

1 BEFORE THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

2 IN THE MATTER OF: PROPOSED RENEWAL)
3 OF THE FEDERALLY ENFORCEABLE STATE)
4 OPERATING PERMIT FOR GRIFFITH)
5 LABORATORIES U.S.A., INC., CHICAGO)

6 REPORT OF PROCEEDINGS taken at the
7 hearing of the above-entitled matter, held at
8 1915 West 35th Street, Chicago, Illinois, before
9 Hearing Officer Bradley Frost, reported by
10 Janice H. Heinemann, CSR, RDR, CRR, a notary public
11 within and for the County of Du Page and State of
12 Illinois, on the 3rd day of April, 2002, commencing
13 at the hour of 7:00 p.m.

14 IEPA APPEARANCES:

15 MR. BRADLEY FROST, Hearing Officer/Community
16 Relations;

17 MR. VALERIY BRODSKY, BOA, Permit Engineer;

18 MR. HARISH DESAI, BOA, Unit Manager, Permit
19 Section;

20 MR. EMILIO SALIS, Field Operations.

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I N D E X

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EXHIBITS

(No exhibits marked.)

1 HEARING OFFICER FROST: My name is Brad
2 Frost. I'm with the Illinois Environmental
3 Protection Agency, and I'm acting as the Agency
4 hearing officer tonight. I want to thank you all
5 for coming.

6 We are here tonight to discuss a draft
7 federally enforceable state operating permit for
8 Griffith Laboratories. I have Agency staff here,
9 and I'm going to have them introduce themselves in
10 a second. They are going to be discussing what the
11 FESOP is and what this company specifically is. We
12 also have members of the company here tonight.
13 They are going to make a brief presentation and
14 introduce themselves.

15 I want to ask everyone who comes in to
16 fill out a registration card. That way we have
17 your name and your address. At the end of these
18 proceedings we will mail you out what our Agency's
19 decision is, and we will respond to all of the
20 questions and comments that are brought up at the
21 hearing tonight and in writing until the close of
22 the comment period. The comment period itself, we
23 are accepting written copies -- We are accepting
24 comments until May 3rd of 2000, written comments.

1 And if you pick up a copy of our handouts over
2 there, it gives you all the information on where to
3 send it and who to send it to.

4 Okay. I guess I'm going to have the
5 Agency staff introduce themselves now. We will
6 start with --

7 MR. SALIS: Good evening. My name is
8 Emilio Salis. I work for Illinois Environmental
9 Protection Agency, field operation section. We are
10 based in the Chicago area. Our office is in
11 Des Plaines. And if you have any interest in
12 contacting us ever, I have some business cards here
13 in front that you can have.

14 MR. DESAI: My name is Harish Desai. I'm
15 from the Illinois EPA, Division of Air Pollution
16 Control, Permit Section. I'm one of the unit
17 managers in the permit section.

18 MR. BRODSKY: My name is Valeriy Brodsky.
19 I'm a permit engineer with Illinois EPA. And I was
20 assigned to work with Griffith Laboratories'
21 application, and I helped draft this FESOP.

22 HEARING OFFICER FROST: And again, my name
23 is Brad Frost. I'm kind of in a dual capacity.
24 I'm the community relations officer assigned to the

1 site. I'm also acting as Agency hearing officer
2 tonight.

3 To go over real quick again the agenda
4 for the hearing, Harish and Valeriy are going to
5 make a brief presentation about the company. Then
6 the company is going to make a very brief
7 presentation. And then we are going to -- Anyone
8 who filled out a card and marked that they wanted
9 to make oral comments, we are going to go through
10 those cards in the order you submitted them. And
11 then we will open it up to anyone who didn't fill
12 out a card or didn't mark that they wanted to make
13 oral comments.

14 Okay, Harish or Valeriy.

15 MR. BRODSKY: Good evening, ladies and
16 gentlemen. My name is Valeriy Brodsky. I have
17 been working as a permit engineer with Bureau of
18 Air of the Illinois EPA for eight years. I would
19 like to thank everyone for coming here and for your
20 interest in environmental issues.

21 Now, let me briefly review the events
22 that brought us together tonight. The operation of
23 Griffith Laboratories have been permitted at this
24 location since 1975. The company manufactures

1 hydrolyzed vegetable protein products and some
2 flavor ingredients for the food industry. The
3 protein raw materials such as soy meal, corn
4 gluten, and other protein sources are cooked in
5 concentrated hydrochloric acid until amino acids
6 are formed as a result of chemical breakdown. The
7 amino acid slurry is then neutralized using sodium
8 hydroxide creating sodium salts, amino acids, and
9 sodium chloride, another name for table salt. The
10 next steps are liquid filtration to separate
11 insoluble materials from the soluble protein and
12 water evaporation to retrieve the final product,
13 dry powder hydrolyzed vegetable protein.

14 In December 1995 Griffith Laboratories
15 applied for and received a federally enforceable
16 state operating permit abbreviated as a FESOP with
17 expiration in 2001. The company voluntarily
18 proposed and accepted a set of federally
19 enforceable production and operational limitations
20 restricting the facility's emissions below major
21 source threshold levels. All limitations were
22 accompanied with corresponding monitoring,
23 recordkeeping, and reporting requirements. In the
24 case of Griffith Laboratories, the pollutants of

1 concern were hydrogen chloride, major source
2 emission threshold 10 tons per year, and
3 particulate matter with diameter less than 10
4 microns, major source emission threshold 100 tons
5 per year. The FESOP limits were set at 8.5 tons of
6 hydrogen chloride and 7.7 tons per year of
7 particulate matter.

8 All emission units at the facility are
9 well controlled. The company performed a stack
10 test to measure particulate matter emission from
11 the scrubber which controls the majority of
12 emission units. The emission of hydrogen chloride
13 was calculated based on the process parameters and
14 the control equipment manufacturer's
15 specifications.

16 In April 2001, Griffith Labs applied
17 for renewal of their FESOP. The company notified
18 the Illinois EPA that they had performed recently a
19 new stack test which indicated the presence of
20 volatile organic material, acetic acid, and showed
21 particulate matter emission higher than permitted,
22 apparently because of a decrease in the control
23 device efficiency. However, even with the
24 increased emission rate, the particulates emission

1 was in compliance with applicable regulations. The
2 draft of the FESOP renewal sent to public notice
3 included volatile organic materials emissions and
4 increased permitted limits on emission of
5 particulate matter.

6 Normally, public hearing is not a
7 mandatory requirement for the issuance of a FESOP.
8 But because of significant public interest and
9 concerns in this case, the Director of Illinois EPA
10 has requested a public hearing to give the citizens
11 an opportunity to express their concerns, to become
12 more familiar with the company's operations and its
13 efforts in improving of environmental situation.

14 Final action on this application will
15 not be taken until the Agency has reviewed all
16 comments received during the public participation
17 period including today's hearing. If you have any
18 questions, my supervisor, Harish Desai, and I would
19 be glad to answer them. Thank you for your
20 attention.

21 HEARING OFFICER FROST: Okay. Thank you,
22 Valeriy.

23 Could we go off the record a second.

24 (Discussion outside the record.)

1 HEARING OFFICER FROST: Back on the record.
2 Okay. I believe we have Bob Krall from Griffith
3 Labs here to make a presentation next.

4 Please come up to the podium and say
5 your name and spell your name for the court
6 reporter and then proceed.

7 MR. KRALL: Hi. My name is Bob Krall.

8 Good evening. I am Bob Krall, the
9 Director of Operations for Griffith Laboratories at
10 the 37th Street plant.

11 Thank you all for coming to this
12 public hearing to discuss the renewal of our
13 operating permit. This permit, which is required
14 under the Clean Air Act, imposes limits on our
15 emissions and prevents Griffith from exceeding
16 these limits.

17 Because of some questions we have
18 received from community residents, I want to make
19 an important clarification that I hope will answer
20 questions that some of you here tonight might have.

21 This hearing is about the renewal of
22 our permit and not about an expansion of our
23 facility. Our operating permit must be renewed
24 every five years. We have no plans to add

1 production equipment that would increase emissions
2 under this permit.

3 We have talked with the Illinois EPA
4 about installing a new cooker utilizing new
5 technology that will reduce emissions. This
6 information was included in some documents you may
7 have seen. The plan was to replace an old cooker.
8 We have no plans to install additional cooking
9 equipment.

10 Most of you are probably familiar with
11 the name Griffith Laboratories but may not know
12 about the type of business we operate. Griffith
13 Labs is a family-owned company and has been
14 producing food products at the 37th Street plant
15 since 1929. We started out manufacturing products
16 for the meat industry. We currently produce
17 hydrolyzed vegetable protein, which is a product
18 made from corn, soy, and wheat. It is a seasoning
19 ingredient that goes into food products such as
20 crackers, soups, gravies, flavored rice, just to
21 name a few.

22 We realize that the production of food
23 ingredients can create occasional odors. That is
24 why we have been working with the McKinley Park

1 community since the summer of 2000 to identify
2 specific sources of odors from the facility so we
3 can better control them.

