

1 BEFORE THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

2 IN THE MATTER OF: PROPOSED)
3 ISSUANCE OF A JOINT STATE)
4 CONSTRUCTION AND LIFETIME)
5 OPERATING PERMIT FOR GANNA)
6 CONSTRUCTION, INC., LEMONT)

5

6 REPORT OF PROCEEDINGS taken at the
7 hearing of the above-entitled matter, held at
8 800 Porter Street, Lemont, Illinois, before
9 Hearing Officer William Seltzer, reported by
10 Janice H. Heinemann, CSR, RDR, CRR, a notary
11 public within and for the County of Du Page and
12 State of Illinois, on the 12th day of October,
13 2000, commencing at the hour of 7:00 p.m.

14

15 IEPA APPEARANCES:

16 MR. WILLIAM SELTZER, Acting IEPA Hearing Officer;

17 MR. HARISH DESAI, Bureau of Air, Permit Section,
18 Unit Manager;

18

19 MR. JIM KOHLEMEYER, Bureau of Air, Permit
20 Engineer;

21 MR. CHRIS PRESSNALL, Bureau of Air, Enforcement
22 Attorney;

21

22 MR. JOYDEB MAJUMDER, Field Engineer;

22

23 MR. BRAD FROST, Community Relations.

23

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1 HEARING OFFICER SELTZER: This is in regard
2 to the matter of the Proposed Issuance of a Joint
3 Construction and Lifetime Operating Permit for
4 Ganna Construction, Inc., in Lemont, Illinois.

5 My name is Bill Seltzer. I'm an
6 attorney for the EPA, and I have been asked to be
7 the hearing officer for tonight's meeting. The way
8 we are going to conduct the meeting is we will
9 start off by having everybody from the EPA
10 introduce themselves and state their positions.
11 Then I will ask that everybody that works for Ganna
12 introduce themselves, state their position, and
13 spell their last names.

14 I have registration cards. Some of
15 you have indicated you wish to offer testimony. I
16 will call the people in the order in which I have
17 received the cards except that we will ask elected
18 officials to come forward first.

19 This is the biggest attended hearing
20 I have ever been to as a hearing officer.

21 (Applause.)

22 HEARING OFFICER SELTZER: So I'm going to
23 say right now, the notice indicated that the record
24 of these proceedings would close November 11.

1 Because there are so many people in attendance, we
2 are going to extend the date of the closing of the
3 record to make it a total of 45 days. So we will
4 go to -- Well, let's say November 28 will be the
5 close of the record here.

6 The Environmental Protection Agency has
7 180 days in which to act on a permit. If it has
8 not acted, the permit is automatically granted.
9 And I understand that the 180 day time period is up
10 December 22. Since there are representatives of
11 Ganna here, I'm going to ask if they will
12 voluntarily give the Agency a waiver for an
13 additional 30 days because our people will need
14 some time to go over the record, which will include
15 all your comments, written and spoken.

16 So I wonder, and I will ask right now,
17 is there anybody from Ganna here that would be
18 willing to give the Agency an additional 30-day
19 waiver, that is, take it to January 22nd of 2001?
20 It's your legal right not to do it.

21 MR. RECTOR: May we have a chance to review
22 that and respond to you tonight?

23 HEARING OFFICER SELTZER: Okay. We will go
24 into that when you come forward.

1 We don't have an answer yet. We will
2 get it later. But I do want everybody that
3 represents Ganna here this evening to stand up and
4 identify themselves regardless of where they may be
5 sitting.

6 Are there any questions as to how we
7 will proceed tonight so far?

8 Now, we, obviously, have a ton of
9 people here. When people from the audience come
10 forward, I'm going to ask that you limit yourself.
11 I'm not going to limit you on time. I'm going to
12 ask that you limit yourself so that we get
13 everybody, everybody has a chance to get their say
14 so in. If we are going too late, there is going to
15 be a lot of people that will be cut off and won't
16 be allowed to testify at all.

17 If you have long comments, I would
18 suggest you submit your comments in writing. And
19 we have comment forms at the front table. All your
20 written comments will be part of the record just as
21 oral testimony will be.

22 At the close of the record, the Agency
23 will review everything and the transcript of
24 tonight's hearing and there will be a responsive

1 summary. Everybody that signed one of these cards
2 and gave us an address will get a copy of that
3 responsive summary. And that responsive summary
4 then is to answer all the questions that you may
5 pose and direct the Agency's opinion to the
6 important comments that you folks will make.

7 So we'll begin right now by asking
8 personnel from the EPA to stand and introduce
9 themselves.

10 MR. DESAI: My name is Harish Desai. I'm
11 the unit manager in permit section.

12 MR. KOHLEMEYER: My name is Jim Kohlemeyer.
13 I'm a permit engineer.

14 MR. PRESSNALL: My name is Chris Pressnall,
15 and I am an air enforcement attorney.

16 MR. MAJUMDER: My name is Joydeb Majumder,
17 and I am a field engineer.

18 HEARING OFFICER SELTZER: Will the people
19 representing Ganna please come forward to the
20 podium at the microphone and identify yourselves.

21 MR. RECTOR: I'm Del Rector. I'm an
22 environmental consultant with NTH Consultants
23 representing Ganna.

24 MR. MACK: My name is Gary Mack. I'm a

1 public affairs consultant for Ganna.

2 MR. BODZIOCH: My name is Joe Bodzioch.
3 I'm an engineer with Ganna Construction.

4 MR. MAYNARD: My name is Jerry Maynard.
5 I'm counsel to Ganna Construction.

6 MR. CARRIG: Dan Carrig, Operations Manager
7 for Ganna Construction.

8 HEARING OFFICER SELTZER: Now that you have
9 all introduced yourselves, have you made a decision
10 as to whether or not you will give the Agency an
11 additional 30 days?

12 MR. MAYNARD: Yes. Ganna will waive the
13 statutory 180 days for another 30 days.

14 HEARING OFFICER SELTZER: Thank you.

15 (Applause.)

16 HEARING OFFICER SELTZER: Ganna has agreed
17 to waive the 180 day time period for an additional
18 30 days. That gives the Agency that additional 30
19 days in which it has to act. I will say it again,
20 if the Agency doesn't act within the required time
21 period, the permit is automatically granted. And I
22 will ask that Ganna follow up their commitment this
23 evening with a written letter. We would like that
24 to be part of the written record.

1 At this time we will go to the Agency
2 spokes people starting with Jim.

3 MR. KOHLEMEYER: Good evening, ladies and
4 gentlemen. My name is Jim Kohlemeyer. I'm a
5 permit engineer with the Illinois EPA's Bureau of
6 Air. I'm one of a number of engineers whose job it
7 is to review air permit applications for various
8 types of facilities in the state such as quarry
9 operations, concrete batch plants, and
10 manufacturing operations including asphalt plants.
11 Thank you all for coming tonight and for your
12 interest in environmental issues.

13 I would like to begin by giving a
14 brief overview of the situation bringing us
15 together here tonight. This past June the 26th,
16 the Ganna Corporation applied to the Illinois EPA
17 for a joint construction and operating permit for a
18 gas-fired, drum-type asphalt plant at the location
19 identified at 16500 New Industrial Park Drive in
20 Lemont Township, an area just outside the City of
21 Lemont.

22 First allow me to talk briefly about
23 asphalt plants in general. As a typical asphalt
24 plant, raw materials are brought in by truck and

1 placed in storage piles, silos, or storage tanks.
2 Asphalt or crushed rock is hauled by front-end
3 loaders to feed hoppers, then passes via conveyors
4 to the burner end of a revolving drum mixer.
5 Liquid asphalt is weighed and injected into the
6 drum. The resulting asphalt pavement material is
7 then either placed in temporary storage or
8 transferred immediately to the job site by truck.

9 Particulate matter or PM, more
10 commonly known as dust, is generated by the mixer
11 drum and by other plant activities such as storage
12 piles and plant roads. On the proposed plant, the
13 exhaust from the mixer drum is vented to a cyclone
14 and then to a bag house type of air pollution
15 control device where the majority of PM or dust is
16 removed before being exhausted into the atmosphere.
17 Also, the PM emissions from the mineral filler silo
18 are controlled by a second bag house. Because of
19 the combustion of natural gas and the use of
20 asphalt, the proposed plant will also emit carbon
21 monoxide, nitrogen oxides, and volatile organic
22 materials, in levels which are typical of any gas-
23 fired asphalt plant.

24 The asphalt cement storage tank has a

1 condenser system to control the volatile organic
2 emissions. The Ganna operations are subject to
3 Federal USEPA Regulation 40 CFR 60, subpart I,
4 Standards of Performance for Hot Mix Asphalt
5 Facilities. This federal regulation, also referred
6 to as New Source Performance Standards or NSPS,
7 requires the plant to comply with specific emission
8 restrictions for particulate matter and opacity.
9 These limits are .04 grains per dry standard cubic
10 feet of PM and 20 percent of opacity. This NSPS
11 compliance testing must be performed in accordance
12 with USEPA approved methods and as specified by
13 Special Condition 6 of the draft permit.

14 The Ganna operations are subject also
15 to state regulation 35, Illinois Administrative
16 Code, part 212, entitled Visible and Particulate
17 Matter Emissions. Since the proposed site is in
18 Cook County, state regulations require the company
19 to submit an operating program designed to
20 significantly reduce fugitive PM or dust emissions,
21 which are generated by working the storage piles
22 and from truck traffic on the plant roads. This
23 required operating permit has been submitted by
24 Ganna.

1 The proposed plant is capable of an
2 asphalt production rate of up to 650 tons per hour,
3 which means if it were operated around the clock,
4 it would produce nearly 5.7 million tons of asphalt
5 per year. However, it is significant to point out
6 that Ganna has voluntarily requested permit limits
7 of 220,000 tons per month and 800,000 tons per
8 year. These asphalt production limits considerably
9 lower the level of emissions and, therefore,
10 prevent the plant from being classified as a major
11 source. These permit limits are accompanied by
12 recordkeeping and reporting requirements which are
13 enforceable by both the State of Illinois and the
14 USEPA.

15 The Illinois EPA has reviewed the
16 application submitted by Ganna and has determined
17 the proposed asphalt plant operations will comply
18 with all applicable state and federal regulations.
19 We have prepared a draft of a Joint Construction
20 and Operating Permit for the proposed asphalt
21 plant, which has been available for viewing both on
22 the Internet and at the Lemont Public Library along
23 with a brief summary of the proposed project. We
24 issued a public notice in area newspapers

1 announcing this public hearing being held here
2 tonight as well as soliciting your written
3 comments. The Illinois EPA will continue to accept
4 written comments after this meeting tonight up
5 until November the 28th.

6 Due to the significant public interest
7 shown on this matter, the Illinois EPA has decided
8 to hold this public hearing to give you, the
9 citizens of Lemont and the surrounding area, an
10 opportunity to voice your concerns, to ask
11 questions, and to become more familiar with the
12 proposed Ganna operations and the environmental
13 regulations governing them. Thank you very much
14 for your kind attention.

15 (Applause.)

16 MR. DESAI: Good evening, ladies and
17 gentlemen. My name is Harish Desai. I'm unit
18 manager in permit section. I would like to take
19 this opportunity to clarify the historical data on
20 this project. On December 1999, Ganna Construction
21 submitted an application for a joint construction
22 and operating permit. The Agency issued this
23 permit in February 2000. The company withdrew this
24 permit in April of 2000. On April 10, 2000, Ganna

1 Construction under the name of Bartlett Bituminous
2 submitted an application for a Joint Construction
3 and Operating Permit. The Agency sent the Notice
4 of Incompleteness on May 5, 2000. Ganna withdrew
5 this application also in June of 2000. On June 26,
6 2000, Ganna submitted a new application for a Joint
7 Construction and Operating Permit. The Agency has
8 reviewed this application and, as Jim Kohlemeyer
9 stated, that as proposed this project will comply
10 with all applicable regulations.

11 Besides the state regulation, this
12 project is subject to federal standards known as
13 40 CFR 60, subpart A and I, established by United
14 States Environmental Protection Agency. The
15 proposed project of Ganna will comply with this
16 regulation. Pursuant to the Clean Air Act
17 Amendment of 1990, USEPA is required to study
18 asphalt plant hazardous air pollutants, and that
19 the national emission standard for hazardous air
20 pollutant known as NISHA. Based upon the study of
21 USEPA, it's required to establish maximum
22 achievable control technology, also known as MACT
23 for hazardous air pollutant from asphalt plant.
24 After three years in the study, the element of the

1 asphalt industry's profile and activities, the
2 initial recommendation is that the emissions from
3 the asphalt plant have minimal impact on the health
4 and the element of such a standard known as MACT is
5 not necessary. If USEPA decides to develop such a
6 standard in the future, Ganna will have to comply
7 with this regulation.

8 At present time, in Cook County area
9 or, rather, Chicago area, there are three studies
10 going on regarding the toxic air pollutants.
11 Number one, Preliminary Study of Toxic Emissions
12 from O'Hare Airport in Chicago sponsored by the
13 City of Park Ridge; Community Study for Hazardous
14 Assessment in Cook County by USEPA, conducted by
15 Argonne National Lab; USEPA Air Toxics Risk
16 Assessment of Urban Air Toxics to General Health
17 Risks including Cook County.

18 In addition, as many of you know, upon
19 the request of the City of Lemont, the Agency has
20 installed three sampling instruments which will
21 take continuous samples of ambient air for 24 hours
22 for every 12 days to measure the approximately 46
23 toxic chemicals. This monitoring study station is
24 located at Lemont High School. The project will

1 continue until the end of December 2000. The final
2 report will be available sometime in March of 2001.
3 Once the report is available, it will be reviewed
4 by the Agency and the final conclusion will be
5 available to the public.

6 In addition to this, for the last
7 several years, Illinois EPA is operating an ambient
8 air monitoring instrument at 726 Houston Street in
9 Lemont. This instrument measures sulfur dioxide,
10 ozone, and total particulates. The total
11 particulates monitoring was discontinued in the
12 year 1997 because the level of particulate
13 concentration in ambient air was considerably
14 lower. Based on the data collected by these
15 monitors, the level of sulfur dioxide and ozone are
16 less than ambient air quality standard. What does
17 it mean? It means that the quality of air is
18 better than the ambient air quality standards. The
19 standards are established by USEPA and adopted by
20 Illinois EPA. This concludes my testimony.

21 (Applause.)

22 HEARING OFFICER SELTZER: Thank you. I'm
23 going to ask the representatives from Ganna to make
24 their presentation now.

1 MR. MACK: First of all, I would like to
2 thank the Illinois EPA. My name is Gary Mack. I'm
3 a public affairs consultant to Ganna Construction.
4 I live and work in Woodridge just up the road and
5 neighbor to Lemont over here.

6 Ganna would like to thank the Illinois
7 EPA and the residents of Lemont who came tonight
8 and spent your valuable time to attend this public
9 hearing. It's a very critical matter to many
10 people, and we appreciate your attendance. Ganna
11 is also keenly aware that there have been many
12 significant issues and concerns that the people of
13 Lemont have raised. That's why we are here
14 tonight, to respond to those issues, to do all that
15 we can to be good neighbors to you.

16 Among one of those issues and the one
17 that I'm going to address right now is the location
18 of the asphalt plant specifically. I believe there
19 have been some unknown factors about this --
20 frankly, some misconceptions, perhaps -- as to
21 where it is. As the EPA pointed out, it is not in
22 Lemont. It is adjacent to Lemont in unincorporated
23 Cook County. We are also aware that the impact of
24 truck traffic is another issue that has been raised

1 by the people of the Village of Lemont. And there
2 are some other misconceptions as is often the case
3 that we would like to tell you about in terms of
4 the location today.

5 And first of all, as to that, I want
6 to point out that on this map that we have here,
7 which you are invited to come up and see later --
8 We will leave them here. I realize everyone can't
9 see this from where you are. This location is
10 actually a relatively small location. It's about
11 four acres of land bordered on one side by the
12 Sanitary and Ship Canal, by Auburn Steel on the
13 west, by the Burlington Northern Santa Fe railroad
14 tracks to the south. And it just kind of tapers
15 off to a point on New Industrial Drive over here.
16 It used to be a parcel of land that was contained
17 in various companies that owned Auburn Steel. It
18 is immediately adjacent to the Sanitary and Ship
19 Canal, and that's a significant point that I'm
20 going to come back to momentarily.

21 On the other side of the railroad
22 tracks is the I & M Canal. Before you get to the
23 I & M Canal, those of you who are familiar with the
24 area know that there is a buffer zone of

1 approximately 50 to 70 feet of trees and dense
2 foliage. On the other side of the canal is another
3 buffer of trees and foliage throughout much of the
4 area comprised along the parcel.

5 Next to that is an area of trees and
6 natural indigenous landscaping about 75 feet wide.
7 Contained within that is what I call a slag heap,
8 an old landfill and slag pile, that has been there
9 for a number of -- many years frankly. Then we
10 have New Avenue. And there are some scattered
11 residences on the other side of New Avenue that you
12 can see in this picture when you get up close.
13 Approximately the equivalent it looks as if about
14 four or five of these residences as they go along
15 this area. And the railroad tracks are -- The IC
16 tracks are also over here I might point out that
17 I'm sure you are aware the Metra trains and the
18 Amtrak trains utilize.

