

	I N D E X	
1		
2	PROCEEDINGS	PAGES
3	Hearing Officer's Opening Statement	3 - 4
4	BOA presentation by Mr. Davidson	4 - 9
5	BOA presentation by Mr. Bernoteit	9 - 15
6	Questions/comments from public	15 - 53
7	Hearing Officer's Closure of Hearing	53
8	EXHIBITS	
9	Exhibit No. 1 (Public Notice)	15
10		
11	Exhibit No. 2 (Mailing List)	16
12	Exhibit No. 3 (Title V)	16
13		
14	Exhibit No. 4 (IEPA presentation)	16
15	Exhibit No. 5 (Hearing Opening Statement)	16
16		
17		
18		
19		
20		
21		
22		
23		
24		

1 HEARING OFFICER MATOESIAN: Good evening,
2 everyone. My name is Charles Matoesian. I will be your
3 hearing officer tonight. I'm with the Illinois
4 Environmental Protection Agency. This hearing is at the
5 request of American Disposal Services, Incorporated, who
6 have requested a Clean Air Act Permit Program Permit or
7 CAAPP permit from the Illinois Environmental Protection
8 Agency for air emissions from the Livingston Landfill
9 located on Rural Route 3 in Pontiac.

10 As a major source of air emissions, the
11 company is required by the 1990 amendments to the Clean
12 Air Act to obtain a CAAPP permit. The Permit will be
13 enforceable by the Environmental Protection Agency, the
14 public, as well as the Illinois EPA.

15 The hearing will be held -- The purpose of
16 this hearing, excuse me, is to receive comments and data
17 and answer questions from the public prior to making a
18 final decision concerning the permit. Written comments
19 may be submitted after this hearing. They may be mailed
20 to the Illinois EPA but must be postmarked by midnight,
21 June 12, 2003. Those comments need not be notarized and
22 should be sent to myself, Charles Matoesian. That's
23 M-a-t-o-e-s-i-a-n, Illinois EPA Hearing Officer, at
24 1021 North Grand Avenue East, PO Box 19276, Springfield,

1 Illinois, 62794-9276.

2 That information is on the public notice
3 if you would like. This hearing is being held according
4 to the provisions of subpart A of the Illinois EPA's
5 Procedures for Permit and Closure Plans found at Title 35
6 to the Illinois Administrative Code, Section 166.

7 I will now submit or take comments from the
8 Illinois Environmental Protection Agency, several members
9 of which are to my left. And if anyone makes any comments
10 or statements, please remember that the hearing -- or the
11 court reporter has to take down everything, so please
12 speak clearly and one at a time.

13 I will now turn it over to the Illinois
14 EPA.

15 MR. DAVIDSON: Hi. My name is Mike Davidson.
16 I'm a permit engineer with the Illinois EPA, Bureau of
17 Air; and I'm the person who drafted the proposed CAAPP
18 permit that has been put to public notice.

19 This source applied for a Clean Air Act
20 permit for its existing operation. The CAAPP permit
21 program established in Illinois for the operating permit
22 for significant stationary sources is required by the
23 Federal Clean Air Act as amended in 1990. The conditions
24 in the CAAPP permit are enforceable by both the Illinois

1 Environmental Protection Agency and the USEPA.

2 The Livingston Landfill, a separately
3 incorporated affiliate of the American Disposal Services,
4 Inc., is located at Rural Route 3 near Pontiac. The
5 landfill opened in 1978 and is classified as a municipal
6 solid waste landfill. It is currently being operated
7 under a solid waste permit issued by the Illinois EPA
8 Bureau of Land as per the requirements of 35 Illinois
9 Administrative Code, Subtitle G, under Waste Disposal. A
10 municipal waste landfill is defined as a entire disposal
11 facility in a contiguous space where household waste is
12 placed in or on land. And this solid waste landfill may
13 also receive other types of RCRA, Subtitle D waste, such
14 as a commercial solid waste, nonhazardous sludge,
15 conditional exempt small quantity generator waste, and
16 industrial solid waste.

17 Municipal solid waste is delivered at the
18 source by waste hauling and collection trucks. These
19 trucks deliver the waste to the active area of the
20 landfill where it is graded and compacted by heavy
21 equipment. Prior to the end of the business day, the
22 equipment is then used to cover the waste with a layer of
23 daily cover, which is usually soil as per the requirements
24 of 35 Illinois Administrative Subtitle G, Waste Disposal.

1 The landfill was developed in phases, in this
2 case, parcels A, B, C, and D. Phased development includes
3 site preparation of the landfill invert and the
4 construction of the liner and leachate condensate drainage
5 and collection systems. Once the phase has been filled to
6 their capacity, the next phase is constructed. Areas that
7 are filled at their final elevation are covered with final
8 cover. The final cover includes geomembrane overlay with
9 three-foot of soil. The final cover surface is then
10 planted with vegetation.

11 Landfill gas emissions from the source are
12 generated from the decomposition of materials deposited in
13 the landfill. Landfill gas is primarily composed of
14 methane and carbon dioxide. A small percentage of other
15 constituents present in the gas include hydrogen sulfide
16 and nonmethane organic compounds.

17 At the time of issuance of this permit a
18 landfill gas collection and control system is used to
19 collect and burn a portion of the landfill gas. Control
20 systems are owned and operated by the resource technology
21 corporation and a back-up flare is being operated by the
22 landfill owner/operator. Gas transmission piping system
23 includes condensate collection sumps and knockouts to
24 prevent pipe blockage. The landfill also has a leachate

1 collection system.

2 Other emissions at the source include
3 particulate matter emissions, through fugitive dust
4 generated from roads and excavation activities, and VOM
5 emissions from the leachate condensate, and also VOM
6 emissions from a small gasoline storage tank.
7 Primary emission units at the source are the municipal
8 waste landfill, which is controlled by the landfill
9 gas-to-energy facility and the back-up flare. The 210,000
10 gallon leachate condensate above-ground storage tank and a
11 small 300-gallons gasoline storage tank.

12 This source is required to have a CAAPP
13 permit since it is a major source of emissions and for
14 purposes of fees the source is allowed to emit the
15 following emissions: 21.5 tons of volatile organic
16 material. 11.74 tons of hazardous air pollutants not
17 included in VOM or PM for a total of 33.24 tons.

18 This permit is a combined Title I/CAAPP
19 permit that may contain terms and conditions which address
20 the applicable and compliance, if determined applicable,
21 of Title I of the Clean Air Act and regulations
22 promulgated thereunder including 40 CFR 52.21, Federal
23 Prevention of Significant Deterioration, and 35 Illinois
24 Administrative Code, Part 203, Major Stationary Source

1 Construction and Modification. The source has requested
2 that the Illinois EPA establish or revise such conditions
3 in the Title I permit consistent with the information
4 provided in the CAAPP permit application. Any conditions
5 established in a construction permit pursuant to Title I
6 and not revised or deleted in this permit remain effective
7 pursuant to Title I provisions until such time that the
8 Illinois EPA revises or deletes them.

