

1 BEFORE THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

2 IN THE MATTER OF:)
3 Proposed Issuance of a)
4 Construction Permit and)
5 Modification to the Lifetime)
6 Operating Permit for Meyer)
7 Material Company in McHenry)

8 REPORT OF PROCEEDINGS taken at the hearing
9 of the above-entitled matter, held at 4724 West Crystal
10 Lake Road, McHenry, Illinois, before Hearing Officer
11 Charles Matoesian, reported by Janice H. Heinemann, CSR,
12 RDR, CRR, a notary public within and for the County of
13 DuPage and State of Illinois, on the 15th day of October,
14 2003, commencing at the hour of 7:00 p.m.

15 APPEARANCES:

- 16 MR. CHARLES MATOESIAN, IEPA Hearing Officer;
- 17 MR. BOB BERNOTEIT, BOA, Permit Section;
- 18 MR. VALERIY BRODSKY, BOA, Permit Section;
- 19 MR. RIZAL JIMENEZ, Field Engineer, Des Plaines.

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1 HEARING OFFICER MATOESIAN: Good evening, ladies and
2 gentlemen. My name is Charles Matoesian. I will be the
3 hearing officer tonight. This is a public hearing
4 concerning the proposed issuance of a construction permit
5 and modification to an existing lifetime operating permit
6 for Meyer Material Company in McHenry.

7 This hearing is being held by the Bureau of
8 Air, Illinois Environmental Protection Agency. Meyer
9 Material Company has requested the Illinois Environmental
10 Protection Agency to issue a permit to construct an
11 aggregate transfer system and modify its current lifetime
12 operating permit for the aggregate processing plant to
13 incorporate the transfer system at its facility located at
14 1819 North Dot Street in McHenry. The aggregate transfer
15 system consists of three conveyor systems. The
16 construction of the aggregate transfer system will not
17 increase material throughput at the facility. The project
18 is not subject to the federal Prevention of Significant
19 Deterioration rules found at 40 Code of Federal
20 Regulations, part 52.21, or the State Major Stationary
21 Sources Construction and Modification rules found at
22 35 Illinois Administrative Code, part 203.

23 The purpose of this hearing is to receive
24 comments and data and answer questions from the public

1 prior to making a final decision concerning the permit.
2 Lengthy comments and questions should be submitted to the
3 Illinois EPA in writing.

4 Written comments must be postmarked by
5 midnight, November 15, 2003. And this is a note: The
6 Public Hearing Guide says the 14th, but that's incorrect,
7 it's the 15th of November.

8 Comments need not be notarized and should
9 be sent to myself, Charles Matoesian. That's
10 M-a-t-o-e-s-i-a-n, Illinois EPA Hearing Officer, at
11 1021 North Grand Avenue East, PO Box 19276, Springfield,
12 Illinois, 62794-9276.

13 This hearing is being held under the
14 provisions of subpart A of the Illinois EPA's Procedures
15 for Permit and Closure Plan Hearings found at 35 Illinois
16 Administrative Code Part 166.

17 On behalf of Renee Cipriano, the Director
18 of the Illinois Environmental Protection Agency, myself,
19 and the Agency at large, I thank you all for coming.

20 And we will begin now with a presentation
21 by Mr. Bob Bernoteit.

22 MR. BERNOTEIT: Good evening, ladies and
23 gentlemen. My name is Bob Bernoteit. I'm the acting
24 manager of the smaller source unit in the Permit Section.

1 I will now provide a brief summary of the type of permit
2 we are here to discuss and provide information to you on.
3 We, of course, are also here to listen to your concerns
4 and answer any questions that you may have. But first,
5 some background on the permit.

6 Permits are required in Illinois prior to
7 the construction and operation of emission sources and
8 control equipment. The permit program provides a
9 consistent and systematic way of ensuring that emission
10 sources are built and operated in compliance with state
11 and federal air pollution control regulations.

12 In a permit application, the Illinois EPA
13 requires a description of the emission source, a list of
14 types and amounts of the contaminants which will be
15 emitted, and a description of the emission control
16 equipment to be utilized. This information is used to
17 determine if emissions comply with standards adopted by
18 the Illinois Pollution Control Board. Operating permits
19 are granted for periods up to five years, after which they
20 must be renewed. Operating permits for smaller facilities
21 may run indefinitely. When a facility constructs a new
22 emission source or makes modifications to existing
23 emission sources, it must apply for a new construction
24 permit.

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

7 However, a public hearing is not a
8 referendum. For example, the same comment repeated by
9 1,000 people does not make the comment 1,000 times more
10 important. Relevant comments may include specific
11 statements about the permit application and information
12 indicating that the operation of the facility would
13 violate state environmental regulations. Unsupported
14 opinions are less effective than specific facts and
15 technical documentation.

16 Examples of topics that can influence
17 permit decisions are dust generated at the site, dirt and
18 mud tracking offsite by trucks leaving the quarry's
19 property, and debris blowing offsite.

20 Samples of topics that cannot influence the
21 permit decisions are potential buyers of the product, dust
22 from travel on gravel roads outside of the quarry's
23 property, offsite traffic patterns and wear to roadways,
24 property taxes and property values, county zoning

1 stipulations, operations of other facilities owned or
2 operated by the permit applicant, possibility of future
3 expansion of the quarry, and issues that are the
4 responsibility of other governmental bodies that are not
5 the Illinois EPA.

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

17 And finally, I want to give you some
18 information on what comes next after tonight's hearing.
19 The hearing record will close in roughly 30 days from
20 tonight. We will then generate the hearing Responsiveness
21 Summary. This document will appear on our web site.
22 Roughly around the time we prepare the hearing
23 Responsiveness Summary, we will take final action on the
24 permit application. The final permit letter will also

1 appear on our web site. That concludes my opening
2 remarks, and I would like to turn it over to the next
3 speaker.

4 MR. BRODSKY: Good evening, ladies and
5 gentlemen. My name is Valeriy Brodsky. I have been
6 working in the Permit Section of the Illinois
7 Environmental Protection Agency for nine years.

8 First of all, I'd like to thank everybody
9 for coming here and your interest in the environmental
10 issues. Now, let me make a short review of the events
11 which brought us together tonight.

12 Meyer Material Company represents a typical
13 example of an aggregate processing facility. Raw sand and
14 gravel are extracted and transferred via belt conveying
15 system to the crushing and screening plant. After
16 undergoing multiple crushing and screening operations, the
17 final products are transferred to the stockpiles. Part of
18 the aggregate is directed to the wash plant where it is
19 washed, sorted, and stockpiled. Some of the washed
20 aggregate is hauled to the concrete batch plant operating
21 at this location. The concrete batch plant is also
22 typical for its industry. It is comprised of raw material
23 storage silos, conveying system, materials measuring
24 devices, and truck loading spout.

1 The primary pollutant emitted from the
2 facility operations is particulate matter, PM. Up to
3 50 percent of which may constitute particulate with
4 diameter of less than 10 microns, so called PM10.

5 The aggregate processing plant is subject
6 to federal regulation New Source Performance Standard,
7 which requires the plant to comply with certain emission
8 restrictions. The state of Illinois environmental
9 regulations also contain general provisions restricting
10 particulate matter emission.

11 The Company utilizes various control
12 measures to reduce its PM emission. Process equipment
13 relies on the natural moisture content of the aggregate or
14 water spray bars are employed when necessary. Hauling
15 roads and storage piles are treated with water and
16 surfactants to reduce fugitive dust.

17 In May of 2002, Meyer Material Company
18 applied to the Illinois EPA for modification of their
19 operations: Addition of conveying system without increase
20 in the plant production rate and, respectively, emissions.
21 After review of the application the Illinois EPA made
22 determination that the Company's operations are in
23 compliance with all applicable state and federal
24 regulations and prepared drafts of the construction permit

1 for new equipment and revised operating permit.

2 Due to significant public interest and
3 concerns in this matter, the Illinois EPA decided to hold
4 a public hearing to give the citizens an opportunity to
5 get more familiar with the Company's operations and
6 environmental regulations governing them and provide their
7 comments.

8 Now, my supervisor, Bob Bernoteit, and
9 myself are ready to answer your questions. Thank you for
10 your attention.

11 HEARING OFFICER MATOESIAN: We will go on to the
12 public comments now.

13 First, I would just like to note, there is
14 a representative of the Company available to answer any
15 questions you might have; and also I would like to enter a
16 few items into the record as exhibits.

17 As Agency Exhibit No. 1, a copy of the
18 public notice placed in the newspaper. As Agency
19 Exhibit 2, a copy of the proposed revised lifetime
20 operating permit. And as Agency Exhibit No. 3, a copy of
21 the proposed construction permit.

22 (Document marked as Exhibit Nos. 1,
23 2, and 3, for identification, as of
24 10/15/03.)

1 HEARING OFFICER MATOESIAN: Now on to the public
2 speakers. First I have Miss Clarice Currier.

3 When you approach the podium, please
4 state and spell your name for the record and try to speak
5 clearly.

6 MS. CURRIER: Hi. I'm Clarice Currier. Okay.
7 I have a series of questions that I feel are pertinent to
8 these permits.

9 The conveyor belt is coming from a site
10 north of 120 from where the previous site is located and
11 that site has several old farmhouses located on it around
12 which, as I understand it, Meyer will be digging. What
13 provisions does the IEPA have to ensure public health
14 safety if and when septic fields of any age are dug into?

15 MR. BRODSKY: As long as this is located on the
16 Company's property, we can just check the operation as
17 against our regulations. So if they are in compliance
18 with the regulations, we have no objections against
19 operations at this Company.

