

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MARCH 22, 2011

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IN RE:)
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PUBLIC HEARING, CONSTRUCTION) SUBPART A
PERMIT FOR COUNTRYSIDE)
LANDFILL)

REPORT OF PROCEEDINGS at the hearing of the
above-entitled cause, taken before Rebecca A.
Graziano, Certified Shorthand Reporter within and
for the County of Lake and State of Illinois, at
Grayslake Central High School, Grayslake, Illinois,
commencing at the hour of 7:00 p.m. on the 22nd day
of March, A.D., 2011.

A P P E A R A N C E S

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794
(217) 782-5544

BY: MR. DEAN STUDER
MR. KUNJ M. PATEL
MR. CHRISTOPHER P. ROMAINE

1 MR. STUDER: Good evening. My name is
2 Dean Studer and I am the hearing officer for
3 the Illinois Environmental Protection Agency,
4 usually referred to as Illinois EPA or IEPA.
5 On behalf of interim director Lisa Bonnett, I
6 welcome you to tonight's hearing.

7 Illinois EPA believes that the
8 public hearing process plays a vital role in
9 assisting the Illinois EPA in reaching a
10 final decision in matters such as this. I
11 will start this evening by reading in the
12 opening statement into the record.

13 My purpose tonight is to ensure
14 that this hearing runs properly according to
15 rules and is conducted in a fair, but
16 efficient manner. I will not personally be
17 responding to technical issues that are
18 raised, but will defer such issues to the
19 technical personnel with me tonight.

20 However, I will provide guidance on a
21 specific issue, or if an item is irrelevant
22 to this proceeding, I may ask that you move
23 on to your next issue in the event that
24 comments start drifting into areas that are

1 not relevant to the hearing tonight.

2 This is an informational hearing
3 before the Illinois EPA in the matter of
4 applications for revised air pollution
5 control construction permits submitted by
6 Countryside Landfill Incorporated, and by
7 Countryside Genco LLC, involving emissions
8 from a municipal solid waste landfill in
9 Grayslake, Illinois.

10 Countryside Landfill is the
11 operator of the landfill. Countryside Genco
12 operates an associated facility at the
13 landfill that generates electricity. Both
14 companies have applied for revisions to issue
15 construction permits to address new data for
16 the sulfur content of the landfill gas being
17 generated by this landfill. As a result, the
18 emissions of sulfur dioxide from combusting
19 collected landfill gas are higher than
20 allowed by current permits.

21 Countryside Landfill has applied
22 for a revision to the construction permit
23 issued for an existing and closed flare at
24 this landfill that is used to combust

1 landfill gas generated by the landfill. The
2 gas is collected by a system of wells and
3 piping at the landfill. The flare serves as
4 a backup to the engines at the associated gas
5 to energy facility combusting the collected
6 gas when that facility is not in service or
7 when the flow of gas is more than it can
8 handle.

9 The Illinois EPA has reviewed
10 these applications and made a preliminary
11 determination that the applications for
12 revised permits need applicable requirements.
13 In particular, the new levels of sulfur
14 dioxide emissions are still well below the
15 level at which the source would become a
16 major source under the federal rules for the
17 prevention of significant deterioration,
18 usually referred to as PSD, and those are
19 found in 40 CFR Section 22.21.

20 Accordingly, the Illinois EPA has
21 prepared drafts of the revised air pollution
22 control construction permits that it proposes
23 to issue. The Illinois EPA has made a
24 preliminary determination that the

1 applications meet the requirements for
2 obtaining revised permits and has prepared
3 the drafts of this -- of these permits for
4 review.

5 The Illinois EPA is holding this
6 hearing for the purpose of accepting comments
7 from the public on the proposed issuance of
8 revised permits prior to actually making a
9 final decision on the applications. The
10 public hearing is being held under the
11 provisions of Illinois EPA procedures for
12 permit and closure plan hearings, which can
13 be found at 35 Illinois Administrative Code
14 Part 166, Subpart A. Copies of these
15 procedures can be accessed on the web site
16 for the Illinois Pollution Control Board at
17 www.IPCB.state.il.us, or can be obtained from
18 me upon request.

19 An informational public hearing
20 means that this is strictly an informational
21 hearing. It is an opportunity for you to
22 provide information to the Illinois EPA
23 concerning these permits. This is not a
24 contested case hearing. Illinois EPA will

1 review the comments and information from
2 tonight's hearing, along with any written
3 documents received during the comment period,
4 before making a final decision in this
5 matter. No final decisions will be made at
6 this hearing this evening.

7 I would like to explain how
8 tonight's hearing is going to proceed. After
9 completing this statement, I will have the
10 Illinois EPA staff introduce themselves and
11 provide brief opening remarks. Then Mike
12 Hey, district manager for Countryside
13 Landfill, and Chad McNaughton, regional
14 manager for Countryside Genco, will make
15 brief opening remarks. I will then provide a
16 more detailed look at the rules and describe
17 those rules for those desiring to make oral
18 comments on the record this evening. This
19 will be followed by allowing the public to
20 provide comments.

21 You are not required to provide
22 your comments orally. Written comments are
23 given the same consideration and may be
24 submitted to the Illinois EPA at any time

1 during the comment period, which ends on
2 April 21st, 2011. All comments submitted by
3 mail must be postmarked no later than
4 April 21st, 2011. Although we will continue
5 to accept comments through that date, tonight
6 is the only time that we will accept oral
7 comments.

8 The Illinois EPA would like to
9 make a decision on these applications within
10 30 days of the close of the comment period.
11 That would put us roughly around the 20th of
12 June. However, the actual decision date will
13 depend upon the number and nature of comments
14 received as well as other factors. Any
15 person who wants to make an oral comment may
16 do so, as long as the statements are relevant
17 and not repetitious.

18 If you have not signed your
19 registration card at this point, please see
20 Brad Cross at the registration table, and he
21 can provide you with a comment card. Please
22 be sure to check the appropriate box on the
23 card if you desire to make comments this
24 evening. If you have lengthy comments,

1 please submit them to me in writing before
2 the end of the comment period and I will
3 ensure that they are included in the hearing
4 record.

5 Please keep your comments and
6 questions relevant to the issues at hand. If
7 your comments fall outside the scope of this
8 hearing or for the Countryside Landfill, I
9 may ask that you proceed to another issue.
10 The permit applicants are also free to
11 respond to issues if willing to do so, but I
12 am not in a position to require them to do
13 so. Our panel members will make every
14 attempt to respond to issues raised that are
15 within the area of expertise, but I will not
16 allow the speakers to argue or engage in a
17 prolonged dialogue with our panel or with
18 other members of the public.

19 For the purpose of allowing as
20 many as possible to speak this evening, I
21 will impose a time limit on each person
22 speaking this evening. I will announce the
23 exact time limit once the technical staff and
24 the permit applicants have made their opening

1 remarks.

2 In addition, I'd like to stress
3 that we want to avoid unnecessary repetition.
4 If someone before you has already presented
5 issues that are contained in your comments,
6 please skip over those issues when you speak.
7 If someone speaking before you has already
8 said what you planned to say, you may pass
9 when I call your name to come forward.

10 After everyone has an
11 opportunity -- has had an opportunity to
12 speak, and provided that time still allows, I
13 will let those who either ran out of time
14 during their initial comments or who have
15 additional comments to speak. In the event
16 that we cannot fully accommodate everyone
17 this evening who desires to speak, you may
18 file your comments with the Illinois EPA in
19 writing, and I will give you that address in
20 just a few moments.

21 All who complete a registration
22 card or submit written comments in this
23 matter will be notified of the final decision
24 in this matter and of the availability of the

1 response of this summary. In the
2 responsiveness summary, the Illinois EPA will
3 attempt to respond to all significant issues
4 that were raised at this hearing or made in
5 written comments submitted by the close of
6 the comment period. Again, the record in
7 this matter is scheduled to close on
8 April 21st, 2011. Unless I approve a later
9 date, written comments, again, must be
10 postmarked by April 21st, 2011.

11 While the record is open, all
12 comments and documents or data will be placed
13 into the hearing record as exhibits. Please
14 send all written comments and other documents
15 to my attention. That's Dean Studer,
16 D-e-a-n, S-t-u-d-e-r, hearing officer, office
17 of community relations, mail code number
18 five, regarding Countryside revised air
19 permits, Illinois EPA, 1021 North Grand
20 Avenue East, P.O. Box 19276, Springfield,
21 Illinois, 62794-9276. This address is also
22 given on the public notice for this hearing
23 tonight.

24 We have a court reporter here who

1 is transcribing these proceedings. Once I
2 receive the final transcript of tonight's
3 hearing, I will have it posted on the
4 Illinois EPA's web page in the public notice
5 section. I anticipate the transcript will be
6 posted in approximately two and a half to
7 three weeks from tonight, depending on when I
8 get the transcript.

9 For the benefit of the court
10 reporter, please keep the general background
11 noise in the room to a minimum so that she
12 can record what is said. Also, please
13 silence all cell phones and pagers at this
14 time if you have not already done so. Please
15 keep in mind any comments from someone other
16 than the person who is up front may not be
17 recorded by the court reporter. If you speak
18 over someone else, the court reporter will
19 not be able to take down everyone's comments.

20 When it is your turn to speak,
21 please state your name, and if applicable,
22 any governmental body, organization, or
23 association that you represent. If you do
24 not represent any governmental body,

1 organization, or association, you may simply
2 state that you are a concerned citizen, or if
3 living nearby, you may simply indicate that
4 you are a local resident.

5 For the benefit of the court
6 reporter, I also ask that you spell out your
7 last name. If there are alternate spellings
8 for your first name, you may also want to
9 spell it out as well.

10 People who have registered to
11 speak will be called upon in the order that I
12 will lay out based upon the registration
13 cards that I have before me. After I have
14 gone through the cards, and assuming that
15 there is time, if anyone else wishes to
16 comment, I may allow them to speak at that
17 time.

18 I have marked the following
19 exhibits: The hearing notice is Exhibit 1;
20 the project summary for the air pollution
21 control permit applications is Exhibit 2; the
22 draft revised air pollution control
23 construction permit for Countryside Genco is
24 Exhibit 3; the draft revised air pollution

1 control construction permit for Countryside
2 Landfill Incorporated is Exhibit 4; a letter
3 from state representative, Sandy Cole,
4 requesting that a hearing be held in this
5 matter is Exhibit 5; and a fact sheet
6 produced by Lake County entitled, "Air
7 Monitoring Continues at Landfill,"
8 January 2011, is Exhibit 6.

9 I would now ask the Illinois EPA
10 staff to introduce themselves, and if they
11 would like to make a short opening statement
12 they may do so at this time.

13 MR. ROMAINE: Good evening. My name
14 is Chris Romaine. I'm manager of the
15 construction unit in the air permit section.
16 I'd like to welcome you all for coming
17 tonight.

18 MR. PATEL: Good evening, ladies and
19 gentlemen. Welcome to this evening's
20 hearing. My name is Kunj Patel. It's
21 K-u-n-j P-a-t-e-l. I am a permit engineer
22 with the Bureau of Air. I will be giving you
23 a brief description of the applications that
24 are the subject of tonight's hearing.

1 As Mr. Studer has explained,
2 Countryside Landfill Incorporated and
3 Countryside Genco LLC have submitted
4 applications for revised air pollution
5 control permits for their operations at a
6 municipal solid waster landfill in Grayslake,
7 Illinois.

8 Countryside Landfill is the
9 operator of the landfill. Countryside Genco,
10 which is a separate company, operates an
11 associated facility at this landfill that
12 generates electricity. Both companies have
13 supplied for revisions to issued construction
14 permits to address new data for the sulfur
15 content of the landfill gas being generated
16 by this landfill.

17 The sulfur dioxide emissions limit
18 in the original permit was derived using a
19 standard value for the sulfur content of
20 landfill gas from USEPA, 150 ppm. Sampling
21 of the actual landfill gas generated at this
22 landfill shows that actual sulfur content is
23 approximately 540 ppm. As a result of the
24 higher sulfur content of the landfill gas,

1 the emissions of sulfur dioxide from
2 combusting collected landfill gas are higher
3 than allowed by the current permits.

4 Countryside Landfill has applied
5 for a revision to the construction permit
6 issued for an existing enclosed flare, which
7 combusts landfill gas collected by the
8 landfill gas collection system installed at
9 this landfill. Landfill gas collection
10 system includes a series of wells and pipes
11 that collect landfill gas being generated.
12 The collected landfill gas is then being
13 combusted either in the engines at the
14 associated gas-to-energy facility or in the
15 enclosed flare at the landfill, which serves
16 as a backup to the engines when that facility
17 is not in service or the flow of the gas is
18 more than the engines can handle.

19 Countryside Genco, the operator
20 for the gas-to-energy facility associated
21 with the landfill, has applied for a revision
22 to the construction permit issued for the
23 facility. This facility includes six engine
24 generators that fire landfill gas collected

1 from this landfill to generate electricity.
2 The Illinois EPA has reviewed these
3 applications and made a preliminary
4 determination that the applications for the
5 revised permits meet applicable requirements.

6 In particular, the new levels of
7 sulfur dioxide emissions are still well below
8 the level at which the combination of the
9 landfill and the associated gas-to-energy
10 facility, when appropriately considered
11 together as a single source, would become a
12 major source under the federal rules for the
13 prevention of significant deteriorations,
14 PSD, 40 CFR 52.21. Accordingly, the Illinois
15 EPA has prepared drafts of the revised air
16 pollution control construction permits that
17 it proposes to issue.

18 The revised permits that the
19 Illinois EPA is proposing to issue would
20 include additional provisions to assure that
21 the source stays minor for purposes of PSD
22 applicability. This includes requirements
23 for monitoring the flow rate of the landfill
24 gas that is collected. It also includes

1 requirements for periodic sampling and
2 analysis for the composition of landfill gas
3 generated at this landfill for its content.

4 The revised permit would not
5 address the requirements for the landfill gas
6 collection system, which are subject to the
7 requirements specified in the Operating
8 Permit 00060039, issued to the Countryside
9 Landfill, Inc.

10 We look forward to your questions
11 or comments on these proposed permits. And,
12 once again, thank you for attending tonight's
13 hearing.