19 One of the issues I mentioned was
20 truck traffic. We know that's a concern to some of
21 you. This orange arrow indicates the direction
22 that the majority of the traffic would use exiting
23 the Ganna facility. You will note that it goes to
24 the west. Lemont is to the east, most of Lemont.

1 This is I believe the northwesterly portion of the
2 village. Ganna will have an access road that goes
3 straight west out to New Street, crossing these
4 railroad tracks, and again go out to the west from
5 there. The majority of truck traffic will not even
6 be in Lemont.

7 I can point to this -- this map also a
8 little clearer for those of you who want to come up
9 afterward to see that the site is indicated in this
10 small area, it's much smaller -- you will have to
11 come up to see it -- and the route that this road
12 would take out into what is actually Will County
13 over here.

14 The issue of the proximity of the
15 Sanitary and Ship Canal is another important thing
16 to note I think as we look at this piece of land,
17 which frankly is very isolated. It's very small.
18 Virtually everyone I have had out there to take a
19 look at the parcel of property has made the
20 comment, "You feel like you are in the middle of
21 nowhere." Indeed, you can't see this parcel of
22 property pretty much from anywhere in Lemont that I
23 have been able to tell, nor can anyone in Lemont
24 see this parcel of property either. It is

1 show you the parcel of land right now because
2 everyone can't go out there and take a look at it.

3 (Video playing:)

4 MR. MACK: This is a very brief picture
5 that's going to show looking westbound right now as
6 the camera is panning to the south. You would
7 actually be looking now across that entire buffer
8 zone, and this would also be the area where truck
9 traffic would be exiting to the west. That's the
10 canal on your immediate right. You can see a
11 couple of barges located over there. Again, this
12 pan indicates Auburn Steel. You see that to the
13 west of the site, as the camera moves again slowly
14 across to where the residences would be about a
15 quarter of a mile across all those areas that I
16 described.

17 The piece of property right now is in
18 a state of great untidiness as you can clearly see
19 from this. There is a lot of debris. It's
20 overgrown. It was used at various times by other
21 companies who had used this parcel before. There
22 is debris and trees Ganna has already attempted to
23 clean up some of that property and to make sure
24 that the site is remediated. There is even an old

1 railroad car that was on the site, a truck weigh
2 scale, and some other facilities. So I think this
3 again testifies somewhat to the remoteness of this
4 location and where it is.

5 Now, after this we are going to show a
6 very brief video of the -- I think that's enough
7 of this pretty much.

8 (Video ended.)

9 MR. MACK: We are going to show a very
10 brief video. And Mr. Desai from the EPA touched on
11 this briefly or Mr. Kohlemeyer, I'm sorry, talking
12 about the operation of an asphalt facility. I
13 think many of us have the notion and the
14 connotation of what an asphalt plant was many years
15 ago. I certainly do I know from ones that I had
16 seen, old low technology plants that really should
17 not be confused with modern facilities that are
18 built today. These are pictures of smoke belching,
19 smelly, noisy factories. And in truth they are not
20 like that anymore. And this one proposed by Ganna,
21 as you will see in the video, because it is
22 specific to what we are going to be talking about
23 is state-of-the-art in every sense of the word. A
24 very clean, very quiet, and very environmentally

1 friendly in every sense of the word. And it is
2 state-of-the-art as I say.

3 I also think it's interesting to note
4 for those of you who aren't familiar with things
5 like this that right now as we stand here in
6 metropolitan Chicago, this is not that uncommon a
7 thing. There are more than 50 asphalt plants
8 operating within the area including right next to
9 the Chicago Ridge mall. For instance, if those of
10 you are there, you can see a plant immediately
11 behind it. There are also asphalt plants located
12 in places like Naperville and Skokie and
13 Lincolnshire and some other suburbs that I think
14 some people might attach high-tier connotations to.

15 In fact, those, like the one we are
16 talking about here, many of them are very clean.
17 They are very nonpolluting. But this one I
18 emphasize again is truly state-of-the-art in terms
19 of what Ganna is putting out here with the highest
20 exacting environmental standards. And it will keep
21 those, as you heard from the EPA, it must keep
22 those kinds of standards. More stringent, indeed,
23 than what California has even had. And I think
24 everyone recognizes that California has probably

1 the highest environmental standards of anyplace in
2 the country. This would be significantly below any
3 of the standards or higher, I should say, than any
4 of the standards California has.

5 I would also like to point out that
6 there is a limited finite pie for the amount of
7 asphalt that metropolitan Chicago uses every day.
8 There is demand for this product. There is an
9 asphalt plant within Lemont, as I'm sure most of
10 you know. If this plant doesn't get built, the
11 other plant is probably going to produce a lot more
12 asphalt.

13 And with that, I think we are going to
14 take a look briefly at this video and what this
15 particular plant would look like.

16 (Video playing:)

17 NARRATOR: Asphalt paving has changed on
18 the road and in the plant that produces the hot mix
19 asphalt. The plant planned for your community uses
20 Astec Industry's patented double-barrel technology
21 for clean, efficient asphalt production. The
22 double barrel can use up to 50 percent recycled
23 material. Any fumes for mixing are captured
24 internally and fed back to the burner and consumed.

1 Making hot mix asphalt is a process
2 fundamentally friendly to the environment and
3 doesn't involve chemical reactions, refining or
4 distilling. Dry aggregate is simply mixed with
5 asphalt, a natural substance which binds the
6 aggregate together.

7 Here's how it works: Stone aggregate
8 enters the rotating drum at this end and is heated
9 and dried as it moves down toward the burner. When
10 the aggregate reaches the far end, it falls into
11 the stationary outer drum where recycled materials
12 are added and mixed with liquid asphalt and move
13 back up the drum.

14 Any fumes are captured and fed into
15 the burner to be eliminated. Exhaust from the
16 double barrel is filtered through a bag house.
17 Astec bag houses exceed EPA standards, often
18 reducing emissions to less than one fourth of the
19 federal EPA required level. The exhaust from a bag
20 house stack is typically crystal clear. Exhaust
21 from the double barrel is fed into a cyclone
22 separator for removal of large dust particles, then
23 forced through filters which are long bags of
24 aeromid fiber. Dust is collected on the surface of

1 the bags and clean exhaust passes through. The
2 filtering is more than 99.9 percent efficient.
3 Dust is periodically removed from the bags and fed
4 back into the mixing chamber and added to the
5 paving material so there is virtually no waste.

6 MALE VOICE: Here in California we have the
7 most stringent air pollution regulations anywhere
8 in the country. The South Coast Air Quality
9 Management District in which this Astec facility is
10 located sets very strict emission standards for
11 producers of hot mix asphalt. They require that
12 air pollution in the area be reduced year after
13 year. Astec meets or exceeds these emission
14 standards. I know if it's an Astec plant coming
15 into the community we are not going to have any
16 problems getting it permitted because Astec builds
17 in environmental compliance from the start.

18 NARRATOR: This is Astec's relocatable
19 plant, which is the kind of facility planned for
20 your community. This modern, high-performance
21 plant is very efficient and produces high quality
22 paving material so it helps reduce paving costs and
23 improve road surface quality.

24 What impact on air quality can your

1 community expect when the new asphalt plant is in
2 operation? Very little. The plant proposed for
3 your community will use Astec's blue smoke
4 collection technology to prevent smoke from
5 escaping when asphalt is transferred from the mixer
6 into storage. Blue smoke is actually a haze of
7 petroleum droplets which can escape when the
8 conveyor from the mixer drops hot mix asphalt into
9 a storage bin. Astec's blue smoke collection
10 system captures the blue smoke preventing its
11 release into the atmosphere. A fan pulls the
12 captured droplets back to the double barrel where
13 they are burned with the fuel. The result is
14 extremely effective. Virtually no blue smoke
15 escapes into the air.

16 (Video ended.)

17 MR. RECTOR: Good evening. My name is Del
18 Rector. I'm an environmental engineer with NTH
19 Consultants. NTH assisted Ganna in preparing the
20 permit application which is under review tonight.
21 As you can see from this video, Ganna has proposed
22 a very modern plant, the most modern of plants
23 available. The bag house collector, as you can
24 see, is quite large size. It's over 50 feet long,

1 almost 60 feet long.

2 Ganna has a guarantee from the vendor
3 that it will meet emission limits one half of the
4 federal standards. The likely emissions are going
5 to be a quarter of the federal standard. This is a
6 plant that controls the volatile organic compounds,
7 as you can see in that blue smoke control pipe by
8 burning these in the burner. This is the latest
9 and best technology.

10 For some of you that have reviewed our
11 permit application and looked at the emission
12 estimates that we made, we used USEPA factors for
13 uncontrolled plants. And so the emissions will be
14 substantially below this. The EPA recognizes that
15 this type of counterflow plant produces less
16 emissions, but there is not a lot of technical data
17 on exactly what it is.

18 Based on my experience -- And that
19 experience includes 33 years in environmental
20 protection, 25 of which was with the Commission of
21 Environmental Quality as a regulator. I used to be
22 the chief of the air quality division for five
23 years. I headed up all the environmental programs
24 in Michigan. It's with that experience it's my

1 belief that Ganna with these design parameters and
2 the comprehensive fusion dust control program that
3 Mr. Kohlemeyer referred to when they implement that
4 that this plant will not have any significant
5 impact on air quality in this community. Thank
6 you.

7 HEARING OFFICER SELTZER: Before we go to
8 the audience, I wonder if somebody from Ganna can
9 answer a question I have just for my edification.
10 This plant apparently is not in the municipal
11 boundary of Lemont but out in the unincorporated
12 area of the county. Was there any siting required
13 according to the zoning prior to, or is there any
14 siting required before the plant can be
15 constructed?

16 MR. RECTOR: What do you mean by siting?

17 HEARING OFFICER SELTZER: A lot of
18 facilities because of local zoning have to go
19 before a local zoning board, something like that.

20 MR. RECTOR: This property is zoned for
21 heavy industrial use, and this is consistent with
22 the zoning that exists.

23 HEARING OFFICER SELTZER: Thank you much.

24 We are going to go to the public now.

1 And I understand there are a number of elected
2 officials that wish to make a joint presentation.
3 I don't have -- I'm not sure which ones they are.
4 So if they will all come forward to the mike and
5 state their names for the record and begin their
6 presentation.

7 MAYOR KWASNESKI: Good evening. I'm
8 Mayor Rick Kwasneski of the Village of Lemont, and
9 we are going to be making a joint presentation on
10 behalf of the village and the township this
11 evening. First of all, I would like to thank the
12 IEPA for conducting the hearing. Thank you to
13 Director Skinner for going ahead and scheduling
14 this.

15 Also, thank you to all the residents
16 who are here today because I think that's what
17 makes a difference in a community to make sure that
18 your voice is known and to continue on to make sure
19 that you do get written comments in to the IEPA.
20 And we will get information out to everyone on
21 where to write because that's very important as
22 well.

23 Also, a special thanks goes out to
24 Linda Matthews and Amy Kelly for really bringing

1 everyone here tonight. Let's give them a round of
2 applause.

3 (Applause.)

4 MAYOR KWASNESKI: The Village of Lemont
5 and the township has jointly worked together to
6 hire an environmental attorney and also an
7 environmental consultant. I would like to have our
8 environmental attorney come up and say a few words
9 at this point. His name is Mike Maher.

10 Mike.

11 MR. MAHER: My name is Mike Maher.
12 Mr. Hearing Officer, gentlemen from the IEPA,
13 Mr. Mayor, ladies and gentlemen. Hello.

14 I was asked to help the community of
15 Lemont because my background is that of an
16 environmental prosecutor for the Illinois Attorney
17 General's office. I had the pleasure to serve as
18 counsel to the Chairman of the Illinois Pollution
19 Control Board, which is the state agency that if
20 this permit got appealed it gets appealed to the
21 Illinois Pollution Control Board. For ten years I
22 have taught at one of the local Chicago law schools
23 in the environmental law section, and I am the
24 chair of the environmental regulatory group at my

1 law firm. So I'm supposed to know something about
2 what I'm talking about here.

3 Now, one thing I want to make clear
4 for those of you who are not used to this, the
5 bottom line is this: The reason you are having
6 this hearing is the requirements of the
7 Environmental Protection Act and the Illinois
8 Administrative Procedure Act. Because of those
9 requirements, each and every single one of you has
10 a right to offer oral and written testimony and
11 comment. And let me tell you what I mean by that.
12 When I was walking in, there was a lady who was
13 walking past the front desk and someone said to
14 her, "Do you want to fill out one of these forms
15 and offer comment?"

16 She said, "No. I just want to go in
17 and say no." Ma'am, I don't even recognize you in
18 the audience. I am telling you now that your
19 participation is not being recorded if you don't
20 step up and say how you feel about this permit.
21 You need to either offer oral testimony -- And
22 everybody who offers oral testimony needs to submit
23 written comments to Illinois EPA because the
24 requirements of the Administrative Procedure Act

1 are such that the EPA needs to respond to those
2 comments. If you want to participate in the
3 process and you are sitting in the back and you
4 think you are participating in the process, you are
5 not. You need to step up and you need to be heard.
6 You need to make an oral comment, and you need to
7 submit written comments.

8 Now, the reason why I was asked by the
9 city to participate was with regard to the permit.
10 That's the reason why we are all here tonight.
11 This draft permit as prepared by Illinois EPA would
12 allow Ganna to emit almost 99 tons of pollutants
13 into the air in one year's time. 60 tons of carbon
14 monoxide, 12 tons of nitrogen oxides, a ton a month
15 of particulate matter, some volatile organic
16 materials of a ton a month, and over a ton of
17 sulfur dioxide. The bottom line is that this
18 facility will cause air impacts on people who are
19 downwind.

20 And if you look all the way to my left
21 here, your right, there is a map down here that
22 identifies the Ganna facility and identifies the
23 prevailing winds. And when you look at those I
24 believe they are blue-colored dots, you will see

1 that those are schools, that's a hospital, that's
2 an old folks home. Those are facilities of
3 individuals who are what are deemed particularly
4 susceptible members of the population who are
5 within a mile and a half of this facility.

6 Now, the bottom line is --

7 (Applause.)

8 MR. MAHER: Special thanks to the Mayor's
9 people who put that together for me.

10 The real question here is whether
11 Ganna's air pollution stream when seen in
12 combination with the existing background levels is
13 injurious to public health or the environment.
14 It's not just the four corners of Ganna's permit
15 application. It is what is the background to begin
16 with, and what is the impact of Ganna in addition
17 to that background.

18 (Applause.)

19 MR. MAHER: I am not making this up. The
20 Illinois Environmental Protection Act defines air
21 pollution as a single source or a source when
22 viewed in combination with other sources will cause
23 an adverse impact on human health and the
24 environment. That's not Mike Maher's language.

1 That is the language in the Environmental
2 Protection Act, and that is the issue that the city
3 is reviewing in terms of Ganna's application.

4 (Applause.)

5 MR. MAHER: Now, based on that criteria,
6 the city since I have been involved has identified
7 and contacted an air engineering firm, has
8 identified a toxicologist and a pulmonologist.
9 What the city is proposing to do is to calculate
10 and determine what is the background levels of air
11 contamination in the downtown and in those
12 residential areas and calculate and identify
13 exactly what is the impact of Ganna within that
14 mile and mile and a half stream of people who can
15 expect to be affected directly and immediately as a
16 result of Ganna's activities.

17 The city has committed to hiring a
18 consultant. The city is committed to the
19 toxicologist. The city is committed to the
20 pulmonologist who will say children, elderly,
21 people who are in hospitals, are deemed a
22 particularly susceptible population and will have
23 significant impacts as a result of a ton a month of
24 air pollutants emitted into that mile and mile and

1 a half area.

2 (Applause.)

3 MR. MAHER: Now, that's the good news. The
4 bad news is this -- And we got some personal good
5 news by Mr. Seltzer's requesting a partial
6 extension of the decision deadline. We are hard at
7 work at this. We are not going to get the study
8 completed, the evaluation done by the toxicologist
9 and the pulmonologist, by the original submission
10 deadline from Illinois EPA of November 12. I have
11 talked to the consultants. I have talked to those
12 folks. We can't get it done before December 15.
13 December 15 is after the date that Mr. Seltzer has
14 just identified as a decision deadline -- or the
15 deadline for submission of written information.

16 Now, since Ganna was kind enough to
17 extend the statutory decision deadline by 30 days,
18 I would ask the hearing officer for an extension of
19 the deadline to submit written comments. If you
20 extended it to December 20, it would still give
21 Illinois EPA over a month to review the comments
22 and would put you in a position where you have the
23 benefit of the evaluation and the study that the
24 city is doing with regard to the background levels

1 and the addition of Ganna's contaminant load within
2 that stream.

3 (Applause.)

4 HEARING OFFICER SELTZER: Counsel, I just
5 spoke with our engineer. And what happens in cases
6 like this is we have to review every comment that
7 comes in. In this case, we are going to get a lot
8 of written comments. And our engineers don't feel
9 that if we extended the time any further it would
10 give them adequate time to review all the comments
11 before they have to make their decision. And they
12 feel that the date we set now as the final comment
13 date is as far as they can go because --

14 (Audience outburst.)