4 We installed a telephone hotline to
5 receive comments or complaints on odors in the
6 neighborhood. We share this information with the
7 City of Chicago Department of Environment and the
8 Alderman's office on a weekly basis. I brought
9 flyers with the phone number if you are interested.
10 We attend Beat 922's monthly CAPS meetings to keep
11 in touch with our neighbors. We also update the
12 DOE and the Alderman's office with monthly progress
13 reports.

14 Based on studies we have performed and
15 information we have received from the community, we
16 have taken a number of steps to reduce odors, from
17 changing the timing of certain processes to
18 altering the chemistry of our emissions. Over the
19 past year and a half, we have spent more than
20 \$250,000 to minimize odors from the plant.

21 Most recently we rented and operated
22 test equipment for several weeks to assess a new
23 approach to reducing odors from the facility.
24 Based on this testing, last week we began the

1 process of purchasing and installing a new piece of
2 odor control equipment which is being specifically
3 designed to reduce odors from the facility.

4 Griffith Laboratories' senior
5 management is committed to being a good neighbor
6 and has committed the money necessary to reduce
7 odors at the site. We are continuing to evaluate
8 our facility and develop additional ways to reduce
9 odors.

10 I would be happy to speak with any of
11 you about our efforts after this hearing has ended.
12 Or you could talk with Darryl Erickson, our
13 environmental manager, after the meeting.

14 We appreciate the support the
15 community has shown us over the last 70 years, and
16 we hope to remain in this community as a valued
17 industrial neighbor for many years to come. Thank
18 you.

19 HEARING OFFICER FROST: Thank you,
20 Mr. Krall. Just a second. You mentioned
21 Mr. Darryl Erickson. Can you raise your hand so
22 that people know who you are?

23 MR. ERICKSON: (Indicating.)

24 HEARING OFFICER FROST: Is there anyone

1 else from Griffith Labs here tonight?

2 (Indicating.)

3 HEARING OFFICER FROST: Okay. Thanks.

4 At this point we will go to the people
5 that filled out registration cards and indicated
6 that they wanted to speak. I would ask you to come
7 up to the podium, say your -- When I call out your
8 name, say your name and spell it for the court
9 reporter. We are keeping a transcript. The
10 transcript will be available usually about two
11 weeks after the hearing if anyone wants a copy of
12 that. So I ask you to speak clearly, speak into
13 the microphone, and speak slowly or relatively as
14 slowly as you can so that the court reporter can
15 pick it up.

16 We have Scott Jacobson, please.

17 MR. JACOBSON: My name is Scott Jacobson.
18 I would like to clarify a couple things Bob Krall
19 said. They are a family-owned company, but they
20 have facilities in 23 countries, 32 facilities. So
21 they are not a small operation.

22 And I have been very disappointed that
23 they have been unwilling previously to put the
24 money into investing into controlling this problem.

1 I also have a list of complaints. There has been
2 34 of them since 2000. And the fines that they
3 received I think have been -- It's been more
4 profitable for them to pay \$1,000 fine here and
5 there rather than investing into correcting the
6 problem.

7 I also have a petition which I went
8 around for a few days in the neighborhood. I have
9 300 signatures of people that said that they have
10 found the odor to still be offensive, and they wish
11 for the EPA to set higher standards for the control
12 of these emissions. That's really just about it.

13 I have also had -- I have to close my
14 windows during the summertime. There is a haze
15 that forms down the street because their stack is
16 so short. I have had family members that have
17 left. I have had friends that have left my house.
18 I have been woken up by the odor. And I know where
19 it comes from. And neighbors of mine that live on
20 37th Street, it's pretty obvious when you see the
21 smoke coming from the stack and you look down the
22 street you live on, and it has a haze. You go down
23 the street on either side where the wind is not
24 blowing and there is no haze or fog.

1 So whatever particulate matter is
2 coming out of there, something is being incorrectly
3 controlled when you can see a fog in your
4 neighborhood. That's about it. Thank you.

5 HEARING OFFICER FROST: Are you going to
6 submit those to us for the record?

7 MR. JACOBSON: Yes. I'm still going to
8 collect more of them since I have till May 3, but
9 I'm willing to have you take a look at them if you
10 wish.

11 HEARING OFFICER FROST: Okay. I think you
12 have a question.

13 MR. SALIS: Scott, I know you gave me your
14 address. But can you tell us more -- kind of tell
15 me exactly from this location -- from the location
16 of Griffith Labs where you are located, how many
17 blocks.

18 MR. JACOBSON: I'm at 37th and Marshfield.
19 So Griffith is just on the other side of Ashland.
20 Marshfield is on the west side of Ashland.
21 Griffith is on the east side of Ashland, and
22 Marshfield is on the west side of Ashland.

23 MR. SALIS: How frequently would you say
24 that you perceive these odors? Is this on a daily

1 basis?

2 MR. JACOBSON: No. It's not a daily basis.
3 I would say during the summertime once -- once a
4 week, a couple times a week. I think it actually
5 matters what they are producing at the time. But
6 certain times if there is a high moisture content
7 in the air, what's being produced, what's coming
8 out of the stack, doesn't seem to go up into the
9 air enough. And it lays -- It quickly settles
10 back down and makes a --

11 I also have videos of this, which I
12 will send in to you with the petition before May 3.
13 And you will be able to see the difference between
14 the streets on, say, the south side and the north
15 side.

16 MR. SALIS: Okay.

17 HEARING OFFICER FROST: Thank you,
18 Mr. Jacobson. Just make sure you get those in or
19 postmarked by May 3.

20 Jim Kozy.

21 MR. KOZY: Hi. My name is Jim Kozy. I'm a
22 lifelong resident of McKinley Park. I live at 1624
23 West 38th Street.

24 First of all, I guess I have to

1 compliment Mr. Krall. I mean he's the manager
2 there or the operations manager, and he's done
3 everything possible. Though -- And I'm sure he
4 doesn't want to put up with this problem, you know,
5 would like for it to be solved or whatever; but the
6 problem is it's not being solved. There is days in
7 the summer where I cannot sit out outside on my
8 deck because of the smell. Just as Scott said, I
9 have had people leave my house, my back yard,
10 because of the offensive odor. And these people
11 say -- It's still a running joke that -- where I
12 live. And sometimes I'm embarrassed kind of. I
13 don't feel that I should be a captive in my house.

14 Sometimes when I am -- When I am in
15 the front room watching TV, 7 o'clock in the
16 evening, 9 o'clock, I have to shut my windows
17 because of the offensive smell. It comes right
18 into the house. I just don't think that's proper.

19 Plus, then I have to turn -- If it's
20 in the summer, I have to turn on my air
21 conditioning. So again it's driving up my bill.

22 I have seen kids on my block literally
23 with their shirts over their nose like that because
24 of the offensive smell.

1 So one thing in here, this license is
2 I guess to keep the status quo or whatever. But
3 right now it is not acceptable. I don't know if
4 the smell is safe or not. That's one of the
5 questions I would like to ask, if it's safe. But
6 even if it's not safe, it is still a very offensive
7 smell just to smell it. I would like to ask, has
8 anyone -- Have any of you smelled the smell we are
9 talking about here?

10 MR. SALIS: Yes.

11 HEARING OFFICER FROST: Yes. We were out
12 at the facility today and Mr. Salis is the
13 inspector for this area. So, yes, we have smelled
14 the odor.

15 MR. KOZY: It amazed me that the smell was
16 going on today actually. That just amazed me.
17 Actually, I -- And some of the signatures I got on
18 election day, too, because a lot of people came
19 out, and the smell was very bad on election day.
20 So people were much more willing to sign the
21 petition.

22 A lot of people in the neighborhood do
23 not -- We have in our neighborhood a lot of
24 seniors, who quite don't think the smell is as

1 offensive I think, I kind of found out. And again,
2 other people who have moved into the neighborhood
3 have maybe left from other conditions that are kind
4 of worse. So they don't kind of, I guess, you
5 know, get too upset.

6 But just the problem is we are here,
7 whatever the smell is now is just not acceptable.
8 And it is a terrible, offensive smell. The smell
9 you smelled today was mild. On some days, and they
10 know specifically I think which days, there is a
11 few things that they run that are very, very
12 offensive.

13 Also, I represent Our Lady of Good
14 Counsel school on 3528 South Hermitage, school and
15 parish. And I know -- I don't think this year, but
16 I know in the past -- the school has called the EPA
17 because of the offensive smell.

18 And so again, you know, maybe it's
19 safe and everything; but offensive, it just is
20 destroying our kind of our quality of life. Okay.
21 Thank you.

22 MR. DESAI: I have a question. Is the
23 smell more on a particular time of the day, or is
24 it infrequent timing of the particular day the

1 smell will be more?