14 MR. STUDER: Thank you, Kunj. I'll go
15 over in a moment the rules for making
16 comments this evening. I believe that Mike
17 Hey from Countryside Landfill has a few
18 opening remarks that he would make, if
19 Mr. Hey would come forth to the microphone.

20 MR. HEY: Can I face them?

21 MR. STUDER: Yes, you may. You may
22 have to turn that on also.

23 MR. HEY: A lot of you guys know me.
24 My name is Mike Hey. I represent Waste

1 Management, more specifically Countryside
2 Landfill.

3 About 12 years ago, Countryside
4 Landfill put a new flare in, and that flare
5 was permitted by the IEPA. This flare
6 described the emission limits required for
7 that flare. The flare in question is used to
8 destroy the gas. I'm going to quickly go
9 through this, because a lot of it has already
10 been covered.

11 Landfill gas is generated by the
12 natural decomposition of the waste. It's
13 there. It's happening. A lot of you have
14 lived through that. Some of the neighbors of
15 the landfill have known what we've gone
16 through when we struggle with odor control.
17 Over the past few years, we've made very
18 aggressive changes in our system, installing
19 a lot of extra collectors, gas wells,
20 associated collection pipes, to help control
21 those odors. In addition, the gas itself had
22 changed. It changed because the recipe
23 inside the landfill, sort of, changed.

24 You'll hear people talk about

1 tonight possibly gypsum finds, ground up
2 drywall. Part of the recycling process meant
3 to do good actually kind of backfired a
4 little bit on the industry and caused
5 elevated levels of hydrogen sulfide, stuff
6 that in this part of the country, landfills
7 weren't used to dealing with. So it called
8 for those aggressive measures of putting in
9 more pipes and more collection systems, and
10 therefore collecting more sulfur and bringing
11 it towards our flare.

12 This then led to us needing and
13 being required to apply for a revision to our
14 permit. This is a reasonable request that
15 we're asking for. It's about looking at our
16 levels, which are still under regulatory
17 limits, and just adjusting our permit, which
18 was written based on a gas flow and a sulfur
19 content that was -- assumptions were made
20 12 years ago on. So things have changed.

21 Our first exceedance happened over
22 two years ago. A couple weeks ago was the
23 two-year anniversary of the first time that
24 this happened. We track it, we watch it. We

1 self-reported that exceedance. That's the
2 process. We've been self-reporting that
3 exceedance every month for the last two
4 years, in expectation of this permit. So
5 this isn't something that was just
6 discovered. This is -- we discovered it, we
7 reported it, and that's brought us here
8 today.

9 I do feel a little bit saddened
10 that it's come to this. I feel like maybe I
11 could have done something more to communicate
12 better. The people that did come to me and
13 ask what is this all about, I've tried to
14 explain and do the best I can. I'm not a
15 chemist, but I'm certainly a lot closer to
16 being one now.

17 So it seems like there's a lot of
18 confusion, a lot of misinformation about this
19 request, and now I'm here tonight to help
20 clarify that. I'll stick around as long as
21 this -- I know these guys have a process.
22 They want to get out of here. At some point,
23 they're here to see it through and be
24 complete, but I'll stay even longer, again,

1 and I'll open myself up, if anyone has
2 requests about the landfill specifically,
3 Waste Management, the operations. And if
4 anyone wants a tour -- I've said this 100
5 times. Most of the people attacking me these
6 days have never even taken me up on that
7 tour, and I mean it sincerely. I mean to be
8 a good neighbor, and this is just a process
9 that we go through, and I believe it's
10 reasonable. Thanks for your time.

11 MR. STUDER: Thank you, Mr. Hey. And
12 as some of you may have gathered, there are
13 two revised air permits. The second one is
14 Countryside Genco.

15 I believe that Mr. Chad McNaughton
16 has a few opening remarks that he would like
17 to make this evening.

18 MR. MCNAUGHTON: Good afternoon,
19 folks. My name is Chad McNaughton. Most of
20 you don't know myself, or you've only heard
21 the association of the power and energy.

22 I'm a regional manager for the
23 Countryside Genco facility. I work for
24 Biogas Energy Solutions, who is the parent

1 company to Countryside Genco. We operate ten
2 facilities similar to these over the -- all
3 of Illinois and several other states. As
4 Mike has stated, we work -- our goal is
5 100 percent compliance with these landfills.

6 As we said, two years ago we've
7 been dealing with this. On our end, we see
8 the gas -- we see the sulfur. We're looking
9 for the permit revisions to basically achieve
10 this compliance that we've worked so hard to
11 maintain with the IEPA.

12 We currently take gas samples at
13 our facility on a quarterly basis until a
14 resolution is found. We actually just took a
15 sample not too long ago and we're waiting for
16 the results for that. So we continually
17 update our emission levels with quarterly gas
18 samples that we've received from the lab.

19 Like Mike stated, they went
20 through a lot of expenditures and a lot of
21 capital on their end to install this enclosed
22 flare. This enclosed flare, I'll be honest
23 with you, is in part to a couple different
24 factors. We have our ability to not collect

1 all the gas and use it at our facility as it
2 sits now. Countryside Landfill has taken on
3 the need to control that gas more efficiently
4 and more consistently than what we can do
5 with our current facility as it sits right
6 now. So they've taken on the emissions,
7 they've taken on the operating costs, the
8 maintenance costs for this flare, all for the
9 public. That's the main goal.

10 The new flare, it's a lot -- it's
11 set up by the VFD setup. Basically if we
12 take an engine down for maintenance, repairs,
13 what have you, that flare automatically
14 adjusts for the banking and the flow that we
15 were using at our facility, which currently
16 houses six -- there are 16 cylinder internal
17 combustion engines. Each generator is rated
18 at 1330 KW a piece. We operate six of those.
19 They operate 24/7. We have maintenance
20 repairs with these engines consistently
21 running. We are in the process right now,
22 and we've been in the process for the last
23 several years.

24 Another factor with not being able

1 to use all this gas, one of the -- with the
2 economy, the utility rates that we're
3 getting, paying for utilities, it's hard for
4 our lender to feasibly give us \$10 million to
5 expand the facility when they're going to
6 lose money if they start it up. So that's
7 one of the things that we're working on.

8 Whether it be larger more
9 efficient turbines, gas process, whether it
10 be a medium BTU, high BTU process, we're
11 involved with several, several entities
12 that -- we're looking for an end user, and we
13 welcome the public. I'll give you my
14 business card. Our corporate -- they're
15 eagerly trying to find a deal that will work
16 for this facility that will take 100 percent
17 of the gas. That's the ultimate goal, is to
18 shut the flare down at Waste Management and
19 take that gas 100 percent.

20 So right now, we thank Waste
21 Management for their efforts while we get our
22 act together. And I'll be here after the
23 hearing if anybody has any questions,
24 business cards, contact us, and let us know.

1 We appreciate you coming.

2 MR. STUDER: Thank you,
3 Mr. McNaughton. I'm now going to go over the
4 rules for those wishing to make comments
5 tonight.

6 As hearing officer, I intend to
7 treat everyone here tonight with respect and
8 ask that the same respect be shown to those
9 raising relevant issues and to those
10 responding to the issues raised. You may
11 disagree with or object to some of the
12 statements and comments made tonight, but
13 this is a public hearing and everyone has a
14 right to express relevant comments on these
15 applications. Arguing or prolonged dialogue
16 with panel members or with other members of
17 the public is not permitted.

18 Again, I remind everyone that we
19 have a court reporter here making a verbatim
20 record of tonight's hearing. For her sake,
21 and in the interest of obtaining an accurate
22 transcript of tonight's hearing, I ask that
23 noise levels be kept to a minimum. In a
24 similar light, applause, booing, hissing, and

1 jeering are not permitted during this
2 hearing.

3 You are not required to submit
4 your comments -- you are not required to
5 provide your comments orally. Written
6 comments are given the same consideration and
7 may be submitted to the Illinois EPA at any
8 time within the public comment period, which
9 ends at midnight on April 21st, 2011.

10 Although we'll accept comments through that
11 date, tonight is the only time that we will
12 accept oral comments.

13 Any person who wishes to make oral
14 comments may do so, time permitting, as long
15 as statements are relevant and the comments
16 are not repetitious. If your comments fall
17 outside the scope of this hearing, I may ask
18 you to proceed to another issue.

19 For the purpose of allowing as
20 many people as possible to speak this
21 evening, I will initially allow everyone four
22 minutes. We'll have four minutes to make
23 comments this evening. I remind everyone
24 that written comments are given the same

1 weight as oral comments tonight. If we still
2 have time remaining after everyone has spoken
3 and has registered to speak, we may go back,
4 if time allows, to those that are here. The
5 time that I have allowed is allowing for
6 approximately two hours. And we have had
7 around 30 people register to speak this
8 evening, so that's where the four minutes has
9 come from.

10 The record in this matter is open
11 until April 21st, and we will accept written
12 comments during that time period. If you
13 have lengthy comments this evening, I ask
14 also, in addition to making those on the
15 record, that you also submit those to me in
16 writing, and that way we're insured that the
17 comments that are made are indeed reflective
18 of what you had intended to communicate to
19 us.

20 As far as how we will do it, we
21 have a microphone up front, and I will call
22 people to come forward. Once we get moving,
23 I will let you know, in addition to the
24 person who's speaking, who the next person to

1 speak after the one at the microphone will be
2 so that you can be ready and that we can keep
3 this hearing moving and accommodate as many
4 of you as possible.

5 Are there any questions this
6 evening on how I will conduct this hearing?
7 Yes.

8 UNIDENTIFIED SPEAKER: If I decide I
9 don't want to make an oral comment at this
10 point, how do I pass?

11 MR. STUDER: Yes. Very good point.
12 If I call your name and you don't want to
13 speak this evening, just indicate to me that
14 you pass, and I will call the next person.
15 That way we can keep moving.

16 We'll go ahead and begin. The
17 first person that is going to be speaking is
18 going to be state representative, Sandy Cole.

19 MS. COLE: Thank you. I was trying to
20 write down notes frantically on my iPad
21 tonight.

22 First of all, to the EPA, please
23 accept my sincere thank you for arranging
24 this public hearing and for keeping

1 communications open with the area residents,
2 agencies, and elected officials. I'm very
3 appreciative of that, this being my
4 legislative district here.

5 I believe personally that the
6 landfill and Genco have been in noncompliance
7 with the EPA permit for sulfur dioxide for
8 over two years. It is my belief that
9 emissions have gone to the level of becoming
10 a major source of SO2 pollution by definition
11 of the Clean Air Act.

12 I am speaking tonight to request
13 that scrubbers be installed to adjust the
14 current pollution levels, and request no
15 action to be taken on the new permit request
16 until after the scrubbers are installed, and
17 not until new sulfur dioxide levels are
18 monitored for a reasonable amount of time and
19 the monitored results show acceptable levels
20 of sulfur dioxide that have been guaranteed
21 to the public in the current permit.

22 SO2 is a serious pollutant
23 affecting the respiratory system in
24 particular. On a personal note, I am an

1 asthma sufferer. I have personally
2 experienced significant respiratory distress
3 a number of times last summer and fall when
4 the sulfur dioxide levels rose to a very
5 pungent odor level. I live relatively close
6 to the landfill, and as an asthma sufferer, I
7 understand very much how significant air
8 pollution particularly is to our youth.

9 The young people in our area
10 exhibit greater distress than someone perhaps
11 of my age would, and I would hope that no
12 action be taken, once again, until the sulfur
13 dioxide levels have been brought down to a
14 significant level below what I believe to be
15 in violation of the Clean Air Act. Thank
16 you.

17 MR. STUDER: Thank you, Representative
18 Cole. The next person is Harold Rafson, and
19 he will be followed by -- if I can say this
20 last name correctly -- it looks like Dick
21 Hosteny. And I ask while comments are being
22 made tonight for this portion of the hearing
23 that they be directed to the hearing panel,
24 please.

1 MR. RAFSON: I'm Harold Rafson, 42
2 Indian Tree Drive, Highland Park. I'm
3 commenting as an environmental engineer on
4 the permit application and retained by
5 Incinerator-Free Lake County.

6 For 20 years I was president,
7 chief design engineer, and owner of an air
8 pollution control manufacturer. After
9 retirement, I wrote and McGraw-Hill published
10 my Odor and VOC Control Handbook, which is
11 right here.

12 I only learned of this permit
13 hearing this past Friday, so my comments are
14 not thorough and I may provide additional
15 comments in writing. However, a brief review
16 raised questions and some apparent
17 incongruities that I would like to comment on
18 now. I have copies of my testimony here for
19 you and for the reporter at this time. So I
20 won't be misquoted.

21 The first -- let's discuss
22 non-methane odor control. The NMOC emission
23 factor is 766 BPM. The percent removal is
24 stated as 99.2 percent. There have been

1 instances of odor complaints. NMOC is
2 defined to include H₂S. The amount of H₂S is
3 not stated. Let us assume it is all H₂S.
4 Then the amount emitted to the atmosphere,
5 0.8 percent or 766, is 6.128 ppm. The
6 air/odor threshold for H₂S is 0.0081 ppm.
7 Therefore, the emission is 756.5 times the
8 air/odor threshold. This is a bit much.

9 It is desirable that thereby a
10 dispersion calculation for dilution from the
11 location of the control treatment exhaust to
12 the property line, or the nearest neighbor,
13 to estimate the impact upon the surrounding
14 community. Has such a calculation ever been
15 done? Is the NMOC emission factor of 766 ppm
16 the basis to start with? Is the control
17 system operation at 99.2 percent removal?
18 Not likely, in my opinion. It has been
19 brought to my attention that H₂S
20 concentrations have been measured at 900 ppm.

21 Let's assume the NMOC is not H₂S
22 but some other compound that one can expect
23 in landfill emissions, such as acetaldehyde
24 or methyl mercaptan. The air/odor threshold

1 for these compounds are respectively 0.05 ppm
2 and 0.0016 ppm, leading to estimates of
3 emissions respectively of 122 times and 3,830
4 times the air/odor threshold.

5 Now, going beyond odor
6 considerations and to health factors, the
7 threshold limit value by the Industrial
8 Health Profession Association, the ACGHI, for
9 H2S notes the amount of maximum allowed
10 exposure for periods of time. Again, a 766
11 ppm factor is far above this, but will be
12 diluted with dispersion. This is a matter
13 for concern for workers at the site.

