleaned up and it's due to efforts of
12 organizations like yours that have led the fight in
13 cleaning that lake up and bringing it back to a
14 state that's safe to be in most of the time and
15 cleaning up and continuing to clean it up.

16 I think Waukegan has embarked on the
17 clean-up on the land at this point. I feel that a
18 lot of the comments tonight were justified. I
19 think when you have made a mistake, you have to
20 admit it; and I take those criticisms about not
21 going public with the proposed sludge plant to
22 heart and feel bad about not making a more public
23 issue of it.

24 However, tonight's meeting was called

1 upon by our staff and our board. I'm not making
2 any excuses for it at all, though. I would like to
3 see the facility itself located in a different
4 area. We have three options that I think are
5 viable. The Waukegan sewage treatment plant
6 facility is one option. The old North Chicago
7 sewage treatment facility is an option. And our
8 landfill that we currently use is an option.

9 I understand and respect the fact that
10 it would be substantially more money to put it at
11 the landfill, but I think the preservation of our
12 lakefront is very important; and it's a new day in
13 Waukegan where people are reclaiming the industrial
14 wasteland that it has been.

15 I did have one sticking point here
16 regarding the mercury levels. I know it was
17 addressed by three other people. But when you guys
18 hear or know of a regulation by the federal
19 government that is outdated or unhealthy for the
20 population and the residents, do you have to stick
21 to that; or can you make an adjustment within our
22 state to protect us, the citizens?

23 MR. ROMAINE: We certainly can. And the
24 emission levels that have been set for mercury are

1 well below the levels allowed by that outdated
2 regulation.

3 MR. HAWN: Okay. They are below the levels
4 of the outdated regulation, but it still sounds
5 pretty dangerous. That concerns me. I live very
6 close to the site. My grandkid comes over. What
7 level is okay to get into your system?

8 MR. ROMAINE: Well, I think the point
9 that's been made already that the concern for
10 mercury is due to by accumulation. It isn't a
11 health problem due to direct exposure. It's due to
12 eating too many fish that have been built up levels
13 of mercury in their bodies. So it's a problem that
14 there is too much mercury in Lake Michigan. The
15 fact that there is too much mercury in Lake
16 Michigan is a consequence of all the facilities in
17 the area that contribute to mercury to Lake
18 Michigan both through air emissions as well as
19 through direct discharges. So it's not a direct
20 health threat due to breathing it. It's a health
21 threat if you eat too many fish.

22 MR. HAWN: Well, I have stated my concern
23 regarding our potential to make the environment
24 worse; and it doesn't make me feel very good to do

1 that. I will say this, I think a lot of the
2 questions and issues that were raised tonight would
3 be answered at our board meeting. We meet on the
4 10th of this month at 7 p.m. We meet on the 24th
5 of this month at 10 a.m. Did I say the 10th we
6 meet at 7 p.m.? So any questions or issues that
7 people have, we are a governmental body and we
8 aren't the most out front one. We are the hidden
9 government body of Lake County. But no one has a
10 whole big interest in sewage treatment unless we
11 are stinking the place up, flooding your basement,
12 or trying to find a site to put this 200 tons a day
13 that comes to us.

14 It's not an easy thing to do. No one
15 wants sewage treatment in their back yard. But we
16 are saddled with that responsibility. We take it
17 on and we try to do as good as we can. We have
18 been awarded many accolades from the Illinois and
19 the USEPA. I think we do a good job at that in
20 terms of treating sewage and handling it.

21 I think we do a bad job at times and
22 maybe a lot of times politically in being out front
23 with the public. I hope that will improve. I
24 think we are just going to continue to try to work

1 with folks and stay out front as much as possible
2 and invite everybody to come to the meeting.

3 And John, I think we should have a map
4 in the paper. That should go in in the next week.
5 As soon as we get one, I think that should be
6 published. The tax, I don't know what to say on
7 that one. We are trying. And the sludge plant, I
8 would like to see moved to another location,
9 specifically the landfill in Winthrop Harbor.
10 Thank you.

11 HEARING OFFICER SELTZER: Bob Braden.

12 MR. BRADEN: Just want to touch on a
13 question about beryllium, which is in the draft.
14 And how does the draft change since it's now going
15 to be considered an incinerator related to
16 beryllium?