9 Applicable emission standards at this
10 facility include all emission sources in Illinois must
11 comply with the Illinois Pollution Control Board emission
12 standards. The Board's emission standards represent the
13 basic requirements for sources in Illinois.

14 All emission sources in Illinois must
15 comply with the Federal New Source Performance Standards,
16 the Illinois EPA is administrating NSPS in Illinois on
17 behalf of the United States EPA under a delegation
18 agreement.

19 All emission sources in Illinois must
20 comply with the federal National Emission Standards for
21 Hazardous Air Pollutants, NESHAP. The Illinois EPA is
22 administrating NESHAP in Illinois on behalf of the United
23 States EPA under an additional delegation agreement.

24 The proposed permit, a CAAPP permit,

1 contains all conditions that apply to a source and a
2 listing of the applicable state and federal air pollution
3 control regulations that are the origin of the conditions.
4 The permit also contains emission units and limits
5 appropriate compliance procedures. The appropriate
6 compliance procedures may include inspections, work
7 practices, monitoring, recordkeeping, and reporting to
8 show compliance with these requirements. The permittee
9 may carry out these procedures on an ongoing basis.

10 A Title I/CAAPP permit contains terms and
11 conditions established by the Illinois EPA pursuant to
12 authority found in Title I provisions under 40 CFR 52.21
13 and 35 Illinois Administrative Code, Part 203.
14 Notwithstanding the expiration date on the first page of
15 this permit, the Title I conditions remain in effect
16 pursuant to Title I provisions until the Illinois EPA
17 either deletes or revises them in accordance with standard
18 Title I procedures.

19 MR. BERNOTEIT: Good evening. My name is Robert
20 Bernoteit. I'm an acting Unit Manager in the Permit
21 Section for the Illinois EPA.

22 I will now give a brief summary of the type
23 of permit we are here to provide information to you on.
24 We, of course, are here to listen to your concerns and to

1 answer any questions that you may have. But first, some
2 background on the permit.

3 The 1990 Clean Air Act Amendments created a
4 federal operating permit program known nationally as
5 Title V. This program known in Illinois as the Clean Air
6 Permit Program or CAAPP focuses on industrial sources of
7 air pollution of greatest concern. Again, CAAPP is an
8 acronym for the Clean Air Act Permit Program. CAAPP and
9 Title V are synonymous terms and are interchangeable in
10 Illinois, that is, referred to the permits that result
11 from this program as both Title V and CAAPP permits.

12 The CAAPP requires that a single permit be
13 issued to each affected source that covers all emission
14 units and activities at the source. Before a source could
15 have many permits, up to 100 in some cases. That often
16 caused confusion and permit conflicts. A single all-
17 inclusive permit strategy required by Title V simplified
18 the processes down to a single enforceable document.
19 These CAAPP permits are very detailed in scope and range
20 in size from 50 to 1,000 pages. The typical size of an
21 operating permit before the CAAPP was only one to five
22 pages.

23 And as an example tonight, I have an
24 operating permit that has been issued to American Disposal

1 Services. It's a state permit. And it's only four pages.
2 The draft permit that is open for comment is 88 pages in
3 length. The Illinois EPA is committed in writing to the
4 USEPA to issue its remaining CAAPP permits by the end of
5 this year, 2003.

6 Now I will discuss the benefits of a
7 Title V permit. The issuance of a Title V permit triggers
8 many benefits that assist in the compliance and
9 enforcement of applicable requirements. Some of these
10 benefits are: All requirements are consolidated in a
11 single permit. All conditions in the permit with the
12 exception of those for fees are federally enforceable,
13 state enforceable, and enforceable by the permit.

14 Oftentimes more monitoring is required. If
15 not, the permit at least provides a check that the current
16 monitoring is appropriate. More reporting is required.
17 The permit allows a periodic self-check by the source for
18 compliance. The four big reporting requirements are:
19 One, reporting of deviations. Two, semi-annual monitoring
20 reports. Three, annual compliance certification. This is
21 one of the main tools for compliance, and it becomes
22 required after the Title V permit is issued, which is one
23 of the primary drawbacks of Illinois not having all of our
24 CAAPP permits issued as quickly as possible. The fourth

1 report is the annual emissions report. Many may say that
2 this is already required and it is. But once the CAAPP
3 permit is issued, there becomes available to the Illinois
4 EPA a single document to cross-check with the annual
5 emission report numbers for compliance.

6 Both the semi-annual reporting and the
7 annual compliance certification only become required after
8 the issuance of the permit.

9 Also, I wanted to share with you what the
10 EPA says about Title V permits. "The purpose of Title V
11 permits is to reduce violations of air pollution laws and
12 to improve enforcement of those laws. Title V permits do
13 this by, one, reporting in one document all of the air
14 pollution control requirements that apply to the source.
15 This gives members of the public, regulators, and the
16 source a clear picture of what the facility is required to
17 do to keep its air pollution under the legal limits.

18 Two, requiring the source to make regular
19 reports on how it is tracking its emissions of pollution
20 and the controls it is using to limit its emissions.
21 These reports are public information and you can get them
22 from the permitting authority.

23 Three, any monitoring, testing, or
24 recordkeeping requirements where needed to assure that the

1 source complies with its emission limits or other
2 pollution control requirements.

3 Four, requiring the source to certify each
4 year whether or not it has met the air pollution
5 requirements in its Title V permit. These certifications
6 are public information.

7 And five, making the terms of the Title V
8 permit federally enforceable. This means the EPA and the
9 public can enforce the terms of the public along with the
10 State.

11 I will now go into what this permit does
12 and does not do. The permit does not do: This permit
13 does not allow any increase of emissions above those
14 previously allowed. This permit does not allow the
15 construction of any new equipment or the modification of
16 any existing equipment.

17 What the permit does do: This permit
18 establishes new conditions that must now be adhered to as
19 a result of the issuance of the permit. Whereas all
20 previous permits were only enforceable by the Illinois EPA
21 and the USEPA, this permit is now enforceable by the
22 public. This permit established new recordkeeping and
23 reporting requirements and self-monitoring requirements
24 that are an integral part of the Title V program. This

1 permit is required to be issued under the National 1990
2 Clean Air Act Amendments for Title V. This permit is
3 considered the primary compliance tool for monitoring and
4 verifying compliance of the source.

5 Now some comments on tonight's hearing. We
6 are here to provide you information and perhaps, most
7 importantly, to listen to your comments and concerns.
8 Your comments can and often do affect the content of the
9 permit or even the final action that is to be taken on the
10 application, so please make your comments and concerns
11 known to us.

12 It is also important that you make known
13 your concerns in order to retain your rights should you
14 wish to object to the permit. In explanation, the issues
15 that you may cite in a petition to object to the permit
16 may be limited to those issues that you had previously
17 raised. Therefore, again, it is important that you
18 identify in writing any concerns that you may have here
19 tonight. If not here, let us know prior to the closing of
20 the hearing record, which will be around 30 days from
21 tonight. You may submit such comments via a letter or
22 e-mail to the Illinois EPA, Bureau of Air, Permit Section.