20 MS. CURRIER: Is Meyer required to submit any
21 special plans or notifications before digging into an old
22 septic field?

23 MR. BRODSKY: Yes. It's part of the application
24 they submitted, mapped relocation of new emissions units

1 updated in the operation, and relocated in another side of
2 highway; but it was marked as part of their property.

3 MS. CURRIER: Is there an IEPA requirement that
4 states how near digging operations can get to a well that
5 provides drinking water? Because, as we understand it,
6 there are several on this site.

7 MR. BRODSKY: We have Bureau of Water.

8 MS. CURRIER: I'm sorry?

9 MR. BRODSKY: We have in Illinois Bureau of
10 Water.

11 MS. CURRIER: Is that part of the IEPA?

12 MR. BRODSKY: Yes. It's part of the IEPA. And
13 I'm not sure about the communication with this bureau.
14 We, Bureau of Air, do not regulate water pollution.

15 MS. CURRIER: Okay. So would the Bureau of
16 Water monitor that situation?

17 MR. BRODSKY: It's possible.

18 MS. CURRIER: Do you know?

19 MR. BRODSKY: All discharge water should be
20 regulated by Bureau of Water and get permit from them.

21 MS. CURRIER: Forgive me if maybe you covered
22 this in your preceding comment, but are you representing
23 just the Bureau of Air?

24 HEARING OFFICER MATOESIAN: Yes.

1 MR. BRODSKY: Bureau of Air.

2 MS. CURRIER: Does any part of the IEPA look at
3 the area that surrounds the proposed gravel mine to see
4 what the land use is around the mine?

5 MR. BRODSKY: No.

6 MS. CURRIER: Do you know of any state Agency
7 that reviews the surrounding areas around the mine?

8 MR. BERNOTEIT: Maybe the Department of Natural
9 Resources.

10 MS. CURRIER: I think they said they don't.
11 They just monitor the reclamation. So there is really,
12 there is not -- The City has told us that it's not their
13 job to be monitoring what's happening in the surrounding
14 areas, and I have the idea from them that they kind of
15 thought that the IEPA monitors if it's in an inappropriate
16 place, you know, if there were going to be emissions
17 coming towards the school or whatever. But you are saying
18 that that's not really the case then?

19 MR. BERNOTEIT: As far as emissions coming
20 towards the schools?

21 MS. CURRIER: Yes, or residential areas, or any
22 kind of pollution that would be inappropriate.

23 MR. BERNOTEIT: Now, we would regulate the dust
24 coming from the site. And our regulations stipulate the

1 quantity of dust that is permissible that comes from the
2 site. There is also prohibition in visible emissions
3 leaving the property line of the quarry's operations.

4 MS. CURRIER: Okay. So that's after the fact,
5 though. It's not like before when somebody goes for a
6 permit? It's not a concern to the IEPA what the
7 surrounding area has located in there?

8 MR. BERNOTEIT: Those are land use
9 considerations; and those are usually handled through
10 zoning, which we are not a part of.

11 MS. CURRIER: All right. If a citizen wanted to
12 file a complaint about fugitive dust emissions or about
13 sound, is there a quick way to do that other than writing
14 to Springfield?

15 MR. BERNOTEIT: You may telephone our regional
16 office in Des Plaines, and we do have the field engineer
17 for this area in attendance here tonight.

18 Rizal, stand up.

19 MS. CURRIER: So what would the response time be
20 if you were to phone something in? Are they able to come
21 out within 24 hours or 48 hours?

22 MR. BERNOTEIT: Can you answer that?

23 MR. JIMENEZ: The response time, it will take
24 about -- It depends upon the workload in our office. If

1 there is -- we don't have any workload on that day, then
2 we can schedule it for the next day or another day, or it
3 depends upon our workloads in the office.

4 MS. CURRIER: Okay. In taking into
5 consideration that perhaps the Des Plaines office couldn't
6 get out within a few hours, obviously, and we wanted to
7 videotape fugitive dust coming from the site, what do we
8 need to do to document where exactly it's coming from?
9 How can we communicate to you that it's not just dust out
10 in California or something?

11 MR. BERNOTEIT: I would presume that if you can
12 prove where you are and perhaps photograph or videotape
13 landmarks that are clearly just outside Meyer's property,
14 that would be as much proof as we would probably need.

15 MS. CURRIER: Okay. Does the IEPA have any
16 safeguards when a pit is closed that it won't be left with
17 overturned tanker trucks or underground storage tanks, or
18 things like that, which we had found were left at a site
19 in Algonquin? Can the IEPA -- Do they have safeguards to
20 make sure that doesn't happen in McHenry?

21 MR. BERNOTEIT: Again, I think that is more or
22 less the Department of Natural Resources in their Mine
23 Reclamation Division.

24 MS. CURRIER: Okay.

1 MR. BERNOTEIT: Or Bureau.

2 MS. CURRIER: Does IEPA have any regulations
3 regarding a pit being used as a dumping ground for garbage
4 of any source from outside sources?

5 And the reason I'm asking that question is
6 because one citizen had noted a truck driving into the
7 Meyer's site on a Saturday morning full of scrap metal.
8 And of course, you know, we are wondering is it getting
9 put in a pit with or without Meyer's knowledge, I realize;
10 but does the IEPA have any regulations stopping that from
11 happening?

12 MR. BERNOTEIT: I believe our Bureau of Land
13 would have prohibitions against that sort of activity.

14 MS. CURRIER: And does anybody check that type
15 of thing when they do an inspection of the pit?

16 MR. BERNOTEIT: Our Bureau of Land field office
17 should be able to handle those types of complaints.

18 MS. CURRIER: Does Meyer currently have any
19 permits allowing them to haul hazardous wastes? I know
20 they had one that I think expired in July of last year. I
21 just wanted to know if they currently do.

22 MR. BERNOTEIT: Again, those hazardous waste
23 licenses are granted by our Bureau of Land.

24 MS. CURRIER: Okay. That's it. Thank you.

1 And I have my questions right now just to
2 submit for the record.

3 HEARING OFFICER MATOESIAN: Okay. Thank you.

4 The next speaker is Ms. Sandra Romme.

5 MS. ROMME: My name is Sandy Romme.

6 One of my concerns regarding Meyer's gravel
7 pit facility is about the condition of the air the
8 children and the people in this neighborhood are
9 breathing. The school that I'm concerned about is Valley
10 View. There is Kiddie Cooper College there, and then
11 there is a residential neighborhood not too far off in the
12 distance. Valley View right now has gravel pits on three
13 sides of it. 120 highway goes across the front of it,
14 which the gravel trucks drive through. And if the
15 expansion goes across, it will be about a half a mile on
16 the other side of the highway.

17 I just wanted to mention a few facts and
18 some of my concerns that we have kind of put together
19 since all of this came about. The air study done in 1997
20 at Valley View School showed that their particulate matter
21 numbers are within the normal concentration of 150
22 micrograms per cubic meter according to the National
23 Ambient Air Quality Standards. However, the particulate
24 matter was as high as 109.2 cubic meters on the west side

1 of the building, while at Hilltop School, the school a
2 little bit farther away from the gravel pit, quite a bit
3 away from, was 5.3. CIH Professional Services, the
4 company that did the air study, results indicate that the
5 quarry operations produce considerable particulate levels
6 that can be carried onto the school property. He
7 suggested that children should avoid using this side of
8 the building and to keep windows and doors closed. We
9 talked to Aaron Martin, he's from Illinois Department of
10 Public Health; and he concurred with his recommendations.

11 In 1999, Valley View School was inspected
12 by Jack Barnette in the USEPA with the program "Tools for
13 Schools." And his findings were that the one obvious
14 problem was the amount of dust and sand that accumulated
15 near the doors and windows, even though the interior
16 condition of the school suggested a well-maintained
17 facility, the outdoor source, the gravel pit, was having a
18 negative impact on the building and grounds surrounding
19 Valley View.

20 Two air studies were done in the year 2002.
21 One study's numbers for particulate matter ranged from 20
22 micrograms to 89 micrograms. Another study tested silica
23 levels and those levels were about 16 micrograms inside
24 the building. The values -- Secor, the company that did

1 the test, the values they used were from the National
2 Institute of Occupational Safety and Health for workplace
3 use, not for children's environment.

4 A study from the National Center for
5 Environmental Assessment shows that average silica
6 sampling in the U.S. metropolitan area average around
7 3 micrograms to 8 micrograms. They don't usually exceed
8 that. The children at Valley View are breathing in values
9 of 16 micrograms inside the building and 8 to 16 outside.
10 Before it was suggested to keep the children at Valley
11 View in the school with the windows and doors closed. If
12 the silica levels are 16 cubic meters in the school, where
13 should we put our kids now? It doesn't seem safe at
14 either place on that property.

15 Even though the air study showed the
16 particulate matter to be within the standard, the children
17 of Valley View are still exposed to higher levels than
18 others away from the gravel pit. If one day it's 109, on
19 another day it's 28, then 89 or 45, what's to say it won't
20 be 150 micrograms on any certain day that no testing is
21 done? The IEPA standards for PM10 states "a maximum of 24-
22 hour concentration of 150 micrograms cubic meter, not to
23 be exceeded more than once a year." How do we know that
24 out of 365 days a year it doesn't raise above that? I

1 mean there is -- If there is no testing done, it could go
2 above it at least one time during the year possibly.