17 MR. ROMAINE: No. The issue of
18 incineration is related to mercury.

19 MR. BRADEN: Your draft states, currently
20 the draft states in 1.1.4, "Nonapplicability of
21 regulations of concern." And then in part B of
22 that, it states "This permit is issued based on the
23 melting process not being subject to the National
24 Emission Standards for the Hazardous Air Pollutants

1 (NESHAP) for beryllium."

2 Then part C says, "This permit is
3 issued based on the sludge dryer not being subject
4 to the National Emission Standards for Hazardous
5 Air Pollutants (NESHAP) for mercury." 40 CFR,
6 part 61, subpart E, "because the sludge dryer is
7 heated indirectly." So my question, how is the
8 current draft -- How does it address beryllium?

9 MR. ROMAINE: It does not have specific
10 requirements for beryllium. Beryllium has not been
11 identified as one of the contaminants that is
12 present in sewage treatment sludge that is worthy
13 of I guess oversight.

14 MR. BRADEN: Is it in the draft because of
15 the Illinois EPA, or is it in the draft because of
16 the North Shore Sanitary District?

17 MR. ROMAINE: I would say it's in the draft
18 because of the North Shore Sanitary District. The
19 North Shore Sanitary District provided some
20 information on the very small trace levels of
21 beryllium present in the sludge, but this facility
22 is not considered an incinerator for purposes of
23 the beryllium National Emission Standard for
24 Hazardous Air Pollutants. So it's an incinerator

1 for one rule but not an incinerator for another
2 rule.

3 MR. BRADEN: So are we considering it an
4 incinerator based on mercury?

5 MR. ROMAINE: Yes.

6 MR. BRADEN: Okay. I would like to read a
7 brief statement from Merck's Manual of Chemicals
8 related to mercury. And the previous statement
9 that you made about inhalation -- Let me just find
10 my spot here. Bear with me.

11 Okay. It says, first it says that
12 mercury is poisonous. It also says that
13 "... readily absorbed via respiratory tract
14 (elemental mercury vapor, mercury compound dust),
15 intact skin and GI tract." Then it goes on to say
16 that it has "violent corrosive effects on skin and
17 mucous membranes causing severe nausea, vomiting,
18 abdominal pain, bloody diarrhea, kidney damage,
19 death usually within ten days." I'm sure that's
20 related to a lethal dose, 50 percent.

21 However, if people live in the City of
22 Waukegan within breathing distance of discharge of
23 mercury vapor or mercury dust, we are going to be
24 exposed to this long-term. Our children are going

1 to be exposed to it. All the residents that live
2 close and breathe are going to be. So that's my
3 point as far as mercury is concerned.

4 Question about monitoring. Since it
5 was stated that there are no monitors in Waukegan,
6 it seems to be right now we have the coal plant.
7 Coal plant has been here for over -- probably over
8 50 years. Maybe 40. I'm not sure. It's been
9 polluting all the time since it's been here. We
10 have no monitors. We have had a lot of industry
11 but we have no monitors. So when someone says we
12 want to have more industry, we still have no
13 monitors. So the only thing we can rely on is
14 modeling. And modeling is -- is modeling. It's
15 subjective conjecture.

16 MR. ROMAINE: Modeling is a specific
17 engineering technique to make sound estimates of
18 future concentrations. It is a technique that has
19 been developed to be conservative, to overestimate
20 concentrations. When modeling is performed, it's
21 also usually done in conjunction with some idea of
22 monitoring data. We do have monitors throughout
23 the state. We have monitors in other areas that
24 have more concentrated sources of emissions. We

1 have monitors in the loop. We have monitors around
2 Lake Calumet where we have steel industry. We have
3 monitors around other large coal-fired power
4 plants. So we have information from monitors that
5 does give us a very good idea of what the
6 background levels of air quality are throughout the
7 state.

8 MR. BRADEN: Next is that the City is
9 currently making an application to the Urban Land
10 Institute to provide them with a plan which
11 encompasses 1500 acres of the lake including the
12 lakefront. The Urban Land Institute is a non-for-
13 profit organization that gave the input into the
14 Racine Harbor. It was the planning organization
15 that made the plan for the Racine Harbor.