23 And finally, I want to give you some
24 information on what comes next after tonight's hearing.

1 The hearing record will close in roughly 30 days from
2 tonight. We will then generate a proposed permit and send
3 it to the USEPA for their 45-day review period. This
4 proposed permit will also show up on our web site when we
5 send it to the USEPA.

6 The public has 45 days from the close of
7 the USEPA 45-day review period in which to petition the
8 USEPA to object to the permit. After the USEPA review
9 period expires, we will then take final action on the
10 permit. Roughly around the time we take final action on
11 the permit we will mail out the hearing Responsiveness
12 Summary. This document will also appear on our web site.

13 That concludes my opening remarks, and I
14 would like to turn it over to our next speaker.

15 HEARING OFFICER MATOESIAN: Okay. Before I take
16 any comments from the public, I just want to put a few
17 things into the record as exhibits. The first is the copy
18 of the public notice that was placed in the newspaper as
19 Exhibit 1.

20 (Document marked as Exhibit No. 1
21 for identification, as of 5/13/03.)

22 HEARING OFFICER MATOESIAN: Second is a copy of
23 the mailing list for those who required individual notice
24 as Exhibit 2.

1 (Document marked as Exhibit No. 2
2 for identification, as of 5/13/03.)

3 HEARING OFFICER MATOESIAN: Three is a copy of
4 the proposed permit as Exhibit 3.

5 (Document marked as Exhibit No. 3
6 for identification, as of 5/13/03.)

7 HEARING OFFICER MATOESIAN: Fourth is a copy of
8 Mr. Davidson's statement as Exhibit 4.

9 (Document marked as Exhibit No. 4
10 for identification, as of 5/13/03.)

11 HEARING OFFICER MATOESIAN: And last is a copy
12 of Mr. Bernoteit's statement as Exhibit 5.

13 (Document marked as Exhibit No. 5
14 for identification, as of 5/13/03.)

15 HEARING OFFICER MATOESIAN: We will take
16 comments from the public. Those who do speak, please
17 state and spell your name, and please speak clearly so
18 that the court reporter can get all the information down.

19 I notice that Ms. Carolyn Gerwin wishes to
20 make a statement. So, please, go ahead, ma'am.

21 MS. GERWIN: Well, I e-mailed my list of
22 questions ahead of time hoping that would, you know, help
23 smooth things; and basically I thought I would just kind
24 of go over these in order. And some of them you have

1 answered, and some of what you said made me think of some
2 more questions.

3 So I guess you indicated that the facility
4 is currently subject to what they call a PSD or Prevention
5 of Significant Deterioration permit under Title I, is that
6 right?

7 MR. DAVIDSON: Basically, the facility through
8 the construction permit portion of it limitations were
9 established in the construction permit and those
10 limitations are carried over into the Title V or the CAAPP
11 permit.

12 MS. GERWIN: So do they set the same annual
13 limits that the new permit will have in it?

14 MR. DAVIDSON: It's based more on -- I think
15 these limits are more in tune with the control equipment
16 emissions as opposed to the landfill overall emissions.
17 Those limits ere not set previously until the issuance of
18 this NSPS for the landfill.

19 MS. GERWIN: Okay. So the actual landfill, not
20 the equipment on the landfill, is being permitted now for
21 the first time?

22 MR. DAVIDSON: Yes.

23 MS. GERWIN: And when was that law passed?

24 MR. DAVIDSON: It was March 12th of 1996. I

1 will give you a copy of it, but it's part of the federal
2 regulations, 40 CFR, Part 60, subpart WWW, Standards of
3 Performance for Municipal Solid Waste Landfills.

4 MS. GERWIN: Can you run that cite past me
5 again, the CFR cite?

6 MR. BERNOTEIT: 40 CFR, part 60, subpart WWW.

7 MR. DAVIDSON: That's just the regulation, not
8 the site.

9 MS. GERWIN: Okay. And so that first was
10 promulgated in '96?

11 MR. DAVIDSON: Yes.

12 HEARING OFFICER MATOESIAN: And it's just taken
13 seven years to get to the point where the permits are
14 actually being issued?

15 MR. DAVIDSON: Well, we have a large backlog of
16 facilities. The facility was required to comply with the
17 regulations prior to our issuing this permit. It's just
18 that now we are actually creating a framework or
19 memorializing those requirements within this CAAPP permit.
20 The permit spells out those requirements. They are listed
21 almost word-for-word straight from the regulations.

22 MS. GERWIN: So the permit just formalizes it?

23 MR. DAVIDSON: Formalizes it and it spells it
24 out so that it's clear both to the public and also to the

1 facility what they are required to comply with.

2 MS. GERWIN: Were they previously required to
3 report annual emissions under that program?

4 MR. DAVIDSON: Annual emissions is a different
5 program. Our Illinois EPA requires the facility to report
6 their annual emissions under Illinois regulations. I
7 think the problem -- The way we look at an application is
8 that it's a layered process. We look at the Illinois
9 regulations and what they have to comply with. We look at
10 the federal regulations. Sometimes the federal
11 regulations may not be as stringent as the Illinois
12 regulations. In this case, they are more stringent. They
13 are required through recordkeeping, they are required to
14 do certain types of testing, they are required to do
15 certain types of monitoring under these federal
16 regulations.

17 MS. GERWIN: Do they actually limit the
18 emissions any more?

19 MR. DAVIDSON: The emissions in this case are
20 not what we would call primary pollutants of carbon
21 monoxide particulates. In this case, this regulation
22 pertains to nonmethane organic compounds. It's a catch-
23 all that says that anything that's not a methane is
24 covered under this regulation. The requirement is that

1 they have to have a control system. Certain landfills of
2 a certain size that emit a certain amount of this material
3 are required to have a control.

4 In this case, the company has two types of
5 control systems. They have a back-up flare and they have
6 a gas-to-energy facility.

7 MS. GERWIN: What's the cutoff for the smallest
8 facility, you know, what's the threshold for a facility to
9 be covered?

10 MR. DAVIDSON: It's based upon their size. If
11 they are over 2.5 million cubic meters or 2.5 million
12 megagrams.

13 MS. GERWIN: 2.5 million meters cubic meters of
14 air space?

15 MR. DAVIDSON: Cubic meters of air space.

16 MS. GERWIN: Filled air space?

17 MR. DAVIDSON: So whenever we start talking in
18 the permit about land pollutions permit, we are looking at
19 land pollutions permit, that tells us how much they were
20 permitted for the air space. And that's how in 1996
21 Illinois EPA sent out a flyer to all the different
22 landfills, one, to identify who was subject and, number
23 two, to let companies know that they are required to
24 report and identify themselves that they are subject to

1 the regulations.

2 From there, we have been implementing the
3 program either through our operating permit program or
4 through the Title V program.

