

1 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
2 BUREAU OF AIR
3 COMMENT PERIOD AND INFORMATIONAL PUBLIC HEARING
4

5 IN RE THE MATTER OF:)
6 NORTHWEST ILLINOIS CONSTRUCTION)
COMPANY'S REQUEST FOR AN AIR)
7 POLLUTION CONTROL CONSTRUCTION)
PERMIT TO INCREASE ASPHALT)
8 PRODUCTION AT ITS DRUM MIX)
ASPHALT PLANT LOCATED AT 1812)
9 McNEIL ROAD IN ROCK FALLS.)

10 REPORT OF PROCEEDINGS of the hearing
11 on the application to increase asphalt production
12 filed by Northwest Illinois Construction Company,
13 1600 Regan Road, Rock Falls, heard on the 30th
14 day of January, 2007, at the Rock Falls Community
15 Building, 601 West 10th Street, Rock Falls,
16 Illinois.

17
18 A P P E A R A N C E S
19 MS. RACHEL DOCTORS
Hearing Officer
20 Assistant Counsel
Division of Legal Counsel
21 Illinois Environmental Protection Agency
1021 North Grand Avenue East
22 P.O. Box 19276
Springfield, Illinois 62794-9276
23 217/524-3337
LAUNIUS REPORTING SERVICES

1 (APPEARANCES, CON'D.)

2

3 MR. BRAD FROST
4 Community Relations
5 Illinois Environmental Protection Agency
6 1021 North Grand Avenue East
7 P.O. Box 19276
8 Springfield, Illinois 62794-9276
9 217/782-9143

7 DAVID BLOOMBERG
8 IEPA Acting Manager of the
9 Compliance Section for the Bureau of Air
10 Illinois Environmental Protection Agency
11 1021 North Grand Avenue East
12 P.O. Box 19276
13 Springfield, Illinois 62794-9276
14 217/782-9143

11 MIKE DRAGOVICH
12 IEPA Permit Engineer
13 for the Bureau of Air
14 Illinois Environmental Protection Agency
15 1021 North Grand Avenue East
16 P.O. Box 19276
17 Springfield, Illinois 62794-9276
18 217/782-9143

16

17

18

19

20

21

22

23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

I N D E X

WITNESSES:	PAGE:
BOB ARNOLD	22
TAMMY KENDALL	26
SCOTT FLUCK	28
JENNIFER ANDERSON	29
MAYOR DAVID H. BLANTON	30
DAVID J. HAND	38
KATHY BURTLOW	41
JANET STEVENS LINSLEY	44
AMBER REYNOLDS	53
TERESA COLLEY	59
KENT MCDONNELLY	62
JOHN GARZA	64
BOBBY J. ROBBINS	68
FLOYD D. CLAPP	71
RICHARD DOWNEY	72
JANET STEVENS LINSLEY	85
DARWIN AUSTIN	86
KENT MCDONNELLY	95
TERESA COLLEY	100
JIM BUTTS	100
ROBERT ROBBINS	102
DAVID J. HAND	105

E X H I B I T S

Exhibit No. 1	Page 22
Exhibit No. 2	Page 22
Exhibit No. 3	Page 31
Exhibit No. 4	Page 57
Exhibit No. 5	Page 58
(Exhibits 1-2 attached; Exhibits 3-5 retained by Ms. Doctors.)	

CERTIFICATE OF REPORTER	Page 109
-------------------------------	----------

1 MS. DOCTORS: I think we're ready
2 to begin. Good evening, everyone. My name is
3 Rachel Doctors and I am an attorney with the
4 Illinois Environmental Protection Agency. I
5 want to begin by thanking everyone for coming
6 this evening and attending the hearing.

7 The Illinois EPA recognizes that
8 the public hearings that we have are a crucial
9 part of the permit review process. I've been
10 designated by the Director of the Illinois EPA
11 to serve as the hearing officer in this matter.

12 As the hearing officer my sole
13 purpose tonight is to make sure that these
14 proceedings run properly and according to the
15 rules.

16 This is an informational public
17 hearing before the Illinois EPA in the matter
18 of an air pollution control construction permit
19 to increase asphalt production at the Northwest
20 Illinois Construction Company Drum Mix Asphalt
21 Plant located at 1812 McNeil Road in Rock
22 Falls.

1 preliminary determination to issue a permit for
2 the project. It has prepared a draft permit
3 for review. The Illinois EPA is holding this
4 hearing for the purpose of explaining the draft
5 permit, responding to questions, and accepting
6 comments from the public on the proposed
7 issuance of the permit for this project prior
8 to actually making a final decision on the
9 permit application.

10 It is now approximately 7:10 on
11 January 30th, 2007. This public hearing is
12 being held under the provisions of the Illinois
13 EPA's Procedures for Permit Enclosure Plan
14 Hearings which can be found in 35 Illinois
15 Administrative Code, part 166, sub part A.

16 Copies of these procedures can be
17 obtained from either myself or upon request.
18 They can also be accessed on the web site, the
19 Illinois Pollution Control Board at
20 www.IDOT.IPCB.State.IL.US.

21 An informational public hearing

22 means that this is strictly an informational
23 hearing. It is an opportunity for the

6

1 Illinois EPA to provide you with information
2 concerning the permit, and it is also an
3 opportunity for you to provide information to
4 the Illinois EPA concerning that same permit.
5 This is not a contested case hearing.

6 I'd like to explain now how
7 tonight's hearing is going to proceed. First,
8 you will have the Illinois EPA staff introduce
9 themselves and identify their responsibilities
10 at the agency. Then the employees of
11 Northwest Illinois Construction Company will
12 introduce themselves.

13 Following an overview by Illinois
14 EPA's staff I will, and the company, I will
15 allow the public to ask questions or provide
16 comments. You are not however required to
17 provide your comments orally.

18 Written comments are given the
19 same consideration and may be submitted to the
20 Illinois EPA at any time within the public

21 comment period which ends at midnight, March
22 1st, 2007.

23 Although we'll continue to accept

7

1 comments through that date tonight is the only
2 time that we will accept oral comments. Any
3 person who wants to make an oral comment may do
4 so so long as the statements are relevant to
5 the issues that are addressed at the hearing
6 and they have indicated on their registration
7 card that they would like to comment.

8 If you have not signed a
9 registration card at this point please fill out
10 a card located on the back table. You may
11 indicate that you'd like to orally comment or
12 receive a copy of the summary of the hearing.

13 If you have lengthy comments or
14 questions it may be helpful to submit them to
15 me in writing before the close of the comment
16 period and I will ensure that they are included
17 in the hearing record as exhibits.

18 Please keep your comments and
19 questions relevant to the issue at hand. If

20 your comments fall outside of the scope of the
21 hearing I may ask you to proceed to another
22 issue.

23 All speakers have the option of

8

1 directing questions to either the Illinois
2 EPA's panel or they can make general comments
3 or they may do both.

4 The applicant, Northwest Illinois
5 Construction Company, is also free to answer
6 questions if it is willing to do so. But I'm
7 not in a position to require them to answer
8 questions this evening.

9 Our panel members will make every
10 attempt to answer the questions presented, but
11 I will not allow the speakers to argue or
12 cross-examine or engage in a prolonged dialogue
13 with our panel.

14 For the purpose of allowing
15 everyone to have a chance to comment I'm asking
16 that groups, organizations and associations
17 keep their questions and comments to
18 approximately 15 minutes and that individuals

19 keep their comments to approximately five
20 minutes in the interest of time and to give
21 everyone who desires to speak an opportunity.

22 In addition, I'd like to stress
23 that we want to avoid unnecessary repetition.

9

1 If anyone before you has already presented
2 testimony that is contained in your written or
3 oral comments please skip over those issues
4 when you testify.

5 Please remember all written
6 comments, whether or not you say them out loud
7 or submit them in writing, will become part of
8 the official record and will be considered.

9 After everyone has had an
10 opportunity to speak and provided that time
11 permits we'll allow those who either ran out of
12 time during their initial comments or who have
13 additional comments to speak.

14 On the registration card you can
15 ask to receive a summary of the public hearing.
16 If you need information beyond the summary that
17 is provided or if you'd like information sooner

18 I direct you to Illinois EPA's web site where
19 you can obtain more details. The Illinois
20 EPA's web site is www.EPA.State.IL.US.

21 The Illinois EPA's responsiveness
22 summary will attempt to answer all relevant and
23 significant questions that were raised at this

10

1 hearing or submitted to me prior to the close
2 of the comment period. The written record in
3 this matter will close on March 1st, 2007.

4 Comments do not need to be
5 notarized. I will accept all written comments
6 as long as they are postmarked by March 1st.
7 During the comment period all relevant comments
8 and documents for data will also be placed into
9 the hearing record as exhibits. Please send
10 all written comments or data to my attention.

11 You can send those to the
12 following address: Rachel Doctors,
13 D-O-C-T-O-R-S, hearing officer, Illinois EPA,
14 1021 North Grand Avenue East, P.O. Box 19276,
15 Springfield, Illinois, 62794. That address is
16 also listed on the public notice for tonight's

17 hearing.

18 For anyone wishing to make a
19 comment or ask questions I'd like to remind you
20 that we have a court reporter here who will be
21 taking a record of these proceedings for the
22 purpose of us putting together our
23 administrative record.

11

1 Therefore, for her benefit,
2 please keep the general background noise in the
3 room to a minimum so that she can hear
4 everything that is said. Please keep in mind
5 that any comments from someone other than the
6 person who is at the microphone will not be
7 reported by the court reporter.

8 If you speak over someone else
9 she will not be able to take everyone's
10 comments in. That rule applies not only when
11 members of the audience are speaking but also
12 when someone from the Illinois EPA or Northwest
13 Illinois Construction is speaking. When it is
14 your turn to speak please state your name and,
15 if applicable, any governmental body,

16 organization or association that you represent.

17 For the benefit of the court
18 reporter, please spell your last name. People
19 who are requested to speak will be called upon
20 based on the cards that I have before me.
21 After I've gone through the cards, assuming
22 that there is time, if anyone else wishes to
23 make a comment we can address it at that time.

12

1 I'd like to now ask that the
2 Illinois EPA staff introduce themselves. And
3 if they would like to make a short opening
4 statement they may do so at this time.

5 MR. BLOOMBERG: My name is David
6 Bloomberg. I am the acting manager of the
7 Compliance Section within the Bureau of Air at
8 the Illinois EPA.

9 MR. DRAGOVICH: My name is Mike
10 Dragovich. I'm a permit engineer for the
11 Illinois EPA Bureau of Air.

12 MR. FROST: My name is Brad
13 Frost. I'm in the Office of Community
14 Relations at the Illinois Environmental

15 Protection Agency and I work primarily with the
16 Bureau of Air.

17 MR. DRAGOVICH: Good evening,
18 ladies and gentlemen. My name is Mike
19 Dragovich. I am a permit engineer with the
20 Illinois Environmental Protection Agency-Bureau
21 of Air.

22 I am one of a number of engineers
23 whose job it is to review permit applications

13

1 for various types of facilities in the State
2 such as ag (inaudible) operations in concrete
3 batch plants, grain elevators, manufacturing
4 operations, including asphalt plants.

5 Thank you for coming here tonight
6 and for expressing your interest in
7 environmental issues. I would like to begin
8 by giving a brief overview of the situation
9 that brings us together tonight.