16 Beginning in the last year, Waukegan
17 has been besieged by applications for peaker
18 plants, base load power plants, and a recent one
19 was made public in the paper by Exelon, which is
20 the parent company of I believe Commonwealth Edison
21 to -- Whether they have made application or not,
22 I'm not aware, but to seek permit application for
23 at least two peakers plants on property that they
24 already own.

1 So I guess what I'm -- Is there a way
2 to take all of this into consideration as far as
3 your approval or disapproval of the permit
4 application until all of these pieces of the puzzle
5 can be put together?

6 MR. ROMAINE: The process that's used in
7 air permitting is that people applying for permits
8 have to look at the conditions that they are going
9 into. So it is certainly appropriate to ask the
10 North Shore Sanitary District to evaluate their
11 impacts considering there is a Midwest Generation
12 facility there, that there is a Gypsum plant there.
13 It is not appropriate to allow them to evaluate
14 projects that we don't even have applications for.

15 What happens is if those other
16 projects proceed, when that project comes into us,
17 that project would then have to address the people
18 that are there, plus the North Shore Sanitary
19 District, assuming it gets a permit, and
20 demonstrate that given the environment, the
21 circumstances it's going into, it should receive a
22 permit.

23 MR. BRADEN: So as far as the Illinois EPA
24 is concerned, and not me -- I think a citizen

1 requesting North Shore Sanitary District to be
2 aware of what other people are doing, as
3 Mr. Matijevich said, I believe they believe that
4 they don't have to answer to anybody except maybe
5 the federal EPA and the Illinois EPA; but I don't
6 want to speak for them.

7 My question is what does the Illinois
8 EPA do in situations like this where you have
9 multiple pieces of the puzzle, and you just see
10 various applications. Maybe one application in
11 this case, probably two; but, you know, Kinder
12 Morgan and North Shore Sanitary District.

13 MR. ROMAINE: Well, as I said, we look at
14 them in sequence. If we only have one piece of the
15 puzzle, that one piece has to show it's fitting
16 into the existing puzzle. The next piece that
17 comes along has to show that it works with that
18 other piece plus the rest of the puzzle. So in
19 sequence, the later applications have to address
20 the things that come before them.

21 MR. BRADEN: In this case, is there a
22 chance that you could look at the pieces of the
23 puzzle together? Is there a way that you can?

24 MR. ROMAINE: No.

1 MR. BRADEN: You cannot override
2 bureaucracy is what I'm saying.

3 MR. ROMAINE: We don't have the other
4 pieces of the puzzle. We don't have an application
5 from Exelon to put in a new power plant. We have
6 an application for Kinder Morgan. As I explained,
7 Kinder Morgan has addressed the North Shore
8 Sanitary District to show that their project works
9 based on the evaluation they performed with North
10 Shore Sanitary District in place. Because their
11 application came in, the North Shore was first, as
12 has been pointed out, Kinder Morgan's application
13 was deemed incomplete several times. So North
14 Shore Sanitary District is earlier in the queue
15 than Kinder Morgan.

16 MR. BRADEN: So there basically -- I know
17 you are constrained by the laws. But I'm asking is
18 there any special consideration that can be given
19 in situations where the applications are very close
20 and they have other compounding effects.

21 HEARING OFFICER SELTZER: I don't know how
22 else we can say this, there is no -- There is
23 nothing called special consideration that allows us
24 to go outside the law.

1 MR. BRADEN: Within the law.

2 HEARING OFFICER SELTZER: I don't think you
3 as a citizen of the State of Illinois would want
4 any Agency to start operating independently outside
5 the law. I don't know if that answers your
6 question, but that's the way we have to proceed.

7 MR. BRADEN: Let me --

8 MR. ROMAINE: What --

9 MR. BRADEN: What if it's a day apart?
10 What if you receive the applications a day apart?
11 You just proceed then because one was first?

12 MR. ROMAINE: As has been pointed out here,
13 we have not yet gone through the initial review of
14 the Kinder Morgan application to determine if it's
15 complete, which is certainly a valid criticism of
16 my comments. We have a draft permit. We have
17 completed our preliminary review of the North Shore
18 Sanitary District project, and we are looking for
19 comments. So the North Shore Sanitary District is
20 well in advance of the Kinder Morgan project.

21 The other thing that I have heard
22 through comments in the hall is there is the
23 possibility that the City of Waukegan will not
24 accept the Kinder Morgan project. So to hold the

1 North Shore Sanitary District accountable for a
2 project that may proceed, as Mr. Seltzer has
3 indicated, goes beyond our authority under law.