3 I have a study done by John Hopkins School
4 of Hygiene and Public Health showing a correlation between
5 increases in particulate matter and risk of death from all
6 causes including cardiovascular and respiratory illnesses.
7 These analyses provide evidence that particulate matter
8 pollution continues to cause adverse health even from
9 particulate matter below the standards. The study found
10 consistent evidence that the level of PM10 is associated
11 with increased rates of death. So for every 10 micrograms
12 per cubic meter of PM10, there is a .51 percent increase in
13 rates. So that means that kids at Valley View have a
14 20 times -- a concentration level of 20 times higher than
15 the kids that go to Hilltop School. Hilltop was in the
16 first study.

17 I feel that something needs to be done to
18 decrease negative health risks at Valley View School and
19 the surrounding area. And it's not that nothing can be
20 done. If we could eliminate gravel mining around schools
21 and neighborhoods, I think that would be a better impact
22 to the environment. Thank you.

23 I have a packet here with all the studies
24 in them. And the date that I mentioned in here.

1 HEARING OFFICER MATOESIAN: The third person
2 listed is Janet Rutherford.

3 MS. RUTHERFORD: I'm Janet Rutherford. I just
4 have a couple concerns about sound pollution. Can you
5 tell me if the Meyer Material operation falls under the
6 class C type of land governed by Title 55 of the EPA,
7 subtitle H, for noise?

8 MR. BERNOTEIT: Our sound regulations are
9 enforced by our Bureau of Land. We can take that question
10 back to Springfield and can provide you an answer in the
11 Responsiveness Summary.

12 MS. RUTHERFORD: Would that be the entity then
13 that would conduct, if you were to file a complaint of any
14 kind, that's who would receive it?

15 MR. BERNOTEIT: Yes.

16 MS. RUTHERFORD: And the complaint would be
17 addressed just to the Bureau of Land?

18 MR. BERNOTEIT: I'm not sure who the person is.

19 MS. OWEN: There is none.

20 MR. BERNOTEIT: We had a gentleman that worked
21 in our sound unit for many, many years. And he retired
22 about two years ago, so I'm not sure who his replacement
23 is.

24 MS. RUTHERFORD: Do you happen to know if the

1 EPA has the ability to test or assign testing for noise
2 pollution?

3 MR. BERNOTEIT: I'm not aware of that.

4 MS. RUTHERFORD: Could that question be answered
5 as well?

6 MR. BERNOTEIT: Yes. We could provide you an
7 answer.

8 MS. RUTHERFORD: And there are underground
9 storage tanks that store different types of substances for
10 use at the facility, and I just have a couple questions
11 about that.

12 Does the EPA have data on the number and
13 location of underground storage tanks that would be at
14 that particular site?

15 MR. BERNOTEIT: Underground storage or storage
16 tanks in general, the Bureau of Air does permit certain
17 tanks of certain sizes and certain materials. None have
18 been identified in the permit application, so we are not
19 personally aware of them at this site. Another source of
20 information on storage tanks may be at the state fire
21 marshal's office.

22 MS. RUTHERFORD: Do you happen to know if the
23 municipality that's involved is informed in any way when
24 an LUST underground storage tank is reported? For

1 instance, the City of McHenry would be involved?

2 MR. BERNOTEIT: Again, that is outside the
3 jurisdiction of the Bureau of Air, that is a Bureau of
4 Land consideration.

5 MS. RUTHERFORD: Most of my questions relate to
6 this. For the purposes of time saving and time this
7 evening, I can list these and then send them to you by
8 mail, the rest of them.

9 Thank you for your time.

10 HEARING OFFICER MATOESIAN: Thank you.

11 The next speaker Judy Juske.

12 MS. JUSKE: Hi. I'm Judy Juske.

13 The proposed expansion of the Meyer
14 Material gravel pit is less than one mile from an
15 established residential neighborhood that was developed
16 with well and septic systems. This water system is what
17 the City of McHenry allowed when they approved the
18 development by Albert Enterprises more than 12 years ago.

19 As a resident in this development, I'm
20 concerned about the potential lack of adequate water
21 supply when the gravel pit expands to the north side of
22 Route 120. I would like to point out to this panel the
23 reason for my concerns.

24 According to the geological report filed

1 with the City of McHenry by Meyer Material Company, well
2 information was obtained from the Illinois State Water
3 Survey, Section 16 through 21, 29, and 30. The report
4 states "Twelve residential wells in Section 19," which is
5 in Wonderlake, "were identified in the ISGS database as
6 having well screens located above elevation 827. These
7 wells are all shallow with well depths less than 50 feet
8 and the majority less than 40 feet deep. Because these
9 wells are shallow, they have a greater potential to be
10 impacted by changes in groundwater conditions." Are these
11 12 residents to be without water or quality water?

12 Later in the report, there is a statement
13 about the Martin Woods residential subdivision. "The
14 water surface on the east side of the site," this is a
15 quotation, "was near elevation 860. Therefore, there is
16 potential for the water table to be affected on the east
17 side of the site. This change is not expected to cause an
18 impact to wells located in Martin Woods. This is because
19 the large recharge area between the site and the
20 residential area will continuously recharge the water
21 table." That's the end of the quote.

22 Two parts of this last statement concern me
23 because there is no guaranteed statement that wells will
24 not be affected in Martin Woods, and there is an

1 assumption that nature will guarantee continuous recharge.
2 Large open water areas tend to evaporate particularly
3 during summer months when temperatures are high and
4 regular rain is less likely.

5 When I asked Patrick Engineering if this
6 statement would still be true if there was additional
7 residential and/or road development in the area of the
8 gravel pit extension, I was told that the recharge would
9 be affected. As you know, or as you may know, this
10 recharge area they are talking about is a proposed four-
11 lane McHenry bypass roadway. What happens to the water
12 levels and water quality when this project is begun?

13 The proposed gravel pit expansion will dig
14 into the aquifer for sections 19, 20, and 21. In sections
15 20 and 21, the closest area to the pit, there are a total
16 of 297 wells listed in the study presented by Meyer
17 Material Company. Approximately 55 percent, or 162 wells,
18 are less than or equal to depths of 100 feet.
19 Approximately 23 percent, 67 wells, are less than or equal
20 to depths of 60 feet. Approximately 8 percent, 23 wells,
21 are less than or equal to 42 feet, which is the shallowest
22 well shown in their particular study.

23 The proposed gravel pit expansion will be
24 at a depth of around 60 feet and an elevation of 825 feet,

1 and the water level in the lake that is created will be at
2 elevation 850 when it's completed.

3 Approximately 28 percent of the wells are
4 at elevations greater than 860 and approximately 72
5 percent are less than or equal to 860. A person at
6 elevation 860, for example, has a well depth of 30 feet.
7 That would mean that they would hit water at elevation
8 840. This is higher than the elevation of the lake
9 bottom. Won't people in this type of situation find it
10 difficult to obtain water from their existing wells
11 especially in dry months of the year?

12 Meyer Material Company and Patrick
13 Engineering would like us to believe that all is safe and
14 that "significant changes in the water surface elevation
15 are not expected in Martin Woods." I have my doubts,
16 however, because Meyer Material Company refuses to
17 guarantee any wells against harm when asked to do so by
18 the City. This in itself makes me less than secure with
19 any of their statements about groundwater impacts for this
20 project.

21 The McHenry County Soil and Water
22 Conservation District prepared a Natural Resources
23 Information report from Meyer Material Company on
24 February 26, 2002. They identify the site area to have

1 geological limitations. "The potential for contaminating
2 the shallow aquifers is high." "Land use practices should
3 be very conservative in all areas mapped." And that's a
4 quote from their report.

5 If the water level in our wells is
6 negatively impacted, we'll have no option but to drill a
7 deeper well. This is a big expense that must be
8 undertaken by the homeowner immediately. If our wells are
9 contaminated due of the aquifer being opened up by Meyer
10 Material, will we even know if we are drinking water not
11 suitable for human consumption?

12 I hope you will consider all the residents
13 in the area when making your decision. I hope you will
14 consider the impact on their lives and the impact on their
15 financial well-being. Once the pit is dug, there is no
16 turning back.

17 I also have some of the information
18 referred to.

19 HEARING OFFICER MATOESIAN: Okay. The next
20 speaker is Miss Barbara Amandes.

21 MS. AMANDES: Hi. My name is Barbara Amandes.
22 You have heard a lot of technical information here this
23 evening, and I have got some copies for you regarding
24 different notices of compliance in May of '02 of

1 complaints going back to July of '94, the subdivision that
2 goes up against Meyer on the south side, Glacier Ridge, a
3 survey taken by the City in '92 when they asked for an
4 expansion again at that time. Also, a notice of dust
5 complaint back in January of '94.

6 This one concerns me because it was
7 regarding a conveyor belt. And if we are extending onto
8 the north side of 120, how much more is this going to
9 increase the dust on the conveyor belt?

10 I have got a forest in front of my house,
11 solid trees the majority of the year, many trees before
12 that. When I go to wash my windows on the south side of
13 my house, which would be facing the pit, I don't get dirt
14 from my windows, my rag is an orange-yellow color. In the
15 warmer months and when I get out there, it's every six
16 weeks that I'm doing this. It's not like a huge
17 accumulation. We don't even bother with screens on that
18 side of the house. Due to the dust, we can't open our
19 windows on the south side of our house. That is a great
20 concern to me.

21 Regarding going back to May of '02, and
22 they got their notice of noncompliance on the stockpile.
23 This is during a time that we were in talking with the
24 City, when they are asking for the expansion, for the new

1 pit, and with all of this going on, they are so bold not
2 even to pay attention to the regulations that they are
3 supposed to be following. We should not have to police
4 them. They know what all of the regulations are. And we
5 had to get the IEPA involved to send them a letter in
6 order to get that stockpile down. What else is going on
7 that we don't know about? That's all.