10 This past July Northwest Illinois
11 Construction Company applied to the Illinois
12 EPA for a permit to modify, to increase the
13 production limits from 246 tons per hour to 325

14 tons per hour for the gas fired drum mix
15 asphalt plant at the location identified as
16 1812 McNeil Road, Rock Falls.

17 First, allow me to talk briefly
18 about the asphalt plant in general. A typical
19 asphalt plant has raw materials such as sand,
20 gravel, chips and liquid asphalt oil are
21 brought in by trucks, placed into piles, silos
22 and storage tanks.

23 Aggregate materials are hauled by

14

1 front end loaders to feed hoppers and then by
2 conveyors to burning in of a revolving drum
3 mixer. Hot mix asphalt oil is weighed and
4 injected into the revolving drum to combine the
5 mixture of aggregate materials together.

6 The resulting asphalt pavement
7 material is either placed in a temporary
8 storage bin or transferred immediately to the
9 job site by truck. Particulate matter or dust
10 is generally generated by the drum mixer and by
11 other activities such as storage piles and
12 plant roads.

12 dry standard cubic feet for particulate matter
13 at 20 percent capacity. Its NSPS compliance
14 testing must be performed in compliance with
15 USEPA approved methods and as specified in the
16 decisions in this draft Construction permit.

17 The proposed plant is capable of
18 producing asphalt production at a rate of up to
19 325 tons per hour, which means if it were
20 operating at 365 days a year, 24 hours a day,
21 it could produce about 2.85 million tons a year
22 of asphalt.

23 However, it is significant to

16

1 point out that Northwest Illinois Construction
2 Company has voluntarily requested limits of
3 170,000 tons per month and 1 million 365 tons
4 per year. These asphalt production limits
5 considerably lower the level of emissions and
6 therefore prevent a plant from being classified
7 as a major source of emissions.

8 These plants are accompanied by
9 recordkeeping and report requirements which are
10 enforceable by both the State of Illinois and

11 the USEPA. The Illinois EPA has reviewed the
12 application submitted by Northeast Construction
13 Company and has determined the proposed asphalt
14 plant operations will comply with applicable
15 State and Federal regulations.

16 We have prepared a draft of the
17 Construction permit for the proposed asphalt
18 plant. Due to significant public interest
19 shown on this matter the Illinois EPA has
20 decided to hold this public hearing to give you
21 an opportunity to voice your concerns, to ask
22 questions and become more familiar with the
23 proposed Northwest Illinois Construction

17

1 Company operations and the environmental
2 regulations governing them.

3 Now, the Illinois EPA and
4 representatives from Northwest Illinois
5 Construction Company are ready to answer your
6 questions. Thank you for your kind attention.

7 MR. FROST: Good evening. Again,
8 my name is Brad Frost. I'm in the Office of
9 Community Relations at the Illinois EPA. I'd

10 like to thank you all for coming tonight.

11 We're here to discuss the oral
12 comments on the record and we'll also answer
13 your questions to the best of our ability.

14 However, this hearing tonight is
15 concerning the air permit only, and while we
16 will accept comments into the record, any
17 comment made into the record, only the comments
18 related to the air permit will have an impact
19 on our decision concerning this permit.

20 Also, the Illinois EPA does not
21 have a role in zoning facilities or other
22 ancillary types of questions that may, you
23 know, that you may have. Permits are required

18

1 in Illinois to construct and modify emission
2 sources and air pollution control permits
3 equipment.

4 The permit program provides a
5 consistent, systematic way of ensuring that air
6 emission requirements are built in compliance
7 with State and Federal Air Pollution Control
8 regulations. Construction permits contain

9 conditions that limit the amount of emissions
10 allowed from a facility.

11 After receiving a Construction
12 permit the sources have to test the equipment
13 to ensure that it is able to operate in
14 compliance with the limits of the permit, and
15 the construction permits.

16 After testing the equipment the
17 facility would submit an application to the
18 Illinois EPA for an operating permit. In July
19 2006 Northwest Illinois Construction Company
20 submitted two applications to the Illinois EPA.

21 The first application was for an
22 operating permit. It's called a Federally
23 Enforceable State Operating Permit for the

19

1 existing operations at the plant. The
2 facility had been operating under a temporary
3 operating permit.

4 To address compliance issues the
5 Illinois EPA found at the facility, including
6 the applicability of Federal resource
7 performance standards to the operations of the

8 facility, the company was required to apply for
9 a FESOP.

10 The Illinois EPA will not be
11 acting on the application for the FESOP until
12 the standard testing required by the Federal
13 USEPA and new source performance standards have
14 been completed and the final report is
15 submitted to the Illinois EPA.

16 At that time a draft permit will
17 be prepared and you will have an opportunity to
18 comment on it either in written form or if
19 it's, if you submit, you know, a request for
20 it. Possibly also in a hearing format.

21 The other application received is
22 the one that we're discussing tonight and it is
23 for an increase in production facility. The

20

1 production allowed at the previous issued
2 operating permit was lower than the company had
3 initially requested because the standard
4 testing performed at that time was at a lower
5 production level, and so the permit that was
6 issued was for the lower production level.

7 Northwest Illinois Construction
8 Company submitted an application to allow the
9 higher level of production. If issued, the
10 permit would allow an operation for up to one
11 year and would require the company to perform
12 stack testing to determine whether the facility
13 will be able to operate within the limitations
14 established under the Construction permits.

15 The Illinois EPA has statutory
16 deadlines that have a stack (inaudible) State
17 permits, and as such this Construction permit.
18 And because of the public interest in this
19 project we are holding the hearing tonight.

20 Obviously we know that there's an
21 interest in the facility because we received
22 complaints about the asphalt plant. Based on
23 those complaints and inspections by our field

21

1 staff the Illinois EPA has issued two violation
2 notices to the company, one in 2005 and one in
3 2006 to rectify the problems at the facility.

4 The second violation notice is
5 still open and ongoing and will be at least

5 for identification.)

6 MS. DOCTORS: I'd like to note
7 that on behalf of Northwest Illinois
8 Construction Company that Mr. Bob Arnold, the
9 president, is here tonight. Scott, Mr. Scott
10 Fluck is here, and Tammy Kendall are also
11 present.

12 If at this time the people from
13 the Company would like to make a presentation,
14 if they could come up to the front. Thank
15 you.

16 MR. ARNOLD: Thank you, Rachel.
17 My name is Robert Arnold and I'm the president
18 of Northwest Illinois Construction and I live
19 in Sterling, Illinois. I've been employed with
20 Northwest Illinois Construction since 1996 and
21 I've been in the capacity as president since
22 the year 2000.

23 My experience in the construction

23

1 industry prior to that goes back quite a few
2 years more than I really care to expound upon
3 at this point. I'll tell you a little about

4 Northwest Illinois Construction first just to
5 give you a feeling for the company.

6 The company was started in '96
7 and we, through the course of the summer,
8 employed 35 or 40 employees directly and many
9 more employees indirectly in the form of
10 contract truckers, material suppliers, etc.

11 And payroll in a normal year runs
12 two and a half million dollars or so, so we do
13 contribute economically to the local economy.
14 In 1998 our firm purchased some land, 10 acres
15 exactly, in the Rock Falls Industrial Park for
16 the purpose of setting up an asphalt plant.

17 This plant site was chosen for a
18 couple of reasons. One, the property was
19 directly zoned for an asphalt plant. And then
20 also it had the proximity to U.S. 30 which
21 allowed quick access for our trucks carrying
22 product in and out.

23 We set up an asphalt plant there

24

1 in 1999 and it has been there continuously
2 since that point. During that time we've

3 always complied with any local regulations,
4 State regulations, and Federal regulations to
5 keep our plant consistent with the laws of the
6 nation.

7 We've also taken the step in 2006
8 to start recycling asphalt pavement to protect
9 the environment. We take asphalt pavement,
10 crush it down and run it back through the
11 asphalt plant in order to minimize the demand
12 on virgin aggregates and virgin asphalt in our
13 production.

14 We've always taken a positive
15 approach to the community. We do not allow
16 our trucks to exit the plant and go by the
17 local middle school. We do not allow them to
18 go down Rock Island Road in the residential
19 area. They always go directly out to U.S. 30
20 in order to minimize any potential disasters in
21 that respect.

22 We really feel that we've taken a
23 positive approach to this. And a couple of

1 points I want to make; we purchased this plant

2 as a used plant and we've done a lot of work on
3 it to upgrade it, including the bag house which
4 Mike has referred to. We have done nothing to
5 increase the production rate at the plant.

6 The plant has always been capable
7 of the production rates we're talking about so
8 there's been no modifications to increase the
9 production rate. And the only other thing I
10 wanted to point out is Mike gave you some
11 numbers for production.

12 Those are maximum productions if
13 you were to run tremendous hours through the
14 year. We never run the kind of quantity Mike
15 has talked about. A typical year we'll run
16 150,000 tons a year through there, which is
17 considerably less than what Mike talked about.

18 I won't go through and tell you
19 how the plant operates. Mike's done a fine job
20 on that. I just, I think that's everything I
21 need to say and I thank you for the time.

22 MS. DOCTORS: Thank you. Is
23 there anybody else from Northwest Construction?

1 MR. ARNOLD: We have a couple
2 others. Thank you.

3 MS. KENDALL: My name is Tammy
4 Kendall and I live in Tampico, Illinois. I've
5 been in the construction business straight for
6 16 years. I have been with Northwest Illinois
7 Construction since the beginning of 1996.

8 I have various job duties in
9 regards to the asphalt plant on McNeil Road. I
10 help with the daily scheduling, I help bring in
11 the oil, schedule the oil, the aggregates going
12 out, the aggregates coming in.

13 I have been involved with the
14 permitting for that plant since '96 in regards
15 to the original stack test that was done and
16 the yearly filing that you have to do in
17 regards to the EPA.

18 Our current permit is being
19 requested because the stack testing under our
20 previous permit doesn't accurately reflect our
21 plant's production capacity.

22 In '99 we had a permit that
23 stated we can run 300 tons per hour and then it

1 was reduced due to the stack test that we did
2 to 246. We're only asking that it reflects
3 what the plant is capable of doing.

4 We've reviewed the permit that's
5 up there and it is in compliance with
6 everything that, we are in compliance with
7 everything that they want us to do. Northwest
8 Construction is a very small facility. We only
9 have three people in the office basically other
10 than Bob Arnold.

11 And of all the years that we've
12 been there, we've been there since the
13 beginning, I and the other people in the office
14 we have never received verbally phone calls,
15 letters, any complaints in regards to the
16 asphalt plant out there.

17 If we had or if we do the first
18 step is to call the plant itself so that
19 whatever the problem is can be fixed. And then
20 after that Bob Arnold is notified that if it's
21 a more severe problem then we figure out how to
22 take care of it. But we have never received
23 any. And that's all I have to say. Thank

1 you.

2 MS. DOCTORS: Thank you. Is
3 there anyone else from Northwest?

4 MR. FLUCK: Good evening. My
5 name is Scott Fluck. I'm the plant manager at
6 the asphalt plant. I've been at Northwest
7 since '97 I believe. I've been operating the
8 plant since 2000. A change of personnel
9 required me to be in there.

10 As far as my duties are, my duty
11 is create daily logs as far as keeping track of
12 emissions or problems in that aspect; try and
13 keep the duties of the other personnel as far
14 as watering down the yard as far as truck
15 traffic, keeping our dust down to the minimum
16 that we can.