14 It should be noted that odors from
15 the landfill source, which can contain
16 hundreds of compounds, as they travel to the
17 neighbors and are diluted, certain compounds
18 fall below threshold levels, while others
19 remain above threshold levels and continue to
20 be smelled by neighbors. The odor character
21 changes from the stack to the neighbor, but
22 they are detectable nevertheless.

23 So it is necessary to be able to
24 draw conclusions on odor and health

1 judgments, to have a dispersion calculation
2 which estimates dilution in yearlong weather
3 and wind conditions, and a GC/MS analysis of
4 gases at the exhaust to determine compounds
5 present and concentrations, so that a
6 comparison can be made of those compound
7 air/odor thresholds to the dilutions obtained
8 from the dispersion calculations.

9 If that has not been done, it
10 doesn't matter how much a company protests
11 that they achieve high percentage removals of
12 one test compound, such as H₂S. The
13 neighbors will likely smell the odors, and
14 the control technology will be inadequate.
15 Note that with the dispersion calculations
16 for a year, it is possible to estimate the
17 percentage of the time that a neighbor will
18 be impacted.

19 Further, since with a variety of
20 gaseous compounds removed at different levels
21 of efficiency, no matter what control
22 technology it uses, GC/MS tests should be
23 done before and after the control device. In
24 addition, 99.2 percent removals, based only

1 on H₂S, if that is what was done at start up
2 time years ago, is a very tenuous basis on
3 which to determine the impact on neighbors.
4 I do not understand why the table in 7.1.13
5 of emission rates does not include the NMOC
6 emission rate.

7 Now let's comment on volatile
8 organic materials, VOM. The gas flow rate to
9 the flare is 2,600 scfm, and using a density
10 of 0.06145 pounds per cubic foot, assuming
11 half and half methane and CO, then the
12 emission factor comes to 5,272.2 pounds per
13 hour. To meet a VOM as methane, a limit of
14 0.301 pounds per hour requires a removal
15 efficiency of 99.43 percent. I don't know
16 what is to be expected of an enclosed flare
17 over a period of time, but this seems to
18 present a challenge.

19 There is a statement in note two
20 of the emission table of about 39 percent
21 removal, but I don't understand that. The
22 control device is to be considered as to how
23 it is doing its job over time and whether it
24 was designed adequately as far as

1 temperature, control of temperatures,
2 residence time, and turbulence to get the
3 removal efficiencies required.

4 Now for SO₂. Taking the emission
5 factors, flare emission volume, converting to
6 sulfur and to volume results in 112.9 ppm,
7 but the default factor says the sulfur
8 concentration should not exceed 46.9 ppm.
9 This appears to be an incongruity to me, and
10 I would appreciate a clarification. Also, I
11 do not clearly understand how the sulfur
12 emission is calculated, as H₂S is included in
13 NMOC.

14 Looking at the health point of
15 view, the emission rate of SO is 225.8 ppm.
16 That's two times the S rate based on
17 molecular weights. The threshold limit
18 value, ACGIH, is two ppm for SO₂. Clearly
19 this needs dilution and should be a concern
20 for workers at the site, since the emissions
21 are continuous.

22 It appears to me that a scrubber
23 is required to remove both sulfurous
24 compounds and other odorous compounds. Since

1 the flow rate of the gas is only 2,600 cfm,
2 this is not a big deal. I say that as a
3 manufacturer.

4 MR. STUDER: Do you have a lot more?
5 We've gone for about almost four and a half
6 minutes.

7 MR. RAFSON: I have now completed two
8 pages of my presentation, which includes
9 three pages. But I will submit it to you,
10 and in the interest of others I will stop
11 now.

12 MR. STUDER: Okay. All right. I can
13 enter it into the record this evening if
14 you'd like.

15 MR. RAFSON: I'm giving it to you
16 right now.

17 MR. STUDER: Okay.

18 MR. RAFSON: But my basic conclusion
19 is that on every account, the emissions
20 should be challenged, have probably not been
21 adequately tested to draw conclusions, and
22 it's clearly indicated to me that a scrubber
23 is required, if not just for odorous O₂
24 removal, et cetera, but also subsequent uses

1 within the gas generation of the plant.

2 MR. STUDER: Thank you. And for the
3 record, Mr. Rafson, the last name is spelled
4 R-a-f-s-o-n. The first name is Harold. And
5 this will be entered into the record as
6 Exhibit 7.

7 Mr. Rafson, if we have time, would
8 you like us to come back to you?

9 (Whereupon, a discussion was had
10 off the record.)

11 MR. STUDER: The next person is Dick
12 Hosteny. I can't pronounce it.

13 MR. HOSTENY: That's quite all right.
14 It's Dick Hosteny, H-o-s-t-e-n-y.

15 I wanted to make an observation
16 regarding the supporting documentation that
17 was submitted by Incinerator-Free Lake
18 County. However, Incinerator-Free Lake
19 County hasn't presented it yet. But I will,
20 nonetheless, since I'm up, make my
21 observations.

22 As Mr. Patel had said, when the
23 landfill started, and up until the end of
24 2008, the standard sulfur concentration was

1 used over 150 parts per million. We now know
2 that that sulfur concentration is over
3 700 parts per million. By looking at the
4 graphs that Incinerator-Free Lake County is
5 going to submit, it is clear that there is a
6 strong upward trend in the emissions of
7 sulfur dioxide, both from the landfill and
8 from the facility Genco.

9 This increase in sulfur dioxide
10 emissions is going to continue, and so I
11 don't want to see us being in this position
12 of having to request an increase in emissions
13 standards two years from now. It's clear
14 that this is on an upward trend, and the
15 sulfur concentration is continuing to
16 increase, and I want to see the best
17 technology used to control the emissions, not
18 only at this level, but at the level that
19 we're going to experience two or three years
20 from now.

21 And so I would request that you
22 take into consideration the strong increase
23 in sulfur content that is coming out of that
24 landfill and will continue to increase in

1 concentration over the coming years. Thank
2 you.

3 MR. STUDER: Thank you. The next
4 person is Kimberly -- is it Thoede?

5 MS. THOEDE: Yes. Very good.

6 MR. STUDER: And that will be followed
7 by Barbara Klipp.

8 MS. THOEDE: I can't believe you got
9 that. Nobody gets that. Hi. My name is
10 Kimberly Thoede. It's spelled T-h-o-e-d-e,
11 and I'm a resident of Grayslake, and I live
12 next to the landfill.

13 I'm a mom, and we built a house
14 here in Grayslake in 2004 and we moved here
15 from Vernon Hills. The first three years we
16 were here we had the occasional whiff of the
17 landfill, about what I would expect knowing I
18 was moving next to a landfill. Then we had
19 2008, and in 2008 it just became an
20 increasing problem and has increased year
21 after year. It begins every year in late
22 March and continues through November when it
23 gets too cold and then we don't smell it
24 anymore. We did have some slight

1 improvements in 2010, but not back to the
2 original occasional whiff.

3 I understand that we are exposed
4 to hydrogen sulfide, a gas byproduct of
5 Countryside Landfill and Genco that is
6 poisonous in concentrations. What really
7 scares me is the fact that it becomes odorous
8 to humans in higher concentration, and
9 children are much more susceptible. We have
10 a lot of children exposed with a close
11 proximity to Downtown Grayslake, pools, the
12 fairgrounds, and our neighborhoods.

13 Countryside and Genco have
14 continued their PR of wanting to be a good
15 neighbor, but they have a poor track record.
16 They are always drilling wells, laying pipe
17 that is supposed to stop the problem. There
18 have been lots of promises, excuses and
19 delays. All this has shown is that
20 Countryside has a business plan of continued
21 abuse of the EPA rules and the public. They
22 are a big business, not a good neighbor.

23 I have listened for three years.
24 They were a good neighbor for three of the

1 almost six years I've lived here, but now the
2 data shows that they don't care and will
3 continue to take advantage of EPA and Lake
4 County citizens. Profit is their driving
5 force. They will continue to offer things
6 like proprietary technology, which our
7 experts say is a cheap band-aid, and is not a
8 permanent solution to a growing problem.

9 Why isn't the EPA protecting us?
10 You have the data. It proves they have been
11 out of compliance for two years. You have
12 the complaints, the calls, the e-mails, the
13 engineers' reports. You even interviewed me
14 at my home in 2009. Don't reward this
15 behavior and business practice by approving
16 these air quality permits. Require them to
17 put improvement state-of-the-art technology
18 to protect the health and welfare. There
19 needs to be consequences.

20 If they exceed the permit,
21 consequences. Fine them. Then give them the
22 time to rectify it with a time limit. If
23 they're not in compliance, fine them again.
24 No warning, IEPA. We need you to be the

1 enforcers. Money and profit are the only
2 language big businesses understand.

3 Do you need our help? What can I
4 do to help you? If you need me to do
5 anything, talk to people, collect permits,
6 collects signatures, whatever, call me. We
7 want to do what we need to do. We want to
8 have a good neighborhood. We want to live
9 healthfully. We want our children to be
10 safe.

11 In 1976, there was a movie that
12 came out called Network, and in it they fired
13 a TV anchorman, and he gets kind of crazy and
14 goes off the deep end, but he has a really
15 great monologue where he talks about the air
16 is foul, we have inflation, et cetera, et
17 cetera. It kind of sounds like today's
18 economy. But in it he says, "We need to fix
19 it. But before that, you need to get mad."
20 And his famous quote from the movie is, "I'm
21 as mad as hell, and I'm not going to take it
22 anymore."

23 So please do not, do not, approve
24 these permits. Make them get compliance

1 first. Thank you.

2 MR. STUDER: Again, I remind everyone
3 that applause is not permitted at tonight's
4 hearing. Following Ms. Klipp we'll have Erin
5 Cummisford.

6 We'll be entering two exhibits
7 into the record at this point. The graphs
8 that were referred to earlier, I will admit
9 into the record at this point. I will also
10 admit in a table entitled, "Technology
11 Evaluation Life Cycle."

12 MS. KLIPP: Thank you. My name is
13 Barbara Klipp. For the record, that's
14 K-l-i-double P, like Paul. I am the
15 co-founder and spokesperson for
16 Incinerator-Free Lake County. We'd like to
17 thank the EPA for holding this hearing giving
18 us this opportunity for public input. We
19 know this is costly to the EPA and we did not
20 make this request lightly.

21 We are representing local
22 residents in vicinity of Countryside Landfill
23 and Countryside Genco, including residents of
24 Grayslake, Libertyville, Mundelein, Vernon

1 Hills, and Wildwood. We do not see ourselves
2 as an oppositional group to the landfill, and
3 we prefer to work on issues of greater
4 sustainability in the region. We feel that
5 we have a great relationship with Mike Hey,
6 the general manager of the landfill, and we
7 feel that the landfill fulfills a necessary
8 service to our county, which benefits many,
9 by ways of post fees, taxes, as well as waste
10 disposal.

11 In fact, this issue came to our
12 attention through a letter mailed to us from
13 the Illinois EPA. I've had the opportunity
14 to speak with many EPA officials over the
15 past few years, many of whom are in this
16 room, and we found them to be capable,
17 expert, knowledgeable, personable, willing to
18 help a lay person understand the issues with
19 infinite patience, and they were overall
20 thoroughly impressive. We commend you.

21 I personally am compassionate
22 about this effort, because, as a professional
23 flutist, I'm in a unique position in this
24 room of actually breathing for a living. In

1 fact, my high school band director is sitting
2 right here. I'm sure he can vouch for me on
3 that. This hearing, however, is not about
4 the landfill's odor issues, as many as
5 misinterpreted. For us, this is an issue of
6 pollution and emissions.

7 When our organizations studied the
8 underlying issues of the permit application,
9 we became immediately concerned by the
10 section of the permit application which would
11 result in more than doubling the current
12 combined emission levels of sulfur dioxide in
13 the facility. Of greatest concern to us is
14 that sulfur dioxide is a pollutant which is
15 potentially harmful to human health.

16 Our initial position was that we
17 felt that the emission levels were rising and
18 they would soon exceed the levels requested
19 in the permit application. As we feared,
20 according to the deviation reports we
21 received from the Illinois EPA, and my
22 calculations, admittedly a lay person's, the
23 combined emissions are very near or more
24 likely over the permitted levels in the

1 request at hand. It seems pointless and a
2 waste of all of our time to approve a permit
3 which will almost immediately be in
4 noncompliance upon approval.

5 We have prepared the graphs that
6 Mr. Hosteny was talking about. This is a
7 charting of the self-reported emission levels
8 from the deviation reports filed by
9 Countryside Landfill and Countryside Genco.
10 We have a copy for the officials, and we've
11 distributed it to some of the elected
12 officials and press in the room, but what
13 this chart shows is it's a clear and steady
14 incline of SO2 emissions between early 2009
15 and December of this year.

16 This is not an advertent spike in
17 levels, and it's definitely not capped or
18 leveled off. In fact, after many
19 conversations with officials, no one in this
20 room knows when these emissions will peak,
21 and hopefully decline, if at all. I'm told
22 that the parts per million of sulfur in the
23 landfills, the gas has increased from 550
24 parts per million when this permit was

1 submitted, into 900 parts per million since
2 this permit application was filed.

3 We find ourselves very frustrated,
4 but it seems to be the position of EPA to
5 raise the permit levels when a facility is in
6 noncompliance with their emission permits,
7 rather than ask them to clean up the
8 pollution, when possible, and especially when
9 it is economically feasible, as in the case
10 with the Countryside Landfill.

11 We are equally frustrated with the
12 issues of continuing noncompliance at these
13 facilities. We were told by a compliance
14 officer with the Bureau of Air that
15 Countryside went into noncompliance in
16 December of 2008, and they have remained in
17 noncompliance ever since. This is completely
18 unacceptable to the residents of the
19 surrounding facility, and we are respectfully
20 requesting that appropriate enforcement will
21 ensue, including penalties which are worse
22 than the cost of compliance to act as a true
23 disincentive.

24 We have other concerns as well.

1 We would like to see air dispersion modeling
2 done so that careful consideration can be
3 given to the impact of the admissions on
4 health in the region. What happens when they
5 are so close to the count of 100 tons per
6 year and something goes wrong, as it most
7 certainly will?