2 MR. KOZY: It's from what I know it's just
3 whatever product they are running at certain times.

4 MR. DESAI: So it could be some days in the
5 morning, some days could be in the afternoon?

6 MR. KOZY: And some days, sometimes they
7 put on a second shift or whatever depending how
8 busy they are or whatever. Weekends is sometimes
9 very bad. Again, when you are having people over
10 or you are out, you know, maybe we probably are
11 more aware of it on the weekends because you are
12 outside more. You are in your yard or whatever.

13 So it again just depends on what
14 product they are running. Like today it smelled,
15 but the smell was nowhere near what it is
16 sometimes. Sometimes it's very, very offensive.

17 And I also would like to say when I
18 report something to the EPA on weekends, it's very
19 hard to get somebody out on weekends. So, you
20 know, we have -- They set up that hotline for a
21 few years I think already. But really the hotline,
22 we know what's all going on and stuff. So really
23 we need to start complaining directly more to the
24 EPA about the offensive odors. And that means

1 weekends especially because for me I'm home more,
2 you know, on weekends or whatever. And it's very
3 hard for them to come out. We get switched over to
4 like Streets & Sanitation Department, and they call
5 somebody. And so the process of the line here is
6 not very good sometimes. So --

7 MR. DESAI: Mr. Salis here, he is the
8 supervisor for the Chicago area. And we also have
9 the complaint forms that citizens can fill it out,
10 send it to the Illinois EPA.

11 To the best of my knowledge, at the
12 Illinois EPA, we have not received any complaints
13 against Griffith Labs for the odor. Is that right?

14 MR. SALIS: Yes.

15 MR. KOZY: I have called. I have talked to
16 people. People have come out. See, that's a whole
17 other issue.

18 MR. SALIS: I think you called the
19 Department of Environment, which is for the city.
20 Because when we first were notified of this
21 problem, we began working with the City of Chicago
22 and they were pretty responsive. I'm not going to
23 criticize them because I think they were very
24 active on this issue. They asked for our help.

1 And one of the things we requested was
2 a copy of all the complaints that they had
3 received, and it was a substantial number of
4 complaints. So we did get those records. But I
5 think that what's happening is people are calling
6 411 most likely or whatever number the City of
7 Chicago gives you. And to be honest with you, that
8 number, even though it's the City of Chicago, they
9 have an agreement with the State of Illinois that
10 they will handle a form for complaints.

11 MR. KOZY: Right.

12 MR. SALIS: But no matter what, we didn't
13 become aware of this problem until last year.
14 Maybe nine months ago.

15 MR. KOZY: Okay. Now, were you at all
16 connected with the meeting -- When was that
17 meeting that was here about a year ago with -- I
18 think that was with the Chicago Department of
19 Environment.

20 HEARING OFFICER FROST: We are with the
21 state.

22 MR. KOZY: Yes, I understand. But if you
23 are working together --

24 MR. SALIS: They brought it to our

1 attention I think after that meeting they decided
2 they wanted us to get involved. Before then they
3 must have been trying to solve the problems by
4 themselves, which is they have that option.

5 MR. KOZY: Okay. Well, again, maybe I
6 should have kept better records; but I know
7 personally I have talked to both Chicago and I
8 think your office, too, and made complaints.

9 MR. SALIS: I get copies. It's possible
10 that we might have missed one complaint, but I do
11 not recall ever receiving a complaint from Griffith
12 Labs, and I have been the supervisor now for four
13 years.

14 MR. KOZY: But again, I was told, though,
15 to do what you said, that Chicago handles it.

16 MR. SALIS: There you go.

17 MR. KOZY: And they did a piss-poor job
18 with it. So where does that leave us then?

19 HEARING OFFICER FROST: Well, I think, if
20 you think that Chicago is doing a bad job -- And I
21 don't think that we are in the position to say that
22 they are. But if you think that they are, then you
23 should -- then you could contact us directly. And
24 our field office address is on this notice. It's

1 847-294-4000.

2 MR. KOZY: If you are investigating, don't
3 you have to investigate at the time of the smell?

4 MR. SALIS: I would say no. Only because
5 we are -- This is not an issue any more. We are
6 pretty sure there is -- We are convinced there is
7 a problem in that respect. It appears to be a
8 nuisance problem, not necessarily a health problem.

9 MR. KOZY: Okay.

10 MR. SALIS: And that is also part of the
11 problem. You know, we have certain regulations.
12 And we have to act within what limits are set upon
13 us by regulations that we have to abide by. And
14 depending what the situation is, that's what we
15 can do.

16 But I can tell you that based on our
17 observations, I will be there now half a dozen
18 times since we became aware of the problem, that
19 there appears to be a nuisance probably. I'm
20 pretty sure of that.

21 MR. KOZY: So when we leave here, we will
22 be able to have a phone number directly to your
23 guys?

24 MR. SALIS: I repeat, I have business cards

1 here. I hope I have enough. I have more.

2 MR. KOZY: Because we will be able to do
3 that. I have many, many, like hundreds, of seniors
4 who would be more than willing to use that number,
5 so to help you become aware of the problem more.
6 Because again we are prisoners in our home
7 sometimes so we would like the issue to be
8 addressed. All right?

9 HEARING OFFICER FROST: Okay. Thank you,
10 Mr. Kozy.

11 And just a clarification, because the
12 two comments or the two commenters commented about
13 odors, the draft permit, we don't address odor or
14 nuisance odors through our permitting. We address
15 it through our field office and through them coming
16 out, and we address it under the Nuisance Code of
17 the Illinois Environmental Protection Act under
18 9(a).

19 And so I don't know, do you want to
20 address that any more?

21 MR. DESAI: Whenever the application comes
22 to us, it's always reviewed based on applicable
23 rules and regulation. If the company demonstrates
24 that they are in compliance with the applicable

1 rules and regulation, then usually the permit is
2 granted.

3 Now, whenever that situation like this
4 occurs when there is an odor problem, that does not
5 mean the company is out of compliance with the
6 specific rules. Specific rules allow certain
7 companies based on their process a certain amount
8 of particulate emission, a certain amount of
9 organic material, carbon dioxide, carbon monoxide,
10 nitrogen oxide, and such other contaminants. And
11 that contaminant is within the limitation of the
12 law, what the rule will allow. Then usually the
13 permit is granted.

14 If there is an odor problem, odor
15 problem can be caused by many things. Very small
16 amount of minute volatile organic material can
17 cause an odor problem. Or it could very well be
18 some other chemical that might be emitted in a very
19 small quantity can still cause odor problem but it
20 will still be within the limitations of rules and
21 regulations. In such cases, the permit would be
22 granted.

23 However, when we have sufficient
24 amount of complaints and the complaints have been

1 justified, then Illinois EPA, that's Mr. Salis'
2 office and Springfield office both combined, will
3 prepare the enforcement action against the company.
4 And that enforcement action will be submitted to
5 the Attorney General's office. And the Attorney
6 General's office will follow through through the
7 Pollution Control Board. Pollution Control Board,
8 after hearing both the sides of the Griffith Lab,
9 as well as citizens, and the Illinois EPA's side,
10 then decide whether who is right and wrong and will
11 impose appropriate penalty and requirement to
12 control the odor.

13 Yes, sir.

14 MR. KOZY: What is a sufficient amount of
15 complaints?

16 MR. DESAI: There is no specific set limit
17 for 5 complaints, 10 complaints, or 500 complaints.
18 It is something internally decided by the Illinois
19 EPA and Attorney General's office. If this one
20 gentleman said he has received like 300
21 petitions -- Is that correct?

22 MR. JACOBSON: Yes, in just a few days.

23 MR. DESAI: Definitely seems to be large
24 enough to me. But then, again, that has to be

1 decided within the committee within the Illinois
2 EPA.

3 HEARING OFFICER FROST: That's all the
4 people we had that wanted to sign up to speak. Is
5 there anyone else that would --

6 Okay. Can you step up to the
7 microphone and say and spell your name.

8 MR. KORZEC: Al Korzec. I can just say the
9 same things they said. It's wretched. It's like a
10 rotting body smell. I had to buy air conditioning
11 so that I could sleep at night because it's cold,
12 you know, and it's hot in the summertime so you can
13 breathe. It's just disgusting. I can't even
14 believe it. I'm sure these people don't live here.
15 And I don't know how many people that they employ,
16 if it's even worth it.

17 I mean our house values can't be doing
18 well. When somebody goes to buy a house and they
19 smell this disgusting -- And then the fact that,
20 you know, you are talking about whether this is
21 about smell or not. Well, this is about smell. We
22 live here. We have to smell this stuff. And if
23 they are putting out other chemicals that are
24 harmful to us, well, my guess is that they will go

1 past the limit anyways. If you stick a limit on it
2 and then if they are getting fined and they are
3 measly fines, they don't care about that. They
4 don't live here. They don't have to smell it.