15 HEARING OFFICER SELTZER: -- because they
16 will need the rest of that time in order to make
17 their decision.

18 MR. MAHER: I understand. Now -- One
19 second, please. There is a solution to that,
20 Mr. Seltzer, as you identified earlier. Ganna has
21 within their power the authority to extend the
22 decision deadline by another 30 days. That would
23 allow you the additional time that you need to
24 review the information that we will submit.

1 (Applause.)

2 MR. MAHER: So I guess I would ask Ganna if
3 they would be willing to extend the decision
4 deadline by another 30 days so that the Illinois
5 EPA would have the benefit of the city's background
6 study and evaluation of the contaminant stream.

7 (Discussion outside the record.)

8 MR. MAHER: Counsel is right, the request
9 has to come from the Illinois EPA. So what I would
10 ask you, Mr. Seltzer, if you would request of Ganna
11 that they would extend the decision not by the
12 30 days they have already agreed to but by an
13 additional 30 or a total of 60. That would allow
14 you to be in a position to get the additional data
15 from the evaluation of the study that the city is
16 doing.

17 HEARING OFFICER SELTZER: Well, first of
18 all, it's your request. The request does not have
19 to come from the Agency. The request can come from
20 anybody. You are making the request.

21 (Audience outburst.)

22 HEARING OFFICER SELTZER: Ganna will have
23 to respond if they wish to at this time.

24 MR. MAYNARD: We will take that under

1 advisement. Make no commitment at this time.

2 (Audience outburst.)

3 HEARING OFFICER SELTZER: Folks, what we
4 will do is Ganna will take it under advisement they
5 said. If, in fact, additional time is allowed, we
6 will send out a notice to everybody here.

7 (Audience outburst.)

8 HEARING OFFICER SELTZER: Folks, can I get
9 a word in here. What I was trying to -- What I
10 was saying was if, in fact, Ganna extends the
11 statutory deadline for the Agency we will extend
12 the comment period and send everybody here a notice
13 of that extension.

14 (Audience outburst.)

15 HEARING OFFICER SELTZER: Folks, can we
16 please go on with this hearing.

17 (Audience outburst.)

18 HEARING OFFICER SELTZER: You want to
19 adjourn the hearing?

20 (Audience outburst.)

21 HEARING OFFICER SELTZER: Should we adjourn
22 the hearing and that's it?

23 (Audience outburst.)

24 HEARING OFFICER SELTZER: There is a

1 process, and we are trying to do that process.
2 Now, everybody will have a chance to make comments
3 and speak. But everybody will have a chance.

4 (Audience outburst.)

5 MR. MAHER: Ganna, will you extend the
6 deadline from 30 days to 60 additional days?

7 (Audience outburst.)

8 MR. MAHER: Mr. Hearing Officer, the
9 problem that we have on behalf of the city is the
10 information that we would like to submit won't be
11 done in time to accommodate the submission deadline
12 that you have told us. We want to have a complete
13 record. We want to have all of the necessary
14 information so that the permit analysts can make an
15 evaluation with all of the information.

16 You have told me or you have told all
17 of us that you believe you need 30 additional days.
18 That means as a practical matter our report is not
19 going to be completed, which means the record is
20 not going to be complete. So I ask of you that if
21 Ganna won't extend the decision deadline will you
22 reconsider your determination not to extend the
23 submission deadline at least with regard to the
24 city study so that the city can submit that

1 information?

2 HEARING OFFICER SELTZER: You mean extend
3 the comment period? If we extend the comment
4 period, I am told that we will have an insufficient
5 examination of the record. Is that what you are
6 asking for?

7 MR. MAHER: No, sir, not at all. I guess
8 can you extend the comment period just for
9 submission of the city's study and evaluation but
10 accept all the general comments from the public --

11 (Applause.)

12 HEARING OFFICER SELTZER: When will that
13 be?

14 MR. MAHER: Our consultants are telling us
15 we won't have the data until December 15. We think
16 we can get it in your hands by December 20.

17 (Audience outburst.)

18 HEARING OFFICER SELTZER: I have seen these
19 type of reports, and they are very voluminous. I
20 have no problem with extending the comment period
21 for this one report, but I can't speak for our
22 engineers. If they can't do a thorough review
23 within that time period, they can't do a thorough
24 review.

1 (Audience outburst.)

2 HEARING OFFICER SELTZER: Do you have any
3 knowledge of what's coming in in these reports?

4 MR. MAHER: Yes, sir. It will be an
5 evaluation of the background concentrations for a
6 number of parameters and a determination of
7 the load and the impact from Ganna's permitted
8 discharges and permitted emissions within the area
9 that we have identified on that map over there.
10 It's not complex. It's not voluminous. It's
11 simply going to be background information plus
12 Ganna's addition into the airstream.

13 HEARING OFFICER SELTZER: If that's what it
14 is, and then you are asking for an extension for
15 the -- It's the city's report, is that correct?

16 MR. MAHER: That's correct. The city and
17 the township.

18 HEARING OFFICER SELTZER: The city and
19 township's report until what date?

20 MR. MAHER: Until December 20.

21 HEARING OFFICER SELTZER: Okay. We will
22 grant that.

23 (Applause.)

24 MR. MAHER: That concludes my remarks.

1 Thank you, Mr. Mayor.

2 (Applause.)

3 MR. MAHER: All you folks in the back, you
4 are enjoying yourself being heard verbally. You
5 need to know that what you are saying is not on the
6 record. You need to come down here. You need to
7 fill out one of these forms so that you have a
8 right to testify so that your comments, whether
9 they be positive or negative in this matter, are
10 part of the administrative record and become part
11 of law eventually, however this gets decided.
12 Thank you very much.

13 (Applause.)

14 HEARING OFFICER SELTZER: Do you have more
15 elected officials who are going to come forward?

16 MAYOR KWASNESKI: Yes. Yes. Just to kind
17 of go through some of my summary. And I don't know
18 if anybody feels any more comfortable after seeing
19 the Ganna video or not, it didn't make me feel more
20 comfortable.

21 Earlier this year the village board
22 formally adopted a vision statement or a mission
23 statement. A general mission statement tries to
24 encapsulate the vision and focus on the

1 organization. Our vision statement or mission
2 statement is as follows: The Village of Lemont is
3 dedicated to promoting and preserving the character
4 of our community and ensuring a high quality of
5 life through professional public service provided
6 in a friendly, consistent and fiscally responsible
7 manner, emphasizing the best interest of the
8 community as a whole.

9 I believe and the current board and
10 previous boards would probably agree that a new
11 proposed asphalt plant threatens the ability as us
12 as community leaders to fulfill the mission for our
13 residents and our community.

14 (Applause.)

15 MAYOR KWASNESKI: Although, this facility
16 is not in the corporate limits of Lemont, we
17 believe we are one from the standpoint of the
18 township and the village residents. The Village of
19 Lemont is dedicated to promoting and preserving the
20 character of our community. Our historic downtown
21 is a tourist destination. To preserve its historic
22 heritage, the village has committed many resources.
23 We are in the process of revitalizing our downtown
24 area. Lemont has undertaken projects to improve

1 the historic downtown area as well. Revitalization
2 of the downtown is exemplified by the success of
3 the quaint shops and restaurants with sidewalk
4 cafes that have chosen Lemont to be their location.
5 I can't imagine an additional amount of trucks
6 going through downtown Lemont when you are sitting
7 there having a cappuccino.

8 (Applause.)

9 MAYOR KWASNESKI: Lemont is one of the
10 communities within the I & M Canal National
11 Heritage Corridor. This facility is going to be
12 located within 1,000 feet of that National Heritage
13 Corridor. Our board is considering and it's
14 actually coming up in the next meeting in
15 establishing a historic district. We take great
16 pride in the history of Lemont. Lemont continues
17 to successfully bring tourism to Lemont. We
18 believe that another asphalt plant and additional
19 truck traffic will not allow us to continue to do
20 that.

21 The village is actively and
22 aggressively participating in downtown
23 revitalization as we said. We have already
24 expended over \$1 million in refurbishing our

1 village hall, \$3.5 million in the reconstruction
2 and streetscape of Main Street, a million two in
3 reconstruction of the streetscape and also the
4 streets and roads on Canal Street, \$100,000 to
5 purchase a vacant parcel in order to get that back
6 on the tax rolls and productive, and over the past
7 five years have extended over \$100,000 in grants to
8 local property owners and business owners in the
9 downtown. And that doesn't even include the
10 private investment of all of our downtown
11 businesses, who are trying to do their very best.
12 And I don't believe that this would really help
13 them in their efforts.

14 (Applause.)

15 MAYOR KWASNESKI: The Village of Lemont is
16 dedicated to ensuring a high quality of life.
17 There is a reason why so many people are here
18 tonight, because the people of Lemont have great
19 pride and high expectations for their community.
20 As the home of the Advil Western Open, filming
21 sites of numerous motion pictures and films, Lemont
22 has a presence that reaches beyond our hilly and
23 tree-lined streets. Lemont has diverse
24 neighborhoods with distinctive character and a high

1 quality of life. Why do people want to move here?
2 Simply because it's a great place to raise a
3 family. And, obviously, you see that by the people
4 here tonight.

5 (Applause.).

6 MAYOR KWASNESKI: Recreational
7 opportunities in the valley are plentiful with
8 literally thousands of acres of adjacent forest
9 preserve, wildlife areas, golf courses, bike
10 trails, and local parks. The village has sought
11 and will continue to try to provide recreational
12 opportunities in the historic I & M Canal Corridor,
13 the I & M Canal Recreational Trail, three miles of
14 bike path along scenic waterway. It just so
15 happens that this is located very close to the
16 proposed Ganna plant. We are in the process of
17 siting numerous businesses that are along the
18 I & M Canal to clean that area up.

19 General Fry's Landing, the historic
20 downtown location that now serves as a site for
21 many special events, outdoor concerts and
22 festivals, our local farmers market and is a
23 general community meeting place, is just downwind
24 from this facility. Lemont is proud of its

1 excellent schools, some as close as one mile to the
2 proposed plant. And our public library also is
3 within a one mile. Part of maintaining and raising
4 our high quality of life is providing a
5 professional public service. Our organization has
6 worked with a number of agencies to stress a desire
7 to maintain and raise the quality of life in our
8 community. We are currently working with
9 governmental agencies such as Lemont Township, the
10 MWRD, Cook County, and the IEPA, to ensure our
11 vision of this area -- that this area is
12 communicating.

13 We have been engaged with Cook County
14 and MWRD to downzone the Des Plaines River Valley
15 that will be consistent with our vision, one of
16 limited industrial uses and more of residential and
17 recreational uses. To date, these discussions have
18 gone well. They will continue. I hope the EPA
19 will assist us in helping in this process. The
20 village has recently been awarded a grant in the
21 sum of \$200,000 for a phase 2 study from the
22 Illinois EPA to analyze the remediation plan for
23 the MWRD property formerly known as the Tri-Central
24 Marine Terminal. If you remember the white tank

1 farm that turn rusted, we worked with the MWRD, got
2 those tanks torn down. Now we are in the process
3 of going through an environmental cleanup on it,
4 and this site is not more than a quarter mile west
5 of it. I don't think that fits what we want to
6 have in that area.

7 (Applause.)

8 MAYOR KWASNESKI: Lemont has worked with
9 Cook County to provide, develop, promote senior
10 housing -- the new Lemont senior housing
11 development within downtown. This site is within
12 1.25 miles downwind of this facility. We again
13 don't think this would be good for the senior
14 citizens that are moving into those new homes.

15 (Applause.).

16 MAYOR KWASNESKI: Just to kind of conclude,
17 I think a couple of questions. I think the
18 decision that you have before you, the Illinois
19 EPA, is really to decide whether or not the
20 approving of these permits meets your mission of
21 safeguarding the environmental quality consistent
22 with the social and economic needs of the state as
23 to protect, health, welfare, property, and quality
24 of life, which is actually your mission statement.

1 As it stands right now, I see no
2 alternative for the IEPA other than to deny this
3 permit. There are many issues that still need to
4 be addressed at various levels, which don't include
5 environmental issues, particularly ones with the
6 county. Prior to making your decision, I would ask
7 you respond to the following questions to the
8 village: Does this application address expected
9 noise levels to be generated at both the plant
10 site, with respect to the residential zoning
11 directly south of the proposed plant, and in
12 particular in relative location in respect to the
13 National Heritage Corridor. Naturally, any noise
14 pollution study would include all aspects of the
15 proposed plant to include all plant operations
16 incoming and outgoing trucks delivering raw
17 materials as well as offloading asphalt and any
18 other equipment and any alarms.

19 The second question would be does the
20 applicant -- Does the application address what
21 odor mitigation plan, if any, the developers have
22 proposed for their asphalt plant?

23 Does the application address if the
24 residents and users in our I & M Canal trail being

1 immediately impacted by these odors resulting from
2 the production of asphalt?

3 Does the draft permit -- The draft
4 permit states that potential asphalt production
5 could be 220,000 tons. And I realize some of that
6 might have changed. I'm not a technical person,
7 but this equates to 20,000 semi loads per month of
8 raw and finished material. Now, we have heard that
9 it is going to be barged in and offloaded. The
10 site is about four acres. We don't have a site
11 plan. We have got a drawing. I'm not sure what
12 Cook County has. These are all the answers that
13 are still unknowns. And I think before the IEPA
14 should issue a permit, I think they should look at
15 whether or not the asphalt plant could actually be
16 in production on a four-acre site.

17 Does the application address the
18 traffic impacts? Again, I think they said that,
19 obviously, these trucks are going to be going west
20 on New Avenue. But, you know what, I'd believe
21 that after I've seen it.

22 (Applause.)

23 MAYOR KWASNESKI: The next point is does
24 the application address the mobile sources of

1 pollution, obviously from the heavy truck traffic
2 and from the additional industrial users that are
3 along in this area. I would strongly urge the IEPA
4 to extend the deadline to the submission date to
5 the 20th, and I gratefully acknowledge you doing
6 that today. We definitely appreciate that.

7 If objectives are to produce sound
8 environmental decisions that are conducive to
9 environmental progress and to strengthen the
10 governmental framework of environmental protection
11 in Illinois, then your answer regarding this permit
12 is an easy decision. That's no.

13 (Applause.)

14 MAYOR KWASNESKI: At this point I would
15 like to introduce our Lemont Township Supervisor,
16 Mr. Robert Porter.

17 MR. PORTER: It's always interesting
18 following an expert in law and the mayor because
19 everything gets chewed up very quickly. I would
20 like to point out that the gentlemen to my right
21 are not necessarily the bad guys. They are here
22 from the IEPA as a hearing process. And they are
23 part of the group that makes the decision process.
24 So please in your venting, obviously, remember,

1 these people are not here for gain or profit. They
2 are here to do underneath some very tough
3 regulations, and we salute you here for the work
4 you are doing here tonight.

5 HEARING OFFICER SELTZER: Thank you.

6 (Applause.)

7 MR. PORTER: As the mayor indicated, the
8 township and the village have been working closely
9 to try and get this issue to a point that is
10 acceptable to all of us and maybe it's not in
11 acceptance and, of course, in the best interest of
12 Ganna. However, this is a complicated issue with a
13 lot of sophisticated facts and data. I'm the first
14 to say that I know a lot about swimming pools, but
15 I don't know anything about particulate matter to
16 any great degree.

17 But I do know about the people in this
18 town. I do know that we have residents living
19 within 1,000 feet of this proposed plant. These
20 are for the most part elderly residents who ask
21 nothing but to live their days out and join their
22 maker in their homes they are at, and I think we
23 should try our best to provide that for those
24 people.

1 (Applause.)

2 MR. PORTER: I echo the Mayor's comment.
3 When I see the trucks, I will believe it. But even
4 if we have the barge industry supplying the
5 aggregate, that's assuming that they have a loading
6 privilege on that dock line -- And I'm not sure
7 that that is an exact fact. So if we don't load
8 from the barge or something fails, the aggregate,
9 the supply, will have to come from other sources,
10 which is not airborne dropped. Parachutes don't
11 work. It's going to be trucks and flumes and dust
12 coming through town.

13 The last issue that I really want to
14 push is this is a complicated issue. We are
15 going -- We have hired and we think we have hired
16 some very good people to represent Lemont and get
17 the facts and make sure the EPA can make the best
18 decision possible with the facts, ma'am, and just
19 the facts. But one of the seniors up at the
20 township lunch program probably described it the
21 easiest for me yesterday. And he came up and said,
22 "Bob, I don't understand this particulate matter"
23 because I was trying to explain this to some of
24 them.

1 And I said, "Well, maybe I don't
2 either totally."

3 He says, "But let me see if I can
4 guess because I have the old math at Old Central"
5 he was talking about. He said, "If I have 65 tons
6 of flume dust coming out somewhere that they are
7 allowed to release," -- and we have heard tonight
8 that can even be larger -- he says, "that's 130,000
9 pounds. Right, Bob?"

10 I said, "Yeah. 2,000 pounds a ton,
11 that kind of works out."

12 He says, "My Ford Taurus weighs 3300
13 pounds. Does that mean that we have 48 Ford
14 Tauruses flying out and landing on houses in
15 Lemont?"

16 (Applause.)

17 MR. PORTER: So I don't have an answer for
18 him because you equivocate that in tonnage and
19 pounds, I guess we are going to get a lot of Fords
20 coming down. Hopefully, they won't have wilderness
21 tires on them.