8 It is our understanding that the
9 Countryside Genco facility is in bankruptcy.
10 Will that effect their ability to comply with
11 these permits? We are asking for the
12 following considerations from the EPA, the
13 county health department, and these
14 facilities, where appropriate: Number one,
15 we would like for Countryside landfill and
16 Countryside Genco to stay within their
17 currently permitted levels of sulfur dioxide
18 emissions, and for the landfill to install a
19 scrubber to clean up their pollutions, rather
20 than seeking to raise their currently
21 permitted levels.

22 Number two, we would like for the
23 landfill to obtain a backup generator for the
24 flare to prevent obstruction of their

1 operations. Number three, we understand that
2 this would likely be a Bureau of Land issue,
3 but we would like for the operating permit of
4 the landfill to bar the landfill from taking
5 any further gypsum from C & D Construction
6 Materials. Number four --

7 MR. STUDER: Again, I remind everyone
8 that applause is not appropriate at this
9 hearing this evening. You have just a few
10 seconds remaining.

11 MS. KLIPP: My colleague will finish
12 up my comments. I'll leave off with number
13 four for Erin Cummisford, the next speaker.

14 MR. STUDER: The next person -- I seem
15 to have a little feedback in my mike, so
16 I'll -- after her will be, it looks like,
17 Christine is it Snyderksi?

18 MS. SNYDERSKI: Yeah, I'll take a
19 pass. Thank you.

20 MS. CUMMISFORD: My last name is
21 spelled C-u-m-m-i-s-f-o-r-d, first name Erin,
22 E-r-i-n. I'll start with number four.

23 To prevent the current confusion
24 amongst the surrounding communities regarding

1 the appropriate weight issue of complaints at
2 the landfill, in particular, we would like
3 for it to be only one place which is tracked
4 digitally for resident complaints about
5 issues at both facilities, and they notify
6 all residents, schools, churches, and
7 businesses within an agreed upon radius in
8 writing of what to do when they have a
9 complaint. Right now there's several
10 different ways to make complaints, and I
11 think it's a little confusing.

12 Number five, as stated earlier, we
13 would like air dispersion modeling done.
14 Number six, we would like strict enforcement
15 of noncompliance with stiff penalties for
16 exceeding limits. Number seven, we would
17 like for all stakeholders, the landfill, the
18 local villages, the county health department,
19 the Incinerator-Free group, and other local
20 residents to work together to arrive at a
21 solution to these continuing problems, and
22 that we be allowed to have our expert
23 representative reach a resolution of the
24 admissions supported by all stakeholders.

1 So we're told that there's a
2 precedence for landfill scrubbers in Northern
3 Illinois and that the asphalt company
4 directly adjacent to the landfill also has a
5 scrubber. So we were given a scrubber cost
6 table that was prepared by SCS Engineers,
7 which is a well-respected engineering firm,
8 that they estimate the cost of their number
9 one choice of a scrubber to be \$300,000 in
10 capital costs, and \$277,000 in annual
11 operating costs.

12 We don't feel that this is
13 unreasonable, given the continuous pollution
14 that we've been exposed to either through
15 noncompliance or uncaptured emissions. We
16 would like to work together with the landfill
17 and to ensure that they remain the good
18 neighbors that they say they wish to be, and
19 that Lake County and our municipalities
20 remain great places to live and work. Thank
21 you.

22 MR. STUDER: Thank you. Christine
23 Hodgkis (phonetic)?

24 MS. HODGKIS: I'll pass.

1 MR. STUDER: You'll pass. Okay.
2 Thomas Tod. And Mr. Tod will be followed by
3 Pat Carey.

4 MR. TOD: I want to thank the Illinois
5 EPA board for coming here and hosting this.
6 Also I want to appreciate the different
7 elected officials that are here, including
8 from the village of Grayslake. What I'm
9 going to talk about is gypsum and being a
10 good neighbor. My name is Thomas Tod,
11 T-h-o-m-a-s. T-o-d is the last name. Good
12 evening to all, and if appropriate,
13 Mr. Patel, Namashkar.

14 So what I want to talk about is to
15 follow up on Mr. Hey's comments and
16 specifically about gypsum. So gypsum is
17 something that is no longer allowed in the
18 UK. In fact, in most countries in Europe,
19 it's no longer allowed in landfills. And as
20 Mr. Hey said, things have -- times have
21 changed in the past 12 years. In fact, I
22 won't bring it up on my phone, but here is a
23 textbook called the Handbook of Solid Waste
24 Management. You can get it on Amazon. It's

1 about 80 bucks. I downloaded it on my
2 iPhone. I don't have an iPad yet, but it's a
3 joy to try and read it.

4 But one of the things that's
5 clear -- this book came out in 2002, this is
6 a handbook that I would imagine is a required
7 reading for people that are in that business.
8 It has Waste Management in the title, but it
9 is not written by Waste Management. It makes
10 very clear that taking on gypsum in a
11 landfill is a risk, and that it's not good to
12 add gypsum to other waste, which is what
13 happened.

14 And so one of the things that I'm
15 very concerned about, and I think you should
16 be considering in your review, is I think
17 it's a little broad to suggest that that was
18 purposeful ignorance or not understanding the
19 issue, but it shows a clear challenge of risk
20 management, because they were already near
21 the limit in 2008. And as you can see from
22 the information provided by the
23 Incinerator-Free Lake County, that number
24 spiked after 2008.

1 Now, the landfill is a great
2 financial partner to the Village of
3 Grayslake. For those that don't know, the
4 Village of Grayslake takes in \$1 million in
5 fees. The annual budget for the Village of
6 Grayslake is between \$14 and \$16 million. So
7 what we're talking about is about seven
8 percent of the revenue for our village comes
9 from the landfill. So we appreciate their
10 financial partnership.

11 And to recount some of the words
12 that have been already used, and since we're
13 in a school, Robert Frost's poem, Mending
14 Wall, "Food fences make good neighbors."
15 Unfortunately, the Waste Management team at
16 Countryside has not been a good neighbor.
17 They've took on gypsum knowing there was a
18 risk. As Dick mentioned earlier, the
19 increase in sulfur, we don't know when it
20 will stop, and that's been over the past two
21 years they've been over the number.

22 So what I would strongly suggest
23 the Illinois EPA do is follow the advice that
24 Representative Cole gave, and that is to at

1 least defer this. I think there needs to be
2 tighter regulations on the site, Countryside
3 site. I think you need to institute more
4 consistent and verifiable controls over the
5 adherence to the regulations, and as it's
6 been mentioned earlier, firm -- very firm
7 penalties.

8 We welcome Countryside as a great
9 neighbor. As a father of two and my lovely
10 wife, we enjoy the fact that we have -- live
11 in a city where the mayor and the trustees
12 have been able to keep us financially
13 positive as a village. However, it is
14 critical that all of us be good neighbors.
15 And unfortunately, Countryside has lost that
16 trust in its execution against the
17 regulations and has not earned the ability to
18 take on additional regulations.

19 And I would push the Illinois
20 EPA -- I know you're underfunded. I know
21 that there are people in process right now
22 trying to take away funding from the EPA, but
23 we're not moving. I don't think the site is
24 moving at any time soon. The best thing you

1 can do to manage our investment and to manage
2 your costs, which I'm sure this isn't the
3 only issue you face, is to make sure you have
4 those regulations, that they're enforced, and
5 that there are controls to manage that, and
6 that there are heavy fines so that they can
7 become a trusted partner, and then we can
8 consider alternatives down the road. Thank
9 you very much.

10 MR. STUDER: Thank you, Mr. Tod. Pat
11 Carey? Pat Carey will be followed by Liz
12 Tod.

13 MS. TOD: I'm going to pass.

14 MR. STUDER: Okay. Then Ms. Carey
15 will be followed by Mary Ann -- if I can say
16 it -- Natarajan.

17 MS. CAREY: Good evening. My name is
18 Pat Carey, C-a-r-e-y. I am a resident of
19 Grayslake. I also serve as a Lake County
20 board member for District 11, which
21 encompasses the Countryside Landfill.

22 Although I have been involved with
23 the Countryside Landfill for many years,
24 having served as the mayor of Grayslake from

1 1993 to 2001, I became aware of the current
2 situation in the fall of 2008 when I began to
3 get complaints of increased odors from
4 Grayslake residents.

5 I know everyone here is very aware
6 of the history of the current situation,
7 dating from the decision by Countryside in
8 early 2008 to accept C and D debris, which
9 contained gypsum finds. As we know today,
10 these materials, coupled with a particular
11 rainy season in 2008, resulted in the greatly
12 increased production of hydrogen sulfide.
13 This increase in hydrogen sulfide has, in
14 turn, resulted in the significant increase in
15 sulfur dioxide.

16 While we're not here this evening
17 to discuss the odor issues specifically,
18 Countryside's request for a permit increase
19 for sulfur dioxide emissions is a direct
20 result of the increase in hydrogen sulfide.
21 At the very least, the same residents who
22 have endured at times unbelievable odor
23 issues should not be asked on top of that to
24 accept degraded air quality in the form of

1 increased sulfur dioxide levels being
2 released into the air they breathe.

3 The county, the Village of
4 Grayslake, and the Solid Waste Agency of Lake
5 County have worked closely with the
6 management of Countryside Landfill to address
7 these issues at the landfill over the past
8 two and a half years. I acknowledge the
9 efforts of Waste Management in installing new
10 wells, increasing collector lines, and most
11 recently installing a new flare. However, I
12 respectfully request that the Illinois EPA
13 not approve the current permit request, as
14 the full scope of the problem is not yet
15 understood.

16 It is my understanding that the
17 most recent division's data for the landfill
18 shows a significant increase in sulfur
19 dioxide levels, which, if this trend
20 continued, could result in Countryside
21 Landfill being in noncompliance with the new
22 requested sulfur dioxide level even before
23 the ink dries on the permit.

24 I am requesting that dispersion

1 studies be done to determine the extent of
2 the sulfur dioxide that is reaching
3 residential neighborhoods, that a complete
4 picture of the expected continued increase in
5 sulfur dioxide levels be understood, and that
6 the installation of scrubbers be required on
7 individual wells or on the flare itself, and
8 perhaps also at the Genco facility.

9 Therefore, I am requesting that
10 you deny the current permit as presented.
11 Thank you.

12 MR. STUDER: Thank you. Following
13 Mary Ann, Verena will be next.

14 MS. NATARAJAN: Hi. My name is Mary
15 Ann Natarajan. That is N-a-t-a-r-a-j-a-n. I
16 am a resident of Lake County and member of
17 Incinerator-Free Lake County. My questions
18 today pertain to the Clean Air Act and how it
19 effects the permit.

20 I'm wondering has the compliance
21 order or administrative penalty been issued?
22 Has a compliance commitment agreement and
23 excess emission penalty been done? Also, is
24 the goal to stay under 100 tons per year so

1 as to avoid being a major source or
2 modification for purposes of the federal
3 rules for prevention of significant
4 deterioration, or PSD? What happens if the
5 company goes from a minor to a major source?

6 And I'd also like to ask about the
7 flare. Tonight I've heard that the flare is
8 enclosed. I personally experienced either at
9 the end of January or beginning of February
10 driving home and seeing fire out of the
11 landfill, and I called the fire department
12 because I saw flames that were very high and
13 gave me concern. I also saw some smoke and
14 so forth. So I'm wondering if that was not
15 an enclosed flare, that you also consider how
16 does the flare operate.

17 Thank you for taking my comments.

18 MR. STUDER: Thank you. This will be
19 followed by, if I can say it, Ann -- it looks
20 like the last name is I-s-e.

21 MS. OWN: Good evening. My name is
22 Verena Own. That's V-e-r-e-n-a O-w-n. I'd
23 like to thank IEPA for holding a hearing.
24 Nice to see you all again. It's been awhile.

1 I actually live in Hanover Park, Illinois,
2 about two or two and a half miles from the
3 Zion landfill.

4 So I'm here for several reasons,
5 first of all, in solidarity to my fellow
6 landfill neighbors in a different part of the
7 county. My landfill is certainly not as good
8 as I would like it to be. However, I am
9 primarily concerned about an open notice of
10 violation and an unresolved enforcement case
11 that, from listening carefully to what has
12 been said tonight, sounds to me will be
13 resolved by simply permitting the company
14 into legal limits. Folks, let's not do that.

15 I wonder if you have given any
16 thought how this notice normally should be
17 resolved, what kind of remedy you will be
18 proposing. If there should be air modeling
19 done, as has been requested several times,
20 very rightly so, let's not do the permit
21 first and figure out we did it wrong again.
22 I am really upset about that, and I think it
23 is unfair not only to the residents of
24 Grayslake but to the residents of Lake County

1 and residents of Illinois to have something
2 linger that long. And to have it apparently
3 try to get resolved, that will not be
4 protective of the health and welfare of the
5 people of this state. I thank you very much.

6 MR. STUDER: Thank you, Ms. Own. And
7 George -- is it Capaul -- will be following.

8 MS. ISE: I am Ann Ise, I-s-e, and I'm
9 standing here not just as a concerned
10 citizen, but also as a healthcare provider,
11 and I just wanted to let the Illinois EPA
12 know -- should I start again?

13 My name is Ann Ise, and I'm not
14 just as a concerned neighbor, but also as a
15 healthcare provider. I wanted to let the
16 Illinois EPA know that I am concerned about
17 the health effects of sulfur dioxide
18 pollution on our community and the
19 surrounding areas.

20 So I leave you with a question,
21 and my question is: Is it the best thing for
22 our county to clean up as much of the
23 pollution as we can control? Thank you.

24 MR. STUDER: Thank you. Following

1 Mr. Capaul, we'll have Jeff -- Werfel is it?

2 MR. CAPAUL: Name my name is George
3 Capaul. I'm a professional engineer in the
4 state of Illinois, and I really would like to
5 thank everyone who has done their homework
6 more than I have. I only found out about
7 this a few days ago.

8 MR. STUDER: Mr. Capaul, can you spell
9 your last name for the court reporter,
10 please?

11 MR. CAPAUL: C-a-p-a-u-l.

12 MR. STUDER: Thank you.

13 MR. CAPAUL: The federal EPA has set
14 an air quality standard of .03 parts per
15 million for long-term, one-year average
16 concentrations of sulfur dioxide. Short-term
17 24-hour air concentration should not exceed
18 .14 parts per million more than once a year.
19 The Occupational Safety and Health
20 Administration, OSHA, has set a limit of two
21 parts per million over an eight-hour workday,
22 or 40-hour work week. That's for anybody
23 working on the premises.