8 HEARING OFFICER MATOESIAN: Thank you.

9 Ms. Suzanne Cannon.

10 MS. CANNON: Suzanne Cannon. First of all, I
11 would like to thank the fact that we even have an IEPA to
12 establish some of these rules and regulations. One of the
13 reasons why we are here is it became obvious to us, as we
14 all started learning about the gravel industry, is they
15 are a very self-monitored company. I don't think it's the
16 EPA's negligence, but it's more so just a lack of
17 manpower. I have looked through these documents, and I
18 have looked through many documents. And it kind of
19 astounds me that everything they are expected to do they
20 are supposed to do themselves and report to you. And I
21 guess it's almost like me telling the government how much
22 money I owe them for taxes; but to make sense to me, I was
23 hoping that maybe you could clarify some of the
24 regulations that you do have for them.

1 How often does an inspector actually go on
2 the premises of just the McHenry pit not counting the
3 other 12 that Meyer operates in the county?

4 HEARING OFFICER MATOESIAN: Rizal, can you?

5 MR. JIMENEZ: First of all, Springfield assigns
6 us or gives us the list of facilities for inspection for
7 that year. And sometimes it's about three to four years
8 to go to make another inspection because there are lots of
9 facilities.

10 MS. CANNON: I understand that. So
11 approximately maybe one person every three or four years
12 actually goes?

13 MR. JIMENEZ: It depends upon the type of
14 permit.

15 MS. CANNON: Does anybody actually ever read the
16 reports? Does Meyer Material have to send them to you? I
17 understand you have to keep them for a period of three
18 years. So they basically just keep those records? So
19 there is nobody physically from the IEPA reading if they
20 are going to report themselves that they are carrying
21 toxic waste, or that they spilled something or that there
22 is visible particulate matter, that may be exceeded there?

23 MR. BERNOTEIT: Our reports are read by our
24 compliance and enforcement section as well as our field

1 section.

2 MS. CANNON: But basically the reports that the
3 gravel pits do keep, they are read?

4 MR. BERNOTEIT: Yes.

5 MS. CANNON: Okay, by somebody there. Okay. I
6 wanted to clarify that.

7 A question, before I get into some issues
8 on the air, I have a question about -- I have searched
9 the web site, I have read as much as I could absorb and
10 understand on some of the rules and regulations that the
11 IEPA has. And is there -- I didn't really come across
12 anything that was any rules or regulations or concerns
13 about punching into an aquifer.

14 We all know, I think we have more
15 information now as we are watching our environment change,
16 that, you know, it's always sold to us that, oh, there is
17 going to be this beautiful 65-acre lake. Well, that's our
18 aquifer that's being punched into that accelerates the
19 evaporation level of our water, which is our drinking
20 water, which I think, as you all know with the careers
21 that you are in, what kind of danger that our fresh water
22 supply is in; and that we have to start thinking ahead
23 instead of thinking just about today, you know, what is
24 going to happen in the long-term situation.

1 So are there any regulations? Can anybody
2 just punch in and dig a hole and fill it up with our water
3 tables? And do you realize what that does to the aquifers
4 underneath as far as the watershed, how that changes the
5 whole system, the whole natural system?

6 MR. BERNOTEIT: I'm not sure if we can answer.
7 We are not trained in water quality issues or groundwater
8 issues. Those are handled by other bureaus within the
9 Illinois EPA. It may be handled by the Department of
10 Natural Resources. I know that building lakes falls under
11 the Army Corps of Engineers.

12 MS. CANNON: Well, not only are they building
13 lakes, they are using this water to wet down the material
14 and mine underneath it and things like that. So is there
15 a particular person that is a contact person with your
16 organization that is involved with this and following it?

17 MR. BERNOTEIT: We will have to research that
18 and respond in the Responsiveness Summary.

19 MS. CANNON: You could get back to me on that.
20 I would like to know.

21 Just reading over this, this air or
22 particulate matter, I look under here and I see that you
23 know they have got all these crushers listed and then 35
24 conveyors. And according to your standards -- and just,

1 you know, tell me if I'm wrong -- in one year this
2 particular operation, which is just the McHenry site, is
3 allowed to put 6.5 tons of particulate matter into the air
4 a year?

5 MR. BRODSKY: Yes.

6 MS. CANNON: Really. That's just one facility.
7 That's not any other construction sites? That's not any
8 other pits? That's not any peaker plants? Just one? And
9 is the Illinois standard different from the rest of the
10 other states?

11 MR. BERNOTEIT: Well, in some other states,
12 6.5 tons per year is below even the threshold for
13 permitting. 6.5 tons is a relatively small quantity of
14 emissions.

15 MS. CANNON: Wow. That's beyond my
16 comprehension. Okay.

17 MR. BERNOTEIT: Some of our largest sources in
18 the state emit hundreds, if not thousands, of tons of
19 pollutants per year.

20 MS. CANNON: Okay. That's depressing, but
21 anyways, okay. Okay. We talked about who sampled them.

22 It says here that they are supposed to, you
23 know, report for the wet screening if there is any visible
24 sites, if there is any visible discharge into the

1 atmosphere. Visible from where? Visible from the actual
2 conveyor belt where they have got the wet screening going
3 on, visible from a state highway, visible from a
4 neighborhood?

5 MR. BRODSKY: Regulations in this one it's
6 described in detail how observations should be located,
7 what distance, what angle, sunlight. So I can't cite
8 exactly, but there is some reasonable dimensions how it
9 should be performed.

10 MS. CANNON: Okay. So basically we are supposed
11 to just report it if we see dust blowing. With the other
12 visible, you know, here is a "No person shall cause or
13 allow any visible emissions of fugitive particulate matter
14 from any process including material handling or storage
15 activity beyond the property line."

16 What happens during really windy days?

17 MR. BRODSKY: There is exemptions for wind gusts
18 over 25 miles per hour.

19 MS. CANNON: Okay.

20 MR. BRODSKY: It's accepted.

21 MS. CANNON: It has to be 25 miles an hour?

22 MR. BRODSKY: Over 25.

23 MS. CANNON: That's pretty windy.

24 I have another question. Could the IEPA

1 possibly place a monitoring station at the Valley View
2 School for Particulate Matter 10 or silica? Is that
3 something that we could ask you to do?

4 MR. BERNOTEIT: That's -- Certainly you can ask
5 us to do, and we will have to respond to that request in
6 our Responsiveness Summary.

7 MS. CANNON: We are requesting you to do that.

8 MR. BERNOTEIT: There is, by the way, a
9 monitoring station in Cary as part of our monitoring
10 station across the state.

11 MS. CANNON: Not knowing a lot about conveyor
12 belts, but I'm learning, what powers these, all These
13 conveyor belts which are going to be on the other side,
14 which is really supposed to be just to truck it underneath
15 the road? And maybe Mr. Miller can answer that if he is
16 so inclined. Where does the power source come from? And,
17 you know, is there oily parts? Are they gas-powered? I
18 just kind of want to know a little bit more about the
19 operation.

20 MR. BERNOTEIT: Are these electrical?

21 MR. MILLER: Suzanne, why don't you come for a
22 tour one of these days so you can see our operations?

23 MS. CANNON: You've never invited me.

24 MR. MILLER: I think I might have way back in

1 the beginning.

2 MS. CANNON: I might do that, Allen.

3 Where does the power source come from?

4 MR. MILLER: Com Ed.

5 MS. CANNON: But if it's over there --

6 MR. MILLER: We'll have another.

7 MS. CANNON: I think that is all of my questions
8 for now. If you could just make sure that, you know, you
9 answer some of the things that we ask. We will get them
10 in writing?

11 MR. BERNOTEIT: Yes.

12 MS. CANNON: Okay. Thank you very much.

13 HEARING OFFICER MATOESIAN: The next speaker is
14 Miss Verena Owen.

15 MS. OWEN: Good evening. I would like to thank
16 you for holding this hearing. I especially appreciate it
17 since the Cubs are playing. I know we all want to be
18 somewhere else, but here we are.

19 I do have a question. When you are talking
20 that you are going to get back to them with answers, you
21 mean the Responsiveness Summary; right?

22 MR. BERNOTEIT: Yes, in the Responsiveness
23 Summary.

24 MS. OWEN: Would you explain when this is

1 issued.

2 MR. BERNOTEIT: This will be issued around the
3 same time the permit -- final action is taken on the
4 permit.

5 MS. OWEN: So before the final permit is issued,
6 they will not get any answers; correct? So it's not that
7 you are going to pick up the phone and call somebody
8 tomorrow to let them know about the underground --

9 MR. BERNOTEIT: Well, I'm saying when final
10 action is taken on the permit application. We are not
11 necessarily saying that the permit will be issued, we are
12 saying when final action is taken on the permit
13 application.

14 MS. OWEN: Okay. I understand that fine
15 distinction, and I appreciate it.

16 But the fact is that any questions that
17 were asked tonight where you said you will owe the answer
18 will not be answered until or unless a final permit is
19 issued, is that correct?

20 MR. BERNOTEIT: Well, we cannot provide answers
21 about Bureau of Land regulations or Bureau of Water
22 regulations or --

23 MS. OWEN: Well, you could take those questions
24 back with you and ask them.

1 MR. BERNOTEIT: Yes, we will and we intend to.
2 We are just not trained in the regulations of other
3 bureaus.

4 MS. OWEN: Did you expect questions about
5 groundwater and something from the Bureau of Land when you
6 set up the hearing?