5 In nighttime when it rains, a
6 beautiful night and you want to keep the windows
7 open, you can't do that. It's disgusting. I'm
8 probably sure that they are going to get the permit
9 because they probably know the right people to get
10 the permit. But they don't deserve it. They don't
11 care. They don't care at all about any of us.
12 They go home to their houses and maybe they employ
13 a few people in the neighborhood, and I feel bad
14 for them. But I guess your house value will go up
15 more than your paycheck will. They won't follow
16 the rules. We know they won't follow the rules.
17 We are certain they won't follow the rules.

18 I don't even know why they get this
19 permit for 70 years. I have been here since 1966,
20 and it's horrible say the last five or six years.
21 I was a little kid here. I don't remember it
22 smelling that bad. And I don't think that they
23 will get better. You can put all the guidelines
24 you want. They will just pay the chintzy fine and

1 do it again. So thanks.

2 HEARING OFFICER FROST: Is there anyone
3 else?

4 MS. AHUMADA: My name is Anna Ahumada. I
5 used to live on 37th and Marshfield. I have lived
6 there for 26 and a half years and grew up there.
7 And the smell was horrible and most specifically
8 probably within the last, you know, five years or
9 so. Partly maybe why the elderly don't realize
10 that's there is, you know, I didn't even realize it
11 was there I was so used to it. But when I had
12 friends come over, they could smell it. My son who
13 grew up in our house at that time could smell it.
14 And when he was able to speak, he just -- There
15 was days he couldn't go out. We would eat and the
16 food tasted like that. It was disgusting.

17 We lived on the east side of
18 Marshfield so we are really close to Griffith Labs.
19 And I will concur with Scott's observances as far
20 as the smoky, the haziness of the area. And sure
21 enough, there was one. There would be times where
22 we would just go to a mall simply because the smell
23 was horrible.

24 We have since moved, and we love this

1 area. I grew up, like I said, I have grown up
2 here. And unfortunately, I found an area --
3 Fortunately for me and unfortunately for my former
4 neighbors, I found an area that is not typically
5 bombarded by Griffith. We have been bombarded by
6 Griffith a couple times. I called the city, 311,
7 and, you know, put in a complaint as everyone else
8 has.

9 Mr. Krall in order to be a good -- In
10 order to be welcomed as a good neighbor, you need
11 to be a good neighbor. And that's been very
12 disappointing for us. We understand that when we
13 lived there we live near an industrial area, and
14 that's albeit said and done. But there is a
15 certain level of responsibility that should be
16 self -- put upon themselves.

17 And when you move into a new area as,
18 you know, some people have, they are coming into an
19 area that one thinks is nice. And it is nice.
20 It's very nice except for that stench. So I'm not
21 going to even beat the pillow further as far as not
22 being able to go out, not being able to enjoy your
23 back yard.

24 People have left from my home many,

1 many times. There have been times when I don't
2 even have birthday parties because of it because
3 you don't know, you don't know how it's -- how the
4 stench is going to be that day.

5 I have a couple of questions. There
6 was a pilot test done. Can we get copies of the
7 pilot test to see how much of a reduction the
8 emissions actually resulted from this pilot test
9 from the new cooker? I would like to see that.

10 And I would also like to see if
11 Mr. Krall or have maybe Mr. Krall's input in as far
12 as, obviously, he knows when the complaints are
13 coming in. So what types of processing, have you
14 been able to pinpoint what processes actually emit
15 more of these odors than others? And if so, I
16 would like to know from your process point of view.
17 You have given us this explanation here of what
18 Griffith Labs does, but I would like to know
19 specifically what processes occur that make this
20 odor.

21 And let's see --

22 HEARING OFFICER FROST: Let me just make a
23 comment here real quick. This is an Illinois EPA
24 hearing. You should direct your comments to us.

1 The company can respond if they want. They don't
2 have to. It's not their hearing. I believe that
3 they have indicated that they would answer
4 questions afterwards.

5 MS. AHUMADA: Okay. And I believe that's
6 it. I just wanted to stress again it would be nice
7 that if they -- if Griffith Labs could make more of
8 an effort, a believable effort, on controlling.

9 And I would request that their permit
10 either be rejected or reduced as sort of a penalty
11 because of the pollutants and the odors that it's
12 caused on the neighboring families.

13 HEARING OFFICER FROST: Okay. When they do
14 do testing, they do have to submit that testing
15 data to our Agency. You can get that information
16 through the Freedom of Information Act. If you
17 want the address, the name and the address of the
18 person to send Freedom of Information requests to,
19 see me after the hearing and I can give you that
20 information. A FOIA request, Freedom of
21 Information request, does have to be in writing to
22 the Agency.

23 Is there anyone else that would like
24 to make comments?

1 Go ahead, sir.

2 MR. GUADARRAMA: My name is Martin
3 Guadarrama. And I just want wanted to say an
4 experience I have last year. I invited my family
5 to come over to my house because it's the first
6 year I live on 3754 South Hermitage. And the
7 afternoon was the smell very bad. We have to stop
8 and move to the north side. Well, we had to go
9 with the whole thing for the party to the north
10 side because we cannot stay at my house. That's
11 all the comment I have.

12 HEARING OFFICER FROST: Okay. Thank you
13 for your comments.

14 Is there anyone else? Okay.

15 MS. PRASIADO: Good afternoon. My name is
16 Arcelia Presiado, and I live at 3612 South Ashland.
17 It's a beautiful area. I have lived here for the
18 past six years. Except for the smell. Sometimes
19 it gets very repulsive. I can't even open my
20 windows not even in the wintertime a little crack,
21 you know, like they said, for the humidity.

22 In the summer, I don't even open my
23 windows at all. I have to put on my air
24 conditioner. Sometimes I have to turn it off

1 because the smell comes in my house.

2 Now, right now it, you know, what
3 about the people that have asthma, you know, that
4 are smelling this? Right now it could not be a
5 health issue, it's just a smell issue. But in the
6 future what are we doing for our children? You
7 know, like you said, there are rules and
8 regulations. But in the future, it could become
9 worse because the smell is becoming worse every
10 year. Thank you.

11 HEARING OFFICER FROST: Thank you for your
12 comments.

13 MR. JACOBSON: My name is Scott Jacobson.
14 For the few days that I went around gathering these
15 petitions, I heard comments from people saying they
16 have been complaining about the smell for years,
17 they don't believe anything is going to be done
18 about it. And a lot of people complained that it
19 was so bad that it would hurt their throat at
20 times. It would cause, you know, they would get
21 sore throats.

22 I was refused -- From knocking on
23 everyone's door, I was only refused -- Two people
24 refused. A lot of these signatures I have, 300

1 of them, a lot of them are whole families that
2 are -- It's just one signature that represents a
3 whole household.

4 And I don't think I made myself clear
5 enough on how -- I mean it truly is -- It's a
6 rotten smell. In one video I have, the church is
7 going around and blessing everybody's house. And
8 it's a video of all the kids as they pass my house,
9 you know, doing what Jim Kozy said, they are all
10 putting their shirts over their face.

11 And I think that a lot of us that have
12 been calling repetitively have been looked at as
13 being hypersensitive. If that's the case, why
14 would I be embraced so much when I went
15 door-to-door? You know, people actually said it
16 felt like there was some hope that their problem
17 might finally be corrected.

18 And hearing that they are in
19 compliance with their emissions, hopefully, if I
20 get enough signatures, something can happen so they
21 have to control their odors because they are not
22 doing it. They are not doing it themselves. I
23 have gone through all the complaints. And they
24 defend themselves on what they are doing. They are

1 more into -- more concerned about their production
2 than they are about the neighborhood.

3 And I talked to Bob Krall. I have
4 gone back and forth with him. And he and Griffith
5 Labs they talk in vague terms when they talk about
6 what they are actually doing. It's always testing
7 and researching to see what they can do about the
8 problem. Now, if this has been getting
9 consistently worse for the past five years, as
10 other people have said, what does that say about
11 the research and the testing, what are they
12 actually doing to try to control it? They are
13 increasing their production. They are concerned
14 about profit. They are a company. I understand
15 that. But for I don't know how many people, I
16 think they employ 40 people, for 40 people that's a
17 big expense that the neighborhood has been paying
18 for years for those 40 people.

19 And I want everybody -- In the
20 petition, I didn't say I want them to refuse their
21 emission license, I said for the EPA to set higher
22 standards. Because I would like to see them still
23 operate, I would like everyone to keep their jobs.
24 I don't want to do that, but I sure want them to be

1 able to actually do something and correct this
2 problem. And I sure hope there is a way I can do
3 it through the state, that we can figure out a way
4 with enough signatures here to actually get
5 something done because they are not going to do it
6 on their part alone. That's been proven for years
7 now.

8 HEARING OFFICER FROST: Thank you,
9 Mr. Jacobson. I think, as we kind of mentioned
10 before, we are relatively new to this problem, the
11 State EPA is. A nuisance odor violation, to bring
12 that to court, we do have to show that it is
13 causing a detriment to people's enjoyment of their
14 personal property. The types of things you are
15 telling us here tonight would indicate that kind of
16 detriment to enjoyment of your personal property.
17 So those are the kinds of complaints that we do
18 need to see from you, and you do need to submit
19 those to the Agency. As I understand, you are
20 going to.