24 Obviously if we're going up to

1 900 parts per million, we have exceeded this
2 dramatically. It's obvious from everything
3 that I've heard that we need a scrubber and
4 we need it now. We don't need to change the
5 limits to go out, because you've already
6 exceeded them. And with all this waiting and
7 everything, I think it's going to become
8 worse very quickly.

9 MR. STUDER: And after that, we'll
10 have Evan -- it looks like -- is it Evan
11 Craig? You'll be following.

12 MR. WERFEL: Jeff Werfel. Werfel is
13 spelled W-e-r-f, as in Frank, e-l. I'm a
14 resident of Grayslake. I'm a Grayslake
15 village trustee. I'm not here to speak on
16 behalf of the Village of Grayslake, but I am
17 speaking as a trustee and as a neighbor of
18 the Countryside Landfill. We do live nearby
19 there.

20 And actually, everything that I
21 wanted to say has already been said very well
22 by those who have gone before me. I do want
23 to be on record as basically saying I am in
24 full agreement with the statements of

1 Representative Cole, county board member Pat
2 Carey, and the representatives of
3 Incinerator-Free Lake County.

4 And then the one note I did want
5 to make is that the history of this with the
6 hydrogen sulfide and the rotten egg smell --
7 and believe me, it's a lot worse than just
8 rotten eggs. Think dead cat that's eaten 12
9 rotten eggs. You might get a little closer
10 to it. But literally, during these past
11 couple years, there are neighbors of the
12 landfill that have literally been driven out
13 of their houses. They couldn't stay
14 overnight and sleep in their own houses
15 because of this.

16 As a village trustee, I just
17 looked at it as it's absolutely unacceptable.
18 It's a quality of life issue. The
19 credibility of Waste Management, they have
20 been good partners in a lot of ways, but they
21 have not been as responsible as they could
22 be. The bottom line is they spent the
23 \$2 million that they talk about on the gas
24 collection pipes. That really -- the

1 majority of that really came after the
2 citation from EPA. But the neighborhood was
3 working with them for years before that, so
4 it does seem that the regulation from
5 Illinois EPA ended up being the final
6 inducement to really get Waste Management,
7 quite frankly, to do the right thing.

8 And this is the exact same
9 situation. All I want is I want Waste
10 Management -- Genco and Waste Management, the
11 landfill, to do the right thing here. Get a
12 scrubber. Get ahead of the curve, because
13 it's obvious, as everybody has said, that two
14 of these businesses will be out of compliance
15 almost immediately. The data is here. I
16 have no doubt that this is going to keep
17 increasing, and the deviation report that I
18 saw from January already seemed to indicate
19 that the two facilities together are over
20 100 tons, the magic number.

21 The last thing is for the Village
22 of Grayslake to also consider is we have the
23 asphalt plant right nearby. That also emits
24 the sulfur. So if you put those three

1 together, it's well above 100 tons. And I
2 know the EPA might not look at it that way
3 because you have to look at them
4 individually, but the bottom line is to
5 protect the surrounding neighborhood and
6 folks within it and the community at large.

7 The village of Grayslake, when I
8 put on my village trustee hat, has to kind of
9 look at it in total. So I'm looking at it in
10 total. It's just off the charts. So we need
11 to do what's been suggested by these folks.
12 Thanks for setting up the hearing. I really
13 appreciate it.

14 MR. STUDER: Thank you, Mr. Craig.

15 Oh, I'm sorry. Mr. Craig is next.

16 MR. CRAIG: You're welcome.

17 MR. STUDER: And following
18 Mr. Craig -- a little mix up on the cards
19 here. Following the next one after Mr. Craig
20 will be Ron Jarvis. You totally lost me for
21 words there.

22 MR. CRAIG: My name is Evan Craig.
23 That's E-v-a-n C-r-a-i-g. I live in Vernon
24 Hills, and I'm here as a volunteer with the

1 Sierra Club to make a few remarks.

2 First I'd like to thank
3 Incinerator-Free Lake County for doing such a
4 great job of bringing facts to light. I'd
5 like to look a little bit bigger I
6 guess -- and some of us kind of alluded to
7 this, but I want to ask why are we here.
8 These facilities have a permit. It has
9 limits. So what? Apparently the permittees
10 disregarded it. It didn't matter.

11 And now we're about to engage in
12 the same thing. It's pretty clear that
13 they're going to exceed the limits that
14 you're contemplating and have written permits
15 for tonight. Are we here? Why was there --
16 why were there people working on the last
17 permit? What do permits mean? And so there
18 have been other questions asked, and I hope
19 that this one isn't just rhetorical. I want
20 to know how long it was since the first data
21 went in showing the plant was in exceedance
22 before somebody at IEPA first did something
23 about it. Do you know that?

24 MR. ROMAINE: No.

1 MR. STUDER: We don't have any
2 inspectors here with us. We'll provide that
3 in our -- in the response summary along with
4 the answers to questions that have already
5 been raised, both by you and by those before.

6 MR. CRAIG: Thank you. I think that
7 the time since you knew and since you did
8 something, and certainly before there will be
9 a fine, is going to be a lot longer than the
10 amount of time that it's going to take for
11 the permittees to get their permit. And that
12 amount of time is the amount of time that
13 these fine people in the vicinity are
14 suffering because there's no enforcement
15 because enforcement is delayed.

16 And now we're even seeing
17 permitting that's out of step with -- it just
18 makes no sense. It challenges, like I keep
19 saying, why we're here. So I'll stop
20 dwelling on that. I think you need to show
21 that you can be responsible stewards of the
22 responsibility that you take when you give
23 somebody a permit before you want us to take
24 it seriously the idea of what a permit is.

1 I'm glad to hear that somebody is
2 thinking about source control, because we
3 have these magical notions that chemistry
4 occurs without side effects. And a scrubber
5 isn't an magical device. There's going to be
6 products -- stuff that comes out of the
7 scrubber that we'll have to figure out what
8 to do with, and that's another environmental
9 problem. So it's a little late for source
10 control, but not too late, because I know
11 that drywall, gypsum, is still being picked
12 up at the curb of my house. So it's not too
13 late to think about source control.

14 There have been other comments
15 about dispersion models, and so I'd like to
16 know what other sources in the area are
17 contributing to local SO2 levels as well as
18 local PM 2.5 -- other levels that this permit
19 is going to contribute to the local air shed,
20 and how those other sources are combining it.

21 I am glad to see that both Genco
22 and the landfill are being included in one
23 permit level, but I'm mystified why, with a
24 flare going off in there, you expect it to

1 handle all of the emissions that Genco does
2 not burn. There's no SO2 limit placed on the
3 landfill. There's just nothing in here.
4 They have to fall within the 97 and a half
5 cap, but they don't have any expectation or
6 limit, so there's a bunch of holes.

7 Let me just check my notes here.

8 And this comes back to whether or not we're
9 better off when we have an EPA, because
10 before the EPA, we had to do all the
11 watching. Now we're hiring you to do the
12 watching. And so the famous question is:
13 Who's watching the watchers? Can we trust
14 you? You need to prove that in this permit.
15 Thank you.

16 MR. STUDER: Okay. Mr. Jarvis, Ron
17 Jarvis? And he'll be followed by, it looks
18 like, Jackie Kendall.

19 MR. JARVIS: Good evening. My name is
20 Ron Jarvis. I'm also a Grayslake village
21 trustee. I moved here with my family in 2003
22 and we built a house to the northeast of the
23 landfill. We, like everyone else that built
24 there, was familiar with the fact that we

1 were building near a landfill. We had no
2 qualms with that. Also, in the deal that we
3 are making with the community or the
4 neighborhood that we moved into, we were told
5 that we could expect Countryside to reimburse
6 us for our home in the case that we had a
7 problem down the road with the landfill.

8 And now I want to preface this by
9 saying I just followed Evan Craig, so there's
10 not much more to say. And so I'm going to
11 take this on a personal level and say that we
12 lost a lot of good neighbors in that
13 community because of this. We lost people
14 who had to move because not only the parents,
15 but the children couldn't breathe very well
16 anymore. They were getting sick all the
17 time, so they left. They sold their houses
18 to the landfill.

19 Now, this has affected this
20 community by upwards of 60 households. Some
21 of those households were resold, but closer
22 to 40 are still out there just sitting empty
23 because, well, obviously our economy has gone
24 in the dumper. That's a bad pun.

1 So I would like to say that on a
2 personal level, losing good neighbors in
3 Grayslake is not catering to being a good
4 neighbor. They tried really hard. You could
5 call them and say, "Hey, we're smelling it
6 today," and they would tell you that they
7 were dialing it down. After 2008, evidently
8 that dial was inoperative. And I think
9 that's been brought out real well tonight.
10 Thank you very much.

11 MR. STUDER: Thank you, Mr. Jarvis.
12 Jackie Kendall? And she will be followed by
13 Mark Biersdorf.

14 MS. KENDALL: Hi. My name is Jackie
15 Kendall, K-e-n-d-a-l-l, and I am not a
16 concerned citizen. I'm an irate one. Ron
17 just talked about the impact this has had on
18 the community. I understand that it's not
19 just the odor, it's the odorless emissions
20 that are affecting us. But I have literally
21 gotten off the train at night and gagged on
22 the odors. I have stood on the train station
23 in the morning and had to wrap a scarf around
24 my mouth and my nose because it smelled so

1 bad.

2 One question: Is the waste still
3 accepting gypsum, the gypsum drywall?

4 MR. ROMAINE: My understanding is that
5 they have instituted a practice to no longer
6 accept recognizable pulverized gypsum.

7 MS. KENDALL: Are they or are they not
8 accepting it? Is anybody here from Waste
9 Management?

10 MR. HEY: If I may, the landfill --
11 some of you remember when we first started
12 going down this road in 2008, we didn't even
13 know it was the gypsum. I take exception to
14 anybody saying we knowingly did this. I
15 lived this nightmare with you. I've lived at
16 the site. I was probably there just as much
17 as you guys. I understand, and I've tried to
18 communicate that we did our best and we made
19 mistakes. We didn't know we made mistakes at
20 the time.

21 The information about gypsum in
22 landfills that Mr. Tod was referring to,
23 those are at -- that's different parts of the
24 country. That was not a Midwest phenomenon.

1 that in 2008 when lots of scientists and
2 people in the industry knew that this stuff
3 was very, very dangerous, that Waste
4 Management accepted it. And if they accepted
5 it not knowing it, then they don't know what
6 they're doing, and frankly they should be
7 closed down until somebody figures out what's
8 happening. This is really scary that he
9 doesn't know what's happening. I think to
10 stand out here and say, "I don't know what's
11 happening," is very, very scary.

12 So I would ask that the permit be
13 denied, and you call for a moratorium or shut
14 the whole landfill down until it's -- until
15 people figure out what's going on. And in
16 fact, is there a difference between a
17 landfill and a dump? That's a serious
18 question. Is there a definition between a
19 dump and --

20 MR. STUDER: We have no one here from
21 land to give you the legal definitions, and
22 you're deviating now substantially from --

23 MS. KENDALL: I don't need a legal
24 definition. The EPA, do you treat dumps

1 different than landfills?

2 MR. ROMAINE: I can answer that. A
3 landfill is a regulated entity under state
4 law that has to implement certain practices
5 to address proper disposal of waste. It is
6 not a traditional dump or somebody simply
7 pitching stuff on the land.

8 MS. KENDALL: Is it legal to have a
9 dump in this area?

10 MR. STUDER: Okay. We're now
11 definitely deviating from what the purpose --

12 MS. KENDALL: No, because if this is a
13 dump, it shouldn't be here.

14 MR. ROMAINE: It's not a dump. It's a
15 permitted --

16 MS. KENDALL: Well, then what's the
17 difference?

18 MR. ROMAINE: If you go by the
19 roadside and toss a mattress on the side of
20 the road, that's a dump.

21 MS. KENDALL: And if you toss gypsum
22 drywall it's not a dump?

23 MR. STUDER: Yes, that's regulated
24 also, I believe.

1 MS. KENDALL: Anyway, it's all pretty
2 scary, and a lot of people -- it sounds like
3 a lot of people don't know what they're
4 doing, and the EPA should be enforcing its
5 own regulations.

6 MR. STUDER: Thank you for your
7 comments. Mark? And this will be followed
8 by Amy -- is it Shriberg?

9 MR. BIERSDORF: My name is MArk
10 Biersdorf. That's Mark with a K. Biersdorf,
11 B, as in boy, i-e-r-s-d, as in David, o-r-f,
12 as in Frank.

13 I am a resident of Prairie
14 Crossing. I've been there 13 years. I've
15 seen all kinds of cycles on how they comply
16 in terms of livability, how they make it
17 possible for us to live near this landfill.
18 Since 1989, I can remember three major
19 periods in which they lost control of the
20 landfill. The smell became more than you
21 could stand. I tend to live -- or I live in
22 the north or the middle section of Prairie
23 Crossing where normally we don't smell it,
24 and I can tell you three different periods of

1 time they've lost control of it.

2 Someone said that the dial hasn't
3 been dialed down since 2008, and they are
4 correct. I get off the train every single
5 day. Almost every single day one of the
6 conductors makes a joke about people living
7 in the area because of how bad the smell is.
8 Depending on the wind direction -- in the
9 winter, the wind direction comes from the
10 north and you usually don't smell it. In the
11 summer, the wind direction comes from the
12 south, southwest and that's when it
13 starts -- and sometimes the west, and that's
14 when it comes into the area.

15 My comments are really about
16 leverage. The IEPA and state of Illinois
17 should not approve this permit. And the
18 reason they shouldn't approve this permit is
19 you will have removed all the leverage we
20 have over Waste Management to bring them into
21 compliance. It's simply stated. And the
22 only way we're going to make them adhere to
23 the very rules that they have agreed to
24 adhere to is if we deny the permit until they

1 are back in compliance. Thank you very much.