7 MR. BERNOTEIT: Absolutely not.

8 MS. OWEN: May I ask why not?

9 MR. BERNOTEIT: Because we did not know, we
10 thought that the main focus of the hearing was about dust
11 and air pollution.

12 MS. OWEN: Really. You never had any indication
13 from your field office that there was something else going
14 on that the people were concerned about here?

15 MR. JIMENEZ: In our office, I am in air
16 pollution division, so it's just plain air pollution; and
17 there are other divisions over there. It's water
18 pollution and land pollution, but I don't know what they
19 are doing over there.

20 MS. OWEN: But if somebody would have a
21 complaint about something, wouldn't they be calling you;
22 or would they have to find some other field office to file
23 a complaint?

24 MR. JIMENEZ: Yes. They can file a complaint.

1 It depends upon the kind of complaint, the reason of the
2 complaint. If it's air pollution, then it's in our Bureau
3 of Air; water pollution, Bureau of Water.

4 MS. OWEN: So if I understand it right, none of
5 you anticipated any questions about the aquifer, illegal
6 dumping or anything like that, and you don't feel
7 comfortable giving any answers. But you did agree to take
8 this back with you and have some other bureau supply
9 answers pretty much again at the same time, and you will?

10 MR. BERNOTEIT: Yes.

11 MS. OWEN: And we don't know when that will be.

12 MR. BERNOTEIT: Hopefully, it will be after the
13 end of the comment period for the hearing.

14 MS. OWEN: After the end of the comment period?

15 MR. BERNOTEIT: Yes.

16 MS. OWEN: All right. So whatever questions you
17 ask tonight you will not get an answer between now and the
18 end of the comment period. I just want to clarify this so
19 people don't have expectations.

20 I just want out of curiosity, how many
21 facilities does Meyer Material have?

22 MR. BERNOTEIT: I'm not aware of the exact
23 number; but they have a few in the state, yes.

24 HEARING OFFICER MATOESIAN: Do you know?

1 MS. OWEN: How many?

2 MR. MILLER: We have 71 pits in Illinois and one
3 in Wisconsin.

4 MS. OWEN: Okay.

5 MR. MILLER: I think 35 ready-mix plants.

6 MS. OWEN: All right. Fine.

7 I have several comments and several
8 questions. I think my main question is you were presented
9 here tonight with lots of evidence, credible evidence,
10 that this facility might not be in compliance. So how, if
11 any of this is true, how will you respond to that?

12 MR. BERNOTEIT: I think when we get back, we
13 will talk it over with our compliance enforcement section
14 and discuss what to do from here as far as some of the
15 issues that have been raised.

16 MS. OWEN: And compliance and enforcement has
17 influence over the pending operating permit?

18 MR. BERNOTEIT: If Meyer is not in compliance or
19 we feel that they will not be in compliance, we may not
20 issue a permit.

21 MS. OWEN: Okay. So I take it that some of the
22 material tonight you will forward to the enforcement
23 section to take a look at it?

24 MR. BERNOTEIT: Yes.

1 MS. OWEN: Just one basic question about,
2 because I was a little confused, on looking at the
3 operating permit, first of all, it gives the location as
4 1819 North Dot Street. But there is also a second address
5 on 5803 West Route 120.

6 MR. BRODSKY: What was your question? I'm not
7 sure.

8 MS. OWEN: Well, I'm looking at the document by
9 Meyer Material, it's a transmittal sheet to Harish Desai
10 at the IEPA, and it says, "It covers two separate
11 entities, the concrete batch plant located at 1819 North
12 Dot Street, and the aggregate crushing plant at 5803 West
13 Route 120." So my question is looking at this operating
14 permit, does this only cover one of those sites?

15 MR. BRODSKY: Yes.

16 MS. OWEN: It does?

17 MR. BRODSKY: It covers its equipment listed
18 under this permit.

19 MS. OWEN: I don't know what equipment is at
20 which site. My question is basically, according to Meyer,
21 they have two distinct sites. I'm looking at an operating
22 permit that only lists one address. So my question is, is
23 this operating permit only for this site or for both?

24 MR. BRODSKY: I'm not sure what other site are

1 you talking.

2 MS. OWEN: This is from Meyer Material. It
3 reads, "I'm faxing you a copy of the lifetime operating
4 permit. It covers two separate entities, the concrete
5 batch plant at 1819 North Dot Street, and the aggregate
6 plant at 5803 West Route 120." And my simple question is
7 does your operating permit that only lists 1819 North Dot
8 Street cover both of those sites.

9 MR. BRODSKY: Yes.

10 MS. OWEN: Okay. Fine. Now we are getting
11 somewhere.

12 The other question that came up after
13 reading this letter is that apparently Meyer Material
14 originally wanted to construct ten additional conveyors?

15 MR. BRODSKY: Yes. I remember the original
16 application was submitted for ten conveyors.

17 MS. OWEN: What kind of negotiations were done
18 to cut it down to three?

19 MR. BRODSKY: They changed their mind. When we
20 finalized the application, it was three conveyors.

21 MS. OWEN: Did you have any comments on the
22 number of conveyors they were proposing?

23 MR. BRODSKY: No.

24 MS. OWEN: Before I go any deeper into this

1 permit, I would like to ask Mr. Bernoteit, when you said
2 you would look into having a PM monitoring system
3 installed at the school, how likely is that to happen?

4 MR. BERNOTEIT: Well, I will communicate with
5 our air monitoring people. I don't know what criteria
6 they use to decide where to put a monitor, but I will pass
7 your request onto them.

8 MS. OWEN: Fine. Are you aware of any other
9 site that has a local monitoring system for PM anywhere in
10 Illinois?

11 MR. BERNOTEIT: According to our -- You mean a
12 portable monitor or PM monitors in the state?

13 MS. OWEN: No. No. No. No. No. Like a small
14 one that would be installed at the school which was what
15 the request was.

16 MR. BERNOTEIT: I'm not familiar with
17 monitoring, okay? All I know are the locations of the
18 monitors in the State of Illinois.

19 MS. OWEN: I know those, too. That was not the
20 question. I don't think that's exactly what the people
21 want. I'm quite aware what PM monitors are and they cover
22 a big area. I think the question here was can we have a
23 small PM monitor at the school site, and you said you
24 would take this request back. And I'm asking you how

1 likely you think it will be that this will be granted.

2 MR. BERNOTEIT: I don't know.

3 MS. OWEN: And are you aware of any other of
4 those ever installed anywhere?

5 MR. BERNOTEIT: I don't know.

6 MS. OWEN: Okay. You were quite right, Greg Zac
7 left about three years ago; and he was the noise person at
8 the IEPA.

9 Some of the comments about noise I think
10 need to be clarified. I have worked a lot with groups
11 that have peaker plants in their back yard, and one of the
12 big issues with those turbines is noise. And we looked
13 into noise enforcement. What you basically will have to
14 do is that you will have to hire a noise consultant.
15 Those people do not come cheap. We had an estimate for
16 just a basic survey of over \$5,000. Then you have to go
17 to the Illinois Pollution Control Board and file suit
18 against the Company with the evidence, and you will have
19 hearings, and it's like a lawsuit.

20 So if you think those people will come and
21 measure noise, that is not going to happen. It is not
22 going to happen. We have argued that over and over and
23 over again. They do not do that. You are on your own
24 with noise. Do we have noise regulations? Oh, yes, we

1 do. Are they good? Well, you know, hey. But are they
2 enforced? No, not unless you hire somebody for several
3 thousand dollars and make them do it. I know of very few
4 groups that can afford that type of money.

5 Would you like to answer that?

6 MR. BERNOTEIT: No.

7 MS. OWEN: The underground storage tank comment
8 was interesting. Did the application show any underground
9 storage tanks on site?

10 MR. BRODSKY: No.

11 MS. OWEN: There might be applicable regulations
12 for those tanks. Are you concerned that they weren't even
13 listed as insignificant sources?

14 MR. BRODSKY: It's more likely because such type
15 of facilities do not need -- The only possible storage
16 tank is for fuel for the generators, power generator.

17 MR. BERNOTEIT: For example, if they are diesel
18 tanks, they are exempt from permitting.

19 MR. BRODSKY: Regardless on the site --

20 MS. OWEN: Under B --

21 MR. BERNOTEIT: Under 35 Illinois Administrative
22 Code, 201.146.

23 MS. OWEN: Well, I'll have this argument in
24 private with you later. I brought this up at another

1 hearing, I'm not sure you are right. But that's beside
2 the point.

3 MR. BERNOTEIT: I think you are confusing Meyer
4 Material with a Title V source.

5 MS. OWEN: I understand that, and that's quite
6 possible.

7 In this letter I read to you parts about
8 the two sites, it says that the current permit, which must
9 have been the one before this, we are permitted for
10 30 conveyors. And they want to at this point install an
11 additional ten. So I look at this operating permit and
12 you count the conveyors, and it's 61 already. So did the
13 original operating permit only allow for 30?

14 MR. BRODSKY: It's possible. What do you mean
15 original permitting because --

16 MS. OWEN: Well, this is what Meyer Material
17 submitted to you. "Currently -- " Again, this is from
18 Becky Kazmierski to Harish Desai. "Currently we are
19 permitted for 30 conveyors but with the additional
20 10 conveyors it will put us at 40 total conveyors." I
21 assume that Ms. Kazmierski knows what she is talking
22 about, because I believe her title is environment engineer
23 or somebody out at Meyer Material, that is familiar with
24 the permit. So if she says that the operating permit they

1 had as of March 29, '02, allowed for 30 conveyors, and I
2 look at the new permit and it says 61, and they are only
3 supposed to get three more, what happened to the rest?