22 But as I said, I'm wrapping up. We
23 have experts that will help the EPA try to reach
24 this decision. The Lemont Township board again

1 last night, second, if not third, time reinstated
2 by motion that we are totally opposed to this
3 Ganna, not-for-profit, not-for-gain, but for the
4 quality of life of the residents of our community.

5 (Applause.)

6 MR. PORTER: And we are asking that the
7 IEPA, and the Governor's office, and all the state
8 officials, that we are asking the human factor be
9 the prime consideration here; that the quality of
10 life of our residents is most important in our
11 opinion. And the approval of this permit brings
12 negative impact to our community. And as it's been
13 said by some little guy about three feet tall, it's
14 time to say enough. Thank you.

15 Mr. Mayor.

16 (Applause.)

17 MAYOR KWASNESKI: Next I would like to
18 introduce our State Representative Jim Meyer.

19 MR. MEYER: Hello, Lemont. Thank you,
20 Mayor, for the introduction.

21 What I would like to do to start off
22 is to kind of put in perspective how I have been
23 involved with it. And I'm also speaking for
24 Senator Kirk Dillard who couldn't be here this

1 evening to join us but is very interested in this
2 issue. And Kirk and I have spent time discussing
3 it. We have had a joint effort in approaching the
4 state and requesting this hearing. And,
5 fortunately, we have been successful. What I would
6 like to do is to read you a couple of letters that
7 I have here and as a part of my testimony and then
8 go on from there.

9 On April 19, I was contacted in my
10 office by constituents from Lemont, several of
11 them. And they asked that my office be involved in
12 this issue. And I right away said I would be.
13 Because I believe that the quality of life in
14 Lemont is extremely high, and we have an obligation
15 not to do anything to damage that quality of life.
16 And so that day, April 19, I wrote a letter to
17 Mr. Thomas Skinner, Director of the Environmental
18 Protection Agency. "The purpose of this letter is
19 to request on behalf of my constituents in Lemont
20 that the Illinois Environmental Protection Agency
21 conduct a comprehensive hearing prior to issuing
22 the construction permit to build an asphalt
23 production plant in Lemont as requested by Ganna
24 Construction.

1 "My office has received a number of
2 requests from Lemont residents that this hearing be
3 held. In addition to any other issues, I am
4 requesting an IEPA hearing address the following
5 specific issues: No. 1, the effect of noise
6 pollution on the existing residential and business
7 environment. No. 2, the potential impact of plant
8 emissions on clean air standards. No. 3, the
9 potential impact of dust emissions caused by
10 additional heavy-weight truck traffic on Lemont
11 streets and roads due to the high usage of this
12 plant. No. 4, the aesthetic impact of this
13 proposed plant construction on the historic
14 downtown Lemont business district. Ensuring the
15 public's life safety and protecting the property
16 values of Lemont must be given priority."

17 And in response to that, I received a
18 letter from Director Skinner and portions of it
19 read as follows: "This letter responds to your
20 request for a discretionary hearing relative to the
21 construction of an asphalt plant proposed by Ganna
22 Construction in December of 1999. Generally public
23 hearings are not required prior to rendering
24 permitting decisions on matters such as these.

1 Notwithstanding, it is within the Illinois EPA's
2 discretion to conduct a hearing.

3 "Given the significant public interest
4 of the proposed location and activity, I have
5 decided to hold a public hearing prior to any final
6 action on the construction permit application.
7 This hearing will afford interested persons an
8 opportunity to comment on and inquire into the
9 pending permit application and Illinois EPA's
10 proposed permitting decision.

11 "The Illinois EPA will provide the
12 public advance general notice of the time and
13 location of the hearing. As a public official, the
14 Illinois EPA also will provide your office with
15 personal notice on the time and location of the
16 hearing.

17 "As a final note, the public concern
18 in this matter as recently expressed to the
19 Illinois EPA may in part relate to issues such as
20 zoning, over which the Illinois EPA has no
21 jurisdiction and cannot be considered in rendering
22 Agency decisions. As such, I encourage you to
23 address these concerns on a local basis."

24 Well, I understand that point. But at

1 the same time I firmly believe that we should be
2 involved with the zoning issues. And it was my
3 pleasure to along with the mayor and community
4 residents appear before the Chicago -- the Cook
5 County Zoning Board of Appeals earlier this year at
6 which time we discussed some of the zoning issues.
7 I do believe that everything must be looked at from
8 time to time and in a new light, not just because
9 zoning was given 20 or 30 or even 50 or 60 years
10 ago, it doesn't necessarily hold true now.

11 (Applause.)

12 MR. MEYER: Similarly, I also believe and
13 would express my belief to the hearing committee
14 tonight that we cannot look at one specific point
15 in time. We cannot look at one specific piece of
16 ground. We cannot look at one specific development
17 or a facility that will produce asphalt as standing
18 alone because it doesn't.

19 (Applause.)

20 MR. MEYER: There are other people
21 here. There are other people already here. There
22 are other emissions. There is other traffic.
23 There are life safety issues with residents here.
24 All of these things have to be considered. And so

1 I very much believe that we need to look at the
2 noise pollution and how it exists, existing
3 residential and our business district. Because
4 people have to have a quality of life, and that
5 quality of life is just as measurable as anything
6 that you pump into the air. And I would --

7 (Applause.)

8 MR. MEYER: And I believe that noise
9 pollution is just as -- just as bad on the human
10 body as other things are that you breathe.

11 I also believe that when we do that
12 noise study that we need to take into account the
13 noise of the physical plant, the hours of
14 operation. You know, the state issues that permit,
15 but it doesn't put a stop on the hours of the
16 operation. And so what is being decided here
17 through this hearing process could actually end up
18 having a greater impact than what we might normally
19 assess. Because if that plant is operating at 6:00
20 in the morning or at 10:30 at night, that is
21 impacting on the quality of life here. It's
22 impacting on families. It's impacting on the kids
23 that are going to go to school, people that have to
24 get up in the morning to go to work, to raise an

1 income to support their family. All those things
2 need to be considered. And unfortunately, the IEPA
3 cannot state what hours of operation they would be.

4 A number of things go into the
5 operation of that plant besides just the sound that
6 the machine there makes. We also have all the
7 sound that the truck traffic makes, the barge, if
8 that's what they are going to use, all the
9 equipment associated with it. Whenever trucks back
10 up now they have these beepers. Well, at 2:00 in
11 the morning I don't think that anybody wants to be
12 woken up by beep, beep, beep as a truck backs up.

13 (Applause.)

14 MR. MEYER: I heard this evening that Ganna
15 has the manufacturer's guarantee that the emissions
16 that are produced by this plant will be a quarter
17 of what the state allows. But my question is that
18 even if it is a quarter what happens if over the
19 course of time the plant wears and that facility
20 gains age and now all of a sudden we are pushing up
21 towards the upper acceptable limits, because that
22 will have an impact on the environment, too. And
23 that upper acceptable limit will be part of the
24 concentration of all the different parcels of land

1 and what they are producing, too.

2 (Applause.)

3 MR. MEYER: We talked a little bit about
4 the smell coming from a plant. Well, any facility
5 has some type of odor that it emits. We have good
6 odors such as good restaurants in our community
7 here. They emit things that make you hungry. But
8 just upwind from that or just downwind we don't
9 need to have this plant spewing out tar smelling
10 things and coming up into our business district
11 where we are trying to run businesses that cater to
12 people having dinners and things.

13 HEARING OFFICER SELTZER: Excuse me one
14 minute.

15 Sir, we can't hear at the front table.
16 If you could --

17 (Discussion outside the record.)

18 MR. MEYER: I would be more than willing to
19 yield the mike to this gentleman and let him talk
20 for a few minutes.

21 (Applause.)

22 MR. BRKOVIC: The name is Anthony Brkovic.
23 I live on Bluff Road and lived here for about 40
24 years.

1 (Discussion outside the record.)

2 MR. BRKOVIC: I came to this town 40 years
3 ago. Within six months, at the time I thought I
4 had planted myself in, well, hell, because I
5 remember this town back from 1922 when I was a kid
6 here. And I was christened in this town and made
7 my communion. But that's no matter here. Within
8 that time, there was an Arcold Midwest Corporation,
9 the largest road building contracting firm in the
10 State of Illinois. They not only operated for
11 their own purpose, they had every other contractor
12 in the state under their thumb. It was a
13 despicable arrangement, and they paid for it later.

14 But nevertheless, within six months,
15 they had presented a petition to the village board
16 after buying 60 acres of ground just the other side
17 of the canal that they were going to open up and
18 make a stone quarry there, 60 acres, 100 feet deep.
19 This was to be the promised land for the people of
20 Lemont. You couldn't even get into the village
21 from Ogden Avenue under that guise.

22 Well, anyway, the case went to court.
23 It had to go to court. We found -- Well, the Cook
24 County people were the first ones to take this

1 under their litigation or consideration or
2 whatever.

3 I don't know if I handle this thing
4 right. I forget that I have it in my hand.

5 But nevertheless, they were the first
6 to pass on a question such as this because the
7 Village of Lemont said no soap, they didn't want
8 that. All right. Now, there is 30 -- 13 people on
9 the county board and the president including -- I
10 forgot his name, 14 people that had to pass
11 judgment on this. We had a devil of a time with
12 them. We flooded them with letters for months till
13 finally after several months, the chairman says,
14 "Tony, we get the message. We understand what you
15 mean. We are opposing the quarry."

16 But remember now, you got to go to
17 the -- What is that, the chancelor? Well, there
18 is another minor court before the circuit court.
19 They went through that court, that was just a day's
20 work or two. And then it went to the circuit
21 court. Now -- Sometimes I forget the names. I
22 have a heck of a time. When you get to be 92, you
23 will have trouble with memory.

24 (Applause.)

1 MR. BRKOVIC: Sometimes I will have to
2 check a note here. Let's see. Oh, yeah. Circuit
3 Court Senior Judge Charles Dougherty was our
4 jurist. Well, I don't know how many trips we made
5 to that court back and forth, back and forth. No,
6 not today, not today. No. We can't handle it
7 today. And we -- I don't know. We were getting
8 tired. We couldn't give up on that. 100-foot hole
9 in this area down at ground level, that's starting
10 with a hole. Where their property is located was
11 the lowest part of this entire area.

12 Now, you have got the water tanks up
13 on top of the hill. That water comes from way down
14 here. And then dig a hole 100 feet deep, and maybe
15 you even run out of water. We couldn't stand it.
16 We were all individuals living along there. We
17 couldn't stand this. We had to defeat this case.

18 Well, to make a long story short, in
19 June 1965, I think, I may not have the date
20 exactly, but I will tell you, we had an ace in the
21 hole, all of us. Because during that time I
22 cooperated with the newspaper editor in town. He
23 was writing for the Chicago Sun-Times. The Sun-
24 Times was writing our newspaper in Chicago and

1 delivering it here. And for 20 years he done a
2 whale of a job.

3 But we -- After this case was over,
4 we were given all these -- I don't know what you
5 call them. They were microscope copies of which
6 the newspaper is printed. We got the whole case
7 and got that locked up. I hope it's still locked
8 up. Because we can prove every case we cite. So
9 if this case has to go to court again or whatever,
10 we have newspaper copy right there, and it can be
11 ticked off within two days.

12 So this is what the court order read,
13 that in this town they should not -- I can't cite
14 it all because it was quite a copy, and I didn't
15 get to see it, although I was one of the litigants.
16 I represented the Tri-county Property Owners
17 Association. Three counties were under my wing or
18 whatever plus the Village of Lemont.

19 MALE VOICE: Let's do it again.

20 (Applause.)

21 MR. BRKOVIC: If we have to go to court as
22 I say, this can be backed up copy. And these
23 gentlemen and anyone else will have difficulty
24 disproving anything.

1 So, let's see, where do I go from
2 here.

3 (Applause.)

4 MR. BRKOVIC: What I was going to say is
5 that the case -- that case when we got the word
6 from Chicago, it opened up the town. We had a ball
7 here in town, and like lots of eats around the
8 establishments. We had a joyful town anyhow. But
9 this was a big deal. If that quarry hole opened
10 right up there at the foot of the village, you
11 would have no village. It's just no possibility of
12 it. Even a road would be disestablished.

13 But, okay, now, wait. There is a lot
14 more to say, but I can't catch up with it.

15 AUDIENCE: Thank you.

16 MR. BRKOVIC: See, sometimes your mind
17 plays dirty tricks on you, and you can't even tell
18 what you said last. But in that court order from
19 what, as it was interpreted, not in complete form,
20 but merely snaps or whatever this is that in this
21 town they will have no more blasting, no more stone
22 quarrying, no more rock crushing. That's similar
23 to what they have now. But at that time we also
24 had an asphalt plant.

1 HEARING OFFICER SELTZER: Sir, there is a
2 whole bunch of other people that would like to
3 talk. Can we let them talk?

4 (Applause.)

5 MR. BRKOVIC: I see. I should have this
6 thing wired to my neck. All right. Where was I?
7 We were at that time prevented according to this
8 order, this is all I can tell you because I don't
9 know the gist of it. But what they said, no more
10 quarrying, no more drilling.

11 (Audience outburst.)

12 MR. BRKOVIC: Consideration for our water
13 problem. The village at that time was having a
14 problem. They were drilling second wells, and the
15 people who are north of Lemont were starting a
16 community. I forget the name of that little
17 community back there. And they were already
18 drilling second wells. The water table was going
19 down. And then you are going to have this hole
20 opened up.

21 (Discussion outside the record.)

22 (Applause.)

23 MR. BRKOVIC: There is a lot more to be
24 said.

1 (Applause.)

2 MR. MEYER: I remember the first thing that
3 I ever was able to do in government was to sit on
4 the plan commission over in Bolingbrook in 1982.
5 And we had a gentleman that had been a long-time
6 resident of the Bolingbrook area that would come
7 before our planning commission. You always wanted
8 to listen to him because down deep there was a
9 message. And I believe that the message here is
10 the fact that when there is something that is going
11 on, the development isn't going to be good for the
12 community, the community has to make sure that you
13 get your voice heard. And that's what this is all
14 about tonight.

15 (Applause.)

16 MR. MEYER: Now, we have talked about the
17 potential impact of dust emissions caused by the
18 heavy traffic of these trucks. And I understand
19 that a snapshot picture says that we are going to
20 bring in barges with the incoming mix for the
21 plant, and we are only going to truck out that
22 which we have already -- that we produced through
23 that asphalt plant. But that's only a snapshot.
24 Because what your decision is going to impact on is

1 what happens after we don't bring in things with
2 the barge, and now we just bring it in by truck.
3 If we get a better -- a better price for the stone
4 that they use at that plant somewhere else in
5 another quarry that doesn't have the barge to
6 access it, well, it's going to come in by truck.
7 So I believe that that has to be taken into
8 consideration also. We talked about the number of
9 trucks that will actually use our streets here in
10 Lemont.

11 Another issue is the extension of 355.
12 And we sorely need that already. We can't afford
13 to put more truck traffic on the streets of Lemont
14 and still have --

15 (Applause.)

16 MR. MEYER: -- and still be able to go from
17 one side of the town to the other in less than a
18 half an hour. And sometimes because of the extreme
19 amount of traffic that comes up through Homer
20 Township and up through State Street, already we
21 are backed up for half an hour, 45 minutes.

22 (Applause.)

23 MR. MEYER: That 220,000 tons per month or
24 about 20,000 semi trucks full, that's roughly --

1 That's over 600 trucks a day during the normal work
2 month. And even if you have that, that's 300
3 trucks. And where will -- What will they use?
4 They will use the bridge going north of here that
5 exists now through State Street.

6 (Applause.)

7 MR. MEYER: So I submit to you that this
8 impact, this truck traffic, is going to be
9 significant in eroding of lifestyles here in
10 Lemont. The aesthetic impact on the proposed plant
11 construction, yes, we can look across the river --
12 across the canal today and say there is some trees
13 there, bushes, whatever. But if you saw in the
14 pictures that we saw tonight, those stacks stay
15 up -- stand up in the air. They are over the
16 trees.

17 (Applause.)

18 MR. MEYER: Well, I also would like to say
19 that in your deliberations I believe you not only
20 have to look at the immediate impact but also have
21 to project it out into the future. Because what
22 you decide is going to affect this community for
23 the next 10, 20, 30 years or more. And to me
24 that's a gigantic impact. And it's a terrible

1 responsibility that you have I understand. But it
2 is your responsibility to look out and determine
3 what, how you are impacting the community, what is
4 best in this case.

5 It's nice to talk about the
6 state-of-the-art. We have over the decades talked
7 about state-of-the-art things. We once had a boat
8 that was state-of-the-art. It sailed from England
9 to just off the coast of Nova Scotia. It's called
10 the Titanic. Well --

11 (Applause.)

12 MR. MEYER: I just don't want to see this
13 be the Titanic for my district. And all I can say
14 to you is "Not here, not now."

15 (Applause.)