5 MS. GERWIN: And the pollutants that you
6 mentioned were the methane and the nonmethane volatile?

7 MR. DAVIDSON: Nonmethane organic compound.

8 MS. GERWIN: Organic, only volatile organic,
9 because you are talking about air; right?

10 MR. DAVIDSON: Right. Nonmethane -- That's the
11 catch-all because there are certain nonmethane organic
12 compounds that aren't even regulated under Illinois
13 regulations. But under this regulation, since it would be
14 too hard to identify those and take them out, they just
15 said anything that's organic that's not methane coming out
16 of the landfill is subject to this regulation.

17 We tried to have this control system which
18 either says that they have reduced emissions below a
19 certain concentration, or they have to have a certain
20 percentage of control. And to verify that this is
21 complying with those regulations, they are required to do
22 recordkeeping. They are required to do testing. They are
23 required to do certain types of monitoring to verify that
24 the landfill complies with the regulations. Then they are

1 required to have all these records for this under the
2 permit, and then periodically they are required to do
3 certain types of reports.

4 MS. GERWIN: So instead of permitting each
5 little, what, flare?

6 MR. DAVIDSON: In this case, there is only one
7 flare. A long time ago before we had this regulation,
8 facilities would install passive flare all over the
9 landfill. It looked like a Christmas tree. The USEPA
10 decided that, well, we can now control these and combine
11 them into a single control system. They install piping.
12 The facility is required to put in a piping system to
13 collect both the leachate that comes out of the landfill
14 and also the gases that are generated, and they are
15 required to get rid of these gases by either burning them
16 in a flare or an engine or something.

17 MS. GERWIN: Does that collect absolutely all of
18 the methane and nonmethane?

19 MR. DAVIDSON: The USEPA estimates it at
20 75 percent.

21 MS. GERWIN: 75 percent is collected. That's
22 their estimate based on --

23 MR. DAVIDSON: Testing that they have done.

24 MS. GERWIN: At other places?

1 MR. DAVIDSON: At other places, all over the
2 United States. They came up with what they call a
3 mathematical model. It's a series of equations. And they
4 come up based on the age of the landfill the amount of
5 gases that are being generated.

6 MS. GERWIN: And 25 percent then goes where?

7 MR. DAVIDSON: It would go into the air.

8 MS. GERWIN: Just comes straight off the ground?

9 MR. DAVIDSON: Well, certain companies --

10 MS. GERWIN: It escapes the collection system at
11 certain points, or it just really is coming right off?

12 MR. DAVIDSON: We assume it's escaping, but some
13 companies are making the argument that just based upon the
14 amount of soil that's covering the landfill that microbes
15 within the soil are destroying material as it comes
16 through the soil.

17 MS. GERWIN: I don't know, do you have the list
18 of questions here?

19 MR. DAVIDSON: Yes, I do.

20 MS. GERWIN: I guess I'm up to No. 4. Oh,
21 health effects, we didn't talk about that. What are the
22 basic reasons why these are considered hazardous? They
23 are considered hazardous air pollutants, right?

24 MR. DAVIDSON: We don't necessarily assume that

1 they are hazardous, but they are pollutants of concern.

2 MS. GERWIN: Pollutants of concern?

3 MR. DAVIDSON: If you look through the permit,
4 we are identifying the volatile organic materials. And
5 I'm not really sure where the HAPS came into the
6 application. We don't question what -- If it's on the
7 application, we just put it in there.

8 MS. GERWIN: So you said you drafted it?

9 MR. DAVIDSON: I drafted this, the permit.

10 MS. GERWIN: So did you identify these
11 pollutants or did Allied?

12 MR. DAVIDSON: Allied identified them. And
13 based -- What they used was the USEPA model. The model
14 says that based upon a certain concentration of gas,
15 that's nonmethane organic compounds, the percentage breaks
16 down into this. It's not necessarily going to be this
17 concentration; but based upon their study, the average was
18 this concentration of this chemical.

19 MS. GERWIN: So this, so the tons per year is
20 based on modeling done somewhere else?

21 MR. DAVIDSON: Yes.

22 MS. GERWIN: When was that study done and where?

23 MR. DAVIDSON: I can give you the copy of the
24 procedures; but USEPA came up with an emission calculation

1 procedure, which they put into a large book, what they
2 call AP42. And this chapter is dated November 11th of
3 '98, and it's got a large amount of citations or
4 references. And it looks like they did various studies
5 probably in 1990 and in the 1990s I would have to say.

6 MR. BERNOTEIT: The end notes of this AP42
7 section has 76 different references of different studies.

8 MS. GERWIN: Is that online or --

9 MR. DAVIDSON: Yes, they are. I would be glad
10 to give you the --

11 MS. GERWIN: So they have identified the
12 pollutants. And he asked a question -- One of the main
13 questions I have is is all of this based on modeling, has
14 any actual air monitoring been done at this facility?

15 MR. DAVIDSON: No.

16 MS. GERWIN: Never?

17 MR. DAVIDSON: Not that I am aware of. The
18 company may have done some types of monitoring. They have
19 done some types of testing, but they have -- I'm assuming
20 they have not done a breakdown as to what the actual
21 concentration of individual pollutants that are being
22 emitted.

23 The way the testing is done, what they
24 primarily do is determine what the concentration of this

1 nonmethane organic compound. There, again, this method
2 just takes anything that's carbon and they measure. And
3 then they take another method that takes in all the
4 methane, and they subtract it, and they come up with the
5 nonmethane organic compounds.

6 MS. GERWIN: Sort of anything else?

7 MR. DAVIDSON: Anything else.

8 MS. GERWIN: That has carbon.

9 MR. DAVIDSON: Right. And the concentration of
10 the stuff is fairly low. It's compared to what the amount
11 of methane is. Methane is like 39 percent. And then
12 carbon dioxide is something like 40 something, and then
13 whatever else is coming out is moisture and this other
14 material. It's less than a percent.

15 MS. GERWIN: But you don't actually know if the
16 company has done any air monitoring?

17 MR. DAVIDSON: No. I wouldn't have that
18 information.

19 MS. GERWIN: And so I guess --

20 MR. DAVIDSON: It's not a requirement of the
21 regulation. The only type of monitoring they are required
22 to do is they are required to -- under this regulation
23 they are required to have somebody walk over the face of
24 the landfill, determine if there is any methane escaping.

1 If there is methane escaping under a certain concentration
2 or I should say over a certain concentration, they are
3 required to do something about it. Because we assume
4 nonmethane organic compounds are escaping. That's the
5 type of monitoring they are required to do. They are
6 required to have somebody walk over the face of the
7 landfill every quarter.

8 MS. GERWIN: Once every three months?

9 MR. DAVIDSON: Yes.

10 MS. GERWIN: Is that with like one of those
11 little sniffer devices?

12 MR. DAVIDSON: Yes. Like somebody would do for
13 the gas company. They are trying to determine if there is
14 a crack in the liner or a crack in the face of the
15 landfill. They are also required to install new wells if
16 they have a problem; or, you know, if there is vegetation
17 or something, they are supposed to investigate.

18 MS. GERWIN: During our hearings about the
19 expansion back in March, there was discussion about the
20 fact that they are having a compliance problem, a
21 continuing compliance issue, with one of their air
22 stations, one of their landfill gas stations. And I'm
23 sure John can say this more correctly than I can.