21 Is there anyone else?

22 MR. KOZY: Well, all the complaints that
23 have been given, aren't those going to be -- Don't
24 you look at those, too?

1 MR. SALIS: Actually the complaints that we
2 have received, what we had was a summary. It may
3 be that we can have access to those from the City
4 of Chicago. But when we have the summary of all
5 the complaints, essentially dates, time of
6 inspection, this is the kind of information we got
7 from the city, I would have to speak to the legal
8 department and see if they would feel that that
9 would be also acceptable.

10 MR. KOZY: The complaint line that we have
11 been complaining to now, those were turned over I
12 think also to the city?

13 MR. SALIS: Well --

14 MR. KOZY: So turned over to you.

15 MR. SALIS: We require the City of Chicago
16 to keep records of those complaints, and they do
17 keep records of the complaints. Thus far all we
18 have requested from the City, and we have
19 received --but that's all we asked them to do --
20 was a summary of all the complaints they have
21 received. And we didn't specify the date, I think
22 these complaints as I recall go back to the early
23 '90s is what I remember. And there has been a
24 substantial number of complaints. I was surprised

1 by the number, I will tell you that much. That's
2 all we have requested. Where we go from here,
3 whether we should request the city to submit to us
4 the total complaint, we haven't done so.

5 MR. KOZY: Okay.

6 MR. SALIS: But my advice is do complain to
7 the state. That's the most direct route. By the
8 way, I also would say complain to the city, too,
9 though. I think they are trying to do a good job,
10 they really are. There are limitations. You are
11 mad at them, next year you may be mad at me. But
12 there are limitations to what you can do at times.

13 And these processes are lengthy. You
14 know, you have to take people to court. The court
15 system takes years, you might lose the case.
16 Lawyers are very cautious. They want to make sure
17 they have substantial evidence before they will
18 act. I think the ideal situation after all is said
19 is for Griffith Labs to expedite correcting the
20 problem, but that would be my comment.

21 MR. KOZY: Right. But it seems like you
22 are changing the rules of the game a little bit on
23 who to complain to. You said earlier in the
24 comments that the city handles under your agreement

1 the complaints. But now you are saying you are
2 just coming on line, but you have been aware of the
3 problem for about a year. We had a very lengthy
4 meeting here last -- Was it last year? Last year.
5 And the Chicago EPA had a number of officials here
6 and heard all our complaints back then officially.
7 It all went on I'm sure on the record or whatever.
8 And that was last year. And you did say that you
9 have been aware of the problem for a year. And you
10 know, it takes time like you just said also. Well,
11 that's a year.

12 MR. SALIS: Okay. I don't know how to --
13 The only thing I can say is when we became aware of
14 the problem, first of all, we knew the company was
15 trying some methods to attempt to correct the
16 problem. We felt they should be given the
17 opportunity to prove whether the system would
18 operate. I can tell you right now that I don't
19 know how long the system has been in operation. I
20 have been there today, I was there last week. The
21 odor still is there. I don't think the system is
22 really doing the job. So we have been working with
23 the company. We may not have acted legally, but we
24 have been working with the company. We felt that

1 they have -- they were attempting to do some
2 things.

3 I know one problem there is here is
4 that the company has to do research because some of
5 these problems are unique. Now, they have more
6 expertise and they can hire consultants with
7 expertise that will guide them as to what is the
8 solution to the problem. I'm not an expert on this
9 type of company, on this type of technology, so it
10 is not as if I can tell you I know the solution to
11 the problem. There is a problem, it is a nuisance
12 problem.

13 I will say again that part of the
14 problem here is that if this was a toxic problem, a
15 health problem, actions would happen a lot
16 differently. Unfortunately, that's the way the
17 system works. But all I'm telling you is that for
18 your advantage for the city, when I spoke to the
19 city, I can tell you with all honesty they are very
20 concerned. They are trying to do their best. And
21 they may also be limited to what they can do by the
22 regulations. There are laws. That's the way the
23 system works. We are limited. We have certain
24 limitations as a government agency as to what we

1 can do, and they have limitations. But I think
2 they're attempting to help the public out, I really
3 do.

4 And my advice to you is if you are
5 going to complain complain to both agencies, and
6 you are more likely to get good results.

7 MR. KORZEC: If they are getting -- They
8 told me the last time I talked to them that they
9 weren't getting fined for whatever it is they are
10 emitting. But if they are exceeding the limit and
11 they have received any type of emissions, how do we
12 know it's not a health hazard, that they are not
13 exceeding -- that they are not going to do it,
14 exceed the limit that was set, that they are
15 exceeding and it might be dangerous? How do we
16 know that?

17 MR. SALIS: Al, I think the problem is,
18 see, the limits we have are the limits that Valeriy
19 and Harish are dealing with as set in this permit
20 are not based on odors. That is the problem.

21 MR. KORZEC: Right.

22 MR. SALIS: They are based on health
23 issues, on certain standards that are set. They
24 are not exceeding those limits.

1 MR. KORZEC: They have not exceeded?

2 MR. SALIS: No.

3 MR. KORZEC: They have not been fined for
4 exceeding any limits?

5 MR. SALIS: The city probably has fined
6 them. I don't know. You would have to speak to
7 Krall --

8 MR. KORZEC: Or somebody else --

9 MR. SALIS: -- at the city because we are
10 not aware of that. But usually they tend to levy
11 fines. And they can do that much quicker than we
12 can by the way.

13 MR. KORZEC: Sure.

14 MR. SALIS: There are smaller fines but
15 they are quick fines. And the problem here is that
16 the company can be in compliance and yet the
17 problem is that some of the chemicals, they may not
18 be harmful, but at very low levels they can smell
19 pretty bad. I think that's the situation they are
20 facing.

21 MR. KORZEC: That's the smell. But say we
22 address the part that they are emitting chemicals
23 or emitting emissions beyond their limitations.
24 They have never done that?

1 MR. SALIS: I don't believe so, no.

2 MR. KORZEC: They have never been fined for
3 any of that, anything like that?

4 MR. SALIS: No. I don't believe that they
5 are in violation of the permit based on the
6 inspections we have conducted, and the permit
7 section can comment on this, but I think in that
8 respect they are in compliance based on the
9 regulations we have.

10 MR. KORZEC: Something is wrong, man.

11 MR. SALIS: No, I'm telling you, just
12 because you smell something doesn't mean there is a
13 violation of the regulations unfortunately.

14 MR. KORZEC: That's hard to believe.

15 HEARING OFFICER FROST: Hold on. We are
16 trying to keep a clear record here. We need people
17 to just talk one at a time in an orderly manner.

18 We had some people over here,
19 Mr. Kozy, I believe you had a comment.

20 MR. KOZY: Yes. The city has fined them.
21 You are not aware of that?

22 HEARING OFFICER FROST: We don't know what
23 the city --

24 MR. KOZY: But you were working in

1 conjunction, I mean the city --

2 HEARING OFFICER FROST: We do not work
3 specifically in concert with the city. We became
4 aware of the problem, from what I understand from
5 Mr. Salis is we became aware of the problem from
6 the city. We requested them to submit to us a
7 summary of the complaints. I think that that's --
8 And since then we are now becoming involved in this
9 issue.

10 MR. SALIS: I would like to make a couple
11 of comments now. Some of questions you are asking
12 never occurred to me before. Okay. Now, I have
13 discussed this with the city myself at least half a
14 dozen times. On the 11th, we are going to have a
15 meeting with the city. We meet with them
16 semiannually. Unfortunately, some of the questions
17 you ask are good questions, I wish I thought about
18 but I didn't.

19 MR. KOZY: Public hearings, public
20 meetings?

21 MR. SALIS: No. We have meetings to
22 discuss our agreements, sort of the right hand know
23 what the left hand is doing. You know, it helps.
24 So basically this is something I'll bring up and

1 ask them, "Well, exactly what have you done and
2 where are you going with the case." We have had
3 contact with the city. And the reason we got
4 involved was because the city asked for our help.
5 So I think that shows that they really have good
6 intentions. And they also might have felt, hey,
7 look, we are not exactly getting the results. I
8 don't know.

9 MR. KOZY: The man who, his name escapes
10 me, I have -- I should have brought it. He told
11 me that he has -- Pratt is it? Pratt, yes.
12 P-r-a-t-t. Are you familiar with this guy?

13 MR. SALIS: I know Smith but I don't know
14 Pratt for the city.

15 MR. KOZY: He's told me that he has fined
16 the company, that he's gone out there personally.
17 Now, if he's fined them, what's he fining them for
18 then?

19 MR. SALIS: Probably nuisance.

20 (Discussion outside the record.)

21 HEARING OFFICER FROST: We don't want to
22 have -- We have to have one person speak at a
23 time. We can't have this kind of interpersonal
24 dialogue.