2 MR. STUDER: Thank you. Amy Shriberg.
3 She'll be followed by Rob -- is it Swordek?

4 MS. SHRIBERG: Hi. It's Amy Shriberg,
5 S-h-r-i-b-e-r-g. I want to thank the EPA for
6 holding the hearing here, and very much want
7 to thank local officials who are here who
8 have voiced my shared concerns. Most of my
9 concerns have already been expressed, but I
10 wanted to speak as a local resident, and a
11 concerned citizen, and a mother of two young
12 children who lives in Grayslake.

13 I'm deeply troubled to learn that
14 there are now existing violations that have
15 not been dealt with, that compliance has not
16 been achieved, and I would also urge that the
17 request for a permit be denied, particularly
18 with the knowledge that these emissions are
19 likely to increase and prompt more requests
20 for additional permits for increased
21 emissions of toxins.

22 I don't live close enough to smell
23 the landfill on a daily basis, except for the
24 fact -- and this is one thing that I wanted

1 to bring to your knowledge, one thing I
2 haven't heard addressed is that I feel -- I'm
3 not a resident Prairie Crossing, but I wanted
4 to speak for the people who shop and go to
5 the commercial area at Prairie Crossing. And
6 in particular, my youngest child attends a
7 preschool that is housed in the shops of
8 Prairie Crossing.

9 I can speak from personal
10 experience that we can smell the emissions
11 there on a daily basis, particularly in the
12 spring and early fall. It gets into the
13 classroom of these two, three, four, and
14 five-year-old children, and it stays in there
15 because it's not a space that can be easily
16 ventilated. You can't obviously leave the
17 door open and unlocked when you've got a room
18 of three, four, and five-year-old children
19 for safety and security reasons, and that
20 smell stays in there.

21 I worry as a mother deeply about
22 what my son has ingested in that classroom
23 for the last couple of years, and I would
24 like for those concerns to be -- for you to

1 be aware of these concerns of local parents.
2 And as a home owner, I would also like you to
3 thank about -- I hear a lot of folks have
4 left the area, particularly Prairie Crossing.
5 My home is now on the market, and my husband
6 and I certainly have been troubled again by
7 the known violations at the landfill. And as
8 we consider whether to remain in the local
9 area or to move elsewhere, this is certainly
10 something that will be in our plans.

11 And please keep all of that in
12 mind as you consider whether to permit the
13 increase. And I would urge you, as a local
14 resident and concerned citizen, to please
15 deny the permit request. Thank you.

16 MR. STUDER: Thank you. This will be
17 followed by Melinda Bush.

18 MR. SWORDEK: My name is Robert
19 Swordek. I'm a local resident. I'm also a
20 professional engineer in the state of
21 Illinois, and I have over seven years of
22 experience in landfill permitting, and I'm
23 speaking tonight about the permitting
24 process.

1 I do support many of the other
2 statements, including the need for more
3 modeling, monitoring, installation of
4 scrubbers, a backup generator, and more. But
5 as I said, my main comments are related to
6 the process itself.

7 Although I've only been
8 peripherally involved in the discussions,
9 what I have observed is that questions by
10 concerned citizens are not being answered.
11 Requests for data are either -- for data from
12 the landfill itself or the EPA are either not
13 being answered, or honored only to the
14 minimal amount required, or drawn out to the
15 point so that a reasonable inquiry cannot be
16 made. And that's my concern, is that a
17 reasonable inquiry here into this permit has
18 not been made.

19 I believe it is the EPA's
20 responsibility to make sure the public's
21 questions are adequately answered and the
22 laws are upheld. I don't believe they have
23 been, and that a permit should not be issued
24 until we are absolutely positive and you are

1 absolutely positive that public health and
2 welfare are being protected. At this point,
3 based on the data and inquiry that's been
4 made, I don't believe you can. Thank you.

5 MR. STUDER: Thank you. Melinda Bush?
6 And she'll be followed by Sara Johns.

7 MS. BUSH: My name is Melinda Bush,
8 B-u-s-h. I'm a resident of Grayslake, and
9 I'm also a Lake County board member.
10 District 6, my district, includes the
11 landfill.

12 Let me just make a personal
13 comment that I lived in Grayslake since 1964.
14 There's always been a landfill there for as
15 long as I can remember. I can't tell you
16 what it has been like the last two years. I
17 don't know how people that live close to the
18 landfill have been able to stay there. It
19 has been so offensive. I don't believe any
20 of you live very close. You cannot imagine
21 what it has been like. It used to be called
22 ARF, and let me tell you this is a lot more
23 than ARF.

24 Anyway, Waste Management and Genco

1 are asking to nearly double the amount of
2 sulfur dioxide they can admit into our air.
3 Sulfur dioxide impacts your health when it's
4 breathed in. Those most at risk of
5 developing problems, if they were exposed to
6 sulfur dioxide, are, of course, people with
7 asthma or similar conditions, and mainly
8 children are severely effected.

9 Over 34 million Americans have
10 been diagnosed with asthma. A large number
11 of new diagnosis are being attributed to our
12 environment and air quality. Countryside
13 Landfill has had a number of events
14 regarding -- related to hydrogen sulfide
15 odors since 2008 to which they've responded
16 admirably. But for those that live closest
17 to the Countryside Landfill, these efforts,
18 in addition of the health concerns you've
19 heard about tonight, the sharp odor that it
20 has created has been truly unbearable. To
21 put it simply, it stinks horribly.

22 Yes, it's true that these people
23 knew they were living by a landfill when they
24 purchased their homes. It's something I'm

1 sure you hear often. But they were promised
2 that the odors would be rare and a tolerable
3 problem. This has not been the case. No one
4 can live happily or healthfully in this
5 environment.

6 To increase the allowable rates
7 would only add to the existing problems. I
8 respectfully ask that you deny the request
9 and instead ask Waste Management to consider
10 the installation of scrubbers. I thank you
11 for being here and I appreciate your time.
12 Thank you.

13 MR. STUDER: Thank you, Ms. Bush.
14 Sara Johns is the next person. She'll be
15 followed by Alan Barhard (phonetic).

16 MS. JOHNS: Well, my name is Sara
17 Johns, and I am a student at Prairie Crossing
18 Charter School. My friend and I, we think
19 landfills are a big problem, so we just have
20 a couple questions.

21 We were wondering what would
22 happen to the landfill if this permit was
23 denied? Are they going to have to reduce
24 their SO2 emissions, or what will happen?

1 MR. ROMAINÉ: They could either have
2 to reduce their emissions, or they could
3 challenge our denial of the request. So it
4 would simply lead to further legal
5 proceedings in parallel with the ongoing
6 actions to improve collection of gas at the
7 landfill.

8 MS. JOHNS: We were also wondering
9 that if this permit is permitted, what is
10 stopping the landfill from violating it
11 again?

12 MR. ROMAINÉ: That is a good question,
13 given the information that we've been
14 presented with recently about the sulfur
15 content of the landfill gas.

16 MS. JOHNS: Okay. Thank you for your
17 time.

18 MR. STUDER: Thank you. Thank you
19 again. I remind everyone for the third time,
20 applause is not appropriate at this hearing.
21 But we do appreciate especially the younger
22 generation having the intestinal fortitude to
23 come forward and ask questions and speak. We
24 appreciate it. Alan?

1 MR. BARHARD: Pass.

2 MR. STUDER: Okay. If I can say this
3 one, Chris -- it looks like Geiselhart.

4 UNIDENTIFIED SPEAKER: She's getting a
5 drink of water.

6 MR. STUDER: That concludes everyone
7 that has --

8 MS. PADO: No, I have a card.

9 MR. STUDER: What's the name?

10 MS. PADO: Chris Pado, P-a-d-o.

11 MR. STUDER: Why don't you come
12 forward. We'll put her on next since she's
13 already at the -- I'm sorry about that.

14 MS. PADO: I'll be brief. Good
15 evening. My name is Christine Pado, P-a-d-o.
16 It's Christine with a C-h. I'm a 20-year
17 resident of Grayslake.

18 Representative Cole, board member
19 Bush, and Mr. Rafson all touched briefly on
20 the health effects of hydrogen sulfide and
21 sulfur dioxide emissions. I'd like to
22 provide some additional information to
23 underscore why I am concerned about increased
24 emissions of these gases and why this permit

1 application is a public health issue.

2 The detrimental health effects of
3 exposure to long-term, even low levels, of
4 hydrogen sulfide include headache, skin
5 complications, respiratory and mucous
6 membrane irritation, respiratory soft tissue
7 damage and degeneration, confusion,
8 impairment of verbal recall, memory loss, and
9 prolonged reaction time.

10 Increasingly, scientific research
11 is revealing that even low concentrations of
12 hydrogen sulfide in the low parts per
13 million, or even in the parts per billion
14 range, adversely effect human health,
15 especially when exposure occurs within an
16 extended period of time. It takes only a
17 very small amount of hydrogen sulfide to
18 damage health. At zero to ten parts per
19 million, there's irritation of the eyes,
20 nose, and throat. At 10 to 50 parts per
21 million, there's headache, dizziness, nausea
22 and vomiting, as well as coughing and
23 breathing difficulty.

24 It's good that Countryside is

1 attempting to decrease their hydrogen sulfide
2 emissions. However -- and there's always a
3 however -- the current strategy of flaring
4 the gas is resulting in a release of sulfur
5 dioxide, one of the six EPA designated
6 criteria pollutants.

7 Sulfur dioxide also has
8 significant adverse health effects.
9 According to USEPA, the adverse health
10 effects of short-term exposure create an
11 array of respiratory problems, which we've
12 already mentioned tonight, including
13 breathing problems for asthmatic children and
14 adults who are active outdoors. Short-term
15 exposure has also been linked to wheezing,
16 chest tightness, and shortness of breath.

17 Other health-damaging effects are
18 associated with longer term exposure to
19 sulfur dioxide, particularly in conjunction
20 with high levels of particulate soot.
21 Disturbingly, sulfur dioxide is a precursor
22 to these fine particulates. These fine
23 particulates penetrate deeply into sensitive
24 parts of the lungs and can cause or worsen

1 respiratory disease. I want to emphasize it
2 can cause respiratory disease. These include
3 emphysema and bronchitis, and they can also
4 aggravate existing heart disease leading to
5 increased hospitalization and premature
6 deaths.

7 Like hydrogen sulfide, it does not
8 take much sulfur dioxide to cause these
9 adverse health effects, and these damaging
10 effects are happening before the odor is
11 easily detectable. Meaning for those of us
12 who can't smell it, it doesn't mean it's not
13 harming us. At 0.1 parts per million,
14 there's broncho constriction in sensitive
15 exercising asthmatics, and that leads to
16 breathing problems.

17 At one to two parts per million,
18 there are lung function changes in even
19 healthy nonasthmatic individuals, meaning
20 probably most of us standing in this room.
21 And it isn't until we reach three parts per
22 million that the odor is easily detected.
23 And by then, individuals are experiencing
24 damages to their lungs. Just because we

1 can't smell the sulfur dioxide doesn't mean
2 it's not damaging.

3 Given the adverse health effects
4 of both hydrogen sulfide and sulfur dioxide,
5 I am asking that we not solve the problem in
6 increased emissions by increasing the
7 allowable amounts of emission. I think that
8 will just make that problem -- the public
9 health problem worse.

10 While this rather odd strategy
11 will default Countryside Landfill and Genco's
12 compliance problem, it does nothing to solve
13 the problems of those who suffer the adverse
14 health effects of breathing hydrogen sulfide
15 and sulfur dioxide. Increased
16 hospitalizations, children who can't breathe,
17 lung damage to otherwise healthy people,
18 worsened emphysema and bronchitis, and
19 premature deaths are neither acceptable nor
20 cost-effective alternatives to installing the
21 appropriate scrubbers.

22 I request you deny the permit
23 application. Thank you for your time.

24 MR. STUDER: Thank you.

1 MS. GEISELHART: Good evening. Thank
2 you for the opportunity of speaking tonight.
3 My name is Chris Geiselhart. Chris is
4 C-h-r-i-s. Geiselhart, G-e-i-s-e-l-h-a-r-t.

5 I am a resident of the
6 Libertyville Prairie Association. I am
7 president of the homeowners association, and
8 we are a development about -- I'm going to
9 blame this on the sulfur dioxide. Excuse me.
10 I won't pass up an excuse for that.

11 Anyway, I'm president of the
12 homeowners association. We live about, I
13 would say, less than two miles to the east of
14 the landfill, and my husband and I moved here
15 38 years ago when there was a small area that
16 might have been called a dump at that time.
17 It was called EDCO, and then it became AFR,
18 and went through a number of permutations and
19 changes of ownership and so fort.

20 But over the time -- over this
21 time, we have had a series of concerns with
22 the history of the landfill, concerns about
23 landfill -- groundwater effected by the
24 landfill history of concerns and complaints

1 about odors and remediation attempts and so
2 fort. And all that I'm hearing tonight
3 reminds me of a saying about democracy, and I
4 would like to paraphrase, and that is that
5 internal vigilance is the price of the
6 landfill, and we are all and have been
7 eternally vigilant and concerned.

8 I know that the landfill owners
9 have changed hands and have claimed to be
10 vigilant. The EPA claims to be vigilant and
11 we must be vigilant too, but I feel as though
12 the remediation attempts have -- it sounds as
13 though they, while well-meaning, they haven't
14 necessarily worked.

15 One of the things that hasn't been
16 mentioned tonight is that when this came up
17 years ago when the original landfill
18 application was being heard and there were
19 evenings like this when people came and gave
20 their opinions, and one thing that hasn't
21 been mentioned is that in addition to the
22 ambient emissions around the landfill -- and
23 by ambient I mean the methane and the
24 hydrogen sulfide -- we live in a trough of

1 pollution and it's coming over from Rockford.
2 And in the 30 years that I taught at an
3 independent school in Libertyville, there was
4 air monitoring equipment that was there. I
5 believe the Illinois EPA had it there, and
6 they monitored the air, and that was one of
7 the concerns when this was first to be
8 permitted and it's, I believe, still a
9 concern.

10 The smells have changed. It used
11 to be more of a sweet methane type smell, and
12 of course now it's that rotten egg smell.
13 And as Barbara Klipp said a little while ago,
14 this is an indicator. You think, "Oh, it's a
15 bad smell," but it's really an indicator of
16 pollution. I agree with her request to think
17 about the fact that we're not asking the
18 landfill to shut down. I know there have
19 been some questions on what would happen.
20 It's not going to happen. We're not asking
21 it to shut down.