16 MAYOR KWASNESKI: We have got a couple
17 more, and then we are done. So then all of you
18 can, obviously, have an opportunity. Just the Cook
19 County Commissioner is here, Herb Schumann. And I
20 think he's just got a couple of words to say. And
21 then I think we will open it up as we go through
22 here. But I think you have heard loud enough
23 tonight that maybe this really isn't about Ganna
24 because, quite frankly, the next one that comes

1 down the road we are going to be saying the same
2 thing. We don't want it. We don't want it here.
3 Go build it somewhere else.

4 MR. SCHUMANN: Thank you, Mayor. It's hard
5 to follow Jim and Tony.

6 HEARING OFFICER SELTZER: Sir, would you
7 state your name.

8 MR. SCHUMANN: My name is Herb Schumann,
9 Cook County Commissioner. I represent Lemont.
10 Tony did bring something up about the zoning
11 process and the county board. And some things have
12 changed since about 40 years ago. One of them is
13 we don't have 13 members. We now have 17. Whether
14 that's good or bad, I'm not going to say. But one
15 thing definitely that has changed for the good is
16 that certainly within the last ten years the way
17 our zoning process works is if there is a zoning
18 case that goes to the county board and there is an
19 objection in place at a local municipality that
20 zoning doesn't go in. That has happened every
21 time.

22 (Applause.)

23 MR. SCHUMANN: Several of those cases have
24 been on dense, dense residential in Lemont. We've

1 worked very closely with Mayor Kwasneski and
2 Mayor Forzley before him on those issues. This is
3 not a zoning case before the county board. And I
4 think that's a flaw that we have in our system that
5 this wasn't a special use and there wasn't a public
6 hearing.

7 There is not anything I can do about
8 that at this point unless it becomes a special use
9 case. But something we can work on is the zoning
10 of the Water Reclamation District property. And we
11 met closely with --

12 (Applause.)

13 MR. SCHUMANN: We've met on numerous
14 occasions with Lemont, with Mayor Kwasneski, his
15 planners. They are working to downzone the rest of
16 that Water Reclamation District property. And it
17 will be downzoned. And that's to be determined --

18 (Applause.)

19 MR. SCHUMANN: And that's something that we
20 will be doing in the next couple months. And you
21 will all be a part of it because there will be
22 public hearings, and you will all get a chance to
23 know what the plan is and how the downzoning
24 process works. So that's the good news. You know,

1 long range, you also need to look at other Water
2 Reclamation District property in the area of the
3 quarries. That's Water Reclamation District
4 property. I think it should be forest preserve
5 district. I think it should be open space.

6 (Applause.)

7 MR. SCHUMANN: But those are all issues
8 that the village and the township have worked on
9 over the years. So I guess my message to the EPA
10 is that if the county board would have had a chance
11 to see this and have this public hearing and we
12 would have had the Village of Lemont have input on
13 it, it would have been voted down.

14 (Applause.)

15 MAYOR KWASNESKI: Just finally if we could
16 just ask Reverend Bergmark to come up, he's the
17 chairman of our environmental commission, and also
18 Jeanette Virgilio, the Chairman of our I & M Canal
19 commission, which are two important commissions to
20 the Village of Lemont. Jeanette.

21 REV. BERGMARK: I think you have my --
22 Reverend Glenn Bergmark. I represent the
23 Environmental Advisory Commission for the Village
24 of Lemont. I'm going to shorten my comments.

1 application. The commission is deeply concerned
2 that the additional outfall of an asphalt plant
3 will only exacerbate an already problematic area.
4 The area in question is southwest of the village.
5 With prevailing winds being south southwest, there
6 is no question as to the recipients of this
7 outfall. The application from Ganna Construction
8 only compounds an already difficult situation
9 environmentally.

10 Further, there are other factors that
11 require the services of air engineers that can
12 project and give pluming estimations as to outfall.
13 Besides this, as you have already heard, there is
14 the question of public health especially as it
15 relates to children as there are schools in the
16 vicinity as well as homes, some of which are less
17 than 1,000 feet from the proposed plant. Does the
18 applicant take these facts into consideration in
19 their application?

20 An additional concern expressed by the
21 commission relates to the soils in the Des Plaines
22 River Valley. A former commissioner compiled a
23 detailed report of the soils found in the Lemont
24 portion of the Valley. The paper addresses the

1 needs for ways and means of preserving and
2 maintaining the soils of the Valley. Further
3 studies should include identification of plant and
4 animal species, determine the hydrological
5 relations within the valley and evaluation of
6 present air and water quality within the valley.
7 It is our contention that any development that can
8 possibly hinder or effect change in this delicate
9 soil plant and animal balance should definitely
10 submit documentation as to the possible results and
11 impact on the valley. Does the applicant take
12 these facts into consideration?

13 In conclusion, the commission
14 respectfully requests the Illinois Environmental
15 Protection Agency to grant the additional time.
16 And we thank them as they have done this. We also
17 ask the Illinois Environmental Protection Agency to
18 take into account and to review the facts presented
19 tonight in relation to the application from the
20 Ganna Construction. Make no mistake, the
21 commission is opposed to the proposed Ganna
22 Construction asphalt application period.

23 (Applause.)

24 REV. BERGMARK: The commission opposes any

1 establish what's the background, as our attorney
2 has said, as our mayor has said, and a lot of our
3 representatives said, let's find out what we are
4 dealing with before we add another emission source.

5 Also, I want to let everybody know
6 that, as Mike Maher had indicated, written comment
7 is extremely important in a hearing of this nature.
8 So I have put together a form letter that just goes
9 over some of the general issues on this permit. I
10 would really appreciate it if people could take
11 this form letter. It has the EPA's address on it.
12 Please submit your comments in writing. I do have
13 some technical issues and questions for the EPA,
14 but because I want more people to get up here and
15 make their comments I'm going to submit them in
16 writing. Thank you.

17 HEARING OFFICER SELTZER: Five-minute
18 break.

19 (Recess taken.)

20 HEARING OFFICER SELTZER: A gentleman
21 requested that two young girls be taken out of
22 order so that they can go home and get to bed so
23 they can go to school tomorrow. Is there any
24 objection?

1 (Applause.)

2 HEARING OFFICER SELTZER: Sarah Forzley.

3 MS. FORZLEY: Hello. My name is Sarah
4 Forzley, and I am very concerned about this asphalt
5 plant coming into my hometown. As a child, I look
6 at it that every time I breathe I will be breathing
7 bad air if this asphalt plant comes in. I went to
8 church on Sunday and I noticed the air coming out
9 of the smoke stacks of Citgo were pure black and
10 gray. Then it came to me that this is what I would
11 be breathing more of if this asphalt plant comes
12 into Lemont.

13 I also live on Timberline Drive, which
14 is less than a quarter mile away from where this
15 asphalt plant would be built. I also understand
16 that this asphalt plant holds many bad things
17 around it including benzene. My mom's friend that
18 lives in Lemont died from leukemia. We don't know
19 if it's the pollution -- We don't know if the
20 pollution is what killed her. But if it was, we
21 don't want to lose anyone else.

22 If we keep adding all of this
23 pollution to the air and keep letting asphalt
24 plants come in, it will be make our air extremely

1 polluted and unsafe. I also found out that Lemont
2 already has the eighth dirtiest air in the State of
3 Illinois, and that is a horrible description of the
4 place I live in already. It sickens me when I
5 smell the fumes that come from New Avenue. And
6 with more of it, I don't know what I would do. I
7 know many people that have asthma, and I don't want
8 anything to happen to them or anyone else because
9 of Ganna Construction that is trying to come into
10 our town. There are already 52 industries that
11 emit pollutants and 19 out of 52 emit various
12 toxins.

13 I am a very concerned child of this
14 town, and I want my thoughts to be heard and cared
15 about even more because I will be living here for
16 at least the rest of my childhood. Enough is
17 enough. Mr. Skinner, and everyone else on the EPA
18 board, as an 11-year-old child, I trust you will
19 make the right choice to keep me, my friends,
20 family, and all citizens of Lemont and surrounding
21 towns, healthy. I really trust that you as the
22 president of the EPA and the whole entire EPA will
23 make the right choice. Thank you for your time.

24 (Applause.)

1 MS. TEEGARDEN: Hi. My name is Emily
2 Teegarden, and I'm one of the thousands of kids in
3 Lemont who cares about what happens to our air. My
4 family and I just moved here to Lemont exactly one
5 year ago on October 8. I have heard that even
6 living here for one year can still affect your
7 health, and I won't let that happen to anyone. I
8 have a mom, a dad, two brothers, ten fish, and a
9 dog named Franky. And we like the community here
10 but not the air. We live on Peiffer Avenue and I
11 go St. Cyril Methodius school, and that is also
12 very close to the industries.

13 I don't want this asphalt plant here
14 because it will do great harm to our air. I
15 breathe in this air every day, and I know what is
16 good for our community, and this is the worst. The
17 best thing the asphalt plant can do is to go far
18 away from here. We don't want it.

19 Now, my family and I are trying to
20 stop this asphalt plant by passing out flyers that
21 give information on what is in our air. We
22 shouldn't have to be doing this. Enough is enough.
23 Lemont will be the eighth dirtiest air in Illinois
24 if this asphalt plant comes. If this keeps going

1 the way it is, we will have the worst air in
2 Illinois. Thank you for listening and for your
3 cooperation.

4 (Applause.)

5 HEARING OFFICER SELTZER: We have quite a
6 few cards to go through. So I would ask you to
7 consider whether or not you want to get up and make
8 any comments or ask questions if your comments and
9 questions have already been addressed, but it's up
10 to you.

11 The next person is Linda Matthews.

12 MS. MATTHEWS: I would like to thank Sarah
13 and Emily and all the other kids who showed up at
14 the sign painting party and the ones who showed up
15 tonight to march and demonstrate and all the
16 parents because we are all here for the same
17 reason, the future of Lemont. And thank you so
18 much everybody for coming out tonight.

19 I am the mother of four small
20 children, ages 7, 5, and 3-year-old twins. And we
21 live in Lemont township. I'm here this evening to
22 talk about children at risk, elders at risk, and
23 ultimately a community at risk. Lemont is already
24 classified as a severe nonattainment area for ozone

1 smog. Ozone is known to cause lung damage and
2 premature death. There is no question about that.
3 And Ganna Construction's asphalt plant will be
4 permitted to add another 90 some tons a year of
5 USEPA-designated criteria pollutants to our already
6 filthy air.

7 A lifetime permit to do so, with 4,000
8 school children a mile and three quarters downwind
9 of the proposed site? I don't think so. When do
10 we reach our limit? Now. Tonight. We will not
11 allow our children to be the lab rats for
12 industrial air pollution. Ganna, you can take your
13 trucks and smog and carcinogens and go back to
14 Itasca. You are not wanted here.

15 (Applause.)

16 MS. MATTHEWS: Tonight we stand together
17 for our children and community. And we say enough
18 is enough. No more will we allow industry's fiscal
19 interests to be prioritized over our children's
20 health. No more will we forsake our children's
21 rights to live and breathe free without fear. No
22 more will we allow the remarkable complacency of
23 the Illinois EPA to dictate how and when we respond
24 to another polluting industry on our very own

1 doorstep.

2 In Lemont, Illinois, tonight profits
3 no longer take precedence over health. Enough
4 truly is enough. Why are we so concerned? Here
5 are a few of the facts: Air pollution makes people
6 sick. Air pollution even kills people. That is an
7 undisputed fact. It's just that simple. But,
8 unfortunately, that's not all. The June 19 cover
9 story in U.S. News & World Report entitled "Kids at
10 Risk" explores the links between neurotoxicants and
11 learning disabilities such as autism, aggression,
12 dyslexia, and attention deficit hyperactivity
13 disorder.

14 Make no mistake about it, Ganna
15 emissions according to their own application will
16 contain neurotoxicants such as lead and mercury.
17 Ganna emissions, 14 hours a day, 6 days a week,
18 during a normal schedule, will contain an
19 incredible 38 different classified hazardous air
20 pollutants at 3 pounds per hour. Don't be soothed
21 by their facts that it meets the Illinois
22 regulations. That doesn't make it safe.

23 Can Ganna guarantee us that their
24 plant will not trigger even one asthma attack or

1 induce one case of childhood cancer?

2 (Applause.)

3 MS. MATTHEWS: Not just literally steam, as
4 Ganna's attorney is quoted as saying in the
5 April 20 issue of the Sun. Literally steam? They
6 insult our intelligence. But more important than
7 that, they underestimate our steadfast commitment
8 to be the guardians of our children's future, the
9 protector of our children's health.

10 Know this with absolutely certainty,
11 Ganna Construction, you are not wanted here. And
12 if by some act of lousy government by our elected
13 officials or the IEPA that you are granted a
14 permit, know the following to be true: We will dog
15 your trail and watch your every step. We will use
16 the courts at the drop of a hat to maintain our
17 right to a healthful life.

18 Tonight I announce the formation of
19 Lemont Environmental Defense Fund. And if we smell
20 your fumes, we will sue. If we see your dust in
21 our yard, we will sue.

22 (Applause.)

23 MS. MATTHEWS: Not in any abuse of process,
24 but in a sincere attempt to safeguard the health of

1 those most vulnerable, those too young and too old
2 or too weak for their voices to be heard at this
3 critical moment. Tonight we speak for them when we
4 say enough is enough. And tonight we speak for
5 them when we ask the Illinois EPA to deny the
6 permit. Thank you.

7 (Applause.)

8 HEARING OFFICER SELTZER: Dr. Andrew
9 Belavic.

10 DR. BELAVIC: I'm here today to talk a
11 little bit about the fact that I do live in the
12 community, and I do have a letter with me from a
13 fellow physician who lives just on the other side
14 of the river. His children school in Lemont, he
15 parishes in Lemont, he lives in the Lemont
16 community. He writes from Rush University
17 Department of Pulmonary Medicine, Assistant
18 Professor, Director of Medical Intensive Care Unit,
19 and Director of Respiratory Therapy.

20 He states, The oxides of nitrogen,
21 sulfur and carbon, in addition to ozone which is
22 produced, are well-known precipitants of
23 exacerbations of asthma, chronic bronchitis, and
24 emphysema, which the elderly and young children

1 suffer from. When the air is heavy and before any
2 air quality warnings, I can be guaranteed that a
3 number of my patients will be having breathing
4 problems. While the Ganna plant may introduce only
5 small amounts well within the EPA limits, these
6 additional contributions can be detrimental to his
7 patients. The local geography of the Des Plaines
8 River helps to retain and concentrate these
9 emissions on calm and humid days making an already
10 bad situation worse.

11 The particulate matter, which is two
12 to five microns in size, can be inhaled and
13 deposited in the periphery of the lungs, very
14 similar to asbestos and silica. If at all, it may
15 never been removed. It causes scarring, fibrosis,
16 and respiratory failure leading to death.

17 The organic hazardous emissions from a
18 drum mixing asphalt plant are particularly
19 worrisome as they are known as carcinogens, cancer-
20 causing compounds. In addition to having these
21 toxic effects, Mr. David Gurka also has worked
22 personally with most of these polycyclic aromatic
23 hydrocarbons, which is well-known to cause liver
24 toxicity and failure. Thus, please don't allow

1 more of those medically hazardous waste products in
2 our area. We are looking to the EPA board to make
3 a decision and be a leader in this. We are asking
4 you to consider the total impact on the community.

5 There is a saying in medicine when you
6 have to make a decision on how to treat a patient.
7 They say, "Treat them as they are your own mother."
8 Well, we are going to ask the board here to treat
9 this decision as if you were a resident of Lemont.

10 (Applause.)

11 MR. BELAVIC: I only have one other comment
12 here for the record is the attorney for the EPA at
13 the beginning of the meeting asked for all Ganna
14 representatives that are here today to stand up and
15 become part of the record. There were many more
16 sitting here than came up and put themselves on the
17 record.

18 (Applause.)

19 HEARING OFFICER SELTZER: Chris Yadron.

20 MR. YADRON: Good evening. My name is
21 Chris Yadron. I'm here tonight as a resident of
22 this community, a very concerned resident, the
23 father of two small children. I have a
24 six-year-old son and a five-year-old daughter both

1 at Oakwood School. And I also happen to be a
2 pastor of one of the churches, Faith Community
3 Church, a local church here in this community.

4 My reason for speaking tonight is to,
5 one, address the issue of the health concerns in
6 our community related to the pollution from
7 industry such as Ganna Asphalt and other similar
8 types of heavy polluting industry. As a result of
9 this speech and the speeches of many others here
10 tonight, we hope that the IEPA will severely
11 restrict the ability of these polluting industries
12 to operate in or nearby our community.

13 I think that no matter what side of
14 the issue you stand on, whether you are from Ganna
15 asphalt or the IEPA or as a resident, I would hope
16 that we could all agree on the importance and the
17 value of public health and especially the health of
18 our children, whether it's in this community or in
19 any other community. I would like to share with
20 you some facts related to the current status of
21 children's health in our country.

22 It's a fact that asthma attacks among
23 children have more than doubled in the last decade.
24 Asthma-related deaths are also rising. And asthma

1 is also the most common cause of hospitalization of
2 children in America today. According to the cover
3 story in the U.S. News & World Report of June 19th
4 of this year, Linda Matthew's referred to it
5 earlier, the article said that there is new
6 evidence which points to a link between
7 environmental poisons and learning disabilities.
8 Children are particularly vulnerable to toxic
9 chemicals. The fact is we take a breath about once
10 every four seconds or 906 times an hour. We
11 breathe almost 8.5 or 8.5 million times during the
12 course of a year.