1 MR. SALIS: I will back up. I don't know
2 why they have fined them. My guess is I know they
3 have nuisance laws, and I know this from dealing
4 with other companies. And some companies have been
5 fined by the city in the past because they are
6 creating a nuisance and the city thought they
7 should be doing certain things they weren't doing.
8 And my speculation was that might be the case. I
9 don't know.

10 HEARING OFFICER FROST: Yes, Mr. Jacobson.

11 MR. JACOBSON: These are all the
12 complaints. And there are fines that, you know,
13 hearings and fines that were followed up from the
14 complaints. What I'm concerned about is if they
15 are following the emission standards how can a haze
16 form down the street that you actually can see a
17 small cloud go by when you look out your window.
18 Is there something to determine the stack, the
19 height of the stack, so that doesn't happen? And
20 who is looking into that?

21 MR. DESAI: I went to this plant today and
22 this was my first visit. This plant has control
23 equipment that controls the air pollution which is
24 known as a scrubber system. What it is is a spray

1 of water and the air is going through that. So the
2 air that comes out is considerably saturated with
3 moisture. So what you see, white cloud, is not
4 necessarily a pollution. What it is is the
5 moisture content in the air. It maybe contains
6 some amount of particulate emissions and also some
7 other contaminant that's specified in the permit.
8 Now, that may cause an odor problem but does not
9 necessarily mean they are out of compliance with
10 any of the conditions set in the permit.

11 MR. JACOBSON: So there, in other words, if
12 a company or facility is able to emit an emission
13 that is under regulations, they can have a stack at
14 any height they want? It can settle at any -- It
15 can settle down to ground level at any height? So
16 they, in other words, don't really even need a
17 stack, they could just blow it straight in the
18 street.

19 MR. DESAI: No. There is no specific
20 regulations regarding how tall the stack can be.

21 MR. JACOBSON: There are?

22 MR. DESAI: There are many companies who
23 have much larger stack, like 300-foot, taller
24 stack. And keep it in mind, odor problem is very

1 difficult to pursue in a court case. And at the
2 same time it can also drag on for several years
3 before the settlement takes place. And because
4 we -- I have been at the Agency for over 30 years
5 now, and I have been through several odor cases
6 where the odor is being involved, and that does
7 drag on fairly long period of time.

8 Now, you have a petition. You have
9 filed the complaints. And once the complaint goes
10 through and when it goes through the enforcement,
11 formal enforcement action, then you are sitting in
12 front of a judge, testify, and the attorney on both
13 the sides. And it's a fairly long process. It's
14 not something that is resolved in a hearing of this
15 type.

16 MR. KORZEC: Now, you work for the
17 Environmental Protection Agency?

18 MR. DESAI: Yes, sir.

19 MR. KORZEC: Well, isn't that supposed to
20 protect our environment? Are you working for the
21 company or working for us?

22 MR. DESAI: Okay. Let me answer that
23 question. The protection act has been established
24 by the legislature of this state. That

1 legislation, that act, allows us, give us authority
2 to develop the rules and regulations to control the
3 environment.

4 MR. KORZEC: Right.

5 MR. DESAI: Once the rules and regulations
6 have been set up, industry is required to follow
7 the rules. And the rules the company has complied
8 with those rules, and that's why they have been
9 operating under the permit so far.

10 Now, this hearing has been set up
11 because we received a letter from the Alderman to
12 conduct the public hearing because we had some odor
13 complaints. That's the first time we heard about
14 the odor complaints against -- at least we here in
15 Springfield heard about the odor complaints.

16 MR. KORZEC: First time.

17 MR. DESAI: Now, odor complaint, again I
18 mention again and again, does not mean the company
19 is out of compliance with specific rule. But it's
20 definitely caused the violation of Section 9(a).
21 And that has to be decided by the court cases, not
22 by the decision of the permit, and that also has
23 been decided in several court cases.

24 MR. KORZEC: Okay. I get it.

1 HEARING OFFICER FROST: Yes, ma'am.

2 MS. AHUMADA: I just have a question as far
3 as the last time this permit came up for review,
4 were emissions increased for the next period which
5 would mean the current period we are in? Or were
6 they decreased, or are they the same rate of
7 emissions?

8 HEARING OFFICER FROST: Are you asking the
9 last time it was permitted or --

10 MS. AHUMADA: The last time, five years ago
11 when it came up for permitting, the emission
12 numbers that they had, was there an increase to the
13 next period, which would be the period we are in
14 now, before this next -- I know it's kind of
15 confusing but --

16 MR. DESAI: Do you want to address that?

17 MR. BRODSKY: I cannot.

18 MS. AHUMADA: And do you look at that when
19 you are --

20 MR. BRODSKY: When the process is first
21 time, I remember when I started working with their
22 FESOP application in 1995, '96, all the limits were
23 derived from the stack test performed by the
24 company I believe in late '80s. So I think that

1 what the Agency knew about their emission was based
2 on these stack tests. So there were no changes.

3 MR. KORZEC: A company test?

4 MR. BRODSKY: Yes. Company performed the
5 test on their own. Not company. It was consultant
6 company.

7 MR. KORZEC: Paid for by the company?

8 HEARING OFFICER FROST: You know, sir, we
9 can't have this kind of dialogue because we are
10 trying to keep a clear record. She doesn't know
11 who you are.

12 MR. KORZEC: As more information comes out
13 with that --

14 MR. BRODSKY: That's the information for
15 the Agency to review stack test performed by
16 consulting company for some industry.

17 MS. AHUMADA: And then from the stack test
18 how does the state derive its maximum allowable
19 emissions? Or is it from the stack test? Or is it
20 something just generally that you would -- that's
21 applied for a company or that size, or I'm not sure
22 how that works.

23 MR. BRODSKY: Okay. Let me answer your
24 question. In this case permit limits were written

1 based on stack test results. So we calculated --
2 prorated test they took because test lasts several
3 hours, we prorated what will be emission under this
4 production rate during the year, during the month.
5 And we compared these numbers with allowable by
6 rule emissions. There are certain rules. We
7 specify what amount of particulate matter may be
8 emitted with atmosphere under certain production
9 rate. It has a very special formula which allows
10 us to calculate. So we verified that their
11 emission is below allowable. So they are okay with
12 regulations.

13 HEARING OFFICER FROST: Is that it?

14 MS. AHUMADA: I may have something. My
15 mind is working right now.

16 HEARING OFFICER FROST: Mr. Kozy.

17 MR. KOZY: Yes. Can you then tell me the
18 next step? You said the next step would go towards
19 a judge, or what's -- Where do we go from here
20 then?

21 HEARING OFFICER FROST: Are you asking
22 about in the complaint process or the permit
23 process?

24 MR. KOZY: Well, it seems like we are in

1 two different things here. You are here just for
2 this permit, which seems not at all what we are
3 talking about.

4 HEARING OFFICER FROST: I think you are
5 correct. I mean the vast majority of people are
6 here to talk about the odor problems which are not
7 addressed by the permit. For odor --

8 MR. KOZY: At what point does the odor
9 problem become -- Say that the permit should not
10 be issued just because of certain of how much stuff
11 is in their emissions. There is no other -- You
12 don't take anything else into account?

13 MR. DESAI: Keep in mind, this hearing is
14 set for the informational hearing. We are
15 gathering here the information from the public.
16 Keep that in mind. This is not the hearing we are
17 going to decide about issuance of the permit or
18 whether we are going to file an enforcement action,
19 or we are not going to file an enforcement or the
20 company is good or bad. That's not the one this
21 hearing is going to decide. This is strictly to
22 gather the information from the public, and that's
23 all we are going to do today.

24 MR. KOZY: Okay.

1 MR. DESAI: Now, the next step will be we
2 will collect -- There is a specific date by which
3 the hearing record will be closed. And any
4 information we receive by mail we will be reviewing
5 that information and then take the final action.
6 We will also prepare the responsiveness summary
7 before we take the final action on the permit.
8 Whoever requested for the copy of the
9 responsiveness summary, they will get a copy of the
10 responsiveness summary. And based on whatever the
11 information we receive, the Agency, as the letter
12 states, will decide what action should be taken.

13 HEARING OFFICER FROST: Yes, ma'am.

14 MS. WOJCIK: My name is Annette Wojcik. I
15 have been a resident of this area all my life.
16 This problem goes back to the 1970s when my mother
17 was involved with a couple of other ladies in the
18 neighborhood because the problem was very bad. I
19 believe at that time they dealt with the city.
20 Griffith would show up saying, yeah, we are trying
21 to do this, yeah, we are trying to do that, blah,
22 blah, blah. And then finally something was done
23 because for quite a while there was not that big of
24 a problem. But I would say within the last six to

1 seven years it's gotten bad again. I don't know
2 what they are doing but that smell is just
3 horrible.