24 MR. MC DONNELL: I'm John Mc Donnell. I'm with

1 Allied. It's actually one of our probes that's at the
2 perimeter of the facility that's actually part of the land
3 permit. So it's not even part of your program. You know,
4 Joyce Munie's group has us put in below-ground probes, and
5 we have one probe that has consistently detected methane.
6 And we are into basically a compliance commitment
7 agreement with the State of Illinois to put in additional
8 gas wells and a containment wall on that side of the
9 facility.

10 MR. DAVIDSON: And as he indicated, that's a
11 land issue. We wouldn't even get the report over that
12 because it's not an air -- In this case, I think he's
13 talking about the migration of methane through the soil
14 underground. Granted, it's going to escape somewhere but
15 we --

16 MS. GERWIN: Does your modeling take into
17 account an --

18 MR. DAVIDSON: We would look into how the gas
19 moves through the soil or whether it goes off-site.

20 MR. DAVIDSON: They are required under the
21 permit -- This regulation doesn't say they have to comply
22 with anything else. But our permit says, yes, they have
23 to comply with the land pollution regulations.

24 MS. GERWIN: As a --

1 MR. DAVIDSON: And they are required to report
2 this stuff to us under this permit. The old permit didn't
3 have -- Like you see, it's three pages.

4 MR. BERNOTEIT: It's just for the flare.

5 MR. DAVIDSON: For the flare. This permit says,
6 yes, you have to keep the same records you did under the
7 land. And then if we want to look at that stuff, we can
8 look at it. But at this time we are not aware of any
9 problems with the facility in regards to noncompliance
10 with our regulations.

11 MS. GERWIN: But if there are significant
12 noncompliance issues with the probe or other problems with
13 the site --

14 MR. DAVIDSON: Land pollution would be the one
15 to implement -- Land pollution's mandate is to control
16 the methane emitted from the landfill because of concern
17 about explosions or something. I'm not really sure. I
18 don't -- I have kind of skimmed through land's
19 regulations, but I don't really -- I haven't read them.

20 Our regulations are concerned with the
21 emissions of the nonmethane organic compounds. They
22 coincide because by capturing the methane you can't
23 capture the nonmethane organic compounds. By capturing
24 the methane, they are able to sustain the flare or the

1 engines because they -- the methane provides the fuel for
2 burning the nonmethane organic compounds.

3 The regulations really don't talk about
4 off-site migration other than they are required to monitor
5 the surface concentration of methane along the perimeter.
6 If there is a problem, if they determine there is a
7 problem, I'm assuming that the footprint will expand, that
8 they have to install these new wells to collect the gas.
9 So then, yes, then we will be concerned -- You will have
10 to walk the surface of the landfill, and then that's when
11 we would step in if we determine there is a problem.

12 MS. GERWIN: Do you ever independently survey
13 the site, or is it just -- Is all your enforcement based
14 on what they report to you from the walkovers and the
15 annual reporting?

16 MR. DAVIDSON: That's correct. It's based upon
17 what the company itself reported.

18 MS. GERWIN: So it's all on the honor system?

19 MR. BERNOTEIT: Well, Title V sources in
20 Illinois are required to be inspected once per year.

21 MS. GERWIN: Once per year. And that hasn't
22 started yet because the program isn't really up yet, and
23 they don't -- they don't have their permit. Are you doing
24 it other places or --

1 MR. BERNOTEIT: Yes. We are doing other Title V
2 sources.

3 MS. GERWIN: What will that --

4 MR. DAVIDSON: This facility has been inspected
5 by the field I'm pretty sure. When I called the field
6 guy, he is aware of the facilities. And I'm sure he's
7 made some type of inspection.

8 MS. GERWIN: You mean land?

9 MR. BERNOTEIT: No. For air.

10 MS. GERWIN: Okay. I don't think I saw that.

11 So basically when you talk about
12 monitoring -- I'm sorry -- modeling, what I picture is
13 sort of a complex set of formulas. And it's based on what
14 the area and the height and the capacity is, the age, all
15 these?

16 MR. DAVIDSON: In this case, it's the amount of
17 tons of waste and how old the waste is. And then it goes
18 into an equation, and it just kind of goes by increments.
19 If we don't know the exact quantity, in this case, since
20 they have been under this regulation, they are required to
21 keep track of the quantity and then enter that into the
22 equation. But back in time, when they may not know the
23 exact quantity, they make an estimate. And then based on
24 that estimate they take an average to come up with how old

1 the waste is for each increment for each year.

2 MS. GERWIN: When does the most -- At what age
3 is it most productive of gases?

4 MR. DAVIDSON: Actually the landfill reaches the
5 peak of emissions when it reaches capacity. And after
6 that, it drops off. Because the old waste is not emitting
7 as much as the newer waste. But the newest waste isn't
8 emitting yet either because the model assumes that I think
9 it's two years or one year before the waste actually emits
10 methane. And that's just what works into the model.

11 Because that's why it says that if you are not,
12 if the waste -- They don't have to install a collection
13 system until five years after the waste in an active area.
14 The waste has to be five years old before they put a
15 collection system in an active area. And then if they
16 reach final grade, they have two years. Well, the
17 landfill isn't going to build the place up and then
18 install something in. They are going to do it right
19 before they put the cover over it, so it makes more sense.

20 MS. GERWIN: Can this permit be amended to
21 increase the quantities that can be emitted?

22 MR. DAVIDSON: Sure. Most times the
23 limitations are established under Title I. The company
24 doesn't want to be under real strict requirements of Title

1 I. They want to avoid it by limiting their emissions to a
2 level that's below the requirement where they have to have
3 the most stringent controls. In this case, the facility
4 is well below that limit. They have plenty of room to
5 increase emissions. Livingston County is compliant for
6 volatile organic compounds, so they have -- They could
7 emit over 250 tons before they would have the most
8 stringent controls.

9 MS. GERWIN: So the County as a whole has to be
10 within a certain --

11 MR. DAVIDSON: Yes. Will County, Cook County,
12 all those counties in that area. And even in those cases,
13 landfills, I don't think there is even one landfill that
14 is over 250 tons. Or in that case, it's 25 tons.
15 Actually, I correct myself, it's 25 tons in those counties
16 surrounding the Chicago area. Just because you are so far
17 from Chicago, you don't have any major industrial
18 facilities here, that we don't have any -- they are not
19 required to install the more stringent controls.

20 But because of this regulation, and there
21 is another regulation that's coming down, that's where the
22 control is because they are required under this NSPS to
23 control their emissions. In this case, they get a
24 benefit, you know, the County, the State gets a benefit

1 because they are required to control their emissions.

2 MS. GERWIN: Looking at things more locally,
3 though, you don't have information about where this air
4 pollution migrates to offsite; do you?

5 MR. DAVIDSON: No.

6 MS. GERWIN: And you have never done any air
7 monitoring at all in Pontiac?

8 MR. DAVIDSON: No. I think the closest
9 facility -- the closest monitoring stations was Braidwood
10 and Normal.

11 MS. GERWIN: Braidwood and Normal?

12 MR. DAVIDSON: Yes. And those were for ozone
13 and nitrogen -- and PM, certain types of the smallest
14 particulate matter. And I think Braidwood has nitrogen
15 oxide monitoring stations.