17 The plant is, as was spoken, is
18 natural gas which is a very clean fuel. And I
19 don't seem, we don't think that we have any
20 emission problems on the plant and we try and
21 stay on top of it as much as we can. Thank
22 you.

23 MS. DOCTORS: Thank you.

1 Jennifer Anderson.

2 MS. ANDERSON: Good evening. My
3 name is Jennifer Anderson, A-N-D-E-R-S-O-N,
4 with Anderson Heating Company. I've been at
5 the company for four years now. I've been
6 involved with permitting and operation of
7 asphalt plants for 13 years.

8 Northwest Illinois Construction
9 Company's plants has a bag house to control the
10 emissions at the facility, and that's typical
11 of most of the asphalt plants that we see in
12 this area. The proposed Construction permit
13 incorporates all the requirements under the
14 Federal performance standard.

15 It includes limits on particulate
16 emissions. It includes limits on particulate
17 emissions and limits on other pollutants such
18 as carbon monoxide, sulphur dioxide and
19 volatile organic materials. It also restricts
20 the asphalt production by tons per hour, tons
21 per month and tons per year.

22 The proposed permit includes
23 requirements for testing and record keeping to

1 verify that the plant is always in compliance.
2 It also includes limits on emissions from the
3 asphalt from loading and truck loadout.
4 There's also a provision in the permit for
5 prohibitions of any fugitive dust and any
6 objectionable odors.

7 The requirements of the proposed
8 Construction permit are consistent with the Air
9 Pollution Control requirements imposed on other
10 asphalt plants, and Northwest Illinois
11 Construction Company should be able to comply
12 with all the requirements of the proposed
13 Construction permit. Thank you.

14 MS. DOCTORS: Thank you. The
15 next speaker we have tonight is David H.
16 Blanton.

17 MR. BLANTON: Thank you. I'm
18 Mayor David H. Blanton, B-L-A-N-T-O-N. I
19 represent the City of Rock Falls. For the
20 record, I have a packet here with over 300
21 names on the petition and some letters that we
22 received in our office.

23 MS. DOCTORS: I'd like to have

1 this marked as Hearing Exhibit Three. Okay.
2 I'll send the hearing officer a copy so it will
3 become part of the transcript at that point.

4 (Hearing Exhibit No. 3 marked for
5 identification.)

6 MR. BLANTON: Okay. Due to the
7 summer, last summer we got numerous complaints
8 over the stench and the dust and the particles.
9 So my question is, if we're meeting the EPA
10 regulations of particle content, and according
11 to some conversations we had in April 7th of
12 2006 with the IEPA that it meets the standards,
13 and there will be black smoke coming out of
14 those stacks and there will be black soot that
15 will settle from those.

16 I guess my question is, number
17 one, do you have other plants in residential
18 areas? And number two, I don't feel that that
19 stench as well as the dust that comes off of
20 there is good for our children and people
21 living in the same area. Our concern is
22 quality of life as well as safety of our
23 community.

1 Now, some of those homes over
2 there aren't in the city limits but they adjoin
3 our city limits, and we're here for the whole
4 community.

5 So I guess, that's my first
6 question is, on that 20 percent that you talk
7 about, when that dust settles in people's yards
8 and they can't even sit at the picnic tables,
9 is that acceptable by the EPA?

10 (Applause.)

11 MR. FROST: 20 percent of the
12 limit when the smoke is coming out of the
13 stack, and that is a violation. There are
14 trained professionals that go through what we
15 call smoke school to learn how to read that.

16 That is not necessarily what may
17 be happening when you talk about fusion of
18 particulate leaving the site. That is a
19 violation of 9A Environmental Protection Act if
20 there's particulate matter leaving the site.

21 And that's not, you know,
22 something coming out of the stack at 20 percent

23 should be dispersed. There should be enough

33

1 dispersion that by the time it leaves the plant
2 site you shouldn't be seeing it.

3 But if there are, if there's
4 particulate matter leaving the plant boundary
5 you should submit a complaint to our complaint
6 line or to our regional office. Those are
7 certainly complaints that we would be looking
8 for.

9 MR. BLANTON: Okay. Thank you.
10 I guess the second question is, there's some
11 leakage there that we have documentation on
12 that was taken care of early on from a June
13 letter that we received. The facility had got
14 some retention and taken care of the problem.

15 I guess my question is, is, you
16 know, did anyone do any boring samples or
17 anything from the residential wells in the
18 area, and if there's any EPA contamination in
19 that ground most of those are going to be sand
20 points out there.

21 MR. FROST: Well, we, first of

22 all, we don't have anyone here from our Bureau
23 of Land groundwater section. If you have

34

1 concerns about the groundwater or about leaks
2 in the ground --

3 MR. BLANTON: We'll submit those.

4 MR. FROST: -- submit those and
5 we'll take those back and take them to our
6 Bureau of Lands and discuss that with them.

7 MR. BLANTON: Okay. Thank you.
8 And I guess my last question is, when you talk
9 about a temporary permit, how long does a
10 temporary permit last? I mean, is there any
11 time limitation on a temporary permit?

12 MR. FROST: Are you talking about
13 the temporary permit they were operating
14 under --

15 MR. BLANTON: Yes.

16 MR. FROST: -- or are you
17 talking about the construction --

18 MR. BLANTON: No, the one they
19 were operating under.

20 MR. FROST: I believe that the

21 temporary permit expired on August, it was
22 August of last year. I don't have the exact
23 date. And that is a point of, one of the

35

1 violation notices that we have issued to the
2 company.

3 MR. BLANTON: And so now they're
4 applying for a full-time permit?

5 MR. FROST: They have applied for
6 a full-time permit, but that's not what this
7 is. This is a Construction permit for an
8 increase in production. Because of some of
9 the violations that we've found out there we're
10 not going to process that full-time permit
11 until we get the results of the stack test.

12 They have to do, we, that's one
13 of the things that they need to do under the
14 New Source Performance Standards, they need to
15 perform the stack test. And so we're not going
16 to give them an operating permit until we have
17 the results of that stack test.

18 MR. BLANTON: Okay. Thank you.
19 I guess my other question is, is there actually

20 an office staff at the facility on McNeil Road
21 or is that all out on Regan Road?

22 MS. DOCTORS: Does somebody from
23 Northwest want to answer that question at this

36

1 time?

2 MR. ARNOLD: During the
3 construction season we have personnel at the
4 plant when it is running. During the off
5 season there is no one there. Of course the
6 office is not very far from there. We're
7 always available if there are any concerns.

8 MS. DOCTORS: Now, can you state
9 your name for the record again?

10 MR. ARNOLD: Robert Arnold,
11 president.

12 MR. BLANTON: Okay. Now, for the
13 record, wasn't it our administration that put
14 the facility in there? So we're here years
15 later. But six or seven years, you know, on a
16 temporary license seems like an awful long
17 time.

18 And that was put in there, from

19 my understanding, doing work on Route 30, and
20 that was only going to be a temporary time.
21 And that was my question on how long a
22 temporary license --

23 MR. FROST: When it comes to

37

1 that, whether they told you, I mean, there is
2 such a thing as a portable plant that moves
3 around and, depending on where the job is.
4 That's not, from the EPA's standpoint though we
5 issue five year permits.

6 We don't issue, the reason we
7 issued a temporary permit before was not
8 because we considered this facility a temporary
9 site. It's because there were violations at
10 the facility.

11 MR. BLANTON: Okay.

12 MR. FROST: And so we issued them
13 a temporary permit so that they could get their
14 testing done, not because we view it as a
15 temporary site. It's, for us we don't, that's
16 not the way we issue permits. We issue five
17 year permits.

18 MR. BLANTON: So you would author
19 a five year permit if it was a mobile plant
20 moving from one area to another?

21 MR. FROST: Yeah. And if they
22 want to move a plant they generally have to
23 submit it. There's usually language in the

38

1 permit that they have to submit a notification
2 to us that they're moving and --

3 MR. BLANTON: Okay. I'll be
4 submitting some more questions at a later date
5 for you that won't take up a lot of time here.
6 Thank you.

7 MS. DOCTORS: Thank you. David
8 J. Hand, would you like to make a statement?

9 MR. HAND: Yes. My name is David
10 J. Hand, H-A-N-D, and I represent the City of
11 Rock Falls. I'm Third Ward alderman which is a
12 plant which is located in the Third Ward.

13 I'm just here to just tell
14 everybody that I'm representing the people of
15 the area and I want to make sure that we have
16 clean air and, in that area, as far as people's

17 health and benefit.

18 And one of the questions I had is
19 you said you had a couple violations and still
20 one outstanding; that is the testing of the
21 stacks, is that correct?

22 MR. BLOOMBERG: That is correct.

23 MR. HAND: How long do they have

39

1 to get that back into compliance?

2 MR. BLOOMBERG: Well, it's not
3 that it's out of compliance. We need testing
4 done to ensure that they are in compliance.
5 And the timing of the violation notice was sent
6 during their down time.

7 MR. HAND: Okay.

8 MR. BLOOMBERG: So there was no
9 way they could do testing at the time so we
10 needed to wait. They asked us to wait until
11 spring. Under our violation notice process we
12 have to make a decision within a certain number
13 of days.

14 Our decision is either to accept,
15 conditionally accept or reject and then move

16 from there. Because they could not do testing
17 we rejected their response and are currently
18 tracking it to see where we go from here.

19 MR. HAND: Okay. My other
20 question is, does somebody physically come out
21 and do testing on their plant and inspect it?

22 MR. BLOOMBERG: They will hire a
23 contractor-consultant to come out and do the

40

1 testing. And then somebody who works for me
2 will review that report. And in addition they
3 will submit what's called a protocol telling us
4 ahead of time this is how they are going to do
5 the test; these are the official USEPA methods
6 they will use to do the tests.

7 And we'll review that and ensure
8 that they are planning to do it correctly even
9 before it's done, and then again review the
10 final document once it's turned in.

11 MR. HAND: If they're aware of,
12 that this testing is going to be done I'm sure
13 that they have everything all up to par so that
14 they make sure the testing and everything else

15 is correct and done right and everything else.

16 Do you ever do spot checks or
17 inspections, just come out and, just while
18 they're there operating to inspect it?

19 MR. BLOOMBERG: We do have an
20 inspector for this region who will come out.
21 And he was the source of, his inspection was
22 the source of the first violation notice.

23 MR. HAND: Okay.

41

1 MR. BLOOMBERG: The inspection
2 was spurred by complaints from residents. So
3 as Brad said, if there is a problem we cannot
4 always be here, but if there is a problem and
5 you send in a complaint then we can get an
6 inspector here to take a look at the situation.

7 MR. HAND: I understand that.
8 And I'm just here to represent my district and
9 my people and I would like to be kept aware and
10 updated on anything that's done with the, as
11 far as for clean air for the area there.

12 So whether you notify the City or
13 notify me by home I'd like to be notified.

14 But I've got a number of complaints too of the
15 air quality out in that area. I just want to
16 make sure that things are done right and things
17 are inspected, whether it takes a spot
18 inspection here or there or whatever it takes.
19 So thank you very much.

20 MS. DOCTORS: Thank you. Kathy
21 Burtlow.

22 MS. BURTLOW: Hello. Nice to
23 meet you. My name is Kathy Burtlow,

42

1 B-U-R-T-L-O-W. I live on McNeil Road at 2001.
2 I have been there for 35 years. It has gotten
3 to the point you cannot be outside. When you
4 try to mow you can't breathe, you have to go
5 in.