4 I have had bronchitis in the past.
5 Obviously, my lungs were not at the very best. But
6 at that time the wind was off the east. I live, by
7 the way, at 1631 West 37th Street. So I'm in
8 direct line of this haze that comes over. I
9 thought I would be nauseated beyond belief with
10 that corn smell coming through. Because that's
11 exactly what it smelled like in that packet. I
12 think something needs to be done because this could
13 be a health hazard, and we don't know it. And we
14 could be breathing all kinds of things into our
15 lungs, and I would just appreciate it if someone
16 would just listen. Thank you.

17 HEARING OFFICER FROST: Thank you, ma'am.

18 Anyone else? Yes.

19 MS. AHUMADA: I want to just, like I say,
20 reemphasize what she said because even, sir, even
21 you -- I'm not sure. I forgot your name.

22 MR. SALIS: Emilio Salis.

23 MS. AHUMADA: He even stated that he is not
24 sure if it is a health hazard. He said it may be.

1 And it would be nice if someone did look into
2 something like that because it would be nice for
3 everyone to say, yes, be certain that it isn't or
4 be certain that it is. But here we are dealing
5 with a bunch of I don't knows. And the state I
6 understand is doing the permitting only at this
7 time, but it would be nice to consider things for
8 the future because, as you know, it would come up
9 with ideas for you to think about and have them
10 start to jog in your mind a little bit more.

11 But please, when you are going through
12 the permit, think about the fact that there are
13 children less than five years of age who are
14 around. Their lungs are developing, lungs are
15 being exposed to quite nasty stenches. And I'm
16 sure their taste buds are being harmed. But as
17 menial as that sounds, it is important for your
18 life. And it is quite disgusting.

19 And again, I would hope that if
20 Griffith would want to reside and stay where they
21 are at, they would be a lot more -- far more
22 cognizant and empathetic I guess is maybe the word
23 I'm looking for with their neighbors who have to
24 smell this all the time. They are in their

1 offices. I'm sure they don't smell it or maybe
2 they do. Maybe they have got a good ventilation
3 and shove it out. I don't know. But nonetheless,
4 I hope that they would think about this as they are
5 calculating their numbers for the year.

6 HEARING OFFICER FROST: Thank you for your
7 comments.

8 Addressing the health issue, we did go
9 through the facility today. And I can tell you, it
10 smells inside the facility, too, much more than it
11 does outside the facility. And we will address the
12 health issue. You are right, we will address it in
13 our responsiveness summary. But I can pretty much
14 tell you that I'm sure that OSHA would regulate it
15 if it was a health problem because there are
16 workers working in that environment.

17 MS. AHUMADA: I'm sorry. I was being
18 sarcastic. I don't care if it smells inside the
19 facility. We don't get paid to work there.

20 HEARING OFFICER FROST: No. I'm addressing
21 the health issue. And I'm telling you OSHA does
22 address health issues for workers if they are in an
23 environment where they are exposed to chemicals.

24 MR. KOZY: Yes, but it does not smell the

1 same. I'm sorry. It does not smell the same I
2 don't think. I have never been in the plant, but I
3 think Mr. Krall has already told me before it --
4 He needs to be outside to smell what we are
5 smelling as opposed to inside.

6 HEARING OFFICER FROST: Okay. Well, that's
7 good. That's good to know that there is a
8 distinguishing between the odors.

9 Ma'am, in the back.

10 MS. WOJCIK: Hi. My name is Patricia
11 Wojcik. I also reside at 1631 West 37th Street.
12 And I would have to -- I would like to comment.
13 Sometimes I can see the stack, if I look out of my
14 back porch window, and there are times when I see
15 the big poofy white cloud, which I'm taking it is
16 the steam, and it just dissipates as it goes into
17 the air. But there are other times that the wind
18 is from the east or the northeast, and you see this
19 bluish fog just rolling down the street. And to me
20 the steam and the fog are two different things.
21 And I would say if I'm seeing a blue fog, then
22 there must be particulates in the air that are
23 creating this fog and what are those particulates
24 doing to the people who are breathing that?

1 And at times it is a nauseating smell.
2 There have been nice spring days or summer days and
3 it's nice and the windows are open, and all of a
4 sudden when we have a northeast or an easterly wind
5 and the house starts to permeate with the smell,
6 you have to close the windows and put on your air
7 conditioning and pay for air conditioning that you
8 really don't need because it's a beautiful day
9 outside. But if you want to breathe half decently
10 in your home, that's what you have to do.

11 And Griffith keeps saying, oh, we are
12 doing this test and we are doing that test. But I
13 think we are going in circles, and I think
14 something needs to be done ASAP.

15 MR. SALIS: I have a question to the last
16 speaker.

17 MS. WOJCIK: Yes.

18 MR. SALIS: I have a question. You said
19 there is this bluish smoke, which by the way, I've
20 heard one engineer tell me he saw it, but are you
21 saying this smoke actually -- Is this the smoke
22 that you have been referring to that actually
23 crosses the property line and gets all the way to
24 your homes?

1 MS. WOJCIK: Yes. I live just about two
2 miles -- two blocks west of Griffith. And you can
3 see, you can see it goes like down 37th. I don't
4 know, maybe it goes to 37th Place, sometimes maybe
5 to 36th Street, maybe up to Paulina, up to
6 Hermitage. You could just see it. And it's like,
7 I don't know if you want to call it a fog or a
8 smog. But you can see it. You could see as you
9 are approaching it. And sometimes you can go a
10 block or two in the opposite direction and it's
11 fine, you don't --

12 See, to me, if you call it a nuisance
13 problem or a nuisance odor. Nuisance is one thing.
14 Maybe it doesn't smell the best but it's not
15 harmful to you. But if something smells terrible,
16 I can't describe it sometimes, like sour milk or
17 something, it's nauseating sometimes. And I see
18 this blue haze or fog, whatever you want to call
19 it, it cannot -- I can't see how it can be okay
20 for people to be breathing this and especially
21 little kids. So I think it has to be considered
22 more than a nuisance odor. It has to be escalated
23 and checked out as to how is it affecting people's
24 health.

1 HEARING OFFICER FROST: Is there anyone
2 else?

3 MR. KOZY: I would just like to ask the
4 board to come out on a certain day when you can
5 find out the product from Mr. Krall on what he's
6 doing, come out when it's an 80 degree or 70 degree
7 night out here, and then come out and smell it.
8 And you just smelled again just a little bit today.
9 It's much, much worse some days, much worse.

10 So I would encourage the board again
11 to come out again to actually smell it themselves
12 because I guarantee you, when you smell it, you
13 will take us maybe a little bit more -- I'm sure
14 you believe us. But until you smell it, and then
15 think about living here and smelling it.

16 HEARING OFFICER FROST: Thank you,
17 Mr. Kozy. Is there anyone else?

18 MR. KOZY: That was a question about asking
19 the board if they are going to come out to do that.

20 HEARING OFFICER FROST: Well, we are in
21 Springfield so we are probably, no, we're probably
22 not going to come up. But Mr. Salis has engineers
23 that come to this area. And if it's -- The other
24 thing is is we are not a policing authority. We

1 are not on duty 24 hours a day. But if there is an
2 odor, particularly offensive order especially, that
3 you want us to come out and it's during the hours
4 that the EPA is in operation, call us up and he
5 will send one of his field staff out.

6 MR. KOZY: I see. Do they operate on
7 weekends?

8 MR. SALIS: Not typically, no.

9 MR. KOZY: No?

10 MR. SALIS: Not typically.

11 MR. KORZEC: What times do they operate?

12 MR. SALIS: Typically working hours. It
13 varies from engineer to engineer, but it's between
14 7:00 and 6:00 in the evening.

15 MR. KOZY: The cynical part of me says that
16 sometimes on weekends it's the worst. I wonder if
17 there is a correlation there or not.

18 HEARING OFFICER FROST: Okay. Is there
19 anyone else, any other questions or comments?

20 Yes, ma'am.

21 MS. WOJCIK: Hi. My name is Patricia
22 Wojcik, and I have a question. When I call
23 Griffith, I have called them in the past and I have
24 followed the prompts and the voice mail, leave your

1 name and tell us, if you can, like what day it is,
2 what time it is, what the wind direction is. I was
3 wondering if you can get -- if Griffith kept a log
4 of these calls and complaints and if you can get a
5 copy of that log. Because I haven't always called
6 the city. I have called them directly as their
7 voice mail says. And I was just wondering if you
8 can take -- get a copy of their log, if they have
9 one, which could maybe help backup our case.

10 HEARING OFFICER FROST: We certainly can
11 request that from the company.

12 Like I said, we certainly can request
13 that from the company. And I think, as Mr. Salis
14 touched on a little bit, you know, I think here
15 what we are looking at is kind of a multipronged
16 attack of this. Certainly if you call the company,
17 I think, you know, I think that they are trying to
18 work to solve the problem. So by calling them and
19 providing them with the information, then they can
20 possibly try to determine what is causing -- what
21 they are running at the time, what is causing the
22 problem. But also by calling the city and by
23 calling us, you also formally submit that complaint
24 to us and so each of those agencies, both the city

1 and the state, know that there is a complaint
2 logged.