16 There was in Streeter and Gridley, there
17 was ozone and nitrogen oxide monitoring stations ten years
18 ago. But some --

19 MS. GERWIN: How do some places -- Why do some
20 places have them and some don't?

21 MR. DAVIDSON: Basically these stations form a
22 grid. And it's just USEPA requires us to do certain types
23 of modeling to determine what our emissions are. And the
24 hot spots, those counties that are hot spots for

1 emissions, for example, if you -- There is a web site,
2 and I can give you the web site. The concentration by and
3 large takes around the Chicago area because that is the
4 worst area. It is classified as severe nonattainment.
5 Around St. Louis, it's moderate nonattainment. And then
6 the rest of the State is attainment. The concentration of
7 the gases are so low that it's not a concern for USEPA.

8 So this network is established. These
9 stations just monitor the amount of certain gases, and
10 then based on that -- And I think in the Streeter and
11 Gridley case, it was something to do with the Great Lakes,
12 something about they were concerned about the amount of
13 gas pollutants that would be going into the lakes and
14 polluting all the fish and stuff. And that was like from
15 ten years ago that study was done.

16 And then these other two sites that I
17 mentioned, that Normal and Braidwood, that's ongoing
18 studies that they have been there for a while. And in
19 this case, I think Normal is located near the university.
20 They have got a station. And then what they are doing is
21 just it's a kind of a centrally located station within the
22 State, and they may not be monitoring the gases that are
23 coming from Illinois. They may be monitoring the amount
24 of gases coming from Missouri.

1 We have had previous lawsuits filed by
2 states on the east coast that say that Illinois is
3 polluting their air because we have got these coal
4 stations, that their gases are blowing over into their
5 state. And they are saying that's because -- the reason
6 they are not attainment because Illinois is polluting
7 their air.

8 Same thing applies to Illinois. We may be
9 monitoring emissions from somebody else's state. That's
10 just because of the way the weather pattern material comes
11 down and onto Illinois.

12 MS. GERWIN: Would it be possible for the State
13 to do an air quality study in this vicinity?

14 MR. BERNOTEIT: That's a question we would have
15 to take back with us to Springfield. I can't answer for
16 you.

17 MR. DAVIDSON: It would have to go all the way
18 to the Director's office.

19 MS. GERWIN: We have a high rate of Lou Gehrig's
20 here according to rates that were given to us by Joel Kohn
21 at University of Illinois, incidence and -- I don't know
22 all the technical terms. But just based on people that
23 you know have it, you know, we have a very high rate in
24 the immediate area. And I understand that there is a

1 study being done or information being gathered, I forget
2 if it's by NIH or CBC, about possible connections between
3 waste sites and ALS because they just don't know what
4 causes it. And then I guess there is also a lot of
5 concern in the area about our cancer rate. And there
6 haven't been any formal studies done, but it's a concern
7 of a lot of people.

8 So we really would like to get a handle on
9 what exactly is being emitted and where and who is being
10 affected. And it sounds like other than using our
11 noses -- because when you are smelling it you are
12 breathing it -- and other than that, we don't really know.
13 And it is being smelled in the golf course subdivision out
14 by -- I don't know if you -- where you came in from; but
15 if you come in on Route 116, there is what we call the
16 golf course subdivision, Fairview Estates out there, and
17 people out there tell me they are smelling landfill-type
18 gases.

19 And I smell it down in the courthouse
20 square sometimes. I used to think it was coming -- You
21 know, I assumed it was coming from the landfill, which
22 seems like a long way for it to come, but it's only when
23 the wind is right. But now I wonder if sometimes it isn't
24 coming off of the sludge that they dump at the sewage

1 treatment plant here in town because the POTW processes
2 the leachate, about 5 million gallons a year. So it could
3 be that some of those fumes are coming off from directly
4 from that. I just don't know. I would like some answers
5 as to who is being exposed to what, how much, when. And
6 it just seems like there is no data. There is just no
7 testing being done.

8 MR. DAVIDSON: I don't have the answer for you
9 because we just -- What this permit deals with is the
10 emissions based upon the regulations. The health, we
11 would be glad to do some type of modeling as far as what
12 the emissions may -- If you want to send in a request, we
13 can take that up. But there again, it's going to have to
14 go all the way to the Director as far as installing a
15 monitoring station or something in that order.

16 MS. GERWIN: Well, it's a very large facility
17 out there. It's the busiest landfill in the State of
18 Illinois. A couple years ago it was the fourth busiest in
19 the United States of America. And we are not very many
20 people here, but those of us who are here would like to
21 have some information developed and be sure that we are
22 not falling through the crack so to speak. Because it
23 sounds like the regulations deal with modeling and, you
24 know, and not monitoring. And for the people who live

1 here it would be a very great benefit to know exactly
2 what's going on. And in terms of going up to the State
3 level, you know, the top levels, well, it's a critical
4 facility for a large portion of the population of this
5 State is what they are telling us. So I don't think it's
6 too much to ask for the State to spend some money on it.

7 And also, as you know, they are applying to
8 double the capacity basically, not the footprint but air
9 spacewise, it's a big increase. So that presumably more
10 garbage, more air pollution; correct?

11 MR. DAVIDSON: Yes.

12 MR. BERNOTEIT: Prior to any expansion of the
13 landfill, they would also have to obtain a permit not only
14 from the Bureau of Air within the Illinois EPA but also
15 the Bureau of Land and the Illinois EPA as well. And to
16 my knowledge, no application has been submitted to that.
17 And I believe they can't even submit one until a site is
18 addressed.

19 MS. GERWIN: But it seems like it's just a
20 matter of paperwork to get the permit. You just figure
21 out the modeling numbers and put the numbers in the
22 permit, and there you got the permit. Right?

23 MR. BERNOTEIT: Well, because there is some
24 concern in the community, they would have to go through a

1 public notice and most definitely a public hearing, like
2 this one tonight, prior to issuance of any construction
3 permits for any expansion.

4 MS. GERWIN: Well, when are we going to do any
5 testing I guess is my question. So I understand you have
6 to take that back to the powers that be.

7 MR. BERNOTEIT: Yes.

8 MS. GERWIN: This permit does not address
9 diesel at all, does it, diesel exhaust?

10 MR. DAVIDSON: No.

11 MS. GERWIN: The landfill uses 25 gallons a day
12 of diesel and up to 10,000 gallons a day, or I think
13 that's what they told us, for their earth-moving equipment
14 and their various equipment. And if I understand what you
15 have told Linda Underwood correctly, this permit has
16 nothing to do with that; is that right?

17 MR. DAVIDSON: No. There is no Illinois
18 regulations, at least under the air permit's regulations,
19 that deal with diesel emissions. I think that's a federal
20 program. USEPA requires the diesel manufacturers to emit
21 a certain level of emissions, and then these manufacturers
22 have to comply with those regulations.