13 According to the American Academy of
14 Pediatrics, children are at greater risk to develop
15 environmentally triggered diseases such as cancer
16 because of their vigorous outside play and because
17 their respiratory systems are still in development.
18 Who is protecting our children? The key to
19 protecting our children is prevention. In 1997,
20 President Clinton issued an executive order on
21 children's health and safety requiring federal
22 agencies to include children -- I quote, "children
23 and their unique susceptibilities and standard-
24 setting procedures."

1 Does the Illinois EPA consider
2 children and their unique vulnerability when
3 signing additional air permits for an already
4 heavily polluted town such as Lemont? The
5 hazardous substance known as benzene that will be
6 emitted from Ganna's operation has been classified
7 by the EPA as a known human carcinogen. The
8 increased incidence of leukemia has been linked to
9 benzene as are adverse effects to fetuses, low-
10 birth weights in babies, delayed bone formation,
11 and bone marrow damage. Benzopyrene, another
12 chemical emitted by this type of heavy industry,
13 has been rated as more hazardous than most
14 chemicals in nine out of ten ranking systems. It
15 is in the worst ten percent of chemicals in terms
16 of harm to ecosystems and human health.

17 In response to the alarming health
18 facts that I have just mentioned, I would ask the
19 following action be taken here: I would urge State
20 Representative Meyer -- and I know Senator Dillard
21 is not with us tonight but if it's possible for him
22 as well -- to investigate and support something
23 called the Pew Environmental Health Commission from
24 John Hopkins School of Public Health. On

1 September 6th of this year of 2000, they called on
2 Congress and the White House to protect Americans
3 from chronic diseases and disabilities by tracking
4 where and when these health problems occur and
5 possible links to environmental factors.

6 Autism and mental retardation has
7 risen an estimated 50 percent nationwide. And
8 research indicates that 25 percent of these
9 disabilities are related to environmental
10 exposures. Louis Stokes, a former 15 year
11 U.S. House member from Ohio says, "This is public
12 health 101, and as a nation we are failing.

13 Secondly, I would ask that prior to
14 adding one more polluting source to our town, the
15 Illinois EPA complete an investigation into the
16 number of respiratory diseases and cancer clusters
17 in Lemont and the surrounding areas.

18 Thirdly, we would ask that or I would
19 ask that the IEPA and Ganna extend the permit
20 deadline or that the IEPA would reject this permit
21 for the asphalt plant until an evaluation of these
22 matters is completed.

23 And then fourthly, I would ask that
24 every government official and governing body

1 represented here do everything within their power
2 to severely limit and even decrease the toxins in
3 our air emitted by heavy industry such as Ganna and
4 others like them. Thank you.

5 (Applause.)

6 HEARING OFFICER SELTZER: First name is
7 Kim. Last name is V-a-something-s.

8 MS. VALES: I would like to respond to the
9 video and the comments about new asphalt
10 facilities. There are really only a few pertinent
11 facts with regard to Ganna's emissions. You need
12 to know that Ganna's emission calculations are
13 based on a normal workday of 14 hours a day, 6 days
14 per week. Nothing in the permit could constrain
15 Ganna from adding a third shift operating 24 hours
16 a day, 7 days a week, if they had the business to
17 justify it. The bottom line is this: Under
18 Ganna's permit, they will be allowed to add 98.7
19 tons of pollutants to our air. 98.7 tons. No ifs,
20 ands or buts. Carcinogens, particulates and
21 neurotoxicants, 98.7 tons. That and only that is
22 what they will be held accountable for.

23 And I just want to say I have two
24 children here in Lemont. We have been here for

1 almost three years. And we love the village, we
2 love the community; but this is something that is
3 really scary. And I hope that you really take
4 under advisement everything that everybody is
5 saying here tonight. Thank you.

6 (Applause.)

7 HEARING OFFICER SELTZER: Jeanette
8 Virgilio.

9 MALE VOICE: She spoke.

10 HEARING OFFICER SELTZER: P.J. Fitzgerald.

11 MS. FITZGERALD: Last night I went to
12 Lockport because they had hearings about peaker
13 plants. And we have to start looking, as everybody
14 said, at this valley as one thing. I have looked
15 at some pie charts that the IEPA put out. And it
16 told where pollution was. And I started to think
17 in terms of Lockport and Lemont. And here was,
18 here was Will County, and here is the south
19 suburbs. And I started to think, boy, if you put
20 those together like they are in Lockport and
21 Lemont, I wonder what the numbers would look like.

22 So since I have just learned how to go
23 on the Web, I found out that Lockport has 69 named
24 facilities named by the EPA. And it's real

1 interesting because they give all the little
2 pollutants and how many tons and how many this.
3 Lockport has 69 facilities. Lemont has 80.
4 Lockport has 485 points, and Lemont has 690. And
5 in my written comments, I explain where it came
6 from. I won't bore everybody with that now.

7 But as I worked with these figures a
8 little bit, I discovered that Lockport now
9 generates 35 percent of the NO₂ or NO_x's, and
10 that's a number that's real important because these
11 peaker plants coming to Lockport are gas fired.
12 Their asphalt plant is gas fired. They are about a
13 quarter mile apart, and they all come down the
14 valley right at you and me.

15 Now I should add Lemont's NO_x's or
16 NO₂'s, I'm not sure, they are oxides. It's not
17 good stuff. It's acid rain. When you add it
18 together for all of Cook County and all of Will
19 County, our two communities, which are 18.5 square
20 miles, carry 27.4 percent of the burden of the
21 pollution burden for these two huge counties. Even
22 if they didn't pollute more than one little tiny
23 bit, it's a little tiny bit too much.

24 (Applause.)

1 MS. FITZGERALD: Another thing that I
2 learned last night, you know how they said they
3 would voluntarily reduce their operating levels so
4 they wouldn't pollute quite as much. Well, a
5 gentleman got up last night and said, well, it's an
6 educated and crafted ploy. If they voluntarily
7 reduce it, they go for the lesser permit. It's
8 less of an investigation. It's a less stringent
9 requirement. And they get it and then they pollute
10 like they want to.

11 In the little video, you noticed, did
12 you hear that they said the plant is portable?
13 Well, of course, it's portable. They don't pay
14 real estate taxes. They are not going to employ
15 anybody here. They are not going to pay real
16 estate taxes. And when they are done dirtying up
17 our valley some more, they are going to move.

18 (Applause.)

19 MS. FITZGERALD: I was going to say that
20 was all. But then I remembered I have a newspaper
21 clipping. One of the questions that I eliminated
22 asking was how much will your plant pollute when
23 your bag house burns. And don't tell me they don't
24 burn because on or August 31st of this year the bag

1 house from their super plant in Princeton,
2 Illinois, burned.

3 (Applause.)

4 HEARING OFFICER SELTZER: Brian Ariana.

5 MR. ARIANA: First I would like to also
6 thank our public officials who have come here
7 tonight and have spoken out against this permit.
8 It's nice to have you on our side. Thank you.

9 (Applause.)

10 MR. ARIANA: I come here tonight also as a
11 resident of the township along with my wife, our
12 kids were here a little earlier, and a very
13 concerned citizen. You have heard tonight many of
14 us are here because we are concerned about the
15 safety of living in Lemont. We are something of an
16 unusual community in that either people don't know
17 Lemont at all, or they know about us and they
18 either think we are a bucolic community in the
19 southwest suburbs or that we are a dirty, dingy
20 town south of the canal out by Cog Hill.

21 We are concerned because Lemont and
22 its surrounding areas is one of the biggest
23 residential growth areas in Illinois. While this
24 seems nice for all of us, a number of issues are

1 being raised, particularly the fact that both the
2 natural resource and the man-made resource, the
3 I & M Canal, have become the dumping ground for
4 many industries including steel, chemicals,
5 plastics, and refineries, as well as your
6 run-of-the-mill junk yards. For this we primarily
7 owe thanks to the Metropolitan Water Reclamation
8 District and the Cook County Zoning Board which
9 control this property. It was nice to hear the
10 comments from Mr. Schumann tonight that that may
11 change.

12 While we can all debate the value that
13 these businesses bring to the community, we also
14 agree on the eyesore that they bring. We should
15 hope that aesthetics was the only problem. The
16 issue at hand with this hearing is that we must
17 call a stop to this dumping ground mentality of the
18 canal area. Why? Each business I mentioned is,
19 I'm sure, monitored by the appropriate governmental
20 agencies for its individual pollutant contaminants.

21 I'm sure of this because they surely
22 had to meet certain standards in order to be
23 granted approval to locate where they are at. The
24 problem is that when you add up all these

1 industries and businesses Lemont ends up with the
2 eighth worst ranking in Illinois in terms of TRI,
3 which is the toxic release inventory, chemicals to
4 the environment. According to the Environmental
5 Defense Score Card, which is a public document
6 available out on the Web sites, from 1991 to 1997,
7 total production-related waste in the 60439, that's
8 us here in Lemont, zip code, has increased 133
9 percent and the total releases to land have
10 increased nearly 13,000 percent from 1988 to 1997.

11 If you look at the breakdown of this,
12 this is just one of the reports that comes out of
13 the 60439 research on the Score Card, the air
14 releases alone in terms of pounds from the TRI
15 sources that it's referring to consists of 15
16 either recognized or suspected carcinogens or
17 toxicants. That amounts to 996,000 pounds into the
18 air. My question to the commission is what new
19 legislation would be required so that the IEPA
20 would be responsible for the protection of the
21 citizens due to the fact that the IEPA's permitting
22 process does not adequately protect the public
23 health from exposure to multiple sources of toxic
24 chemicals, only each individually.

1 (Applause.)

2 MR. ARIANA: The problem is one of density.
3 I thought it was interesting that the folks from
4 Ganna brought this picture here tonight. And I
5 think their intent was to show that their asphalt
6 plant would only be right up next to other
7 polluters, so what's the big deal. That's exactly
8 the point.

9 I would also ask Representative Meyer
10 and Senator Dillard to look into the state
11 permitting inadequacies and sponsor the appropriate
12 legislation to address this oversight. In
13 addition, we haven't even opened up the discussion
14 as to the costs to the citizens, although we have
15 talked about it tonight, as well as the government
16 in this area, due the heavy truck traffic from this
17 industries, and the damage that it has caused to
18 the roads, the expense directed to contamination
19 spills, and the damage to the surrounding air
20 quality.

21 Ganna has stated tonight, you heard
22 them, that a, quote, majority of truck traffic
23 would not be routed through the city of Lemont.
24 The majority in any kind of statistics I have ever

1 Well, times have changed. We are no
2 longer unaware about the harmful effects that are
3 the byproducts of these industries. Several times
4 there have been accidents at companies in the
5 corridor involving emission releases of hazardous
6 chemical products. In some cases residents were
7 evacuated. These byproducts like PHAS flourish in
8 the community contaminating the air that we
9 breathe, contaminants by their very presence
10 threaten our existence.

11 I did read with interest the article
12 that appeared in the Lemont Reporter Met and the
13 quote about the emission from the proposed plant
14 being less than 50 percent of the IEPA allowed
15 standard. This in itself sounds really good except
16 that you are not the only plant in the area
17 releasing these emissions. The continued numbers
18 of the industry already there are frightening
19 enough. I also couldn't help but wonder how
20 realistic and financially sound it would be for
21 your company to make the trucks go from Lockport
22 using 53. Gasoline prices have come down
23 temporarily, but in the future they may go up. How
24 can you possibly afford to continue this practice?

1 The approach that this will benefit the community
2 through employment doesn't apply here either in
3 that your company according to that article will
4 only employ five employees. We need to step back
5 and take a long, hard look at what has been the
6 accepted practice of allowing heavy industry to
7 rule the valley.

8 The issue right now is Ganna
9 Construction moving in. Tomorrow it may be some
10 other heavy industry trying to get a foothold. The
11 only practical solution for the valley is
12 downzoning, not bringing another heavy industry --

13 (Applause.)

14 MS. DONAHUE: Thank you. -- into the
15 already contaminated, saturated valley.

16 I understand that the IEPA is
17 understaffed, and I appreciate you coming to Lemont
18 and listening to the concerns voiced by citizens
19 like myself. Your Agency is our line of defense,
20 an advocate of a user friendly environment. In
21 reviewing these permits, consider the impact it
22 will have on the citizens of Lemont and help us to
23 work to achieve a better quality of life. Thank
24 you.

1 (Applause.)

2 HEARING OFFICER SELTZER: I'm not sure of
3 the first name. It might be Larry or Larry L.
4 Fisher.

5 MS. FISHER: It's Laurel.

6 (Applause.)

7 MS. FISHER: Good evening. My name is
8 Laurel Fisher. I'm the director of Happy Hands
9 Preschool located in the Methodist Church. We are
10 a half a mile from where the Ganna plant will be
11 located. I'm here to represent all those children.
12 We have 170 in our program this year, and that's
13 just a small fraction of all the little ones that
14 are here in Lemont. They are three and four years
15 old. They don't have a voice, so I'm here as their
16 voice.

17 (Applause.)

18 MS. FISHER: I'm going to tell you when I
19 started 13 years ago at Happy Hands there were no
20 children that had asthma or bronchial infections or
21 allergies. This year alone we probably have five
22 to ten children that either have an inhaler or they
23 have some kind of medication that they have to have
24 at school. That's too many in my opinion. We need

1 to have this out of our community. We don't need
2 any more pollutants.

3 And I have a list of questions for
4 the EPA. But I'm not going to ask them tonight,
5 I'm going to put them in writing, and I'm going to
6 suggest that you do also.

7 (Applause.)

8 HEARING OFFICER SELTZER: Kim Walter.

9 MS. WALTER: I live on State Street. I
10 hate the truck traffic. Come sit in my house for
11 one day. Come dust my house for one day. I don't
12 like it. I'm sure half these people don't like it.
13 Another thing is that there was a letter that was
14 sent in February 1999. Why did the mayor not
15 acknowledge it then? Why are we here now?

16 (Applause.)

17 MS. WALTER: Why are we here now? We
18 didn't have to be here. This could have been
19 resolved a long time ago. We are wasting our time
20 here. We are wasting your time. We are wasting
21 these people's time. Send them home. We don't
22 need them. They are not going to do anything for
23 us. Why were those tanks taken down? Why wasn't
24 that zoned then? Why weren't we informed of it

1 now? Why wasn't the board acknowledged or informed
2 of this then? Don't we have anybody on the board
3 that has any kind of training that should know that
4 this should be zoned down? No comment?

5 (Applause.)

6 MS. WALTER: That's it. I moved to this
7 town to get out of Chicago. Now I'm going to move
8 out of this town to get out of this town because
9 it's no better than Chicago. Thank you.

10 (Discussion outside the record.)

11 HEARING OFFICER SELTZER: Susan Thompson.

12 Is Susan Thompson here?

13 Pat Kozmer.

14 MS. KOZMER: I don't have a nice prepared
15 speech like everybody else; but I live on New
16 Avenue, I have for eight years. I invite the EPA
17 to come and put a monitor in my living room and
18 tell me that no more trucks -- or that one more
19 truck is not going to make a difference. I had my
20 parents over last week. We were sitting in the
21 kitchen, which is in the back of my house. I
22 normally work Monday through Friday, but I was on
23 vacation. I was totally surprised by the number of
24 trucks that currently come by, and when it's a nice

1 day when I had my windows open where all their
2 exhaust goes. I invite you to come and put a
3 monitor in that living room and tell me the air
4 that I breathe when I have my windows open is
5 healthy because I'm going to tell you it's not.

6 And now you want to let someone else
7 come in that's not only going to pollute the air
8 but put more trucks on the road. And Ganna, you
9 can't tell me that at some point in time your
10 trucks aren't going to come down that way. You can
11 make these empty promises and these pipe dreams
12 that, oh, we are going to go west; but we have no
13 guarantee, and there is nothing that says you can't
14 come the other way.

15 I would also like to know -- and I
16 posed this question to the EPA over the phone, I
17 don't think anyone has responded to it -- were
18 there soil studies done on that particular piece of
19 property that they plan to build on?

20 (Applause.)

21 MR. DESAI: I'm sorry. Can you repeat
22 your question?

23 MS. KOZMER: Yes. Were any soil studies
24 done on the particular piece of property that they

1 are planning to build this plant on? We know
2 already that there -- and they pointed out the slag
3 piles that are there have been there for many
4 years. I know there is an area that's cordoned off
5 right now that's being monitored by the EPA that's
6 a stone's throw away from where they are at. If
7 companies have been dumping on all that property
8 around there, is that property clean or isn't it?
9 Have you done a study?

10 MR. DESAI: The Bureau of Land -- We are
11 from the Bureau of Air. The Bureau of Land has
12 specific regulations regarding the land being clean
13 or not, and I do not know if this particular
14 property was being checked for that or not.

15 MS. KOZMER: I suggest that you check it
16 out because, you know, all the other areas, you are
17 already doing cleanups. You are already monitoring
18 what's right there. I have a son that worked at a
19 company right there that saw the company that he
20 worked for burying stuff on the property. Do you
21 want to see the exact site? Knock on my door,
22 15970 New Avenue, we will take you down there.

23 (Applause.)