22 We're asking it to be, as many
23 years ago we did, a good neighbor, to keep
24 the sulfur dioxide emissions at or under the

1 current levels, to install that scrubber to
2 clean up that rotten egg smell, which really
3 effects our quality of life. It's not just
4 it smells like rotten eggs, but what are we
5 breathing? What's affecting our health?

6 To permanently stop accepting
7 gypsum drywall in any form as part of the
8 waste -- I noticed that Mike Hey said a
9 little while ago, "We're not accepting gypsum
10 in that form." And to me, that was a
11 qualifier, because I understand that the
12 problem is caused by gypsum being ground up
13 to reduce the volume, and that was what
14 speeded up with the critters that are
15 digesting what's going on in the landfill.
16 But by saying, "Not in that form," are you
17 saying that you would accept it in a larger
18 form, that you view it as big pieces then
19 but, not the little ground up pieces, and
20 would that make a difference?

21 MR. HEY: Yes. I believe it does make
22 a difference. But our policy there is
23 to -- if a large wrecking job -- it's hard
24 for me to talk. I don't know how much you

1 know about the business. But if a customer
2 calls and says, "I'm knocking a building
3 down." I'll say, "Is it going to have a lot
4 of drywall in it?" "Yeah, it's going to be
5 huge." We'll pass on it. We don't even give
6 them a price if they're a large job.

7 I guess what I'm trying to
8 communicate is if a drywall contractor comes
9 in with a pickup truck and has some broken
10 pieces of drywall in the back, we wouldn't
11 turn that customer around. It's not outside
12 of the regulations. And again, our
13 experience issue is that wasn't what caused
14 the problem. You need to know that when this
15 stuff was ground up, we were taking it in,
16 building all of our roads with it, and
17 creating turn-around areas for when it's
18 muddy to keep the site open. We stopped that
19 practice. We took that stuff for free
20 because it was recycling and saves us.

21 So we weren't getting rich on the
22 drywall. It was a function of avoiding a
23 cost. As another use, recyclers got credit
24 for recycling that, because we didn't have to

1 go and by a version of the material. So
2 simply put, I was just trying to say if a
3 person comes in and has some drywall, we
4 don't refuse them at the gate. Large jobs,
5 it's our policy we don't take it.

6 MS. GEISELHART: Thanks for qualifying
7 and clarifying that. And lastly, the bottom
8 line is that we all want to have a good
9 quality of life that includes good health as
10 best as we are capable of having.
11 Countryside Landfill's bottom line should not
12 be borne on the backs of its neighbors.

13 And so I am asking you to --
14 respectfully asking you to deny the permit as
15 it's presented. Thank you.

16 MR. STUDER: Thank you. Is there
17 anyone here that has not spoken this evening
18 that would like to make a comment on the
19 record? If you'd come forward, ma'am, and if
20 you'd state your name and spell your last
21 name for the court reporter.

22 MS. SHEAFFER: My name Peg Sheaffer,
23 S-h-e-a-f-f-e-r. I am a nearby resident of
24 the landfill, and I just have a question for

1 Mr. Hey, which is I've heard a lot of
2 information that's fairly new to me this
3 evening, and my question, I guess, would be:
4 What is Countryside Landfill's opinion or
5 position on the installation of a scrubber?
6 We have a lot of folks asking for that, and
7 I'm just wondering what Countryside Landfill
8 has to say in response to that.

9 MR. HEY: Countryside Landfill does
10 not believe putting a full-scale scrubber at
11 this time is the reasonable approach we need
12 to take.

13 But I will tell you what we are
14 doing now, we see those same levels and we're
15 not turning a blind eye to them. We know
16 what we're asking for. We asked for it two
17 years ago. We can tell you today that we
18 reasonably can assume that they might start
19 dropping and they might start dropping fast.
20 They have been a spike. This is not a
21 general trend that's happened over eight
22 years. It happened starting in 2008 until
23 now, and it went up really fast. You've all
24 pointed that out.

1 We have seen our last three
2 tests -- our last four test that we've taken,
3 and we're testing the hydrogen sulfide in our
4 gas flowing to the flare almost on a weekly
5 basis at least every two weeks. We have seen
6 the last three tests drop down to 700. The
7 very last test we took was back up to 900.

8 You can call me up and ask where
9 that is. I would tell you that, that we are
10 tracking it. We're hoping to see it start to
11 drop. In the event that we don't, we've
12 already purchased small scale scrubbers that
13 we can put on individual collectors. You
14 have to understand how the system works.
15 Some of the gas wells and some of the
16 horizontal collectors are much more higher in
17 concentration.

18 So the effect is if we act now and
19 we can handle a couple of those, we might be
20 able to severely reduce the amount of
21 hydrogen sulfide in the total gas aggregate
22 and save us on a very large scale system.
23 Because we do believe this is temporary, and
24 that's not just a pipe dream. We have a lot

1 of experience with our facilities on the East
2 Coast, and particularly in Florida who have
3 dealt with hydrogen sulfide quite a bit, have
4 a lot of experience with it, and they can
5 track hurricane events purely on their
6 hydrogen sulfide levels. They can look back
7 and say, "That was Katrina," because it
8 tracks that fast. It goes up and it comes
9 down.

10 So we've put in some science,
11 we've learned a lot, and that's where we're
12 at. We've already -- we have some vessels on
13 site now. We're working on them. We have to
14 permit the use of those. They're considered
15 a treatment device of our gas, so we'll be
16 working with the EPA Bureau of Air. We've
17 already notified them of that, and we've also
18 ordered some larger structures. We're going
19 to try different stuff. It's uncharted water
20 for a lot of us.

21 I'll answer questions if the
22 bosses say it's okay.

23 MR. STUDER: Yeah, we'll go for a
24 little while. But before we do that, I need

1 to ask one more time is there anyone here
2 that has not made comments this evening that
3 wants to do so on the record? Yes, sir, if
4 you'd come forward.

5 And while he's coming forward, is
6 there anyone else that has not spoken this
7 evening that wants to make a comment on the
8 record? This will be the last call that I'll
9 make for this.

10 You may go ahead and state your
11 name and spell your last name.

12 MR. HALEY: Thank you. Can everyone
13 hear me? My name is Travis Haley, H-a-l-e-y.
14 I live over in 321 Beam Drive in Grayslake.
15 It's basically right behind the high school
16 here. Technically I don't live in Prairie
17 Crossing or directly where the landfill is
18 right now from where the odor is, but I
19 remember when I was a kid, because I've been
20 living here my whole life over at the house,
21 that I could smell that odor. And as trustee
22 Werfel said, it smelled like either rotten
23 eggs or a dead cat. It also smelled like a
24 skunk would spray you. And I can remember

1 those smells.

2 Now, over the years, the smell has
3 gone down. And I remember when I was a kid,
4 there would be torches lighting up from the
5 landfill that we jokingly called tiki
6 torches, if you will, and the smell has gone
7 down over the years.

8 Now, that may be done by the
9 current company, and the smell has gone down
10 over the years, but in 2008 the smell did
11 come back over. And as the old saying goes
12 from Hamlet, something doesn't smell right in
13 Denmark. Well, ladies and gentlemen,
14 something doesn't smell right here in
15 Grayslake.

16 I'd point out if you're driving on
17 Route 83 by the landfill, you can smell it
18 during the summer months. And the
19 temperature at -- the average is, like, 75 or
20 85 on average, if it's not higher. The same
21 thing on Route 173. If you're going into
22 Vernon Hills or Libertyville, or in my case
23 going on Route 45 to the Libertyville Sports
24 Complex down there, you can smell it. And

1 that's probably at a distant maybe five
2 miles. I don't know off the top of my head.

3 And you don't have to answer this
4 question if you don't want to, but the simple
5 question here is: Are they in current
6 compliance to the EPA standards? And if
7 they're not, then they shouldn't be getting
8 the permit. And the second most important
9 question is: Are they going to be able to
10 handle the upcoming levels for the gases to
11 be coming up, which I haven't heard either?

12 So I'd just simply ask before you
13 even consider granting a permit, just ask
14 those simple questions before anything else
15 happens. Because, once again, something
16 doesn't smell right in Grayslake, and it's
17 over at the landfill.

18 MR. STUDER: Thank you. Okay. We
19 are -- we've been going a little over two
20 hours. I know that there are a number of
21 people that may have questions for Mr. Hey,
22 and I will allow those to go on for about the
23 next 30 minutes or so if possible. We really
24 do need to be out of this building by about

1 10:00 o'clock. So I will put a limit on the
2 questions if Mr. Hey is willing to answer
3 those for those that have -- yes, Ms. Klipp?

4 MS. KLIPP: Can I ask a question? Is
5 that all right?

6 MR. STUDER: Yes.

7 MS. KLIPP: Mike, my question is if
8 you have scrubber technologies, why didn't
9 you use it before now to stay in compliance
10 with your permit?

11 MR. HEY: Well, this is a beginning of
12 a process. You need to understand that as
13 soon as we went above the limit, and it
14 happened fast -- you guys talked about the
15 spike -- we filed our deviation report, and
16 we thought we asked for a permit. We also at
17 the time asked -- that's why it's tied into
18 the construction permit, the new flare. It's
19 all just one flare in the end, but the
20 construction of the new flare was part of the
21 answer to the odor control.

22 So the first part of that is how
23 do you deal with this? What are the levels
24 we're seeing now? And it's within our right,

1 and it's reasonable to ask for the levels
2 we're talking about. These aren't levels
3 that make us a major source polluter. So for
4 the first step, you do this. But we're
5 certainly -- we have to live within our
6 permit.

7 And so as we go forward, if we're
8 outside of it -- I'm not up here to pass
9 blame to anybody. We file for our -- that's
10 what this process is. We're in that process.
11 And the regular --

12 MS. TOD: When did you file for that
13 permit?

14 MR. HEY: I don't know the exact date.
15 I think it was two years ago about last week.
16 I believe it was March 2009.

17 MR. STUDER: We'll go ahead and
18 respond to that question in writing. We'll
19 go back and look up the exact date that
20 application was filed, and that will be in
21 our responsiveness summary.

22 MS. POPRAWSKI: Siobhann Poprawski.
23 S-i-o-b, as in boy, h-a-n-n, Poprawski,
24 P-o-p-r-a-w-s-k-i.

1 You said that it's your right to
2 ask for this permit at the levels -- to raise
3 the levels. Well, that doesn't make you a
4 good neighbor. We're talking about
5 pollutants and what it's doing to the
6 environment all over Lake County, but
7 primarily close to where you are. And I
8 certainly understand that I moved here
9 knowing that there was a landfill there, but
10 I also believe that that landfill and its
11 owners would be my good neighbor.

12 The smell was not an issue for me
13 really, even though I'm close enough to smell
14 it on occasion. But what I'm finding
15 disturbing right now is knowing that these
16 gases are not just an odor. They're actually
17 harmful. So you're saying that it's your
18 right to ask for those gases to be increased,
19 but I don't understand how you are justifying
20 that as a good neighbor, as a good company.
21 I just don't understand that.

22 I mean, I wouldn't let my dog crap
23 all over my yard and leave it there because
24 it's my right. That doesn't make me a good

1 neighbor. I go out and I pick up the
2 garbage. I pick up the stink. I clean it up
3 so that I don't have to suffer and so that my
4 neighbors don't have to suffer because of my
5 ignorance, my neglect, and my disregard. So
6 tell me how you're justifying that.

7 MR. HEY: I sympathize with you, but
8 we're a company that works within the laws
9 and the regulations. That's all we're doing.
10 We're not asking for something outside of the
11 law. I'm sorry you feel I'm doing the
12 minimum. I take exception. I don't think we
13 are.

14 MR. STUDER: Sir, if you'd come
15 forward. I'm going to ask those that have
16 questions to come forward and speak into the
17 microphone, and I'll hand you my mike to make
18 a question, just so that it can be properly
19 put into the record. If you'd state your
20 name and spell your last name and ask your
21 question.

22 MR. FIORE: Richard Fiore, F-i-o-r-e.
23 What happens if you don't get the permit?
24 Will you go back to lowering the admissions?

1 We've only talked about how we don't want you
2 to get it. We've talked about how you want
3 to get it. What happens if you don't get it?
4 What happens? Does everything continue?

5 MR. STUDER: That question was asked
6 of the hearing panel this evening, so it's
7 already on the record.

8 MR. FIORE: I'm asking him and not
9 asking the panel.

10 MR. HEY: We would follow up with the
11 proper process. It could possibly be
12 challenging, the denial of the permit,
13 looking at what our options are. I'm
14 unfamiliar at where we would go. This is
15 unusual.

16 MR. RAFSON: Harold Rafson. You gave
17 us an estimate, but there was an optimistic
18 outlook that in the future the SO2 levels
19 would be decreasing. Then why are you asking
20 for an increase of the allowances?

21 MR. HEY: Well, currently, if you see
22 the way our permit was written 12 years ago,
23 under those assumptions -- and everyone's
24 absolutely correct. It was about 150 parts

1 per million H₂S. And just where people are a
2 little unfamiliar, it's almost like a direct
3 one to one. If you have 150 parts per
4 million H₂s, there's a little bit of math
5 involved, but it's almost like 150 parts per
6 million approximately. Do you agree with
7 that?

8 Well, let me answer your question.
9 Right now we're outside of that permit, so
10 we're addressing it by changing the permit to
11 what it's allowed to do, what we're allowed
12 to do. If that level doesn't come down, we
13 have to look towards other options, and that
14 could include up to best available technology
15 of a scrubber. And we would do that if
16 that's what -- there are facilities -- you
17 guys have brought them up -- that have had to
18 do that.

19 MR. RAFSON: But the second question
20 is you also mentioned that one of the options
21 was the use of small scrubbers on high
22 concentration areas. What we're dealing with
23 apparently, and with all the complaints and
24 dangers and things like that, is that you

1 need a well-designed scrubber system. You're
2 not going to get around it by some penny ante
3 approaches to do some scrap here and scrap
4 here. I just urge you that you waste a lot
5 of time and money, that you don't just
6 address the problem. Face it.