4 MR. BRODSKY: In the course of working with this
5 application, we found out that their operational data was
6 not updated for a long time. And we asked them for
7 update.

8 MS. OWEN: Shouldn't the Company update these
9 things?

10 MR. BRODSKY: Yes.

11 MS. OWEN: Especially when they are adding
12 apparently 20 some conveyors since the last time somebody
13 looked at it?

14 MR. BRODSKY: I worked first of all on this new
15 construction permit for ten --

16 MS. OWEN: No. We are not talking about this.

17 MR. BRODSKY: But I also asked them to provide
18 flow diagram for coal facility operation, because I had to
19 revise operating permit. And I found some discrepancies
20 between old diagram, new diagram, also discrepancies of
21 number of emission units. So after final update, we came
22 with this number.

23 MS. OWEN: Well, I'm glad you found it. My
24 question was what is the Company's responsibility to come

1 forward and tell you people when they are adding equipment
2 to their site and what were the consequences of them not
3 doing that?

4 MR. BRODSKY: Yes. They should update but also
5 it's real life. We understand that they replace some
6 equipment, they move between pits, this conveyor.

7 MS. OWEN: I understand all that. But they
8 apparently added 21 conveyors and didn't tell anybody.

9 MR. BRODSKY: I cannot blame only the Company
10 because I look --

11 MS. OWEN: I'm not blaming anybody. My question
12 simply is if you add equipment to your facility should you
13 come forward and tell the IEPA if you have a lifetime
14 operating permit. The simple answer is yes, you should
15 have. And my question is since they didn't, are there
16 going to be any consequences; or is this just how business
17 is done?

18 MR. BRODSKY: In serious cases, yes, there are
19 serious consequences.

20 MS. OWEN: I think that almost everybody in this
21 room thinks that this is a serious case. They fear for
22 the health and welfare of their kids; that to me is
23 serious. And I don't care how you define serious. But if
24 you have this next to a school, that is serious, and there

1 should have been consequences.

2 All right. Going on. These conveyors,
3 just have a question, I looked at AP-42, 11.19.1, is that
4 the one you used for this permit; or did you use 11.19.2?

5 MR. BERNOTEIT: Yes. Yes.

6 MS. OWEN: The first one or the second one?

7 MR. BERNOTEIT: Or 11.19.2.

8 MS. OWEN: Point 2. It says for conveyors, they
9 could be covered. It talks about ways of keeping down the
10 emissions. And one of the conveyors, it's suggested by
11 AP-42, either they are covered or they have wet
12 suppression.

13 What does Meyer Material use for dust
14 suppression in the conveyors? Are they covered conveyors,
15 or are they wet suppression conveyors? Or are they both?
16 And what are the new ones going to be like?

17 MR. BRODSKY: As far as we know, they do not
18 have enclosed conveyors. They mostly rely on their water
19 content and moisture in the aggregate.

20 MS. OWEN: So the conveyors itself do not get
21 sprayed with any kind of -- It's just the material when
22 it goes on the conveyor has to have a certain moisture?

23 MR. BRODSKY: Yes.

24 MS. OWEN: I see.

1 MR. BRODSKY: They get sprayed on some unit
2 but --

3 MS. OWEN: They can; but my question is do they.
4 And could they cover the conveyors? Especially since the
5 lady has to wash her windows every three days that's next
6 to one of those conveyors. In your opinion, would a
7 covered conveyor emit less dust than a noncovered
8 conveyor?

9 MR. BRODSKY: As long as they pass required
10 testing --

11 MS. OWEN: But that wasn't my question. I
12 understand that part. I wanted your opinion if you think
13 a covered conveyor would suppress the dust better than
14 having a not covered.

15 MR. BERNOTEIT: It may not.

16 MS. OWEN: Okay. And it may. I understand
17 that.

18 I read this permit, and I think one of the
19 most startling things is that we have people that want to
20 get credible evidence from the fence line and videos and
21 pictures. But this is nothing but a bookkeeping permit,
22 correct? All they have to do is keep track of what the
23 putthrough is because you are using AP-42 factors, which I
24 think these particular ones don't really have a good

1 correlation probability. Aren't they above a D on the
2 scale of A, B, C, D, E? The AP-42 factors are -- have
3 assigned. So we are basically doing an estimated guess
4 here. This is not hard science.

5 MR. BERNOTEIT: They are rated C.

6 MS. OWEN: Well, it's a little better than a D.
7 But it's not an A, is it? So I look at what they have to
8 do, and they are doing bookkeeping; right? They don't
9 have people out there looking at opacity. They are not
10 measuring PM emissions. They keep a book and track of
11 what they are processing, correct? And then we multiply
12 this by the factor; and that's the emissions, right?

13 MR. BERNOTEIT: Yes.

14 MS. OWEN: Okay. So how do we consolidate this?
15 I think I have a problem with that, that they are required
16 to be below certain percentages; but they are not required
17 to look at what they are, they are just required to keep
18 track of the rock they process. And how do we consolidate
19 that with evidence that the people presented that there is
20 a problem? All they have to do is here, this is our
21 weekly allowance of rocks to crush, we are under it, there
22 is nothing wrong with this. How do we solve this?

23 MR. BRODSKY: They are also required to keep
24 records of moisture content measurements, the best

1 available measure to control.

2 MS. OWEN: Okay.

3 MR. BERNOTEIT: There are also records of
4 applications of water or chemical suppressant to the
5 roadways within the plant.

6 MS. OWEN: All right. How many water trucks do
7 they have?

8 MR. BERNOTEIT: How many? I'm not aware of how
9 many they have.

10 MS. OWEN: Okay. I read about the moisture
11 content, and they have to measure it. Do they have to
12 report it?

13 MR. BERNOTEIT: They have to keep records of it.

14 MS. OWEN: No. That wasn't my question. My
15 question was do they have to report it.

16 MR. BERNOTEIT: No.

17 MR. BRODSKY: No.

18 MS. OWEN: Okay. How would you know that they
19 are not doing the right thing if they don't report it?
20 Because you told us that they have to self-report what
21 they are doing. Well, if moisture content is the only
22 thing that keeps those people from having PM emissions and
23 dust in their school, and it's just a record, and they
24 don't report it, how come? How would the owner ever know

1 this is something wrong out there?

2 MR. BRODSKY: They are supposed to report when
3 they do not apply a wet suppressant or spray bar in the
4 conditions which require them to apply it. They should
5 keep records of noncompliance.

6 MS. OWEN: Ah.

7 MR. BRODSKY: Then they report to us
8 noncompliance.

9 MS. OWEN: Well, they are not keeping a record
10 of compliance, they are keeping a record of noncompliance?

11 MR. BRODSKY: No. They are keeping a record of
12 measurements.

13 MS. OWEN: They are reporting noncompliance.
14 How many times have they reported noncompliance since this
15 thing started up?

16 MR. BRODSKY: I can't tell you.

17 MS. OWEN: Can you answer that?

18 You should have looked at the compliances,
19 too, before you gave them the permit.

20 MR. BRODSKY: We have a special file which gives
21 all the legal records, and we check them. I didn't see --

22 MS. OWEN: You did not see that file.

23 MR. BRODSKY: No. I have this file, but I
24 didn't see any reports of noncompliance.

1 MS. OWEN: So in all these years they never
2 reported any noncompliance?

3 MR. BRODSKY: Okay.

4 MS. OWEN: How long have they been in operation,
5 years and years? Decades?

6 MR. MILLER: 54 years.

7 MS. OWEN: All right.

8 MR. MILLER: Before any neighbors were there.

9 FEMALE VOICE: There is a packet of
10 noncompliance in one of the folders.

11 HEARING OFFICER MATOESIAN: Please, one at a
12 time.

13 MS. OWEN: Please, I don't appreciate this
14 gentleman's remark. You have a chance to talk here if you
15 want to talk about the history of your thing and how many
16 neighbors you had back then; but right now it's my turn.

17 MR. MILLER: I answered your question on years.
18 54 years.

19 MS. OWEN: Thank you. That I accept.

20 Do you correlate PM emissions to opacity?

21 MR. BERNOTEIT: There is no direct correlation
22 between PM and opacity. Opacity is a measure of how well
23 light passes through a plume of smoke or dust.

24 MS. OWEN: Do they have a limit on their

1 opacity?

2 MR. BERNOTEIT: Yes.

3 MS. OWEN: And how is that? How do they certify
4 themself to be in compliance with the opacity limit? I'm
5 not sure I understand the permit in that particular area.

6 MR. BERNOTEIT: 30 percent of opacity.

7 MS. OWEN: They have different percents,
8 10 percent, 15 percent, zero percent. And my question is
9 since there are limits in the permit, how do they show
10 they are in compliance with the opacity limit?

11 MR. BRODSKY: Primarily demonstration of
12 compliance is done through testing new units to be --

13 MS. OWEN: I'm not talking new. I'm not looking
14 at the construction permit. I really don't have a problem
15 with the construction permit. I think it's well written.

16 My question is with lifetime operating
17 permits, there are definitely opacity limits in this
18 permit. And my question is how do we measure them, what
19 do they have to record, what do they have to report about
20 opacity to show that they are in compliance with their
21 permit?

22 MR. BERNOTEIT: They have to hire somebody to
23 come out and take measurements within 60 days of initial
24 startup of any new unit and then --

1 MS. OWEN: Just once on the new unit. But this
2 is a lifetime operating permit, they do this once with a
3 new unit and that's it, they never have to go back and
4 recheck?