4 MR. BRADEN: Okay. That's all. Thank you.

5 HEARING OFFICER SELTZER: Thank you.

6 Francis Farmer maybe.

7 MS. FORNERO: My name is Frances Fornero.

8 Just a brief comment. I'm not too
9 impressed by this Sanitary District's emphasis on
10 what they are going to do with odor control. At
11 the present plant, I think it's on Delaney Road,
12 oh, Plain Road, in Gurnee, they have a horrible
13 odor that assails the people in the area. And they
14 can't be out in the summertime enjoying their yard
15 because of this. And they have apparently said
16 that they were going to address it, and they were
17 going to do this, and they were going to do that;
18 but it has not been corrected. I just talked to a
19 friend of mine who lives in that area today, and
20 she said it was horrible.

21 We in Waukegan have experience with
22 odor-producing industrial plants. When I was --
23 Back in the '30s when I was in Holy Child High
24 School, we had the tannery, which was located in

1 the general area where this plant will be. And it
2 sent a horrible odor up the hill onto Sheridan Road
3 and beyond. We endured that. Then later on in,
4 say, the '50s, we had another terrible odor coming
5 from Abbott Laboratories that went on for years.
6 Now I think they have taken care of it. But I just
7 don't think we deserve to go through something else
8 like that. We have served. Thank you.

9 HEARING OFFICER SELTZER: I don't have any
10 more cards indicating anybody wanted to make a
11 statement or ask questions. But before we adjourn,
12 I want to ask is there anybody that does want to
13 make a statement or ask a question that hasn't
14 indicated on a card and already called up.

15 I just want to see if there is anybody
16 that hasn't spoken that wishes to. Looks like no.
17 So Mrs. Owen, why don't you come forward; and you
18 will be next.

19 MS. OWEN: Thank you. I have a few
20 additional comments. I'm a great believer in
21 involving the public in this process. I think
22 having a hearing about a clearly erroneous draft
23 permit and coming here and telling us there were
24 additional letters submitted but nobody bothered to

1 file this additional information at the public
2 library really was a travesty of this public
3 process.

4 The other thing I want to mention is
5 that John Matijevich kind of touched on
6 environmental justice issues. I know that the IEPA
7 can look at environmental justice issues; and I
8 would like to ask you to do that. Please.

9 Yes, the erroneous draft permit. The
10 only other comment I have on this, I can find no
11 testing standards in this permit. I don't
12 understand the permit. There is something really
13 wrong with this one, but I think we made this clear
14 tonight.

15 And I would like and my final comment
16 would be for the hearing officer, I would like you
17 to consider, please, to keep public comment open
18 long enough to have the Versar study by the park
19 district included in the record. Thank you.

20 HEARING OFFICER SELTZER: Thank you.

21 Sir.

22 MR. HIRSCH: It's late. We are tired.
23 You're tired. I just want to ask one thing and
24 that is, given all of the questions that were

1 raised tonight, I think we are looking at a major
2 rewrite in this permit application. Will there be
3 another hearing to review the revised hearing
4 application so that all the folks here -- I was
5 lucky. I got wind of this thing early. No pun
6 intended, thank you. I got wind of this early and
7 was able to do some homework. There are a lot of
8 people here that would like to have done some
9 homework as I did. Will there be another public
10 hearing on this topic after we get a new permit
11 application?

12 HEARING OFFICER SELTZER: Thank you for
13 your comments. We will talk about that.

14 Let's go off the record for a minute.

15 (Discussion outside the record.)

16 HEARING OFFICER SELTZER: Is there anybody
17 else that has any comments this evening? Yes.

18 MS. SHORTS: Peggy Shorts again. Mark, did
19 I hear you right that you said that North Shore was
20 the one that asked for this hearing, that they
21 requested it?

22 MR. HAWN: Yes.

23 MS. SHORTS: Then my question is where the
24 heck are they? I mean I appreciate you being here,

1 but nobody else is here.

2 MR. HAWN: Well, some of our staff was
3 here. I thought we were going to get introduced at
4 the beginning. This is -- They are running the
5 meeting. It's their format. We asked them to
6 come.