3 MR. JACOBSON: Scott Jacobson. I have the
4 records of the complaints that Griffith submitted
5 to the city. And they put out the inquiry line,
6 they have kept it at the CAPS meetings. And I told
7 them a few times if they really want to gather the
8 information what they need to do is put the flyer
9 out throughout the neighborhood. But there is
10 very -- Very few people actually get it when it
11 sits on a table in here. Not everyone is from that
12 area. When I go door-to-door, you see the response
13 that I got through the petition. If they are truly
14 interested in getting how terrible the odor is and
15 how offensive it is to people and at what times
16 with what they are processing, they need to take
17 the effort to put out that flyer door-to-door in
18 the same way that I did in going door-to-door with
19 the petition, but they have yet to do that.

20 Also, in what I have seen with what
21 they have submitted to the Alderman's office
22 through the complaints on their inquiry line,
23 things seem to be toned down a little bit because I
24 even remember some of my calls that I have made,

1 and I remember what I said and I remember what's
2 actually been in there. And things have been
3 pushed down because it's not only for the sake of
4 them coming to a conclusion of what they are
5 processing. It's also covering their side to
6 submit to the Alderman to keep in good, you know,
7 on the good side of the Alderman.

8 So it's a double-edged sword with what
9 they are doing with that inquiry line. They say
10 they want the information. But yet, they don't
11 want too many people to get it to make the
12 complaints. So I guess it's really from what I
13 have gotten from this whole thing, if we want to
14 deal with this odor problem, the ball is in our
15 court to gather all this information and get it to
16 you so you can see how extensive this problem is.
17 And then you can make a decision. And what's going
18 to happen from that, most likely the ball is back
19 in our court again if we want to do something with
20 the court case. Is that correct?

21 HEARING OFFICER FROST: No. I mean if we
22 choose to pursue a court case, what we do is the --
23 or the State's Attorney or the Attorney General is
24 our lawyer. And we refer the case to the Attorney

1 General. And then they have to make a decision
2 usually in consultation with our attorneys as to
3 whether it's something that they want to pursue,
4 you know, because obviously they have whatever
5 resources they have. And then the Attorney General
6 has to pursue it in the Illinois Pollution Control
7 Board.

8 I think what Harish had referred to
9 before is if you -- If our court case is based off
10 complaints, the complainants may be called to
11 testify in court.

12 MR. JACOBSON: One last question. From
13 these petitions, what is the normal amount needed?
14 Is there some type of quota that has to be filled
15 in order for you to pursue the case so that they
16 will correct the problem? Is it 500? Is it 1,000?

17 I'm sure some people in here will work
18 together to get to that number that is needed so
19 you will pursue this, so this goes somewhere.

20 HEARING OFFICER FROST: It's not petitions
21 we need. It's specific instances of odor
22 complaints that we need.

23 MR. JACOBSON: Okay.

24 HEARING OFFICER FROST: And within those

1 odor complaints what we generally need to do is
2 show that will there is a detriment to the
3 quality --

4 MR. JACOBSON: Quality of life.

5 HEARING OFFICER FROST: -- or your personal
6 enjoyment of your property.

7 MR. JACOBSON: Okay.

8 HEARING OFFICER FROST: It's kind of a
9 nebulous thing but that's what you are dealing with
10 when you are dealing with a complaint. Obviously,
11 if you can't go out in your back yard and barbecue
12 or if you can't have people over, that's definitely
13 you are not -- that's lessening your enjoyment of
14 your property.

15 MR. JACOBSON: It is embarrassing. You
16 wonder how the wind is going to blow when you
17 invite people to your place.

18 MR. KOZY: Mr. Frost, you say to complain,
19 so we are going to get this number from the state.
20 When you call for the city, though, again, you said
21 you were working in conjunction with the city or
22 they were taking care of the complaints for your
23 office or some kind of agreement. But the problem
24 is when you call, start calling, the average

1 citizen, 311, it will take many times; and they
2 don't understand what the complaint is because they
3 want to send the fire department right away when
4 you call about an odor or something like that. And
5 then you get the certain numbers, and it depends on
6 what time of day, depends on the weekend or
7 whatever, on what numbers you get. Then you get
8 some guy sitting in some office from the Streets &
9 Sanitation Department in the city taking this
10 complaint. And if they are busy, they are not
11 sending anybody out at all.

12 So again, the whole process here
13 actually stinks.

14 HEARING OFFICER FROST: Let me, first of
15 all, what we have here are two -- Our agencies are
16 totally separate. Yes, we do work with them. They
17 have more inspectors I assume than we do for the
18 area. And they also I believe have in some
19 respects kind of a limited policing authority in
20 the fact that they can fine someone, you know, and
21 there may be small fines, but they can fine things.

22 If we want to pursue something, we
23 have to go through court. It may end up being a
24 larger fine or remedy in the end, but it is a court

1 case that we have to go through. But we pursue
2 those things totally separately. If you call 311,
3 you are not going to get us.

4 MR. KOZY: No.

5 HEARING OFFICER FROST: You have to call --
6 and the number is right here, I will give it to you
7 right now -- it's 847-294-4000. It's in the fourth
8 paragraph on the first page of our handout. And
9 you know, so the pursuit of complaints are a
10 totally separate process when you are talking about
11 the city or whether you are talking about the
12 state.

13 MR. KOZY: Is that just during business
14 hours?

15 HEARING OFFICER FROST: Is there an
16 answering machine?

17 MR. SALIS: There is an answering machine.
18 That doesn't mean we will respond to the complaint,
19 but we'll be aware of the problem and respond as
20 soon as possible.

21 What I'm also going to comment in, I
22 know a little bit how the city works, the city has
23 a general complaint number. And that is a great
24 system but, unfortunately, maybe this is a

1 shortcoming, that any complaint, whether it's a
2 fire complaint, whether a mugging complaint, seems
3 to go to that number. The City of Chicago
4 Department of the Environment has a phone number.
5 I wish I had brought it today.

6 MR. KOZY: Well, even that phone number,
7 though, is very erratic, too, depending on again
8 what time of day, what day it is, if it's a weekend
9 or whatever. Because sometimes that is switched
10 over to some other department. I have talked to
11 guys late at night from -- some guy from the
12 Streets & Sans who has no idea about odors or --

13 MR. SALIS: Well, again, I think the key
14 here is they may have the problems we have, they
15 don't have a 24 hours, 7 day a week coverage. We
16 are limited. In that respect, they may be limited.
17 I don't know how they work. I'm going to have to
18 ask them.

19 But if you work and do call the next
20 day, I know the problem may not be there. You
21 know, a lot of this is also just to have it in the
22 records when it comes from a legal point of view.
23 I don't have to see it. If you have 300 witnesses
24 on a case, you know, that's pretty powerful.

1 MR. KOZY: Okay. Now --

2 MR. SALIS: I didn't see it, but you are
3 reporting it and we have that information now.
4 Right?

5 MR. KOZY: Yes. But as I stood up there, I
6 have called I know the state EPA to complain about
7 this. And you said you have no records of this,
8 and I have spoken --

9 MR. SALIS: I get all the complaints that
10 go -- that arrive for the City of Chicago. I get a
11 copy of all the complaints that come from the City
12 of Chicago. I try to look at them. I may miss
13 once or twice when I'm too busy, but I tend to look
14 at them. I don't recall ever --

15 And you know, understand the following
16 also, the City of Chicago especially I would say
17 they get hundreds of complaints a month. So just
18 because you complain, well, that's just one of 100.
19 And they have to answer all these complaints. A
20 lot of them are valid, most of them aren't. And we
21 also have the same situation. So I think this is
22 some of the problems you are going to face. You
23 will have to persist.

24 All I can tell you is to answer your

1 question is I don't recall ever hearing -- I
2 remember a complaint from Griffith Lab dating back
3 I would say to the early '90s. And I remember that
4 one because I was the one that answered the
5 complaint.

6 But I wasn't aware of the fact back
7 then that the situation was so chronic. And to be
8 honest with you, there was another company in the
9 area that was having a lot of problems then. I
10 suspect that it might have been them then even
11 though it was pretty far away. So I wasn't really
12 aware of the problem back then, how severe it was.
13 I'm now becoming aware of it but not then.

14 HEARING OFFICER FROST: Is there anyone
15 else that wants to make comment or question?

16 Okay. Last chance.

17 Okay. There being no one else, we are
18 going to close the hearing. Again, comments should
19 be submitted to the Agency in writing. They must
20 be postmarked by midnight May 3, 2002. They should
21 be sent to 1021 North Grand Avenue East,
22 P.O. Box 19276, Springfield, Illinois, 62794, to
23 the attention of Agency, the Agency Hearing
24 Officer.

1 I want to thank you all for coming and
2 for submitting your comments and your questions,
3 and the record is closed.

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(Which were all the proceedings

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had in the above-entitled

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cause.)

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1 STATE OF ILLINOIS)
) ss.
2 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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18 Janice H. Heinemann, CSR, RDR, CRR
 License No. 084-001391

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