5 MR. BRODSKY: Unless there is a special request
6 from the Agency.

7 MS. OWEN: Oh. And have you ever requested
8 that?

9 MR. BRODSKY: No.

10 MR. BERNOTEIT: Yes, but not -- I'm not aware
11 that we have done it for this facility, but we have done
12 it for other facilities.

13 MS. OWEN: What are the circumstances usually
14 when you request something like that?

15 MR. BERNOTEIT: It's usually complaints from the
16 neighbors.

17 MS. OWEN: Just to clarify on page 4, by the
18 people that read the permit, when it says method nine,
19 that's somebody with a calibrated, eyeballing.

20 The exemption for 25-mile-an-hour wind,
21 could you point out in the permit where this condition is?
22 Because I was kind of expecting it, but I might have --

23 MR. BRODSKY: The permit doesn't contain the
24 exemptions. It says just no visible emissions should

1 cross the property line.

2 MS. OWEN: I think it was Mr. Bernoteit who
3 mentioned the 25-mile-an-hour wind, and I just wondered
4 where the condition is.

5 MR. BERNOTEIT: I don't believe I mentioned the
6 25 mile per hour.

7 MS. OWEN: You did.

8 MR. BRODSKY: It's in the regulation, 2.12.314.

9 MS. OWEN: Did he mention it or not?

10 Yes, I'm sorry, but you did.

11 MR. BRODSKY: 2.12.314. Exception for excess
12 wind speed. There is such exemptions, but it's not in the
13 permit.

14 MS. OWEN: I understand. Where, what is the
15 condition number in the permit? I didn't see it.

16 MR. BRODSKY: It's not in the permit.

17 MS. OWEN: Oh, it's not in the permit, so they
18 are not exempt?

19 MR. BERNOTEIT: No.

20 MS. OWEN: They are not exempt?

21 MR. BRODSKY: They are exempt on regulation.

22 MS. OWEN: They are not not exempt -- This gets
23 complicated. Should this have been in the permit or not,
24 the 25-mile-an-hour wind?

1 MR. BRODSKY: Might be.

2 MS. OWEN: I don't particularly want it in
3 there. I just want to find out, if you put it in there,
4 you have to require them to measure the wind.

5 MR. BRODSKY: It's specified how.

6 MR. BERNOTEIT: You know, it's not -- The
7 regulation specifies that it's reported at the nearest
8 U.S. Weather Bureau station.

9 MS. OWEN: Okay, but they still have to either
10 call the station or read the paper and put it down in
11 their report. Correct?

12 MR. BERNOTEIT: Yes.

13 MS. OWEN: I just want to clarify it. Is this a
14 seasonal operation by any means?

15 MR. BERNOTEIT: Is this seasonal?

16 MS. OWEN: Are you seasonal?

17 MR. MILLER: Yes.

18 MS. OWEN: They are seasonal. You are giving a
19 12-month rolling average for a seasonal operation?

20 MR. BERNOTEIT: That is consistent with all
21 construction permits that we issue under Title I of the
22 Clean Air Act.

23 MS. OWEN: I will have a problem with that, I'm
24 telling you right now. I will go into that in greater

1 detail. I don't think that's right.

2 HEARING OFFICER MATOESIAN: Please speak up.

3 MS. OWEN: I said that I would have a problem
4 being that they are a seasonal operation they are getting
5 a 12-month rolling average. I believe that the USEPA has
6 other ideas.

7 A question about the roadways. Usually,
8 and I admittedly did not read the application, is there an
9 estimate in how many miles of unpaved road they have and
10 how many pounds, tons, of particulate matter that would
11 generate?

12 MR. BRODSKY: No.

13 MS. OWEN: Okay. Is that usually not in the
14 permits, or is it just not something considered for such a
15 small source or -- I have seen it in others. I have seen
16 it in other permits, that's why I'm asking. They go into
17 very elaborate detail to exactly the measure of how many
18 miles of road, how many trucks a day they have.

19 MR. BERNOTEIT: That's normally not part of a
20 permit application normally.

21 MS. OWEN: Are you from the small source --

22 MR. BERNOTEIT: You may see it in permit
23 applications where a fugitive operating or operating
24 program for fugitive dust is required.

1 MS. OWEN: No.

2 MR. BERNOTEIT: However, in McHenry County that
3 requirement does not apply.

4 MS. OWEN: Would it apply in Lake County?
5 Because that's where I saw it. If you are thinking just
6 if yours --

7 MR. BERNOTEIT: Yes. Certain townships in Lake
8 are subject to that rule.

9 MS. OWEN: Okay. That explains it. Thank you.

10 No, I think that's all I have. Let me just
11 check my notes. I'm organized as usual. I'm sorry.

12 I just want to mention, if there was any
13 runoff water from the facility, would that be regulated by
14 IEPA?

15 MR. BERNOTEIT: Yes. I believe under our NPDES
16 program.

17 MS. OWEN: Do you know if they are required an
18 NPDES permit?

19 MR. BERNOTEIT: I believe they are, yes.

20 MS. OWEN: Do you know if they currently have a
21 valid NPDES permit and will that be changed if they are
22 granted the extension?

23 MR. BERNOTEIT: I'm not aware of their status of
24 their NPDES permit or what new requirements or --

1 MS. OWEN: Do you know what the outfall for this
2 is?

3 MR. BERNOTEIT: What is that?

4 MS. OWEN: Do you know where the outfall for the
5 wastewater is? You don't know.

6 MR. BERNOTEIT: No.

7 MS. OWEN: No. That's all. Thank you so much.

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

9 Now, we will open the floor to any other
10 questions anyone may have. If you would like, just
11 approach the podium and restate your name.

12 MS. ROMME: Can we ask other questions even
13 though we have been up?

14 HEARING OFFICER MATOESIAN: Yes, just restate
15 your name there.

16 MS. ROMME: My name is Sandy Romme. I just had
17 a couple questions since listening to Verena here. If you
18 allow 6.6 tons of particulate matter from Meyer Material
19 into the air for the year, doesn't that -- wouldn't that
20 tend to exceed the 150 micrograms, not to exceed more than
21 once a year standard, that you have?

22 MR. BERNOTEIT: There is not a direct
23 correlation between the micrograms per cubic meter and
24 tons per year. It's dependent on air concentration and

1 exhaust flow rates, wind speeds.

2 MS. ROMME: And that's not figured out from the
3 tonnage of particulate matter at all?

4 MR. BERNOTEIT: You just can't go from one unit
5 to the other. You need other factors to consider.

6 MS. ROMME: And that's done like through the
7 monitors or something?

8 MR. BERNOTEIT: The monitors directly record
9 micrograms per cubic meter. The tons per year is a
10 calculated value.

11 MS. ROMME: I just can't understand how they can
12 move that much stuff without that much particulate matter
13 in the air at one time.

14 And then I was just wondering, you say you
15 were mostly testing air. Was it the way we requested it
16 or whatever reason you did this that other things weren't
17 taken into consideration, like the water and the noise and
18 all of those other Agencies? Do you usually go together,
19 or is it one versus the other? Or I mean when you give a
20 permit for things like this, especially something where it
21 digs into aquifers and things, shouldn't you all kind of
22 be together and decide if the permit should be granted
23 then?

24 MR. BERNOTEIT: The reason we had a hearing was

1 because I believe the timing of Meyer's permit application
2 with their most recent round of complaints. Typically for
3 quarry activities, we don't normally notify the other
4 bureaus because it has not been as controversial as other
5 sites.

6 MS. ROMME: But quarries usually use some kind
7 of water source, too; right? I mean they are usually
8 emitting things into the air and use water sources, don't
9 they?

10 MR. BERNOTEIT: Right. They are regulated by
11 our Bureau of Water. In fact, they get federal operating
12 permits called NPDES permits. I believe that stands for
13 National Pollutant Discharge Elimination System.

14 MS. ROMME: But if you were to say, okay, I will
15 give you the permit because nothing is wrong with the air;
16 but if you didn't talk to like the water people, but it
17 was going to dry up the aquifer, wouldn't it be better if
18 you kind of did it together, so that neither of those
19 things occurred down the road or something? I mean I'm
20 just wondering, I don't know. It seems like that would,
21 you know, be a better way to do it.

22 And then the only other question I have is
23 when you let a facility in that emits big pollutants like
24 PM10 or, if that's not a big one, whatever, do you have any

1 regulations where you put them? Do they look to see if
2 there are schools around or hospitals or neighborhoods?
3 Or can anybody come and say, "I want to put this, you
4 know, down the block from all these things," and it's
5 okay?

6 MR. BERNOTEIT: We don't decide where somebody
7 is located. It's handled through zoning.

8 MS. ROMME: Through zoning. So if something
9 should be done, it should be done like at a state level or
10 something.

11 MR. SCHMITT: Talk to your county board.

12 MS. ROMME: County board. I'm just wondering in
13 the future to change these things, I mean, you know, I
14 know Meyer was here for a long time, but now it's time
15 that, you know, it gets put to a stop because there are
16 schools, there is more schools, there is more people
17 there. So that's why I was just wondering if you
18 regulated that. Thank you.

19 HEARING OFFICER MATOESIAN: Thank you, ma'am.
20 Next.

21 MS. AMANDES: Barbara Amandes. We were talking
22 about some of the different conveyors. And there seems to
23 be they're organized under crushing, washing, and
24 recycling. How long is each conveyor, how long and how

1 wide; and does it vary?