23 MS. GERWIN: That applies to the new, newly
24 purchased equipment since the regulation came into effect;

1 correct?

2 MR. DAVIDSON: Yes.

3 MS. GERWIN: So the old stuff is grandfathered.
4 So as long as they can keep it running, they can keep
5 using it; right?

6 MR. DAVIDSON: Yes.

7 MS. GERWIN: Does this type of permit
8 requirement apply to the POTW here in town, too? Do they
9 need a Title V air permit?

10 MR. BERNOTEIT: They probably don't. For them
11 it would be based on the quantity of their potential
12 emissions.

13 MS. GERWIN: Is that based on modeling, too,
14 generally; or how do they know whether or not they are
15 supposed to be getting a permit?

16 MR. BERNOTEIT: It would also be based on
17 modeling.

18 MS. GERWIN: How long does a landfill continue
19 to give off hazardous air pollutants; or I guess, you
20 know, these types of air pollutants? I think technically
21 hazardous air pollutants means something very technical.
22 But just how long does it take before it stops giving off
23 air pollution?

24 MR. DAVIDSON: Well, under the regulations, they

1 are required to have a control for at least 15 years under
2 these regulations. And then from there, they have to
3 demonstrate that their emissions are below the
4 15 megagrams based on three sets of tests. And then they
5 can remove the equipment, and the landfill has to be
6 closed. So --

7 MS. GERWIN: So it just keeps going until they
8 get below the level?

9 MR. DAVIDSON: Yes.

10 MS. GERWIN: Don't we have any track record on
11 generally how long that generally is?

12 MR. DAVIDSON: It's all based upon -- You can't
13 really say, and I don't have the data to tell you how long
14 that would be. If you look at the model, it's more like a
15 bell curve. It reaches the highest point whenever it
16 reaches capacity. And then after that, it drops off
17 correspondingly. That could be 10, 20 years depending
18 upon how big the facility is and how old the waste is.

19 MS. GERWIN: Would these pollutants be deposited
20 on properties around the area if they get offsite?

21 MR. DAVIDSON: I have no idea.

22 MS. GERWIN: Does the new program decrease the
23 levels allowed to be emitted at all? You said it didn't
24 increase it, but does it decrease it?

1 MR. DAVIDSON: Under this regulation, it
2 substantially requires them to decrease their emissions.

3 MR. BERNOTEIT: Under the NSPS?

4 MS. GERWIN: NSPS.

5 MR. BERNOTEIT: There is a future regulation, a
6 national emission standard for hazardous air pollutants,
7 that may become applicable to this landfill.

8 MR. DAVIDSON: But it doesn't really --

9 MS. GERWIN: It may or --

10 MR. DAVIDSON: The only thing it really adds is
11 if they are subject to the NSPS, they are required to
12 comply with the NSPS requirements and then additional
13 recordkeeping. There is no added control or --

14 MS. GERWIN: But we don't really know if that's
15 going -- whether anything is going to be triggered under
16 that program?

17 MR. DAVIDSON: I would believe that they would
18 be subject to it, but I'm not really sure what the data
19 date is that requires them to comply. It's a new
20 regulation, and it is referenced in the draft of the
21 proposed permit.

22 MS. GERWIN: Okay. I think that is the last of
23 my questions. And I just want to reiterate that we would
24 appreciate it if we could have some sort of actual data

1 developed by the State independently as to the actual
2 exposures that might be occurring.

3 HEARING OFFICER MATOESIAN: Thank you, ma'am.

4 Are there any other comments or questions
5 tonight?

6 Yes, ma'am. Could you please just state
7 your name and spell it.

8 MS. WOODBURN: Dee Woodburn, W-o-o-d-b-u-r-n.
9 Robert, did I hear you right, that the CAAPP permit is
10 enforceable by the public?

11 MR. DAVIDSON: Yes, it is.

12 MS. WOODBURN: Could you expand on that, just
13 how would the public go about and what would be enforced.

14 MR. BERNOTEIT: Reports submitted by the
15 landfill or its owners and operators may be obtained --
16 copies may be obtained through the Freedom of Information
17 Act. And the public or citizens groups or environmental
18 groups can review those reports and act independently of
19 both Illinois EPA and USEPA and bring forth suits against
20 the source if any violations are discovered.

21 MS. WOODBURN: Are there set penalties for
22 violations?

23 MR. BERNOTEIT: I believe there are, but I don't
24 have the numbers available to me.

1 MS. WOODBURN: Okay. Thank you.

2 HEARING OFFICER MATOESIAN: Thank you. Any
3 other questions?

4 Yes, ma'am.

5 MS. BURNSIDE: I'm Doris Burnside,
6 B-u-r-n-s-i-d-e. What I have heard here tonight doesn't
7 make me very comfortable. We are smelling this stuff. I
8 would like to have somebody monitor it outside of the
9 landfill people. I guess that's all I'm going to say.

10 HEARING OFFICER MATOESIAN: Okay, ma'am.

11 Cindy Rients.

12 MS. RIENTS: Cindy Rients, R-i-e-n-t-s. I guess
13 I was confused. I thought the EPA actually did
14 monitoring. You are saying that it's on an honor system.
15 So what kind of device is there if there is -- if they are
16 not following the procedures, there is no way that we will
17 ever know unless --

18 MR. DAVIDSON: Under the requirements, they are
19 required to submit this report.

20 MS. RIENTS: Right.

21 MR. DAVIDSON: The report has to indicate how
22 they did -- the method they used. And the method
23 includes -- Okay. They have to calibrate the equipment,
24 and then they have to identify what the piece of equipment

1 was. And then they have to indicate that they have a plan
2 for going out on the surface of the landfill and
3 monitoring, you know, what path they are going to walk.
4 And then based on that we can look at that to see if they
5 can apply.

6 MS. RIENTS: But how do you keep that honest?
7 I mean even in our county government where we go and
8 inspect the restaurants, if it was based on, "Do you keep
9 your food temperatures cold?"

10 "Yes, I do." We have inspectors that go
11 out and do that. Do you have any inspectors or anything
12 that monitor that they are, in fact, really complying? I
13 mean they can fill out a report that tells you what you
14 want to hear, but how do you monitor that?

15 MR. DAVIDSON: It's like anything else. We have
16 to come -- If you did, you would have to have a policeman
17 at every factory. You would have to have somebody
18 watching over everybody's shoulder.

19 MS. RIENTS: But you don't do spot checks or
20 anything?

21 MR. DAVIDSON: We have an inspector that does
22 the annual test inspection. And then based upon citizens'
23 complaints, he will come out and he will also do on-site
24 inspections.

1 For example, I contacted our inspector, he
2 indicated that there was no odor complaints made to his
3 office. And if, you know, if there has been an odor
4 complaint, somebody is going to come out and check on it.
5 Somebody is going to go up to somebody's door, knock on
6 it, and say, "Okay. When did this happen and what did you
7 smell?"