6 My grandson that lives with me
7 was standing out to meet the bus for school;
8 two semis were passing each other at the same
9 time and he had to jump into the ditch to avoid
10 getting hit.

11 The semis, no, they do not go
12 down by the school, but there are children

13 walking to the school where the truck traffic
14 is coming from back and forth. They are, they
15 run sometimes 24 hours a day. It's such a
16 vibration pictures fall off the wall. I have
17 got residue on my house, my cars. It does not
18 come off.

19 You cannot breathe. They can't
20 even play basketball. I cannot have cookouts,
21 barbecues, birthday parties anymore because
22 during their peak season when they're really,
23 got the truck running and the plant is running,

43

1 you cannot breathe.

2 I feel, I can open my door and I
3 can see, see it in the air just hanging there.
4 It's just like a fog. And that is going to
5 land on the ground. Since that plant has went
6 in my migraines have got a lot worse, my
7 grandson has developed a breathing problem, and
8 I have lost five pets since that plant started.
9 And I did not have that problem before.

10 And it's just gotten unbearable.
11 You cannot sleep. You have to, even in the

12 summer when it's a nice day you can't open the
13 windows because this smell comes in the house.
14 It's in everything. It's, it's just, it's,
15 like a residue that's on my cars, my house,
16 everything.

17 So it's just, it's just gotten
18 unbearable to deal with. And the children, I
19 hear them. They will go under the gate. They
20 do not have a fence, they have a gate they
21 close. And I have witnessed children from the
22 neighborhood over there playing on them big
23 piles of sand and gravel.

44

1 And it's really, to me, the
2 things that I have witnessed, something really
3 bad is going to happen with that asphalt plant
4 being located on McNeil Road. Thank you.

5 MS. DOCTORS: Thank you. Janet
6 Stevens Linsley.

7 MS. LINSLEY: My name is Janet
8 Stevens Linsley, and I don't live directly
9 across the street. I live quite a distance
10 from there, but I'm still feeling the effects

11 from the plant. We see the black stuff coming
12 out of the stack.

13 I first noticed I would say
14 probably around the year 2000 when the roads
15 started to deteriorate. And then progressively
16 it seemed like there was more and more and more
17 of this black stuff spewing in the air.

18 Now, I have a question for you.
19 You say that if they produce approximately
20 170,000 thousand ton in a month; is that
21 correct?

22 MR. DRAGOVICH: Yeah. That's
23 what they requested in their permit.

45

1 MS. LINSLEY: How many
2 particulates are expounded into the air for the
3 children to breathe? Now, I'm speaking
4 particularly this stuff that comes out of the
5 smoke stack that we see coming across in the
6 air.

7 MR. DRAGOVICH: 2.81 tons per
8 month.

9 MS. LINSLEY: Right. Okay.

10 That's a lot for, now, you said in the middle
11 school. It's not a middle school, it's a K
12 through 8th. These are their formulative
13 years.

14 These are children, our children,
15 that will be the future of Rock Falls. We
16 care about these children. I have cared about
17 children all of my life. I have been in
18 education all of my life.

19 In fact, I went to East Paloma
20 school as a child, so you know that child was
21 there long before this plant was put there.
22 Did anybody consider what this effect would be
23 on the children at East Paloma School? Can you

46

1 answer that?

2 MR. FROST: The location, again,
3 the location of the facility is not something
4 that the EPA reviews. What we do review is
5 whether or not the emissions from the facility
6 will be in compliance with the environmental
7 regulations.

8 Now, what the IDPH, the Illinois

9 Department of Public Health, has told us is if
10 emissions are within permitted, you know, the
11 environmental standards, that they should not
12 pose a public health threat to residents
13 surrounding.

14 MS. LINSLEY: Are you saying that
15 we have to, for instance, have sexual predators
16 so many whatever yards or whatever from the
17 school but we don't have to protect the air
18 that children are breathing?

19 MR. FROST: The air should be
20 protected, yes.

21 MS. LINSLEY: And yet it wasn't
22 even considered?

23 MR. FROST: What I'm saying is

47

1 the Illinois EPA's regulations do not address
2 where a facility is located. Our regulations
3 should be protective no matter where the
4 facility is located.

5 MS. LINSLEY: Well, especially in
6 their formulative years. Now, this was a well
7 kept secret, for me anyway. I know people

8 across the street were well aware of it, but
9 because I don't live right across the street it
10 was a secret.

11 And I did happen to see all this
12 black stuff coming in the air not knowing where
13 until one evening, and I think it was 2004 or
14 2005 I noticed it. And how on earth could we
15 complain if we did not know who we should
16 complain to? Poor English, but that's it.
17 With whom we should complain.

18 MR. FROST: Well, certainly part
19 of our reason for being here tonight is to
20 inform you about those things.

21 MS. LINSLEY: But it took me a
22 year and a half to find you. A year and a
23 half. That's a long time in a child's life.

48

1 And that's my question. Also, I would like to
2 know, she mentioned that no one had called and
3 complained.

4 How did we know who to call and
5 who to complain to? The name of the place is
6 not posted. There's no information. I finally

7 did get a telephone number and I reported this
8 to, as I told you, the Section Five or Division
9 Five, and they finally discovered that it was
10 Northwest was doing this.

11 Also, I'd like to know if they
12 had never applied for a permit would you have
13 been aware? You said they don't have to.
14 They could operate without the permit; is that
15 correct?

16 MR. FROST: No. That's a
17 violation of the EPA regulations operating
18 without a permit.

19 MS. LINSLEY: They are operating
20 without a permit.

21 MR. FROST: And we've issued them
22 a violation notice for doing that.

23 MS. LINSLEY: And if you do

49

1 reject it what will they do?

2 MR. BLOOMBERG: We already, we
3 already rejected their response, what's known
4 as proposed compliance commitment to agreement.
5 We rejected their response to the second

6 violation notice.

7 MS. LINSLEY: What date was that?

8 MR. BLOOMBERG: We sent that out
9 on December 14th, 2006 was when we sent out our
10 rejection.

11 MS. LINSLEY: Just last December?

12 MR. BLOOMBERG: Yes.

13 MS. LINSLEY: Because they have
14 been adding continuously materials and work
15 things in this area that I have observed. I'm
16 sure people across the street have noticed all
17 the activity going on there. So we were
18 wondering why they are continuing if they have
19 no permit?

20 MR. BLOOMBERG: We do not, as a
21 matter of course, shut down facilities that do
22 not have permits unless they pose an immediate
23 danger or hazard to health or the environment.

50

1 And, in fact, it is not the Illinois EPA who
2 would shut them down in any case.

3 We would have to go through the
4 Attorney General's Office who would then go to

5 court. But in a case such as this it does not
6 pose an immediate danger. And that is the only
7 situation in which we would actually go in and
8 say you can no longer operate.

9 MS. LINSLEY: If they drop dead
10 tomorrow that's immediate danger, but if they
11 are children in Kindergarten and they see the
12 results 10, 15 years from now, that's not
13 immediate danger?

14 MR. BLOOMBERG: No, I wouldn't
15 say that because actually some of the, some of
16 the types of sources that are shut down most
17 frequently across the State are asbestos
18 sources.

19 And asbestos sources, which I
20 want to just point out has nothing to do with
21 this, I'm just using this as an example,
22 asbestos sources are not something that will
23 kill you tomorrow but rather in time.

51

1 MS. LINSLEY: As a long term.

2 MR. BLOOMBERG: Right. However,
3 this is not that type of facility.

4 MS. LINSLEY: It isn't?

5 MR. BLOOMBERG: No, it is not.

6 MS. LINSLEY: Although asthma is
7 not considered something that is dangerous to a
8 child?

9 MR. FROST: Again, obviously we
10 are the Illinois Environmental Protection
11 Agency. We do not conduct public health
12 studies. We do not conduct, we don't interpret
13 risk assessment.

14 That is the purview of the
15 Illinois Department of Public Health. What the
16 Illinois Department of Public Health tells us
17 is that even at the levels that they have
18 operated under, even at the levels that they
19 operated under in violation of, you know, of
20 permit or operating without a permit, are not a
21 danger to public health.

22 MS. LINSLEY: You mentioned going
23 through those courts and everything. How many

52

1 years would that take, would you project?

2 MR. BLOOMBERG: Well, when I

3 mentioned going through the courts for doing
4 something to shut down a facility --

5 MS. LINSLEY: Uh-huh.

6 MR. BLOOMBERG: -- there's really
7 no way to say because the Attorney General's
8 Office is separate from us. The courts of
9 course are separate.

10 MS. LINSLEY: I realize that.

11 MR. BLOOMBERG: But it would, it
12 would all be based on the merits of that
13 particular case and the danger involved. I
14 have seen cases that are shut down in a day
15 when there is that type of danger. Again,
16 this is not that type of situation.

17 MS. LINSLEY: I realize you
18 couldn't answer that. That was just a question
19 to implant in everybody's mind, that this is a
20 long time procedure. It won't happen
21 overnight. Thank you.

22 MS. DOCTORS: Thank you. Amber
23 Reynolds.

1 MS. REYNOLDS: My name's Amber

2 Reynolds, R-E-Y-N-O-L-D-S. And I just want to
3 read a letter that I had written to Mr. Frost.
4 We are writing to express our concern over the
5 possible renewal of the license of Northwest
6 Illinois Construction Company's asphalt plant
7 on McNeil Road in Rock Falls, Illinois.

8 Our home is located in a
9 subdivision more than a mile away from this
10 particular plant. During the summer the fumes
11 from the plant are so strong we can't have our
12 windows open to enjoy the weather or our house
13 will smell like asphalt.

14 We can't even enjoy taking walks
15 and spending family time outside without
16 breathing in the toxic fumes from this plant.
17 We have two daughters, one five years old in
18 Kindergarten; and the other 10 years old in 5th
19 grade that both attend school at East Paloma
20 which is less than a half mile away from this
21 plant.

22 When we drop them off at school
23 in the morning the fumes are unbelievably

1 strong. And they remain that strong throughout
2 the day because I drive by the school on my
3 lunch and so on. And our children are outside
4 before school, during their recesses and after
5 school.

6 It's due to our concern for our
7 children's health and safety that we researched
8 further into this issue. We made a phone call
9 to the Whiteside County Health Department and
10 spoke with Gene Johnson. He gave us the number
11 of Daryl Thompson in the Quad Cities.

12 We told Mr. Thompson about our
13 concerns and he told us that he has had several
14 complaints about this plant. He said the plant
15 was not following regulations and should not be
16 emitting this toxic air.

17 He said he would notify them that
18 they're on the watch list. He also said that
19 Whiteside County Health Department should
20 definitely be able to tell us if the fumes were
21 endangering the health of our children or not.

22 We then called the Whiteside
23 County Health Department again and spoke with

1 Gene Johnson. He said he honestly did not
2 know if the fumes were hazardous and said he
3 could call the toxicologist in Springfield and
4 get back to us.

5 After he spoke with the
6 toxicologist he called us and said that the
7 toxicologist had told him that all petroleum
8 based fumes cause cancer. Gene said the
9 toxicologist would research the issue further
10 and get back to us, and we never heard anything
11 back.

12 We would like to feel that our
13 children are safe and secure while they are in
14 school, and as long as they're breathing in
15 these cancer causing fumes seven hours a day
16 they're obviously not safe.