2 MR. BRODSKY: Well, we do not specify now in
3 permits what is the size of the conveyor. Because we
4 consider main emissions for this drop point from the
5 conveyor. When material is moving on the conveyor, it's
6 negligible emission. When drops from the conveyor, to
7 cross to the stockpile, it produces particulate matter
8 emissions. So we consider only number of conveyor, so we
9 don't know --

10 MS. AMANDES: So I'm not familiar with this
11 process of mining; but so backloaders, frontloaders, dump
12 onto the conveyor?

13 MR. BRODSKY: Yes.

14 MS. AMANDES: So that would create a lot of
15 dust?

16 MR. BRODSKY: Dust. But then when conveyor is
17 moving, it's relatively very small dust. And then another
18 point when conveyor drops its load to some pile or another
19 conveyor to the crusher, so we just count number of these
20 points, not how long conveyor is, how wide.

21 MR. AMANDES: Okay. So you are not counting all
22 of the dust when they are dumping it or the noise of
23 dumping it onto the conveyor, that doesn't count in your
24 calculations?

1 MR. BRODSKY: Only emissions.

2 MR. BERNOTEIT: When we look at conveyor
3 transfer points, where the end loader dumps onto the
4 conveyor, it's the transfer point. Where the conveyor
5 dumps to wherever, that's another transfer point.

6 MS. AMANDES: Well, what I was thinking -- I'm
7 driving down Martin Road a week and a half, two weeks ago,
8 and I have no weather data or anything else. But there is
9 a lot of trees there, and I'm looking straight down the
10 road, this beautiful neighborhood. And I couldn't at
11 first make out what I was seeing in front of me, because
12 after I stared at it, it's a tornado of dust. And it was
13 a windy day. I don't know how windy.

14 But I'm wondering, how much worse and how
15 much more often that's going to happen when they have got
16 the conveyor and they are dumping more and they are
17 stirring up the ground more. And this is in the middle of
18 a residential neighborhood. I'm concerned about what we
19 are breathing in if I already can't open my windows. So
20 if you are extending the conveyor, you are extending that
21 health hazard.

22 HEARING OFFICER MATOESIAN: Okay. Thank you,
23 ma'am. Next.

24 MS. JUSKE: Judy Juske. I just have one

1 question. All the materials that we did give to you, are
2 they going to get submitted to you? Or are you going to
3 talk to the other divisions to correlate some of this
4 information when you make your decision?

5 MR. BERNOTEIT: Yes. We will contact the
6 appropriate people in the other bureaus and ask for their
7 input and provide them copies of what you submitted.

8 MS. JUSKE: Thank you.

9 HEARING OFFICER MATOESIAN: Okay. Next, if you
10 would like.

11 MR. NAPOLITANO: My name is Joe Napolitano. And
12 my questions mainly deal with this process, this public
13 hearing process. I think it said in the handout that
14 these types of hearings can be held when there is a
15 request by the public. Is that what happened that, is
16 that -- Was there a request to hold a public hearing, and
17 is that why this meeting is being held?

18 MR. BERNOTEIT: Yes.

19 MR. NAPOLITANO: And in 1998 when Meyer Material
20 expanded their gravel pit, at that time were they required
21 to amend their operating permit because of the expansion?

22 MR. BRODSKY: Not necessary. If they didn't
23 change the number of emissions units, they don't need to
24 modify the permit.

1 MR. NAPOLITANO: Okay.

2 MR. BERNOTEIT: What the Bureau of Air regulates
3 is the actual physical crushing of the rock and the
4 conveying and processing of the rock.

5 MR. NAPOLITANO: Okay.

6 MR. BERNOTEIT: The Bureau of Air does not
7 regulate the mining or the extraction of the rock.

8 MR. NAPOLITANO: Okay. So even though they
9 expanded onto an additional 110 acres, if they weren't
10 adjusting their equipment or adding any additional
11 equipment, they wouldn't have had to modify their permit?

12 MR. BERNOTEIT: Correct.

13 MR. NAPOLITANO: Is that basically --

14 MR. BERNOTEIT: The only reason we are here
15 tonight is they are proposing to add three conveyors.

16 MR. NAPOLITANO: I understand.

17 MR. BERNOTEIT: Now, if they chose to truck the
18 material to their crushers, they wouldn't need any
19 construction permits or any revisions to their operating
20 permits.

21 MR. NAPOLITANO: Thank you.

22 HEARING OFFICER MATOESIAN: Okay. Next.

23 MS. CANNON: Just to clarify something that
24 Verena brought up to make sure that we are all on the same

1 page, we are here tonight you said just because they want
2 to add three conveyors. And Verena pointed out that it
3 appears that there was almost 28 conveyors added without
4 this permit process. Do I understand that correctly? Is
5 that correct? Is that what --

6 MS. OWEN: He said he found them when he
7 reviewed the application. Right, Mr. Brodsky?

8 MR. BRODSKY: I cannot say that, yes, exactly.
9 I need to look in previous permits how it was.

10 MR. BERNOTEIT: The previous permit did not
11 specify the number of conveyors. It only limits a certain
12 number of conveyors for whatever reason. That as far as
13 it gave an emissions limit for I believe 30 --

14 MS. CANNON: So as you see, there is a question
15 that you guys will answer that for us and get back to and
16 investigate that and get back to us?

17 MR. BERNOTEIT: Yes. We will answer the
18 discrepancies.

19 MS. CANNON: To find out what happens. And then
20 if there is a discrepancy found what, if anything, would
21 be done? What is the process at that point?

22 MR. BERNOTEIT: We will report to our compliance
23 and enforcement section if we find that Meyer added
24 conveyors without going through construction permit.

1 MS. CANNON: And if that happened, what is the
2 repercussions or penalties? I don't know.

3 MR. BERNOTEIT: There is a series of steps that
4 are involved in the process. It can go all the way to the
5 Attorney General's office, and they can choose to pursue a
6 case against Meyer Material.

7 MS. CANNON: Would that at all, if any,
8 influence your decision or your Board's decision on
9 issuing this new permit if there was a noncompliance
10 factor?

11 MR. BERNOTEIT: It may be a factor.

12 HEARING OFFICER MATOESIAN: Anyone else?

13 MS. OWEN: Can I have a follow-up question?

14 What is the National Ambient Air Quality
15 Standard for PM, is it hourly, daily, monthly, yearly?
16 What is the limit?

17 MR. BERNOTEIT: The National Ambient Air Quality
18 Standard that I have in front of me for particulate matter
19 is 10 micrograms -- micrometers, excuse me, which is PM10.
20 The annual average is 50 micrograms per cubic meter, and
21 the 24-hour standard is 150 micrograms per cubic meter.

22 MS. OWEN: So there is a 24-hour standard for
23 PM?

24 MR. BERNOTEIT: Yes, for PM10. Not total PM.

1 MS. OWEN: That's all we have right now. I'm
2 working on the rest.

3 Just because I'm confused, the three new
4 conveyors that have the construction permit pending, are
5 they already included in the operating permit?

6 MR. BERNOTEIT: In the proposed operating
7 permit?

8 MS. OWEN: In the proposed operating permit, in
9 the draft operating permit I think. So they are already
10 included here.

11 The other question I had, I believe that --
12 Backtrack. Are they proposing to increase emissions
13 because of those three additional conveyors?

14 MR. BERNOTEIT: No, they are not. In fact, the
15 permit emissions from the site are decreasing from about
16 37 tons down to about 15 tons.

17 MS. OWEN: Because of?

18 MR. BERNOTEIT: I'm not sure why.

19 MR. BRODSKY: Because of this update on the
20 operations which we requested from them.

21 MS. OWEN: Say that again.

22 MR. BRODSKY: Because we requested to provide
23 update information on their operation, and we recalculated
24 their emissions for today, we came with lower numbers. I

1 cannot say it is as a result of addition of these
2 conveyors.

3 MS. OWEN: So in spite of several extensions --
4 When was the last operating permit issued, before or after
5 the '98 extension?

6 MR. BERNOTEIT: 1999.

7 MS. OWEN: In 1999. So they are actually
8 producing half now that they were allowed to produce in --
9 to process in the 1999 permit? I think it's --

10 I believe, let's just do the big numbers.
11 If you have the old permit. I think the main one is the
12 crushing plant. That's limited to throughput of
13 85 million tons per year. No. It's more than that. No.
14 It's 85 million tons per year.

15 MR. BRODSKY: Yes. But if you can compare this
16 to permit, they more than two times decrease material
17 throughput.

18 MS. OWEN: So the throughput in this permit
19 compared to the one they had in 1999 is decreased by --

20 MR. BRODSKY: Yes, more than twice.

21 MS. OWEN: More than twice. That makes sense
22 then, that was my question.

23 MR. BRODSKY: Yes.

24 MS. OWEN: I think it's great they are from

1 37 to 15. I just wondered why. Is it increased? Is it a
2 different AP factor? Is it less water used? Is it
3 something else? As a matter of fact, what happened is
4 that they decreased processing of their material.

5 MR. BRODSKY: Yes. Mostly because of that.

6 MS. OWEN: It seems kind of odd the Company to
7 expand and decrease at the same time; but I'm not in that
8 business, of course.

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

10 Do we have any other comments?

11 (No response.)

12 HEARING OFFICER MATOESIAN: None? Okay. Then I
13 will adjourn this hearing. Once again on behalf of the
14 Agency and myself, I thank you all for coming. Thank you.

15 * * *

16 (which were all the proceedings had in
17 the above-entitled cause.)

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

3

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.

10

11

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

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