8 It's the same thing, if somebody says that
9 something has been blowing across this guy's yard and
10 it's -- or out of this guy's smoke stack and it's all over
11 my car, he is going to come out there, he is going to take
12 pictures, he is going to maybe take a sample out there,
13 and he's going to go over and talk to this guy and say,
14 "Okay. What have you been doing and why, and why is it
15 coming across on this guy's yard?"

16 And then eventually there is going to be a
17 letter sent to this guy. And from there if they don't get
18 the answers they want, then it's going to go up to an
19 attorney. And from there it's going to go to the State's
20 Attorney's office. It's a step-by-step process.

21 MS. RIENTS: Okay.

22 MS. BURNSIDE: Would you tell us then -- We
23 don't like to file every time we smell something, but
24 where do we do it?

1 MR. DAVIDSON: What the inspector would tell you
2 is to keep a log. He would tell you to keep a daily log.
3 "Okay. I smelled this this day."

4 MS. BURNSIDE: Okay. I smelled it today.

5 MR. DAVIDSON: Just like anything else in the
6 courts. You have got a written record, then you can
7 submit that as part of the record that there has been this
8 complaint.

9 MS. BURNSIDE: And where do you send those at?

10 MR. DAVIDSON: Likewise, the company is required
11 to keep track of any complaints. And they are supposed to
12 have a record of the complaints. If the inspector comes
13 out there and says, "Well, you guys have got all these
14 complaints about the odor, what are you doing about it?"

15 MS. BURNSIDE: That's what we are supposed to do
16 every time we smell it, call them?

17 MR. DAVIDSON: The squeaky wheel gets the
18 grease, unfortunately, just like everything else in this
19 country. In order for us to be aware of it, we can't --
20 We have to have somebody complain.

21 MS. BURNSIDE: Okay. I guess --

22 MR. DAVIDSON: If that takes going to -- If you
23 don't like the answer one place, you go someplace else.
24 If you don't like the answer from this field guy, it's not

1 making -- Then you call his supervisor. And if that
2 doesn't work, you call the Director.

3 MS. BURNSIDE: I guess we were naive and we
4 thought that you guys were protecting us a little better
5 than evidently was happening so --

6 MR. DAVIDSON: It's just like the police.

7 MS. BURNSIDE: So other than that, we'll call
8 you.

9 MR. DAVIDSON: The policemen here -- I'm sure
10 you have crime in this town. What does he do, does he
11 know when this guy is going to do this or this guy is
12 going to do that? We don't know. We just assume that the
13 company is complying based upon what is reported.

14 MS. BURNSIDE: Okay.

15 MR. DAVIDSON: And we are not saying that this
16 company is in violation. We have no information.

17 MS. BURNSIDE: Okay.

18 MS. RIENTS: So we write to the EPA or to the
19 landfill, which?

20 MR. DAVIDSON: I would contact -- First would
21 be to call the field inspector and report an incident.

22 MS. RIENTS: That's at the landfill?

23 MR. BERNOTEIT: No. At --

24 MS. RIENTS: At the EPA?

1 MR. DAVIDSON: Yes.

2 MR. BERNOTEIT: Yes. We can give you his name
3 and number.

4 MS. RIENTS: Okay.

5 MR. BERNOTEIT: And the inspector for Livingston
6 County, his name is Darwin Fields, D-a-r-w-i-n, last name
7 Fields, common spelling. And he's in the Champaign
8 office, and the phone number there is 217-278-5800.

9 MS. RIENTS: And if we would like to write to
10 have data from this community done, because you are going
11 to take that back, but if we want to reinforce it with
12 notification that we also as a community would like to
13 have some investigation, what address would we send that
14 to?

15 MR. BERNOTEIT: Would they enter that as part of
16 the record?

17 HEARING OFFICER MATOESIAN: Yes. I think they
18 would, actually. You can send that to me at the address I
19 gave earlier.

20 MS. RIENTS: Okay.

21 MR. DAVIDSON: In addition, after this
22 procedure is done, you can also contact the USEPA and
23 voice this -- The way the program is meant to be, you
24 have quite a few a few avenues to address your concerns.

1 And if, like I said, you don't like what we tell you, then
2 you go, keep going up. And you can also address these
3 concerns to USEPA. They are required to do certain sets
4 of procedures also, the same as we are.

5 MS. RIENTS: Okay. Thank you.

6 MR. RIENTS: Will there be a fine or anything
7 that they would have?

8 MR. DAVIDSON: That's just it. People think
9 that the Illinois EPA establishes fines and so forth.
10 It's done through the courts. And that any violations,
11 all we do is make the recommendation. If the field
12 inspector makes a recommendation to the enforcement
13 section, the enforcement section makes a recommendation to
14 the State's Attorney. And from there, they are the ones
15 that go to court.

16 MR. RIENTS: So it makes somebody feel good if
17 they get the complaint of the smell and they are not
18 getting the blame for it --

19 MR. DAVIDSON: It all depends on the -- There
20 are various levels of enforcement. And primarily they may
21 not -- it may not be in the public's interest to go for a
22 fine. It would be more of the public interest to control
23 that odor and to come up with a way for the odor not to be
24 coming out in the first place.

1 MS. GERWIN: Close the landfill.

2 HEARING OFFICER MATOESIAN: Excuse me, sir.

3 Could you state your name for the record.

4 MR. RIENTS: Dwayne Rients, R-i-e-n-t-s.

5 MS. BURNSIDE: Are you going to report back to
6 your supervisor, your Director, about this? Are they
7 going to get a transcript of this tonight?

8 HEARING OFFICER MATOESIAN: Well, not tonight.
9 But if you have any concerns, if you just include them in
10 the record, and that would all be handled in the
11 Responsiveness Summary.

12 MS. BURNSIDE: Your Director would get this?

13 HEARING OFFICER MATOESIAN: Yes. Yes.

14 MS. BURNSIDE: He will get a copy of the
15 transcript she is making tonight then?

16 HEARING OFFICER MATOESIAN: She would get a copy
17 of any concerns you had that would warrant her attention.

18 MS. BURNSIDE: What's going to happen with the
19 record she is making tonight?

20 HEARING OFFICER MATOESIAN: Well, that is all
21 included as part of the record.

22 MS. BURNSIDE: And she'll get that?

23 HEARING OFFICER MATOESIAN: I don't know if it
24 would go up to her attention. It would go to the Bureau

1 Chief for the Bureau of Air. She handles all types of
2 mediums, the Director herself does. But he has to review
3 it and sign off on it.

4 Are there any other questions then?

5 (No response.)

6 HEARING OFFICER MATOESIAN: All right. Then I
7 will close this hearing, and thank you all for coming.
8 Good night.

9 * * *

10 (Which were all the proceedings had in
11 the above-entitled cause.)

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1 STATE OF ILLINOIS)
) ss.
2 COUNTY OF DU PAGE)

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4 I, JANICE H. HEINEMANN, CSR, RDR, CRR, do
5 hereby certify that I am a court reporter doing business
6 in the State of Illinois, that I reported in shorthand the
7 testimony given at the hearing of said cause, and that the
8 foregoing is a true and correct transcript of my shorthand
9 notes so taken as aforesaid.

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

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