7 MR. HEY: Those are good comments.
8 And you're absolutely right. We have
9 facilities that waste a lot of money on penny
10 ante stuff. That's not what I'm talking
11 about.

12 MR. STUDER: Do you need Mr. Evans to
13 state his name again?

14 MR. CRAIG: I'm Mr. Craig.

15 MR. STUDER: I'm sorry. You're right.
16 Right from the start on that one. I am
17 sorry.

18 MR. CRAIG: I wanted to ask two
19 questions, just be clear. I think I know the
20 answer to this. Is the threshold between a
21 minor source and major source at which best
22 available control technology is required, is
23 that 100 tons per year? I'll repeat the
24 question. Is 100 tons the threshold for SO₂

1 considered a major source at which best
2 available control technologies would be
3 required? Is there a threshold?

4 MR. ROMAINE: I don't believe so. I
5 believe for this facility the threshold would
6 be 250 tons because it is an existing
7 landfill. If it were a new landfill being
8 developed at this time, the threshold would
9 be 100 tons in the Chicago area.

10 MR. CRAIG: Is that because the people
11 are any less sensitive to the pollutant?

12 MR. ROMAINE: It's because the
13 relevant regulations for permitting address
14 major or minor based on emissions, and you
15 asked the question is it a major or minor
16 source. We can do the modeling and have
17 Waste Management do the modeling to address
18 the impacts of our air quality and it would
19 be a quantitative result.

20 But in terms of the question of
21 whether it's a major source for permitting or
22 a minor source for permitting, those are
23 emissions thresholds that are set by USEPA
24 and Clean Air Act in 1977.

1 MR. CRAIG: Thank you. That was news
2 to me, so I'm glad I asked.

3 But it does make me wonder, sir,
4 what your threshold is for the community's
5 safety for applying best available control
6 technology. What do you think is safe for
7 these people? You've conveniently put forth
8 a permit request for almost 100 tons, and
9 that was suspiciously close to just trying to
10 stay below what is the prevailing wisdom for
11 what's safe. We've just been very much
12 challenged I think by that testimony.

13 MR. HEY: And I don't have a good
14 answer for that. I know I'm pretending to be
15 an expert on all of this. I'm not. And I
16 don't -- I've had to ask people myself what
17 comes out of the tail pipe of a car.
18 Everything we do involves this. This is a
19 regulated compound for a reason.

20 When you drive your car, you're
21 putting SO2 out there. When you turn on your
22 stove, there's a little bit of SO2. Houses
23 are exempt from these regulations. I'm very
24 proud of my company, if you haven't picked

1 that up. We're in a rough business. We take
2 care of people's garbage. We don't even
3 generate a lot of garbage. If you look at
4 the size of -- a company of our size, we take
5 care of everybody else's.

6 And I can speak from the heart and
7 say I do it the best I can. That's a great
8 question. They tell me I'm a low source. I
9 told you at the beginning, I didn't
10 understand why we were here. It didn't seem
11 like that big of a deal. I think there's a
12 history all over kind of doing the same
13 thing, but we had a bad odor issue. I own
14 that. I've taken responsibility for that.
15 We've had a great three months, other than
16 the blizzard.

17 I tell everybody who holds my hand
18 in this thing, including the EPA, the health
19 department, anybody who wants to talk about
20 it, I hope with all my heart this continues
21 for 12, 15, 18, the rest of my career, as
22 long as I last out here.

23 MS. OWN: I actually have a question
24 for IEPA and Chris. It seems to me that two

1 years between the application and a minor
2 construction permit is a very long time to
3 think about it. Can you shed some light why
4 it took so long, and maybe start by
5 explaining what actually regulatory deadline
6 for a minor construction permit is between
7 the application issuance of a draft permit?

8 MR. STUDER: Chris will be happy to do
9 that right behind you.

10 MR. ROMAINE: What was the question?

11 MS. OWN: I'd be happy to repeat that.
12 Why did it take two years between the
13 application and the draft permit, and what is
14 the regulatory statutory deadline?

15 MR. ROMAINE: Our statutory deadline
16 for acting on an application is 90 days,
17 unless public notice or a comment period is
18 required, and then you have 180 days. But an
19 applicant can waive that.

20 Why does it take so long? Because
21 it's subject to enforcement acts and we have
22 other higher priority applications where
23 people are proposing new projects, and we
24 were concerned to the extent that things

1 should be done to clean up odor issues that
2 those could be taken before we proceeded with
3 this application done with the SO2 emissions.

4 MS. OWN: Well, I think it's more than
5 odor. So, Mr. Hey, I assume that you waived
6 the 180 several times to get to two years
7 before you get your permit?

8 MR. HEY: Correct.

9 MS. KLIPP: Thank you. My question
10 isn't for you, Mike. My question is a
11 follow-up question to what Chris said. I
12 have to tell you -- I don't know where to
13 stand where I can be addressing you. I can't
14 tell you how many people -- and some of these
15 people can vouch for the fact that I've made
16 hundreds of hours of calls to the EPA, and
17 several people told me that over 100 tons per
18 year they would be subject to PSD
19 regulations.

20 There's a lot of confusion between
21 what they're allowed in their operating
22 permit, which, by the way, expired in 2008.
23 And then the regulations, if they file the
24 appropriate paperwork, they're allowed to

1 for Mike. Mike, I don't want you to get the
2 opinion that -- or get the impression that
3 we're, kind of, beating up on you and that
4 kind of stuff. Mike has been very responsive
5 in a lot of ways and he's been really great.
6 He's got a tough job. There's no doubt about
7 it. So I do sympathize with his position.

8 But the exchanges that we just
9 listened to now, it's very disheartening for
10 me to hear it. What I hear is basically this
11 is what we can do within legal and regulatory
12 strictures that are allowed. This is what we
13 can do. What I'm talking about, and I think
14 what a lot of people in the audience are
15 talking about, and I think that which the EPA
16 should be thinking about is what should they
17 be doing. It's not what you can do, it's
18 what you should do.

19 And what Waste Management should
20 be doing here is they should be going the
21 extra mile, doing the right thing, putting in
22 that scrubber technology and whatever else.
23 As the gentleman said here said, don't penny
24 ante it. It feels like we're -- and I know

1 that's not your decision. I'm assuming this
2 is not Mike's decision. In fact, is there
3 anybody here from Waste Management above you
4 guys?

5 MR. HEY: No.

6 MR. WERFEL: A regional VP, the guy
7 that sent us a letter about the housing deal
8 being canceled, somebody like that? Somebody
9 that has fiduciary decision-making
10 responsibility, somebody that can say, "Yes,
11 we'll pop for the \$300,000 scrubber, and
12 we'll pop for the \$3 quarter million that it
13 takes to maintain it year after year?

14 And Mike, you and anybody else
15 that represents the company here, we can go
16 to those folks and plead our case. Have you
17 already done that? I want these -- they're
18 not here, and they don't have to live next to
19 it. I wonder how many of them live next to a
20 situation like this. I'd be willing to bet
21 none of them.

22 MR. HEY: I do speak for Waste
23 Management. I have the support of my
24 superiors. I do have fiduciary

1 responsibility. My position isn't minimized
2 because a vice president isn't here. I'm
3 here to speak for the company and answer to
4 this stuff.

5 MR. WERFEL: So you can make the
6 decision on the scrubber?

7 MR. HEY: I make decisions, Jeff,
8 every day. Some decisions aren't made with a
9 knee jerk at a public hearing where you've
10 heard a lot of emotion. I've heard it. I'll
11 take this back.

12 MS. COLE: Three years. It's not
13 yesterday. Three years.

14 MR. HEY: Okay. Let me clarify one
15 thing. The addition of a scrubber at
16 Countryside Landfill today does not make the
17 landfill not smell.

18 MR. WERFEL: That's understood, but it
19 gets rid of the SO₂.

20 MR. HEY: Right. But we're saying
21 three years of the problems we've had. This
22 is about a process of looking at it and
23 investing in a piece of equipment that may
24 not be necessary. I mean, I don't want to

1 minimize it. I understand.

2 MR. WERFEL: You are minimizing it.

3 That's exactly what you're doing.

4 MR. HEY: I'm trying not to do that.

5 MR. STUDER: Okay. It's impossible to
6 take down everything that's being said. So
7 if you're not at the microphone, I'm going to
8 have to ask that you not be speaking.

9 MR. HEY: Again, it's not in my nature
10 to stand up here and make excuses. But what
11 you're asking us to do would be akin to did
12 anybody drive an SUV here today? Wouldn't it
13 be better for the environment and all the air
14 we breathe if we all drove smaller cars?

15 MR. CRAIG: That's not the subject of
16 the hearing.

17 MR. HEY: Guys, this is just the
18 thought process. You're saying we should go
19 above and beyond -- go ahead.

20 MS. COLE: I don't know about
21 everybody else here, but I've sort of had
22 enough. And that was very disingenuous,
23 Mike. I've never heard anything so
24 disingenuous out of you. You guys should

1 have -- maybe we should have a time out.
2 We'll go to our corners and talk about this
3 off the record or something. But is
4 everybody okay with --

5 MR. HEALEY: Actually, I have a
6 question.

7 MS. COLE: Well, then just one more
8 question so these poor people can get back
9 to -- where are you, Springfield tonight?

10 MR. STUDER: Yeah.

11 MS. COLE: They have to go back to
12 Springfield tonight. It's four hours. It's
13 a nasty ride. So please, unless everyone is
14 not as frustrated as me, maybe we can take
15 this all to the back corners with a couple
16 referees and these guys can go home.

17 MR. STUDER: We're starting to get
18 into obviously things that are starting to
19 deal with personalities here, and there's
20 huge differences of opinion, and obviously
21 these are heartfelt and very emotional
22 issues. I'll allow for two more questions.
23 We've got one that's here.

24 MR. HEALEY: Thank you for tolerating

1 us, first of all. Travis Healey. The simple
2 question I will bring up again is are you
3 currently operating under the EPA standards
4 that you're authorized to do, and are you
5 going to be able to operate in the further
6 authorization if this permit goes through?
7 I'd like to get that clear on the record if
8 we could first.

9 MR. HEY: Yes.

10 MR. HEALEY: On both?

11 MR. HEY: We are currently operating
12 in exceedance of our current permit. The new
13 permit will allow us to operate within that
14 with control technology necessary to stay
15 inside of that permit. We've already
16 communicated to the EPA that it is not our
17 intent -- it's not a full decision, but it is
18 not our intent to try to go any higher.
19 We've already had those discussions.

20 MR. CRAIG: You seem like a nice
21 enough guy, Mike, but I think you're in the
22 crossfire.

23 First I wanted to just pick a
24 couple of -- remaining testimony that Harold

1 Rafson wasn't able to make within his four
2 minutes. He says, "From my experience,"
3 meaning him, "I can state that the removals
4 of these sulfur and odorous compounds at
5 these concentrations are well within the
6 range of well-designed scrubbing technology."

7 That contradicts what you said
8 earlier. I think you contradicted yourself
9 earlier when on the one hand you said you're
10 in uncharted territory, and on the other hand
11 you claim that your company has all kinds of
12 experience with these kinds of problems and
13 how you can track it up and then it goes
14 down. It seems like you're calculating for
15 it to go down, and you're playing the waiting
16 game.

17 I'd like to ask the IEPA what the
18 penalty is per day per exceedance. Let's
19 turn this into money, because I think that's
20 what we're really talking about here. What
21 is it?

22 MR. STUDER: I'll respond in writing.
23 I honestly don't know what the maximum
24 allowable penalty is. I do want to say this,

1 and that is that Illinois EPA does not have
2 the independent authority to go ahead and
3 assess penalties. We start an enforcement
4 process and it has to go to the proper
5 prosecutor and authorities. So there's
6 penalties that are outlined in both the
7 federal Clean Air Act, which is generally
8 enforced by USEPA, and then there are
9 penalties that are also allowable and
10 enforceable through state regulations.

11 Generally speaking, when we do an
12 enforcement process, when it goes to
13 prosecutorial authorities, we do one of
14 several things. Either it goes -- a referral
15 full blown to USEPA, it can be a referral
16 that goes to the state's attorney and the
17 county in which the facility is located, it
18 can go to the Attorney General's office, or
19 it can go to the Illinois Pollution Control
20 Board.

21 So there's a couple things in
22 there. We'll respond more fully in writing
23 the response of the summary.

24 MR. CRAIG: Okay. Mr. Hey, you have

1 fiduciary responsibility. This is well --
2 this question is well within the scope of
3 that responsibility. How many days of fines
4 would cost the same as a scrubber?

5 MR. HEY: I don't know the answer to
6 that. You'd have to know the fine and the
7 scrubber and the costs. I don't know that.

8 MR. CRAIG: In your business? I would
9 know that at my job.

10 MR. STUDER: I said we'd have one
11 question and -- or two questions and that was
12 two questions ago. Actually it was two
13 people ago, several questions ago, and we are
14 officially out of time. I thank Mr. Hey for
15 coming forward and addressing questions
16 directly from the hearing.

17 Just for the record, I do want to
18 point out that what happened toward the end
19 of this hearing is not typically the way the
20 Illinois EPA conducts a hearing, but we
21 realize that there are a lot of issues that
22 local residents and others have regarding
23 this particular permit application and the
24 facility, and we did want to afford you the

1 opportunity to come forth and state those on
2 the record. I believe that there will be
3 some of us that will still be around for a
4 little while.

5 I do also want to remind everyone
6 that's still here that the hearing record in
7 this matter is open until the 21st of April,
8 and if you have additional comments you would
9 like to make, you may submit those to me in
10 writing and I will enter them into the
11 record. I thank you for being here tonight.
12 Thank you.

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF COOK)
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4

5 REBECCA A. GRAZIANO, being first
6 duly sworn on oath, says that she is a court
7 reporter doing business in the City of Chicago, that
8 she reported in shorthand the proceedings given at
9 the taking of said hearing, and that the foregoing
10 is a true and correct transcript of her shorthand
11 notes so taken as aforesaid, and contains all the
12 proceedings given at said hearing.
13
14
15

16 REBECCA A. GRAZIANO, CSR
17 Eight West Monroe Street, Suite 2007
18 Chicago, Illinois 60603
19 License No.: 084-004659

20 SUBSCRIBED AND SWORN TO
before me this ____ day
21 of _____, A.D., 2011.

22 Notary Public
23
24