17 We would also like to be able to
18 enjoy our summers again without having to
19 breathe in these hazardous fumes every day.
20 The reason we built our house where we did and
21 pay the higher taxes was to get out of town and
22 have a nice yard for our kids to play in and
23 enjoy the summer.

1 We believe our rights and the
2 rights of our children are being violated by
3 being forced to breathe in this polluted air.

4 That's why we ask you to please
5 do not renew the license for the plant which
6 was supposed to be only a temporary facility in
7 the first place, and which should never have
8 been placed in a residential area so close to a
9 school.

10 Please do something about this
11 before it's too late and our children begin
12 developing cancers and other diseases. This
13 situation can be easily corrected by not
14 renewing the license.

15 And then I have a letter from
16 someone else. I don't know if I am allowed to
17 read that.

18 MS. DOCTORS: Please do. Go
19 ahead, you can read the letter or you can just
20 give them to me and I'll mark them as exhibits.

21 MS. REYNOLDS: Okay. That's the
22 one I just read.

23 MS. DOCTORS: And you'd like to

1 read the other one?

2 MS. REYNOLDS: Yes.

3 MS. DOCTORS: Okay. I'm going to
4 mark the, her statement, as Hearing Exhibit
5 Four.

6 (Hearing Exhibit No. 4 marked for
7 identification.)

8 MS. REYNOLDS: This is a letter
9 from Richard and Bonnie Decker, D as in David,
10 E-C-K-E-R. We as concerned citizens of Paloma
11 Township wish to make known our objection to
12 renew the license for the asphalt plant on
13 McNeil Road in Rock Falls owned by the
14 Northwest Illinois Construction Company.

15 Our home is over one mile away
16 from the plant, and since the plant began
17 operation on McNeil Road, when the wind is
18 blowing from the southwest the air we breathe
19 smells like tar. Also, the emissions we are
20 breathing can cause cancer and other
21 respiratory problems.

22 This plant should never have been
23 allowed to operate where they are located.

1 There are residences across the street from the
2 plant, and all during the asphalt season these
3 homes are exposed to the tar odor also.

4 McNeil Road and Dixon Avenue have
5 been badly damaged by heavy trucks that left
6 the site and the asphalt that is dispatched.
7 The taxpayers are paying for this damage, not
8 Northwest Illinois Construction Company. And
9 we understand that the plant pays less than
10 \$100.00 in taxes each year.

11 For the health of the residents
12 of this community and for the betterment of the
13 City of Rock Falls we ask that the license for
14 the asphalt plant on McNeil Road in Rock Falls,
15 Illinois owned by Northwest Illinois
16 Construction Company be denied.

17 MS. DOCTORS: Thank you. I'm
18 going to read the statement from the Deckers as
19 Hearing Exhibit, mark it as Hearing Exhibit
20 Five.

21 (Hearing Exhibit No. 5 marked for
22 identification.)

23 MS. DOCTORS: Thank you. Are you

1 done?

2 MS. REYNOLDS: And I just want to
3 say that I did note that the people that spoke
4 on behalf of Northwest Illinois Construction
5 Company do not live near the plant as many of
6 us do. We live with it every day.

7 And we, you know, we feel the
8 effects of it and really I am very concerned
9 about the children and the school. And as
10 Miss Burtlow said, it's not a middle school,
11 it's Kindergarten through 8th grade. So like
12 my daughter's Kindergarten is there.

13 And they said that they have been
14 in compliance but then we heard that there have
15 been violation issues, so I just wanted to
16 point that out. And thank you very much for
17 your time.

18 MS. DOCTORS: Thank you. Teresa
19 Colley?

20 MS. COLBY: Hello. My name's
21 Teresa Colley, C-O-L-L-E-Y. I have rental
22 property on McNeil Road, and the rental
23 property I have is directly across the street

1 from the asphalt plant.

2 My first renter moved out, they
3 couldn't breathe. They developed breathing
4 problems. Her youngest son who was a student
5 at East Paloma School developed asthma. They
6 couldn't breathe, they couldn't go outside.
7 They lost two small pets. They were outdoor
8 pets.

9 One particularly bad day when the
10 wind was very strong the black smoke and the
11 smell is very, very heavy on my rental
12 property. Two days after that is when she lost
13 her pets. She took her son out of the East
14 Paloma School District on advice of the doctor
15 because he could no longer breathe.

16 I do have the house rented out again.
17 Three of the four family members living there
18 now have also developed breathing problems.
19 Two of them, one is a teenager, one is a
20 younger girl that also goes to East Paloma
21 School, they can no longer go out in their yard
22 in the summer.

1 smoke and the smell is so heavy they have to go
2 inside their house, close their windows, shut
3 the doors. It's almost like being a prisoner
4 in their own home. They can't go outside and
5 walk.

6 I've got asthma myself and after
7 visiting with my renters, I was there for
8 approximately three hours, again, it was a
9 windy day, I ended up at the emergency room
10 getting breathing treatments for my asthma.

11 I have a lot of family members
12 that have children and grandchildren at East
13 Paloma School. I've been there on several
14 occasions. When it's a bad day it's terrible
15 there. The kids are out at recess. You can
16 smell tar, asphalt. Their vehicles have a
17 residue over them.

18 It's cost me financially and it's
19 hurt myself, friends and family members
20 physically, and we would ask that something be
21 done to provide something with air. And myself

22 and my renters just want to be able to breathe
23 and they should have a right to do that.

62

1 Thank you.

2 MS. DOCTORS: Thank you. Kent
3 McDonnelly?

4 MR. MCDONNELLY: McDonnelly.
5 Nobody pronounces that right. I don't want to
6 go through the same thing that everybody else
7 has been through, but I live in South Hope as
8 the crow flies a mile. We live out on the
9 river which is northeast of the plant.

10 And when that wind's blowing out
11 of the southwest my wife, we've got a Florida
12 room out there with the open windows and she
13 shuts the windows, and it will burn your eyes
14 or your nose down there now.

15 Needless to say, this plant is
16 not very popular in this area. The City said
17 that they can't control it. The State says
18 they can't control it. They said the people
19 control it, whether or not they get a license
20 to operate there. I realize it's in an

21 industrial park but it is in the city limits.

22 I also understand that these
23 people, you own land out by the old orange

63

1 place out there. Isn't that where your office
2 is at out there? Why don't you move your plant
3 out there? It's not too popular where it's
4 at. That's the reason some of these people
5 are here. Believe me, there's a lot more
6 people that would like to be here.

7 I guess that's all I've got to
8 say. But if it's left up to you people I would
9 suggest before you get more letters or before
10 you do hear from the Attorney General's Office,
11 which you might, if, I know one person down
12 there, he's an Assistant Attorney General.

13 And if we have to go through
14 there we will. But then again, that's going to
15 get back on you people now. How are you going
16 to give them a license to operate within the
17 City limits?

18 That is not a plus for our
19 industrial park out there, believe me. I

20 guess that's all I've got to say.

21 MS. DOCTORS: Thank you. John

22 R. Garza.

23 MR. GARZA: My name is John

64

1 Garza. I'm of Arapahoe, Apache and Musquawkee
2 descent. I've been born and raised here. I
3 live just one block south of Route 30, about
4 four blocks from this company. I was a
5 student at East Paloma.

6 It's sad to say that I can't take
7 my nephews to a stream and let them drink the
8 water. When you kill the life in that water
9 you kill that source of life, and you kill life
10 itself. When you have sulphur dioxide
11 emissions, or another case, if you're burning
12 sulphur you create acid rain.

13 I remember reading in the paper
14 recently, maybe within a year, that this area
15 was the 10th worst place in the nation to live
16 due to the pollution. And I just have some
17 questions and I wanted to share that and ask a
18 few questions while I'm here.

19 First off, what action will be
20 taken for the violation during August when the
21 temporary permit expired?

22 MR. BLOOMBERG: As I have
23 mentioned, we issued a violation notice at the

65

1 time shortly after the permit expired covering
2 operating without a permit. And we are going
3 to track the situation, look at the results of
4 their testing and decide where to go from
5 there.

6 MR. GARZA: Okay. I just also
7 wanted to say that increasing hours of
8 operation there increases the emissions and,
9 you know, that also, with these emissions
10 you're increasing global warming, which is a
11 major problem.

12 It's been on the radio and the
13 news. And I ask, how can you approve such a
14 thing? It's just, it's not a direct question.

15 MR. BLOOMBERG: Pardon?

16 MR. GARZA: It's just a statement
17 that I just want to make.

18 MR. BLOOMBERG: Okay.

19 MR. GARZA: And I wanted to know
20 when you're digging up these gravels and these
21 chips and you're loading them into your silos
22 and things, how do you monitor the sulphur
23 that's, you know, being collected and it's

66

1 being, you know, the sulphur dioxide that's
2 being remitted into the air? Because that's,
3 that's a major blow to the environment, you
4 know. Acid rain.

5 It kills the source of life in
6 water, and that makes me wonder, why isn't the
7 Department of Water here or the Department, why
8 aren't they here? Where are they?

9 MR. FROST: The permit, each, we
10 have three Bureaus at our agency, a Bureau of
11 Land, a Bureau of Water and a Bureau of Air.
12 They each issue permits. And I would assume,
13 this is certainly something that I would have
14 to check on, but I would assume that the
15 facility would need some sort of stormwater
16 runoff permit from our Bureau of Water.

17 They generally issue for plants
18 like this a general permit. You know, if
19 you're within a certain industrial category you
20 have to control stormwater runoff in a certain
21 way.

22 But addressing the sulphur
23 dioxide issue, the facility actually burns

67

1 natural gas which is very low in sulphur and
2 their emissions of sulphur dioxide are very
3 small because they're burning natural gas at
4 the facility rather than some other fuel like
5 fuel --

6 MR. GARZA: Well, that makes me
7 curious as to under, to understand the
8 recycling process of the old asphalt. I mean,
9 alls you have to do is jam that sulphur to a
10 certain point in order for it to start to burn.
11 It doesn't take much.

12 If you have pure sulphur you can
13 light a match on it and throw it on there and
14 it's burning. I just, it makes me curious to
15 understand these things and that's why I'm here

16 today.

17 I just wanted to address these
18 issues and let the people know that this is
19 what my elders have spoke about and they asked
20 me to be here on behalf of them to ask you to
21 stop this test. That's all I've got.

22 MS. DOCTORS: Thank you. Bobby
23 J. Robbins.

68

1 MR. ROBBINS: My name is Bobby J.
2 Robbins, R-O-B-B-I-N-S. And I have a small
3 farmette right catty, well, right next to Mrs.
4 Burtlow there. And the year before last I
5 raised livestock and I lost about six or eight
6 young goats.

7 They get up so far and then they
8 get out in the pasture eating that stuff that,
9 all that air that goes out there. And it's not
10 only asphalt but you smell the fumes of diesel
11 and everything.

12 And a lot of times you take and
13 go up there, it's just like a real heavy fog.
14 You can't, you could prit near cut a knife

15 through that.

16 And we used to have picnics up
17 there with the grandkids and the kids, and we
18 can't, we can't even sit outside and have a
19 picnic or a hayrack ride or anything like what
20 we used to.

21 And when this place moved in my
22 mom lived across the street and she was, she
23 was, had a few problems, but after this here

69

1 plant moved in she just kept getting worse and
2 worse, and then she had heart failure because
3 she was breathing all that stuff.