24 MS. KOZMER: Another thing that Ganna said

1 about taking their stuff off by barges, I don't
2 know if that was supposed to appease us, us people
3 here in Lemont. Like I said, I live in close
4 proximity to it. The barges make an awful lot of
5 noise when they are being loaded and unloaded.
6 Also, I don't know how they would control the dust
7 taking something off of a barge. So you need to
8 look into that consideration, too.

9 I thought it was pretty interesting
10 that they said you can't see anything that comes
11 off the stacks and everything is really clear.
12 Well, carbon monoxide you can't see either; but
13 believe me, it's pretty deadly.

14 (Applause.)

15 MS. KOZMER: One other thing, and I know I
16 have asked this question of the EPA before, and you
17 tell me you would take it into consideration, but I
18 just -- I don't understand how you do it. Most of
19 these obnoxious industries with their pollutants
20 are down in the valley here. So their ozone and
21 their smog is going to stay in that valley.
22 Believe me, bring that monitor to my living room.
23 But the stacks go way up. And when you look on a
24 cold winter's day, I'm talking particularly the

1 Citgo plant -- this caught my attention about two
2 years ago -- when it's cold, you can see the
3 emissions and steam that come out of the stacks.
4 And when you look up the hill, their smoke stacks
5 are right even with window level of everybody up
6 there, all our schools, Happy Hands, it's going
7 right in their windows. So if they were on an even
8 plane, you might be away --

9 (Applause.)

10 MS. KOZMER: I think a couple years ago,
11 and I'm not sure how long, maybe five years ago,
12 there was a concern in this area about cancer
13 clusters. I think that report -- There was a
14 study done, needs to be looked at. And we also
15 need to update that study in Lemont because there
16 are a lot of people in this area. A woman just
17 recently died, I think it was referred to earlier,
18 this year. They can tell with leukemia whether
19 it's environmentally or hereditary. Hers was an
20 environmental leukemia. Whether she got it from
21 the industry here or not, you could have ten
22 different lawyers and ten different doctors, and
23 you'd never come to a conclusion. But any dust
24 from environmental leukemia needs to be stopped.

1 And one of the things to do it is stop this
2 polluting industry.

3 I think the amounts that you let each
4 one of these industries put out, all of these tons,
5 is too extreme to begin with. You need to maybe
6 look at that, some of the other studies that are
7 done medically, and reduce them. Thank you.

8 (Applause.)

9 HEARING OFFICER SELTZER: Amy Kelly.

10 MS. KELLY: Several of the things I was
11 planning on addressing tonight have already been
12 addressed so I am going to skip those in an effort
13 to save a few minutes. I know that we have talked
14 about it's been estimated that on an 8-hour day
15 Ganna Construction could add as many as 250 trucks
16 to our already overcrowded roads. We have learned
17 that Ganna could be operating 14 hours a day
18 hauling 800,000 tons of asphalt through our
19 village.

20 I have a question for Ganna. Exactly
21 how many trucks can we expect your facility to
22 bring in and out of Lemont on a daily basis and are
23 these diesel trucks? Diesel fuel emissions
24 according to the Clean Air Council Fact Sheet pose

1 a serious health risk. Diesel emissions contribute
2 to soot and smog pollution that is associated with
3 15,000 premature deaths annually as well as a
4 million cases of respiratory problems annually.
5 These emissions are responsible for 400,000 cases
6 of asthma every year. Diesel emissions are such a
7 concern that the EPA has proposed a regulation to
8 vastly decrease the amount of toxic chemicals
9 produced by diesel emissions. These new standards,
10 though, are not expected to be implemented until
11 the year 2006. Our town cannot wait that long.

12 Trucks also kill. According to a
13 recent report, trucks kill pedestrians and
14 bicyclists more than twice as often as cars. I
15 have also received an unconfirmed report that Ganna
16 recently has settled at least one civil suit in
17 which one of their trucks was involved in an
18 accident which killed a pedestrian. If that's what
19 you're waiting for in Lemont, we are on borrowed
20 time. Trucks run through downtown Lemont
21 endangering both pedestrians and other motorists
22 spewing pollution and debris. The vibrations from
23 large trucks can also cause damage to our streets
24 and buildings. Perhaps the EPA could allow our

1 village some time to do a traffic impact study and
2 delay granting Ganna a permit until such a study is
3 completed.

4 Ganna, if you would like to be a good
5 neighbor, then you, too, should encourage the EPA
6 to delay your permit until both air and traffic
7 studies can be completed. And if you are somehow
8 granted this permit, we would all appreciate it if
9 you were a good neighbor and you didn't wash your
10 trucks off into our canal as some pictures that I
11 have with me show you have done in other locations.

12 (Applause.)

13 MS. KELLY: Asphalt plants and the trucks
14 that are servicing them emit known toxins,
15 carcinogens and pollutants. And knowing the effect
16 they have most especially on children, how can you,
17 the EPA, the Agency responsible for our
18 environmental protection, permit any other heavy
19 industry in our community? You cannot knowingly
20 expose us to any more environmental dangers and not
21 be held accountable. Thank you.

22 HEARING OFFICER SELTZER: Note for the
23 record that the witness handed me two photographs.
24 And we will mark them consecutively as Exhibit 1

1 and Exhibit 2, become part of the record.

2 (Photographs marked Exhibit Nos. 1
3 and 2 for identification, as of
4 10/11/00.)

5 HEARING OFFICER SELTZER: Richard Rinchich.

6 MR. RINCHICH: Good evening. My name is
7 the Richard Rinchich. I would first like to thank
8 the EPA for holding this hearing as well as our
9 officials, commissions, and organizations and
10 everyone here. As a community, we come together,
11 we make things happen. And here tonight we have
12 heard a lot. This is the village of faith. And
13 faith extends more beyond the churches, our homes.
14 Faith and friends, family, neighbors, our
15 community. I have not seen any faith here that I
16 can put in this company tonight.

17 (Applause.)

18 MR. RINCHICH: It may be a cleaner plant
19 but there comes a point in time when even in their
20 own video they site California reducing emissions.
21 I say it stops here. We start reducing emissions,
22 not adding them. A quarter of the federal
23 standard. Does that belong here? I don't want it
24 here. You don't want it here. 200 trucks a day,

1 Neighbors. Ganna talked in the
2 beginning, first presentation, first person up here
3 talks about being a good neighbor. A request for
4 extension, you will take it under advisement?
5 Gentlemen, that is not a matter of an act of good
6 faith. This is the village of faith, faith and
7 friends, family, neighbors, community. You don't
8 want to be part of this community. You are in
9 search of the dollar. And as a member of this
10 community, thank you, no. I will pay you a dollar
11 to go away. And I'm sure others will, too.

12 (Applause.)

13 MR. RINCHICH: Our village board, our
14 commissions, our economic development is geared
15 towards bringing in clean, light industrial,
16 positive economic growth for our community that
17 will support us via tax dollars, support our
18 schools. A temporary batch plant does not do that.

19 Correct me if I'm wrong, Mr. Mayor,
20 but with the population of approximately 14,000 at
21 \$30 per capita on the motor fuel tax, that's less
22 than \$500,000 that we get from the State of
23 Illinois each year to maintain our roads. I don't
24 expect that you are going to give us free asphalt

1 to help pave our roads.

2 (Applause.)

3 MR. RINCHICH: Suffice it to say, I will
4 not belabor the point. I have been in this town
5 for two years. And I have felt that I'm not a
6 native Lemonter, but that I had to put some time in
7 before I could stand up and say something.
8 Gentlemen, I thank you for the opportunity. And by
9 far, that's the only good thing I have seen come of
10 this.

11 For the EPA, this is the village of
12 faith. I am a professional public servant working
13 in another community. You know the burden that
14 goes with your job as I do. I practice it
15 professionally every day. I ask that you in a
16 professional manner evaluate the testimony. I
17 thank you for the extension to receive the report
18 from the village. And I thank you for the input
19 from our community. And I ask that you say no.
20 Thank you.

21 (Applause.)

22 HEARING OFFICER SELTZER: Theresa Woike.

23 MS. WOIKE: I'm a lifelong resident of
24 Lemont, and I have worked for the past 20 years for

1 the American Lung Association. I'm a health
2 educator, and our goal is the prevention and
3 control of lung disease. I teach people on a daily
4 basis not to pollute their bodies and especially
5 their lungs. And I'm appalled to learn that I live
6 in the eighth dirtiest air pollution town in
7 Illinois. I deal with people whose lungs are
8 already compromised, and adding to this asphalt
9 plant in Lemont can only increase this danger. Not
10 only will the emissions themselves add to the
11 already dangerous air quality but the large
12 increase in diesel trucks through our town also
13 adds more pollutants to our air.

14 I believe it is important for you to
15 say no because of the health of our community and
16 our kids. I work with people with asthma,
17 allergies, chronic lung disease all the time. I
18 see what happens to them and their families. And
19 so I need -- I know we need to say no to this.
20 And on behalf of the Lung Association, our goal and
21 our motto has always been "If you can't breathe,
22 nothing else matters." And I think this is really
23 an important issue.

24 (Applause.)

1 HEARING OFFICER SELTZER: Kathy Henrikson.

2 MS. HENRIKSON: Well, pretty much
3 everything that I was going to say has already been
4 said. But I would just like to thank all the
5 elected officials that came out and their support
6 in this matter. I wanted to also encourage them to
7 not only give their campaign spiel here tonight but
8 to really follow through with those promises. I
9 know they have been working with the county. I
10 understand that Herb Schumann is working on an
11 amendment to the zoning ordinances. But I would
12 like to have an opportunity, and I'm sure the
13 village would, too, to look at that more than just
14 a week before he decides to put it in, which we
15 have seen in the past.

16 So I think that downzoning is the key
17 issue here. I think we need to look at this issue
18 very seriously as we have heard earlier. And I
19 don't want to say I feel sorry for Ganna because I
20 will be beat up on the way out. But this property
21 is zoned heavy industry. Ganna came in here. They
22 did follow their obligations. And unfortunately,
23 we didn't downzone it soon enough. So I'm hoping
24 that you will understand that you are not welcome

1 here. That as of last -- since last year, I myself
2 with our citizens group have been looking at the
3 different industries that we are living with here.
4 And it's nothing personal, but we are living with
5 enough.

6 We have your -- Is it Mr. Mack who
7 was quoted earlier as saying that he came into an
8 area that was isolated? Well, at this point it is
9 isolated. But, you know, many of us that live in
10 Lemont have been working on open space ideas for
11 that area. We do have better uses for our valley
12 area. So at this point I just would like to say
13 that all that we want it just seems pretty simple
14 to me is we want -- We all love our families. We
15 love our community. We want to be able to go about
16 our daily business, send our children to school,
17 and worship in our churches without worrying about
18 the air that we breathe. And that's all I have to
19 say. Thank you.

20 (Applause.)

21 HEARING OFFICER SELTZER: Rick, looks like
22 C-z-u-n- or -m-i-a.

23 MR. CZUMA: Hi. My name is Rick Czuma.
24 I'm not really prepared today. I have been living

1 in Lemont about six years now. And I notice every
2 year it seems like things are getting worse as far
3 as air quality, water. Now I understand the water
4 is not the greatest. The levels were pretty high
5 for toxins. I don't know if the EPA is checking
6 the water currently. This asphalt, could it get
7 into our water supply and make it even worse than
8 it is now? Is anybody looking at this stuff? You
9 know, once it goes up, it does come down. So I
10 wish somebody would look at that also. And I would
11 like to just say that I don't want this asphalt
12 plant here. And I think we should look at getting
13 the one that is here out of here.

14 (Applause.)

15 MR. CZUMA: And I also would like it
16 cleaned up or modernized or something. And I would
17 also like the EPA to take a look at the Citgo
18 refinery to make sure they are in accordance with
19 the law as well. There is just too many things in
20 this community right now, and I don't want this
21 town destroyed.

22 (Applause.)

23 HEARING OFFICER SELTZER: Leonard
24 Valentino.

1 Folks -- before you begin, sir --
2 it's 10:30. We will go for another hour tonight.

3 MR. FORZLEY: My name is Sam Forzley. I'm
4 speaking on behalf of Len Valentino, who had to
5 leave a little bit earlier. My name is Len
6 Valentino. I'm a medical doctor. I'm a pediatric
7 hematologist and oncologist. I diagnose and treat
8 children, adolescents, and young adults with
9 disorders of the blood and cancer. My concerns are
10 with the volatile organic materials including
11 benzene and other organic solvents that will be
12 released into our environment. These compounds are
13 known to cause leukemia and aplastic anemia, a
14 failure of the bone marrow, which like leukemia can
15 take the lives of our children and all who come in
16 contact with these very dangerous materials.

17 Please reconsider the approval of this
18 plant in Lemont. Besides being a doctor, who has
19 to look at dying children and their parents, I am a
20 resident of Lemont and the father of four children.
21 Thank you for your attention.

22 (Applause.)

23 HEARING OFFICER SELTZER: Lauren Valentino.

24 Michael Reddy.

1 MR. REDDY: I will take a pass.

2 HEARING OFFICER SELTZER: Meg Crowell.

3 David Molnar.

4 MR. MOLNAR: Good evening. Tonight we
5 heard Ganna discuss the emissions of dust and
6 exhaust in our community. And instead of using the
7 words emissions, I feel we need to use the
8 appropriate word of pollution. They claim they
9 will be reduced by 25 to 50 percent per NSPS
10 standards, which still leaves 50 to 75 percent
11 pollution. We are limited to 800,000 tons per
12 year. And as we voiced, you are by far not a
13 non-for-profit organization. As business
14 increases, so will your tonnage and next will be
15 your acreage. We currently have an asphalt plant
16 in Lemont. And I guess I'm rather stunned to hear
17 that you want to compare yourself to that plant and
18 how we should accept a second. I was curious in
19 here tonight if we had an opportunity to vote on
20 that plant how many people would like to see that
21 plant leave Lemont.

22 (Applause.)

23 MR. MOLNAR: We are expected to believe
24 that these are acceptable levels of pollution.

1 They are also acceptable levels of cyanide,
2 mercury, or lead; but I don't see anybody testing
3 the levels that our body can tolerate. We are
4 already affected by the semis and six-wheelers
5 running through Lemont running on diesel fuel,
6 smelling up the community, and dealing with the
7 traffic, let alone how reckless they drive. And we
8 are also asked to increase our barge traffic. This
9 doesn't exclude pollution, it just puts it into our
10 water. How many of your children swim in the
11 canal? When is the last time anybody fished in the
12 canal?

13 You also claim that this is a very
14 isolated small parcel of land. And I was just
15 curious here of you gentlemen on how many of you
16 live in that area. First of all, you know, we also
17 wanted to know I mean can we get a show of hands of
18 who is here with your company? Are you all with
19 Ganna or not? There are seven gentlemen?

20 (Indicating.)

21 HEARING OFFICER SELTZER: Let me interrupt
22 now. These people are not on trial. This is a
23 public hearing.

24 MR. MOLNAR: Well, I'm curious. Wait a

1 minute.

2 HEARING OFFICER SELTZER: No. You wait a
3 minute. They don't even have to identify
4 themselves. When we started, I asked them to do
5 so. Whether they all did or not, I don't really
6 know.

7 MR. MOLNAR: Well, you are right, it's not
8 important to me. I was curious in Addison or
9 Lemont or their other plants, how many of them
10 lived within a three- or five-mile range of those
11 areas. This is where our children go to school and
12 this is where they play.

13 Lastly, I mean I was rather shocked at
14 the start of our meeting. I mean we are sitting up
15 here groveling for a 30-day extension regarding a
16 review of this. And 355 has been held up for years
17 for a review of nature, insects, birds, and a study
18 on what's best for our wildlife.

19 (Applause.)

20 MR. MOLNAR: I can't understand how a
21 freeway trying to alleviate traffic can be compared
22 to our health, our lungs, our children, and why
23 this is even being considered with our health
24 matters involved. With that, I will pass. Thanks.

1 (Applause.)

2 HEARING OFFICER SELTZER: Robert Kusel.

3 MR. KUSEL: Good evening. I will keep my
4 remarks very brief. In a situation such as this,
5 the public's right to know is paramount because
6 information is power. I would like to state for
7 the record that missing from the file available to
8 the public at the library is correspondence dated
9 September 7, that to some extent amends the
10 application.

11 Additionally, on October 5 I filed a
12 Freedom of Information request with the Illinois
13 EPA. I received an incomplete response. Missing
14 from my Freedom of Information request was a site
15 plan that better showed the location of the
16 equipment on the site and also missing -- and I
17 think this is important -- is a map showing the
18 location of schools, nursing homes, medical care
19 facilities, and industrial facilities in relation
20 to the plant, as well as a table which lists the
21 facility and approximate distances from the plant.
22 I made a phone call two days ago to the Freedom of
23 Information section of the Illinois EPA, and I'm
24 still awaiting a response.

1 list of the things you requested in the FOIA
2 request to the gentlemen here?

3 MR. KUSEL: I'll be happy to. That is what
4 was missing.

5 HEARING OFFICER SELTZER: Sue Kamuda.

6 MS. KAMUDA: I don't need to speak. I can
7 put what I do have in writing.

8 HEARING OFFICER SELTZER: Wonderful.

9 MS. KAMUDA: And you guys have been
10 wonderful tonight. I applaud everyone who has come
11 out.

12 (Applause.)