7 MS. SHORTS: It would be nice if we knew if
8 there were some people from North Shore here, and
9 especially if some of the other elected board
10 members were here.

11 MR. HAWN: Mark, our general manager is
12 here.

13 HEARING OFFICER SELTZER: Let me just say,
14 it's my fault. I did mean to do it and I forgot
15 completely.

16 So at this time I will ask if there
17 are those that are present representing North
18 Shore, if they would stand up and identify
19 themselves in their capacity, please.

20 MS. SHORTS: Because I think we need to
21 know that.

22 MR. JENSEN: Brian Jensen. I am the
23 general manager of North Shore Sanitary District.

24 The gentleman that left already at the

1 break was Jim Swarthout. He's the president of our
2 board. He was also here this evening. He has got
3 a flight at 5 o'clock in the morning to go to the
4 airport, so he left.

5 MR. OSA: I'm Rick Osa with STS
6 Consultants. I was involved in preparing the air
7 permit application.

8 MR. DORN: Brian Dorn, special projects
9 manager of North Shore.

10 MR. PRILLAMAN: Fred Prillaman from
11 Springfield, one of the attorneys for the Sanitary
12 District.

13 MS. SHORTS: Thank you. I appreciate that.
14 I just hope that you gentlemen took note of all of
15 our comments and all of our concerns, and the fact
16 that I think most of us here feel you -- that your
17 organization has been pretty arrogant in not
18 involving us in this process earlier. Thanks.

19 HEARING OFFICER SELTZER: Thank you.

20 MR. MC SHANE: My name is Larry McShane.
21 This one -- Just a few more comments. You know,
22 it's been a long time since high school and even in
23 high school I didn't take any chemistry lessons.
24 But I see on page 4 here, I see these pollutants

1 listed. I don't know even know what those are. I
2 think it's very important if they were put in names
3 that we could identify. For instance, what's VOM?
4 What is VOM? I don't know what that is.

5 MR. SCHNEPP: Well, it's volatile organic
6 material.

7 MR. MC SHANE: What is PM?

8 MR. SCHNEPP: Particulate matter.

9 MR. MC SHANE: N-O with the little X is
10 nitrous oxide. Is that what that is?

11 What's CO?

12 MR. SCHNEPP: Carbon monoxide.

13 MR. MC SHANE: What's this SO₂ that I heard
14 some comment about that smells like firecrackers?

15 MR. SCHNEPP: Sulfur dioxide.

16 MR. MC SHANE: Now, I heard tonight that
17 the law only permits the board here to look at
18 quality of air rather than quality of life issues.
19 And yet, I look at these charts here on page 4 and
20 look here under nitrous oxide, that there is a
21 projection of 85 tons plus a year of this stuff
22 going up from this plant? Is that right? Am I
23 reading that right?

24 MR. SCHNEPP: From the melter, yes.

1 MR. MC SHANE: Right, from the melter.

2 MR. ROMAINE: That is the amount that would
3 be permitted, that is correct.

4 MR. MC SHANE: How much would they be
5 likely to emit?

6 MR. ROMAINE: It depends on the level of
7 operation. But for our purposes, we would assume
8 at this stage they would emit the full 85 tons.

9 MR. MC SHANE: You know what, again I'm not
10 a chemist or an engineer, but to me a ton was
11 always a lot of stuff. And when I hear there is
12 going to be 85 tons of this stuff put in the air
13 that isn't there right now, that sounds like a lot
14 of stuff. And that's not all of it. There is more
15 on several graphs underneath, more of this nitrous
16 oxide. And that's just some of the stuff. That's
17 just some of many, many tons of stuff that's going
18 to be going up into the air, pollutants.

19 So, you know, let's put it this way,
20 if we can't look a little -- if the law doesn't
21 permit us to look at quality of life issues, then
22 quality of air issues is what this is about. I
23 don't see how our quality of air improves when we
24 are putting hundreds of additional tons of this

1 stuff in the air. Thank you.