4 And she used to like to sit
5 outside on the porch and she couldn't even do
6 that anymore because the fog and the air and
7 everything was so thick and stuff with diesel
8 and asphalt and, you know, she just kept going
9 downhill.

10 And right there where the trucks
11 turn in to go to the plant right there is where
12 the buses stop and pick the kids up. And a lot
13 of times they pulled up in people's driveways

14 and everything else to make the turn to swing
15 in there. And the wife, she came awful close
16 to getting hit several times.

17 And they say that they don't go
18 down by the school. I beg their pardon
19 because, because, not all of them but they
20 still go down by the schools coming in and
21 going out depending on whether they run into
22 the load of asphalt and things.

23 My concern is all that residue

70

1 and stuff going out in the pasture there. And
2 I'm losing my livestock and we can't, we can't
3 enjoy it. And we've been out there for years
4 and these people move in, and what about us
5 who's been here for years?

6 They, like the one gentleman
7 said, if they want, why don't they move across
8 the street from where they live?

9 (Applause.)

10 That's, you know, basically
11 that's, that's the issue here. You know, all
12 the smoke and fumes and all that residue that's

13 going on the ground, it has to be going into
14 the ground, into the water supply and
15 everything else because if I'm losing livestock
16 that's eating grass when it rains all that
17 stuff's going down into the earth and stuff
18 into the water supply. That's all I have to
19 say. Thank you.

20 MS. DOCTORS: Thank you. Is
21 there anybody who hasn't spoken yet that would
22 now like to speak? Raise your hand. Okay.
23 That gentleman. Have you filled out a card?

71

1 Floyd D. Clapp.

2 MR. CLAPP: Yeah, I'm Floyd
3 Clapp. This don't really concern me a whole
4 lot, but I do own a hotel and a car lot on
5 Route 30 right around the corner from McNeil
6 Road.

7 But, you know, all the houses
8 that are on McNeil Road are between the
9 blacktop plant and Route 30, so all the trucks
10 that goes by every day in the summertime, you
11 know, for 10 or 12 hours a day, if I lived on

12 McNeil Road I don't think I'd want to listen to
13 that all day long.

14 And I wouldn't want a blacktop
15 plant in my back yard. And I don't think
16 there's anybody in here, even the ones that are
17 voting for this, would want a blacktop plant in
18 their back yard if they lived on McNeil Road.
19 Or any of you. You know.

20 I wouldn't want one in my back
21 yard. And Route 30 is a safer place for kids
22 to ride a bicycle than McNeil Road, because if
23 you go down McNeil Road there's no shoulders.

72

1 You've got these big semis going down there all
2 day long and you've got a lot of little kids
3 that live on McNeil Road.

4 So if there's one of those big
5 dump trucks and a car and there's a kid on a
6 bike, there's no place for the kid to go. He
7 can't go off on the shoulder because there's no
8 shoulder on McNeil Road. Route 30 is a safer
9 place for a kid to ride a bike than McNeil Road
10 with all these semis going up and down there.

11 And that's about all I want to
12 say. But I don't think there's anybody in here
13 that would want a blacktop plant in their back
14 yard. I know I wouldn't. So people, you just
15 think about that when you vote about it.

16 (Applause.)

17 MS. DOCTORS: Thank you. Richard
18 Downey.

19 MR. DOWNEY: My name's Richard
20 Downey. I work for the City of Rock Falls.
21 It's D-O-W-N-E-Y. The owner said that they
22 owned the black, the asphalt plant in '99, and
23 then you said that you offer a five year

73

1 permit. So '99 plus 2000 is 2004. So how are
2 they still operating under a five year permit?
3 Am I incorrect?

4 Because isn't that, I mean, I --
5 because '99 plus five is four. And I went to
6 Kent State University, you know, but I don't --

7 (Audience laughter.)

8 I'm not trying to be smart. I
9 just, if there was another permit or something

10 issued there.

11 MR. FROST: The original permit
12 that we originally issued them was a lifetime
13 operating permit.

14 MR. DOWNEY: Okay. So that --

15 MR. FROST. That is a typical
16 type of --

17 MR. DOWNEY: Okay.

18 MR. FROST: It is the typical
19 type of permit that we issue to smaller sources
20 of air emissions.

21 MR. DOWNEY: Okay.

22 MR. FROST: The reason we're
23 talking about Federal enforceable State

74

1 operating permits now is because this is a
2 facility that has been determined to be subject
3 to the Federal New Source Performance
4 Standards.

5 MR. DOWNEY: Okay. So they lost
6 their permit and then they went to temporary?
7 Why did they go -- I'm sorry.

8 MR. FROST: Because of the

9 violations.

10 MR. DOWNEY: Okay.

11 MR. FROST: Then we issued them a
12 temporary permit so that they could operate to
13 perform the stack tests.

14 MR. BLOOMBERG: When it was
15 determined that they were subject to the new
16 source performance standards the permit section
17 issued them the one year permit so that they
18 would have an operating permit, but at the same
19 time put them on notice that they needed to get
20 a different type of permit.

21 MR. DOWNEY: Okay. Do you know
22 when that was? Because I'm just trying to
23 see. One year plus five, that's 2005. So I'm

75

1 still a year off I think.

2 MR. BLOOMBERG: One second.

3 MR. DOWNEY: Sure.

4 MR. BLOOMBERG: The one year
5 permit was issued on August 8th of 2005.

6 MR. DOWNEY: Okay. So, and
7 before that they had a five year permit?

8 MR. BLOOMBERG: Before that they
9 had the lifetime permit.

10 MR. DOWNEY: Okay.

11 MR. BLOOMBERG: Which was then,
12 when they, when we determined that they were
13 subject to the New Source Performance Standards
14 they were told you no longer can have a
15 lifetime permit.

16 MR. DOWNEY: Okay.

17 MR. BLOOMBERG: You need to come
18 in, you either subject to a Federal permit or
19 you can, you need to get a State operating
20 permit with Federally enforceable limits to
21 keep you below --

22 MR. DOWNEY: Okay.

23 MR. BLOOMBERG: -- that level.

76

1 MR. DOWNEY: Okay. Just some
2 other questions real quick. You talked about
3 there was a violation obviously in 2006. You
4 already kind of touched upon that. And then
5 there was a violation in 2005?

6 MR. BLOOMBERG: Yes.

7 MR. DOWNEY: Could you expound
8 on, I'm sorry. I don't know what that was for.

9 MR. BLOOMBERG: That violation
10 notice was sent, just gathering my notes here.

11 MR. DOWNEY: Sure.

12 MR. BLOOMBERG: That was sent for
13 having emissions that were higher than their
14 permit allowed.

15 MR. DOWNEY: Okay.

16 MR. BLOOMBERG: Which is why
17 actually we have, we're sitting here today
18 because we told them if you want to increase to
19 that level you need a Construction permit.
20 And for, due to complaints that we have
21 received.

22 MR. DOWNEY: Okay. And now, when
23 you go and, every year do you have, do they

77

1 have to do a stack test?

2 MR. BLOOMBERG: Well, not every
3 year. It's when they change or they start up
4 operations, they change their operations, or
5 the Illinois EPA or USEPA requested us.

6 MR. DOWNEY: Okay. So prior to
7 2005 then they did not have to have a, they
8 were not tested? I'm trying to get information
9 more than anything else.

10 MR. BLOOMBERG: There was
11 previous stack testing because that's what
12 established the lower limit as they mentioned.

13 MR. DOWNEY: Okay. So the
14 historical levels were met and then the stack,
15 the tests were done after that and compared to
16 previous years, is that what you're saying? Or
17 you did a test and they set a level and then
18 went back and tested it again?

19 MR. BLOOMBERG: No. When they
20 did a test they were operating at a certain
21 level.

22 MR. DOWNEY: Okay.

23 MR. BLOOMBERG: And we require

78

1 that when you're testing obviously we want you
2 to be operating as if your normal operations
3 were going on. So when this permit was issued
4 the permit engineer looked at the test and said

5 okay, these are what your limits are going to
6 be, and those limits are below what the plant
7 itself could physically do.

8 It was based on what they were
9 operating at during the test because that was
10 all we could verify that they would be
11 compliant at those levels.

12 MR. DOWNEY: Okay. And just to
13 confirm, when people have a complaint that they
14 want to launch is that when you come out, is
15 that when a field representative comes out and
16 does tests? You know, we, because before you
17 talked about spot testing and things of that
18 nature.

19 I think one of the other citizens
20 that came up and talked asked when you do spot
21 testing. Do you only do spot testing when you
22 receive a concerned citizen complaint or how
23 does that work?

79

1 MR. BLOOMBERG: Well, we don't do
2 spot testing. We do not ourself, the Illinois
3 EPA does not test. We may do what are called

4 opacity observations.

5 MR. DOWNEY: Okay.

6 MR. BLOOMBERG: Which is when a
7 trained field inspector goes and looks at the
8 smoke or the particulate matter and determines
9 whether it's in compliance or not.

10 MR. DOWNEY: Okay.

11 MR. BLOOMBERG: They may do spot
12 checking on their own. The field has a work
13 plant that they operated off of.

14 MR. DOWNEY: Okay.

15 MR. BLOOMBERG: Which, you know,
16 obviously the larger a source the more
17 frequently they're visited. But, in addition,
18 we certainly rely on complaints to know when
19 there is a particular issue that perhaps we
20 didn't plan for because certainly you can't
21 plan for some of these things.

22 MR. DOWNEY: Okay. Is there a
23 certain format and a certain place that

80

1 citizens that say have if there is future
2 issues that they want to express, you know,

3 concerns or they have, you know, gee, today
4 looks kinds of heavy out there or gee, I can
5 see the sky today, they probably like today, or
6 something of that nature?

7 Who do they talk to and how do
8 they, is there a form -- I kind of know the
9 answer to this already but I'd kind of like to
10 make sure everybody else does.

11 MR. FROST: Yes. Sure. There
12 are obviously several, we try to make it as
13 easy as possible so we try several different
14 ways. One of the ways established is online on
15 our web site we have a link. If you look on
16 the right, or the left hand side --

17 MR. DOWNEY: Sure.

18 MR. FROST: -- there's a bunch of
19 various links and one of them is I think for
20 more information, and then you click on that
21 and then there's a link for, it says complaint
22 forms.

23 In addition, you can call, or

1 alternatively you could call our citizen

2 complaint line which is the number I gave
3 earlier which is a toll free number, which is
4 1-888-372-1996.

5 Alternately, you could submit,
6 you can submit, you can call our field office.
7 And unfortunately I do not have that.

8 MR. DOWNEY: Is that the one out
9 of Moline? Or the Quad Cities?

10 MR. FROST: That's our, our field
11 office is in Moline. I do not have the number
12 with me tonight but if you call me at my number
13 I can give that to you.

14 MR. DOWNEY: Okay.

15 MR. FROST: And, or additionally,
16 you can just directly call me. I have cards
17 here tonight and you can call or e-mail me and
18 I can take the complaints over the phone.

19 MR. DOWNEY: Now just one final
20 question. When you receive complaints from
21 citizens is, and they come to you, is the
22 company informed of those complaints?

23 MR. FROST: No. What I do is I

1 contact our field office and I request for them
2 to go out. Typically, now, getting into
3 inspections a little bit, an inspection can be
4 either announced or unannounced.

5 An announced inspection is
6 usually when we want to go out and we want to
7 look at records or we want to have a specific
8 person available to us to make sure that
9 they're going to be there.

10 If we received a citizen's
11 complaint that's going to be an unannounced
12 inspection, and the inspector is going to go
13 out because he receives the complaint. He
14 wants to go out in a timely manner and he also
15 wants to go out to see what, you know, to try
16 to visually observe what is the complaint. So
17 that's going to be unannounced.

18 MR. DOWNEY: I'm sorry, one final
19 question.

20 MR. FROST: Sure.

21 MR. DOWNEY: You said for their
22 renewal, because this is a, this is a hearing
23 for their increase of production. They're also

1 going to have a renewal coming up, and that
2 would be a possibility of the Illinois EPA
3 coming back out and holding another public
4 hearing? I just want to make sure that --

5 MR. FROST: There is a
6 possibility that we would hold a public
7 hearing. We hold public hearings, obviously we
8 would definitely have a written comment period.
9 In conjunction with any written comment period
10 people can request a public hearing.

11 MR. DOWNEY: Okay.

12 MR. FROST: And then it's at the
13 discretion of our director. And usually the
14 standards are if the company requests it, if an
15 elected official requests it, or if a
16 significant number of interested persons.

17 I see a significant number of
18 interested persons here. I also see elected
19 officials here. So, you know, I would say it's
20 probably, it would probably be a good chance
21 that our director, but obviously that's not up
22 to me.

23 MR. DOWNEY: Okay.

1 MR. FROST: And that's a --

2 MR. DOWNEY: And did you happen
3 to mention when that possibly could be coming
4 up?

5 MR. FROST: Not until after their
6 stack tests would be completed.

7 MR. DOWNEY: Okay.

8 MR. FROST: Because we're not
9 going to process that FESOP application until
10 we have that stack testing.

11 MR. DOWNEY: Okay.

12 MR. FROST: That's just an
13 integral part that we need to review that
14 application.

15 MR. DOWNEY: Okay. Thank you.

16 MS. LINSLEY: Is there a stack?

17 MS. DOCTORS: Do you want to ask
18 a question?

19 MS. LINSLEY: I don't need that
20 microphone.

21 MS. DOCTORS: No, just to come up
22 and identify yourself for the court reporter,
23 please.

1 MS. LINSLEY: Well, I'm Janet
2 Stevens Linsley. And if their stack emissions
3 pass your testing what happens then? Since we
4 are protesting this plant will it continue in
5 spite of our protests?

6 MR. FROST: As Mr. Bloomberg had
7 stated, we do not typically shut down
8 facilities unless they're --

9 MS. LINSLEY: That's what I was
10 trying to prove before.

11 MR. FROST: Yes. I mean,
12 obviously their permit expired, you know, and
13 they've operated since August. And that's
14 part of our violation notice. That's something
15 that, you know, we issued a violation notice
16 for. But we do not typically shut down
17 facilities unless there is an imminent threat
18 to public health.

19 MS. LINSLEY: As I told you
20 earlier, I've been communicating with Monica,
21 and excuse me, I can't pronounce her name,
22 Monzinsko (phonetic), environmental engineer,
23 U.S. Environmental Protection Agency; Aaron

1 Forceman (phonetic) in compliance assurance
2 section; and in parentheses, IL/IM, 77 West
3 Jackson Boulevard AE-17J, Chicago, Illinois.
4 And she advised me to call this number.

5 And I would like to know if
6 you're familiar with this number; 847-294-4000.
7 That is the Illinois Environmental Protection
8 Agency. Is that your number?

9 MR. FROST: That is our Des
10 Plaines field number and that is not the
11 correct field office for this area. The
12 correct field office for this area is out of
13 Moline.

14 Again, I apologize, I do not have
15 the phone number for our field office with me
16 tonight, but I certainly will provide that to
17 you.

18 MS. LINSLEY: All right. Thank
19 you.

20 MS. DOCTORS: Is there anyone who
21 would like to make a comment or ask a question?
22 Please state your name.

23 MR. AUSTIN: I am Darwin Austin

1 and I live on that 77 Angle Street. I've lived
2 out there almost 28 years. And when this
3 plant was put in and stuff I was told back then
4 that it was only going to be a temporary plant
5 to do work on Route 30 and stuff and
6 everything. Okay. That was back in '99.

7 Okay. This is 2006. That's
8 seven years for a temporary plant to sit in one
9 spot. To me that don't seem like a very
10 temporary portable plant that's going to be
11 sitting here.

12 How much longer? Now you're
13 going to issue another five year deal for that,
14 for the pollution and stuff, which in my state
15 has not ever been kept. We started this two
16 years ago with Hank Bright, which he's in
17 Florida right now, because he's in Florida
18 every year in the wintertime.

19 But this man started this whole
20 thing. He's got pictures, he's got documents
21 and everything. And if he knew this meeting
22 was going to be going on he would have come
23 back from Florida I know to make sure that he

1 would be able to put in all this information
2 that he's collected in the last two years.

3 I bought a new truck two years
4 ago. I bought a new truck. And everybody
5 that knows me in my area, my truck is never
6 dirty. I might live on a gravel road and
7 stuff but my truck is clean every time I drive
8 it. Every time.

9 I got up one morning and I took
10 it into (inaudible). That's where I get my
11 truck cleaned, and that's over here in
12 Sterling. I took it over and I got it all
13 cleaned up. I brought it home because I was
14 working nights. After that I went to sleep.

15 I got up at noon time and walked
16 out to my truck to leave and I had white
17 crystals all over my truck. Clear white
18 crystals. And at the time all the fumes and
19 everything from this plant was coming into our
20 area.

21 I went over to them and I told
22 them, I said hey, I don't know what you're

23 plant's doing but I said all this stuff got on

89

1 my truck just by noon. They said well, there
2 was a farmer that was spraying chemicals out at
3 the plant.

4 So I called that farmer up, I
5 found out who his name was and I called him and
6 I asked about what time he was spraying. He
7 said well, that was earlier this morning. But
8 he said the wind wasn't that bad so he said I
9 went ahead and sprayed, because he said he
10 won't spray unless the wind isn't bad.

11 And I still get crystals all over
12 my truck for the next two years. I still get
13 the crystals all over my truck when the wind is
14 just right blowing. When it's coming from the
15 west, coming from the east, my truck gets
16 covered. All the time. All the neighbors'
17 trucks get covered. Everybody.

18 I went, that whole day I went and
19 looked at everybody's vehicle in my
20 neighborhood, and there are almost 10 families
21 there, and every one of those trucks had

22 crystalization on them. One guy has got a
23 motor home. He's only been home for like three

90

1 months.

2 His whole front of his motor home
3 looked like it was like 40 years old. And he
4 said I just got that cleaned this last month
5 trying to get all the stuff that comes off, off
6 that plant.

7 For a plant that's only supposed
8 to have been there temporarily for a certain
9 job and everything, you know, it seems awful
10 funny that they're only paying so much for
11 property tax but nothing has a permanent
12 station that's been there for almost seven
13 years.

14 If my taxes were anywhere, if I
15 could get my taxes paid like they get paid,
16 that they pay, everybody here would be a happy
17 camper.

18 AUDIENCE MEMBER: Amen.

19 MR. AUSTIN: And I've raised my
20 kids there. I'm raising my granddaughter now,

21 and now I have grandkids that have to come
22 over. But this stuff, it's getting in my
23 truck, it's getting on everything in that whole

91

1 area.

2 And you said that they're
3 contractors, their permit ran out in August.
4 Is this when their long term, that you guys,
5 their one year permit ran out in August? Well,
6 they ran all the way up to December. And
7 there's no reason why they couldn't have done
8 the test or you guys couldn't have done the
9 test.

10 And this thing about letting them
11 do their own test, I'm not going to believe it.
12 I want you guys to come out and do the test and
13 make sure that it's done right and make sure
14 that I get the results from you from doing it.
15 And that's all I have to say.

16 MR. MCDONNELLY: I've got one
17 more question to ask.

18 MS. DOCTORS: Wait a minute.

19 MR. FROST: Let me address the

20 testing real quick. First of all, with the
21 stack testing, as Mr. Bloomberg said they have
22 to submit a plan to us. They have to tell us
23 who they are hiring. It has to be someone who

92

1 is familiar with stack testing and they have to
2 submit their results to us.

3 In addition, we do, we do at
4 times have our own employees out there to
5 observe the stack testing, so that's certainly
6 something we can look at.

7 MR. AUSTIN: Well, my concern is
8 that, and I was told this by Hank, that he
9 called a guy up one time and they went over and
10 looked at the place. They had over 12
11 violations that they should have been brought
12 up to them about OSHA issues.

13 I remember the day that I went
14 over there in my truck there was five barrels
15 of oil that had been opened and there was tar
16 and oil, whatever it was. It was tar, diesel
17 fuel or whatever it was, all laying right next
18 to their office where everybody has to drive by

19 it when they're getting loads out of that
20 truck.

21 Right there was a violation. I
22 worked for a steel mill, I know what a
23 violation can be like. We have a baghouse that

93

1 puts out more stuff than what they'll ever
2 think about putting out.

3 And when we have a couple bags
4 that start leakng we have to shut down and
5 we've got to replace them or shut that section
6 down. Otherwise we're under violations. And
7 we've put out a thousand times more than what
8 they ever thought about putting out.

9 But there was never an OSHA issue
10 signed or made from the OSHA guy that was there
11 prior to when this other guy went out there and
12 looked at it. So I'm just wanting to know
13 that, I just want to make make sure that it's
14 done right.

15 MR. FROST: We are not OSHA
16 and --

17 MR. AUSTIN: Well, I know that.

18 I know that.

19 MR. FROST: Okay. So I just want
20 to make that clear, that we are not OSHA. We
21 do not enforce the OSHA regulations. Another
22 point I wanted to make is, again, with the
23 temporary permit anything that the company may

94

1 have said about it being a temporary plant,
2 that's not the way, when we issue permits we
3 don't view them as temporary plants. We issue
4 a permit --

5 MR. AUSTIN: Right. I know that.

6 MR. FROST: -- for a facility.

7 MR. AUSTIN: If you're issuing a
8 five year thing that means that can sit there
9 for another five years.

10 MR. FROST: Certainly from our
11 standpoint yes, it could.

12 MR. AUSTIN: Yeah. So this
13 whole thing of it getting put there was under
14 false pretenses anyway?

15 MR. FROST: Again, we do not --

16 MR. AUSTIN: Which I'm not trying

17 to strike against the towns, you know, or
18 anything like that.

19 MR. FROST: Yeah.

20 MR. AUSTIN: I'm just saying that
21 there were certain things that were told that
22 was going to happen and those things haven't
23 happened. It's still here and it's still in

95

1 our back yards in our ass. That's all I've got
2 to say. It's not a good thing.

3 I live no more than a block away
4 from it and our whole area is just getting
5 affected by it. Because if it gets on, like I
6 said, if it gets on my truck I can wash that
7 off. I can't wash my whole yard, my trees, or
8 anything else. I can't.

9 And there's no way to get rid of
10 it. When that Mother Nature decides to rain
11 it's going to come down on the ground and it's
12 going to go in the ground and that's it.
13 Thank you.