2 HEARING OFFICER SELTZER: Peg Braden.

3 MS. BRADEN: I just had -- When Mrs. Owen
4 mentioned environmental injustice -- Is that what
5 you said?

6 MS. OWEN: No. Environment justice.

7 MS. BRADEN: Environmental justice. Can
8 you expand on that exactly? What did that --
9 Either one of you. I don't really care. What did
10 you mean? I mean because to me it seems like there
11 is an environmental injustice and considering that
12 Waukegan has a very high minority population.
13 Someone during the break made the comment to me,
14 "Now, where is the rest of Waukegan." The rest of
15 Waukegan is -- A lot of Waukegan is low income and
16 they are not here because they are working two jobs
17 trying to -- You know, both the mother and the
18 father, four jobs, trying to make ends meet for
19 their families.

20 It takes a lot of work to be able to
21 come to all these meetings that so many of us have
22 been coming to this past month, month and a half,
23 with the Kinder Morgan power plants and now this
24 and finding the time to do that. That is one of

1 the reasons why there isn't a lot of people here in
2 Waukegan. I think that's one of the reasons why
3 North Shore Sanitary District wants to put the
4 plant here because they knew there wouldn't be a
5 lot of people here because of the low income,
6 minority population of Waukegan. And so I
7 certainly do hope that the Illinois EPA looks at
8 the environmental justice if that's what I think we
9 are talking about. Thank you.

10 MR. PAUL HAWN: Paul Hawn from 405
11 Longview. Have the permits been issued, or when
12 are they going to be issued?

13 HEARING OFFICER SELTZER: We don't know if
14 it will be issued, but it has not been issued yet.

15 MR. PAUL HAWN: When would they be issued?

16 HEARING OFFICER SELTZER: Can't say at this
17 time.

18 MR. PAUL HAWN: Okay. That's it.

19 HEARING OFFICER SELTZER: Thank you.

20 Anybody else?

21 MR. CZAJKOWSKI: Roy Czajkowski,
22 509 Sheridan Road. It's my understanding that
23 today there was an agreement between IEPA and USEPA
24 on new air standards. Will this permit reflect

1 that, the new standards that have come out for
2 IEPA?

3 MR. ROMAINE: I'm not familiar with the
4 specific new air standards you are referring to.
5 Could you elaborate, please.

6 MR. CZAJKOWSKI: Yes. That's for nitrous
7 oxide emissions for power plants and industrial
8 locations.

9 MR. ROMAINE: What the USEPA found was that
10 Illinois' program to reduce emissions from existing
11 coal-fired power plants as well as new natural gas-
12 fired plants met the federal requirements. We have
13 a program that's been put in place in Illinois,
14 like programs in a lot of the Midwest and the
15 northeastern states, to substantially reduce the
16 nitrogen oxide emissions from coal-fired power
17 plants in particular to help comply with the ozone
18 air quality standards. I believe you are referring
19 to the USEPA's approval of Illinois' NOx trading
20 program.

21 MR. CZAJKOWSKI: Yes. And I guess, well,
22 my question centers around specifically does this
23 permit or will this permit reflect the new
24 standards? Does it now?

1 MR. ROMAINÉ: This, as I said, this project
2 is not a particularly small project. It is not big
3 enough to be brought into that program. It is not
4 one of the sources of the magnitude that's been
5 targeted for further reductions.

6 MR. CZAJKOWSKI: This specific project?

7 MR. ROMAINÉ: This specific project, that's
8 correct. Again, making the point as I mentioned
9 before, you are looking at a facility like Waukegan
10 or Midwest Generation's Waukegan plant who emits on
11 the order of --

12 MS. ZINGLE: 7,900.

13 MR. ROMAINÉ: What is the number, Susan, if
14 you know?

15 MS. ZINGLE: 7,900.

16 MR. ROMAINÉ: Most recent emissions are
17 actual emissions of 7,900 tons per year of NOx.

18 HEARING OFFICER SELTZER: Yes, ma'am.

19 MS. WINDBERG: Jean Windberg. In light of
20 what's happened in the past three weeks, I think
21 that we are very, very vulnerable in this area.
22 And the more things we put up at the lakefront, the
23 more towers, the more vulnerable we are.
24 Especially when we have a nuclear plant in Zion

1 that is not operating at the present time. It's
2 filled with nuclear waste. We also have
3 Great Lakes Naval Training Center to the south of
4 us, which is the only training center in our
5 country. And if any of you drove by Great Lakes a
6 couple of weeks ago, you would be well aware of how
7 strategic that place is. I think that we need to
8 be very, very careful about putting towers up in
9 our area. Thank you.