14 MS. DOCTORS: Is there any --

15 MR. MCDONNELLY: I've just --

16 MS. DOCTORS: Please identify
17 yourself.

18 MR. MCDONNELLY: Kent McDonnelly.
19 I was up here before. I understand now,
20 correct me if I'm wrong, the City fathers, if
21 they don't want that plant out there and the
22 Township doesn't want that plant out there, the
23 neighbors don't want it out there, but yet you

96

1 people can issue them a permit to operate out
2 there? Am I correct?

3 MR. FROST: Our permit has
4 nothing to do with, our standard for issuance
5 is the environmental regulations. It's not,
6 you know, the wishes of the citizenry and, you
7 know, the surrounding cities and towns. It is
8 usually addressed in Zoning.

9 It's not the Illinois
10 Environmental Protection Agency. The permits
11 that we issue address the air pollution, not
12 the appropriateness of where and what types of
13 facilities are located where.

14 MR. MCDONNELLY: Well, who does

15 have the authority to say that you can operate
16 in this particular spot? You?

17 MR. FROST: No. We, no.

18 MR. MCDONNELLY: Who does?
19 Somebody has got, somebody has got to regulate
20 this thing.

21 MR. FROST: That's local Zoning.

22 MR. MCDONNELLY: Pardon?

23 MR. FROST: That's local Zoning.

97

1 MR. MCDONNELLY: Which is
2 Township? County? What is it?

3 MR. FROST: It depends on where
4 it is.

5 MR. MCDONNELLY: It's in the City
6 limits.

7 MR. FROST: If it's County, it's
8 County. If it's City, it's City.

9 MR. MCDONNELLY: Okay. If the
10 City says we don't want this here any longer
11 you people --

12 MR. FROST: I don't know. I'm
13 not an attorney and certainly not a property,

14 or a City attorney. I don't know what kind of
15 actions the City can take to overturn Zoning.
16 I just do not know that.

17 MR. MCDONNELLY: Well, I haven't
18 run across not one person that's happy about
19 this thing being out there. And from what I
20 understand the City fathers, they don't want it
21 there anymore. They don't know how it got
22 there to begin with.

23 A lot of people don't know how it

98

1 got there to begin with. Somebody has got to
2 be responsible for saying you can still operate
3 in this particular area. And they have land
4 just outside of town where they could operate
5 their plant out there.

6 Their offices are out there I
7 understand; is that right? Well, they're not
8 going to answer. Anyhow, you people don't
9 have the authority to say you can go ahead and
10 operate here, am I correct?

11 Somebody has got to give them
12 authority to operate in this particular

13 location. Now, if it's not you it's the City.
14 If it's not the City it's the Township.

15 MR. FROST: They are obviously,
16 for any type of facility there are various
17 approvals that have to be obtained and they're
18 all separate from one another. The approval
19 that they, they do need an approval from us to
20 operate at the site. That approval is for air
21 emissions.

22 There are also approvals which
23 they obviously obtained, we are told, by the

99

1 prior administration for zoning. There also
2 may be other types of approvals. They may have
3 to, you know, for various other agencies.

4 I don't know for an asphalt plant
5 what those other ones, what else they might
6 need. But all of those things are separate
7 and independent of one another and they cover
8 different jurisdictions. You know,
9 jurisdictions that they belong.

10 MR. MCDONNELLY: You would have
11 made a great politician. You don't give a

12 square answer.

13 MS. DOCTORS: Thank you. Is
14 there anyone else that has a statement or a
15 question?

16 MS. COLLEY: Teresa Colley,
17 C-O-L-L-E-Y. Mr. Darwin, Mr. Austin had
18 brought up a point about Hank Bright kind of
19 starting all of this two years ago. Hank
20 would have been here tonight but he's in
21 Florida. He had surgery.

22 He intended on flying home. He,
23 the doctor wouldn't release him to fly back but

100

1 he does have document after document, photos.
2 And I'm sure if anyone here is interested, any
3 of the neighbors, he'd be happy to share that
4 with you. And we can get an address where you
5 can write, where you can call him, because he
6 has got a lot of pretty scary things that's
7 going on in our neighborhood. Thank you.

8 MR. FROST: Just for the record,
9 let me say that Mr. Bright has contacted our
10 agency and has submitted written comments and

11 documents for the record.

12 MS. DOCTORS: Is there anyone
13 else who has any comments or questions?

14 MR. BUTTS: My name is Jim Butts,
15 B-U-T-T-S. I'm a reporter with the Daily
16 Gazette. I usually wouldn't ask for public
17 comment but I thought people might want to
18 know.

19 What is your next step in the
20 process after you've had this informational
21 session? Does this, what does this really
22 affect, if anything, besides just, you know, is
23 this just like an educational session?

101

1 MR. FROST: Well, first of all,
2 there are obviously different purposes for the
3 hearing. It's an informational public hearing.
4 The hearing is here to disseminate information,
5 to answer your questions as we've tried to do
6 tonight.

7 It's also to accept your,
8 primarily actually, to accept your oral
9 comments into the written record. At the end

10 of the hearing then the written comment period
11 stays open until March 1st, 2007.

12 At that time we, and let me, let
13 me clarify that they must be postmarked by
14 March 1st, not received by March 1st. At that
15 time we will collect the comments that we will
16 receive. We will review them and determine
17 what if any changes need to be made to the
18 permit.

19 We will also put together a
20 written response to all the comments that we've
21 received and we will issue our decision and the
22 written response to comments. And that
23 decision, you will be notified of that

102

1 decision. Everyone that has attended here and
2 everyone that has written comments.

3 MR. BUTTS: Just as a follow-up,
4 can you give me an example of what possible
5 changes there might be? If you've already
6 issued a preliminary permit is there any
7 changes?

8 MR. FROST: It's really hard to

9 speculate on, you know, until we receive the
10 comments. I will say this, that it is not
11 uncommon, and certainly I would even say it's
12 more common than not that we would make any
13 modifications to a permit based on the comments
14 that are received than otherwise.

15 MR. BUTTS: Okay. Thank you.

16 MS. DOCTORS: Thank you. Is
17 there anyone else who would like to make a
18 comment or has a question?

19 MR. ROBBINS: Yes. My name is
20 Robert Robbins. And you say you never, you
21 just can't shut them down, but in order to have
22 someone in authority we've got to contact an
23 Attorney General or --

103

1 MR. FROST: No. Your first, your
2 first, the first place you should contact would
3 be our office. What we've tried to, what
4 we've tried to indicate is that the Attorney
5 General is the Illinois Environmental
6 Protection Agency's lawyer, so in our
7 enforcement procedures our first option is that

8 we submit a violation notice to the company.

9 Then they have an opportunity to
10 respond. If they do not respond in a manner
11 that we think is appropriate then our next
12 line, our next option would be to refer them to
13 the Attorney General's office.

14 The Attorney General's office
15 then would have to determine whether or not to
16 take the case. And then if they do then they
17 would have to proceed, whether it be an
18 agreement or take the issue to the court.

19 So no, you, I mean certainly
20 people contact all sorts of various State
21 agencies, but for our purposes you should
22 submit your complaints to our office because
23 that way we know about the complaints and we go

104

1 out and inspect the facility and can try to
2 rectify the problems.

3 MR. ROBBINS: Okay. That's what
4 we're doing now. And you're saying that you
5 can't really speculate on whether you're going
6 to turn around and give them the permit or not.

7 Because, you know, like I say, people have been
8 out there for years and everybody's having
9 health problems and losing livestock.

10 What more can this area do? And
11 we've submitted our comments to you so it's
12 basically up to you, and yet you say you can't
13 do anything about it?

14 MR. FROST: I don't think that
15 that's what we're saying. What I'm saying is
16 that this is a process that we're currently
17 going through where we're accepting written
18 comments.

19 We do not, we do not make a final
20 decision on this until after we get all of our
21 written comments and review them. We are not
22 here tonight to make a decision on the permit.

23 MR. ROBBINS: Okay. Thank you.

105

1 MS. DOCTORS: Thank you.

2 MR. HAND: Yes. David Hand from
3 Third Ward Aldeman, City of Rock Falls. I have
4 one question. Has Northwest Illinois
5 Construction been fined in any way for being

6 out of EPA regulation?

7 MR. BLOOMBERG: No, they have
8 not. The Illinois EPA cannot fine somebody.
9 Again, that has to go through the process that
10 Brad just described going to the Attorney
11 General.

12 MR. HAND: Going to the Attorney
13 General?

14 MR. BLOOMBERG: Yes.

15 MR. HAND: But you guys make the
16 decision whether it goes to the Attorney
17 General; is that correct?

18 MR. BLOOMBERG: Yes, we do.

19 MR. HAND: And what precipitates
20 it to go from this stage to the Attorney
21 General's office?

22 MR. BLOOMBERG: It really varies
23 from case to case. The severity of the

106

1 violation, the size of the facility, whether
2 they have taken active steps to try to rectify
3 the situation. All of those things play into
4 it.

5 MR. HAND: So you can't really
6 say how this one's going to proceed until you
7 get --

8 MR. BLOOMBERG: No, I cannot.

9 MR. HAND: And I just wondered,
10 are they, are you saying now that this, that as
11 far as you know there is not a health hazard to
12 anything that they have got there at the plant?

13 MR. FROST: Obviously, again, we
14 are not the Public Health Agency. We do not do
15 any kind of risk assessment. But based on the
16 information that we have from the Department of
17 Public Health, even at the levels, you know, at
18 any of the levels they've admitted that it is
19 not a public health threat, in fact.

20 MR. HAND: Actually I did want to
21 make a quick point because someone had
22 mentioned that the Illinois Department of
23 Public Health had been contacted, and I do have

107

1 a contact name and phone number at the Illinois
2 Department of Public Health if people do want
3 to talk to them.

4 MR. FROST: Okay.

5 MR. HAND: Because I am concerned
6 that we do have quality air and, you know, if
7 this keeps up that it does go to the point
8 where they are issued a fine.

9 And from what I understand from
10 the Attorney General's Office you can fine per
11 day for permit violations as long as they run.

12 MR. BLOOMBERG: The statutes
13 provide for a potential fine per day. And
14 then, but in a situation what would happen is
15 there is a, I guess you call it formula where
16 the attorneys from the Illinois EPA, the
17 attorneys from the Attorney General's Office,
18 determine what the fine would be, or what fine
19 we would seek.

20 MR. HAND: That's all I have.
21 Thank you.

22 MS. DOCTORS: Thank you. Is
23 there anyone else who has any comments or

108

1 questions? Seeing that there are no more
2 members of the public with questions or

3 comments we will bring this hearing to a close.

4 I'd like to, again, to remind
5 everyone that the comment period for the record
6 in this matter will close on March 1st, 2007.

7 Any written comments must be
8 postmarked before midnight on March 1st to be
9 accepted as part of the record. Copies of the
10 exhibits are available upon request.

11 The time is approximately 9:05
12 and this hearing is adjourned. Thank you very
13 much for coming.

14

15 (WHEREUPON, THE HEARING ADJOURNED

16 AT 9:05 P.M.)

17

18

19

20

21

22

23

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

I, KATHY L. JOHNSON, a Certified
Shorthand Reporter in and for the State of
Illinois, hereby certify that I reported the
evidence in the hearing of the above-entitled
cause and that the above and foregoing
typewritten transcript is a full, true and
complete translation and transcript of all the
shorthand notes of the evidence taken down and
reported by me at the hearing of said cause and
contains a full, true and complete report of
all the evidence offered or introduced.

In witness whereof, I have hereunto
set my hand the 23rd day of February, 2007.

Certified Shorthand Reporter