10 HEARING OFFICER SELTZER: Thank you.

11 Anybody else?

12 MR. MEYERS: My name is David Meyers,
13 107 North Martin, Waukegan, Illinois.

14 Reminds me of the guy that got out of
15 jail and he told me, he says, "Drink a lot of water
16 and walk slow." And I have been doing that. I was
17 born and raised at Lake Forest, Illinois, moved to
18 North Chicago, worked at Johnson Motors. I swam in
19 the lake, was raised in the lake. And my mother
20 took me down there to swim in that lake because we
21 didn't have air conditioning or anything, and it
22 was just a blessing for us them days.

23 I got -- I went to school here in
24 Waukegan. I got a job at Johnson Motors. Thank

1 God for Mr. and Mrs. Raniak for moving their
2 bicycle shop here from Indiana. They give me an
3 opportunity to make a living, to feed my family.
4 And I worked there for 41 years, and I ate a lot of
5 that PCP stuff. I lived in North Chicago. And I
6 smelled a lot of Abbott Laboratories' egg shells
7 off of -- The paint used to peel off the house.

8 My in-laws come off the farm from
9 southern Illinois where there was no work when
10 there was 27 percent unemployment, no jobs. They
11 came to Johns Manville and Mr. Manville give them a
12 job. So I think there is room in this world for
13 all of us, you know. And it's not a perfect world.
14 And I just am grateful that we do have such a great
15 country here.

16 With Great Lakes, I saw them bring
17 100,000 people through there during World War II
18 when Adolf Hitler started that stuff there. And I
19 think -- I don't buy no bottled water either. I
20 get my water right out of there, and I go swimming
21 down there every year. And I just thank God for
22 Lake Michigan.

23 And I think the government here, what
24 they are doing here in this great country from the

1 international waters up there with the alewives and
2 all this whole thing. I think it's the greatest
3 country in the world. And I think Waukegan and
4 Illinois' pollution and EPA, they cleaned up all
5 the PCPs down there at Johnson Motors. They got
6 rid of Johns Manville, and they made Abbott
7 Laboratories clean up their act. They also made
8 American Steel & Wire clean up their act. So I
9 think we are progressing, and we have got a lot to
10 be thankful for here. Thank you for listening.

11 HEARING OFFICER SELTZER: Anyone else?

12 My job here this evening is really to
13 try and make a clear record for the people that are
14 going to review the record to have. I didn't do a
15 good job tonight because in order to make a clear
16 record I'm supposed to limit the testimony to the
17 issues that are cogent in the sense that those are
18 the issues that have to be reviewed by our permit
19 reviewer.

20 We went far afield tonight. On the
21 other hand, a lot of important issues were raised
22 this evening. One of the comments made during the
23 hearing process was whether or not the Agency
24 should have had some people here from some of the

1 other disciplines rather than only the air
2 pollution control discipline.

3 Based on the testimony really that was
4 offered tonight, the comments that were offered
5 tonight that went far afield but may be very
6 important for the Agency to review, what I'm going
7 to do at this point is I'm going to extend the
8 record close date from November 3rd to
9 November 15th at this time.

10 So there will be no notice indicating
11 that the record will close at a later date than was
12 originally noticed. So at this point, the record
13 will close November 15. That doesn't mean,
14 necessarily, that the record may not be extended
15 again before it closes.

16 As soon as the transcript from
17 tonight's hearing is received by the Agency, it
18 will be placed on the Agency's web page for anybody
19 interested to review that transcript. The exhibits
20 that were offered into evidence tonight from this
21 point on will be available to anybody that requests
22 those exhibits.

23 I want to thank you all for your
24 participation tonight. It's been an interesting

1 hearing and have a safe trip home. Thank you all.

2 * * *

3 (Which were all the proceedings

4 had in the above-entitled

5 cause.)

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1 STATE OF ILLINOIS)
2) ss.
3 COUNTY OF DU PAGE)
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7 I, JANICE H. HEINEMANN, CSR, RDR, CRR,
8 do hereby certify that I am a court reporter doing
9 business in the State of Illinois, that I reported
10 in shorthand the testimony given at the hearing of
11 said cause, and that the foregoing is a true and
12 correct transcript of my shorthand notes so taken
13 as aforesaid.
14
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16

17 Janice H. Heinemann, CSR, RDR, CRR
18 License No. 084-001391
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