13 HEARING OFFICER SELTZER: Thank you.

14 Michelle Krepps.

15 FEMALE VOICE: Gone.

16 HEARING OFFICER SELTZER: Maureen
17 Headington.

18 MS. HEADINGTON: I'm Maureen Headington.
19 And while I'm not a resident of Lemont, I'm a
20 resident of neighboring Burr Ridge. And as a
21 neighbor, I'm concerned about what's going on here.
22 In an unofficial capacity, I'm here also because I
23 am the vice president of the Illinois Environmental
24 Council. We are based in Springfield where we have

1 been for the last 26 years. And we are the eyes
2 and ears in Springfield, the watchdogs on any
3 legislation that has environmental impact, and our
4 numbers are growing rapidly. While we used to be
5 strictly an organization of affiliates like the
6 American Lung Association, the Sierra Club, The
7 Audobon, our membership has taken a change in the
8 last several years. And we now have equal numbers
9 of individual and family members who are concerned
10 about environmental issues.

11 To give you an idea of just how
12 prevalent environmental impact can be, our team
13 down in the Springfield office in the last two
14 years, this two year cycle of this general
15 assembly, has tracked 905 pieces of potential
16 legislation that would have environmental impact in
17 this state. This is very, very disturbing. And a
18 lot of these are situations where if we know about
19 them early enough in subcommittees of house and
20 senate that we can take care of these things.
21 Unfortunately, some of these issues go on to
22 becoming law; and then it's even more difficult to
23 do something about it. And that's why it's
24 important to know who you are electing to public

1 office, where their campaign contributions come
2 from. And that's all available on our Web site,
3 ILENVIRO.ORG.

4 We do have a number of good
5 legislators, though, in the State of Illinois. And
6 while this isn't in their purview right now, and I
7 appreciate having sat and listened to them, what we
8 really need to do in this state is to change the
9 laws so that these kinds of situations won't keep
10 recurring. I have sat through more public hearings
11 than I care to recall, and a number of these people
12 look familiar to me. They are also the victims of
13 having a state with some of the weakest
14 environmental laws in the nation.

15 (Applause.)

16 MS. HEADINGTON: I was not an
17 environmentalist till I moved here. I heard a
18 woman talk about how she moved from Chicago. I
19 moved from Chicago to our dream home to discover
20 that the home that we spent two years in making our
21 dream home was three miles from a proposed toxic
22 waste incinerator that had already been
23 accumulating its permits, one of 34 such
24 incinerators during the retail rate law, which was

1 whose local constituents had fought it for at least
2 seven years. And they got their permits. It was
3 the only incinerator that got away from us when we
4 killed the legislation. And I will tell you that
5 the turning point in the State of Illinois on the
6 retail rate law is that so many Illinois residents
7 called their legislators and said "I want you to
8 vote the repeal of this legislation."

9 We had people going to train stations.
10 It was written up in an east coast publication that
11 it was the most successful anti-incinerator
12 campaign this nation ever saw. Now, my feeling is
13 if we can do it then it can be done again. And it
14 was done again a couple years later when -- Maybe
15 you knew of it, maybe you didn't. Napalm shipments
16 coming from California, Fallbrook Naval Center.
17 One of my friends in the environmental world came
18 to my door with that one. You didn't read about it
19 in the papers. And in fact, we were told it was a
20 done deal by people in military uniform in the
21 department of Navy.

22 I called a contact in Washington and
23 asked "What's going on? Give me a global
24 perspective."

1 And she said, "Mo, the big boys know
2 exactly where to go. They are going to come from
3 California." And I raise this because of the
4 benzene mentioned. And benzene does cause
5 leukemia. And the environmental laws in the state
6 of California are so strong and so tight that they
7 cannot burn anything that emits benzene there, but
8 you can in the Midwest. And so they were going to
9 put it on trains coming right down this Metra line,
10 going right through the western suburbs, 2,000
11 pounds of napalm every day. It was going to happen
12 over a period of years seven days a week.

13 Once again, environmentalists like
14 yourselves -- I was drafted into this by virtue of
15 where I lived. It was local community, grass root
16 organizations. It wasn't the big organizations
17 that have structures. It was folks like you who go
18 to work and tell your neighbors, your coworkers,
19 your family, your friends, call this number. They
20 got so many phone calls that when -- In fact, on
21 the retail rate law I was invited to Springfield.
22 Governor Edgar held a week of bill review. And he
23 wanted to meet -- His senior staffer, Al Grosboll,
24 wanted to meet with people from communities. I

1 asked the question, how many phone calls and faxes
2 have you received? And I got a number and I knew
3 it wasn't right. But at the end of that meeting we
4 were told, "You can call your people off. The
5 governor heard you. We can't run our business, and
6 we have got a business to run. But our business,
7 the phones and faxes are tied up all the time." So
8 I knew that people were spreading it.

9 I didn't mean to turn this into a
10 primer on grass roots activism, but part of why I
11 came today is because I have been there. And we
12 have been through some of these things. It doesn't
13 mean that you win every one of them, but I have
14 seen it where we've won. We won -- In fact, the
15 train that was coming through for the Chicago area
16 with the napalm was turned back in New Mexico
17 because we were able to stop it with the help of
18 the Federal EPA.

19 And I will tell you that in the case
20 of Robbins, and not disparaging to these particular
21 four gentlemen, but Robbins incinerator was
22 state-of-the-art. Bag house inlet temperatures
23 exceeded on so many occasions, I got phone calls in
24 Burr Ridge from folks who heard that I did

1 environmental work begging for help. They were
2 concerned about the smells. They were concerned
3 about what they were seeing, the emissions that
4 they -- that they knew were there. And they were
5 told by the IEPA, "Give them a chance to let it get
6 off the ground. They are a new business. And if
7 you still have these complaints one year from now,
8 give us a call." Now that's unacceptable.
9 Totally. And this was a state-of-the-art facility.
10 The way it was killed is the federal government
11 came in, and they did their own inspection and
12 found 779 violations of air standards that the
13 Illinois EPA did not find.

14 So while this isn't directed to you, I
15 know that Tom Skinner, we have a new head of the
16 Illinois EPA. It's a very clear message that IEPA
17 really has to start protecting the people of this
18 state. I used to think we were protected. They
19 have as much of an onus on them to protect industry
20 as they do your health. There is no imperative.
21 They go by the laws of the state. And the laws of
22 the state aren't their fault. They are all of our
23 faults for allowing this to happen.

24 (Applause.)

1 MS. HEADINGTON: I'm going to touch on
2 this. I don't want to take up a lot of time, but I
3 want to just touch on a few things. Blue Cross/
4 Blue Shield put this out, "Air Pollution Still a
5 Threat." It went out to all their Medicare
6 supplement carriers in their magazine. We are
7 losing 3 -- and this is conservative -- 3,000
8 Illinois residents die every year due to air
9 pollution. And the cause of death is the
10 particulates. It's the small particles that were
11 earlier mentioned. Carol Broner implemented a new
12 standard. It was tough because industry has fought
13 this every step of the way. They are still
14 contesting it. Not PM10's, but the really small
15 stuff, PM2.5. That's what really embeds in the
16 lungs and causes heart disease, lung disease.

17 I am heading up a project called
18 "Stand Up Safe Lives," and I started it two years
19 ago. I went to the mayor of Countryside, Carl
20 Legant, if there is anything environmentally wrong,
21 Carl is -- He always goes to the mat for his
22 people. So I knew it was a good place to start,
23 and I also went to my mayor in Burr Ridge who did
24 similarly. I found out about these plants that are

1 in your midst. And I don't want you to get so
2 preoccupied -- This is important. And you have to
3 deal with every one of these as they come. But
4 these plants at Midwest Generation are what I have
5 been working on for the last two years. And what
6 you are getting out of these plants, it is
7 absolutely horrendous. The sale that ComEd was
8 able to implement this last December -- And I will
9 tell you that -- I have got a list. If anybody
10 wants it, they can have it. It's on our Web site.
11 64 mayors. And I want to commend the mayor of
12 Lemont, he was one of the early mayors to stand up.
13 It's called the Stand Up Save Lives campaign, and I
14 want to thank you for joining this early on. He
15 was an environmental leader.

16 (Applause.)

17 MS. HEADINGTON: These are 64
18 municipalities that adopted resolutions calling for
19 an end of the exemption that's allowing these old
20 coal-fired power plants to pollute up to ten times
21 more than newer facilities. There is a loophole in
22 the law that we have to stop. And in addition to
23 these 60 -- Well, the 64 includes so many in the
24 western suburbs. But I have been clear up to

1 Highland Park, Waukegan, the Du Page Mayors and
2 Managers, the West Central Conference of Mayors,
3 the Du Page, Lake and Will County boards. And this
4 thing, there is going to be a hearing on this this
5 next Wednesday. And you are all invited. Thompson
6 Center, if you want, I have something on it. We
7 need to start showing up to these things. This was
8 one of the best public hearings I have ever been to
9 in terms of people turn out.

10 (Applause.)

11 MS. HEADINGTON: It was touched on about
12 mercury. I just want to mention that the mercury
13 emissions, the Nicor situation has brought a lot of
14 people's attention to mercury. We are talking
15 about something that is so highly toxic 1/70 of a
16 teaspoon of mercury will pollute a 25-acre lake.
17 Now, what you are getting out of these coal plants,
18 I don't know what the statistics are exactly on the
19 projections. I mean mercury they don't mention in
20 tons, they --

21 HEARING OFFICER SELTZER: I'm going to
22 interrupt you for a minute. I mean you are talking
23 about -- off the subject about coal plants. There
24 is not that much time left. Please direct your

1 enforcement.

2 MR. DESAI: That is correct.

3 MS. HEADINGTON: And if we can have a
4 requirement of the odor control because I
5 understand that's one of the primary problems with
6 asphalt plants, that these folks will then be able
7 with regular reporting to the village so that when
8 it's in excess of what it should be they can
9 immediately take action. And we expect you to do
10 whatever is necessary to make it --

11 MR. DESAI: We will definitely take care of
12 it.

13 MS. HEADINGTON: Okay.

14 MR. DESAI: If there is an odor problem
15 after the plant is started, after the -- if they
16 get the permit, and then there is enforcement
17 action, the company needs to take care of that.
18 That's the general procedure.

19 MS. HEADINGTON: But I don't want them
20 waiting a year like they did at Robbins. That's
21 not acceptable.

22 MR. DESAI: Okay.

23 MS. HEADINGTON: Thank you.

24 (Applause.)

1 HEARING OFFICER SELTZER: Charles Englund.

2 MR. ENGLUND: That's Charles Englund. I'm
3 a Lemont resident, and I'm president of Equestrians
4 Estates Homeowners Association. We are very
5 concerned about the potential pollution from
6 current and future industrial development in this
7 lower Des Plaines River Valley. Naturally we are
8 very concerned about the people in the area, the
9 homes, the schools that are near this proposed
10 plant and downwind of this proposed plant. Much of
11 this river valley became industrial during the
12 canal building days over 100 years ago. During
13 that time period, wetlands were considered a
14 nuisance and were filled in for industrial use. I
15 believe the current environmental and ecological
16 thinking regards wetlands and rivers is valuable
17 and worth protecting.

18 Downsizing to a less environmentally
19 intense use for this sensitive land should be done.
20 Protecting our environmental is very important, but
21 many of our environmental laws are better at
22 protecting natural resources than they are at
23 protecting local people. We already have a new
24 asphalt plant built by K-Five on Main Street just

1 west of Route 83. Most of the time when I drive
2 past the steam and smoke seems to be coming from
3 their storage silos instead of their bag house
4 vent.

5 Now, how can we be sure that the
6 pollution control equipment that's being proposed
7 will really be used and will remain at the low
8 levels that are predicted before the plant is
9 built? Our river valley already has enough
10 industry with allowed emission levels, not to
11 mention if the emission levels might exceed those
12 levels. Thank you very much, and please do not
13 approve this plant.

14 (Applause.)

15 HEARING OFFICER SELTZER: Jill Adduci.

16 George Arnold.

17 Tim Teddy.

18 MR. TEDDY: My name is Tim Teddy. I'm
19 community development director for the village.
20 And as part of the Lemont and the Lemont Township
21 team that spoke earlier, in the interest of the
22 time I would like to yield my spot to the next
23 speaker. But before I do so, I would like to
24 request that the map, the one on the very end that

1 shows the relationship between the plant and the
2 sensitive receptors and also the existing sources
3 of pollution, be included in the official hearing
4 record. Thank you.

5 (Applause.)

6 HEARING OFFICER SELTZER: Thank you. Is
7 there any objection to that map being made an
8 exhibit?

9 MR. MACK: It's not ours.

10 HEARING OFFICER SELTZER: Whose is it?

11 MR. MACK: Village of Lemont's.

12 HEARING OFFICER SELTZER: I'm sorry. Then
13 it will be marked as an exhibit.

14 Edward F-o-r-k -- And I can't read
15 the rest.

16 MALE VOICE: He left.

17 HEARING OFFICER SELTZER: Peter Santucci.

18 Julie Pignone.

19 MS. PIGNONE: Hi. My name is Julie
20 Pignone. I'm a resident of Lemont, been so for two
21 years. I went to high school at Mount Assisi
22 Academy out here and wanted to get married, have a
23 family, bring my family out to Lemont, the American
24 dream.

1 My husband and I scrimped and saved
2 for seven years to build a house in Hirskorn Ridge,
3 and I'm a registered nurse and an accountant and
4 both came in handy tonight. I understand the
5 health impact, being a nurse, on our community and
6 our kids and also the accounting aspect of the
7 minimal that I have heard all night. I have heard
8 from Ganna that we are going to put out minimal
9 toxins. I have heard from the beautiful video
10 minimal toxins. Also the IEPA also mentioned the
11 minimal risk.

12 Well, when you add minimal and minimal
13 and minimal for all the other plants in this area,
14 it turns out to be maximum. And I have a four-
15 year-old son, a two-year-old daughter. My
16 four-year-old son does go to Happy Hands, which is
17 going to be a half mile away from this proposed
18 plant. I would just like to say that one of the
19 saddest days of my life was getting a flyer that
20 said that Lemont was the number one -- eighth
21 dirtiest city in Illinois. I was hoping it would
22 be No. 8 in good schools, No. 8 in good community.
23 And I never thought we would rank that high for
24 dirty air. If this goes through, we are shooting

1 for No. 1. So I hope this doesn't happen. I hope
2 this hasn't all been a waste of our time. I hope
3 you can make a difference thanks.

4 (Applause.)

5 HEARING OFFICER SELTZER: Scott Mitram.

6 MR. MITRANI: Thank you very much. My name
7 is Jacques Mitrani. I'm a resident here in Lemont,
8 and I'm not pleased with the "Pravda" I saw
9 tonight. Ganna Construction puts up information
10 that says all, any fumes are captured and fed back
11 into the burner. Dust is fed back into the mixing
12 chamber. You have crystal clear exhaust. You put
13 that together, and you have a zero emission
14 facility.

15 Would EPA agree with that? Crystal
16 clear exhaust, all the dust put back in, all the
17 fumes put back in. Nothing comes out, right?
18 Crystal clear exhaust. That's "Pravda." Okay? A
19 public relations flap for the company stands up
20 here and sells everybody this happy horse stuff. I
21 don't believe it. The point is if this is a zero
22 emission facility why do they need a permit
23 application that gives them 99 -- 98, 92, 95, give
24 it one ton, one ton of emission per year, if it's a

1 zero emission facility? Otherwise, stow it. I
2 grew up in California. California has got the
3 strictest this and that. Baloney. What companies
4 do in California is they get pollution abatement
5 credits. Has anyone here figured out how many
6 pollution abatement credits this company might be
7 getting or using to get this permit? Is that
8 permitted in Illinois? I'm not a lawyer. I don't
9 know.

10 The lady up here, Meg, said something
11 about responsibility of Illinois EPA. To me you
12 are a public servant taking public money to protect
13 the public. If the majority -- I'm sorry. What
14 country are we in? United States of America,
15 majority rules. If the majority says it's wrong,
16 and the vote works out that way, what happens? The
17 majority wins, right? Is that right? Should be.
18 Supposed to be that way, folks. This is not
19 "Pravda's" country.

20 You all want to come here, and you all
21 want to put your plant here. You want to stuff it
22 in the area that you say is okay to stuff it in.
23 Have you done the cleanup of the site? If the site
24 is dirty and you start moving things around, you

1 are going to increase pollution. The gentleman
2 that mentioned groundwater, what happens to the
3 runoff? Open storage of these materials, what
4 happens to the runoff? Where does it go? It goes
5 to the ground. Where is that? It goes to
6 groundwater. Where do we get our water to drink?
7 Groundwater. You all want to be good neighbors.
8 Again, if that's what you are here for, then be
9 good neighbors. Take and turn your pollution to
10 zero. It's a zero emission facility according to
11 your "Pravda." Okay.

12 I think that's all my notes. I
13 appreciate the time. I expect you, gentlemen, to
14 take back to your organization to do the job to
15 protect the public. It is not the Illinois
16 Environmental Permitting Agency. I hate to
17 admonish you, but I will because I am a citizen. I
18 pay taxes as you do, protect the public. The
19 police have a job to protect and to serve. Your
20 job is to protect the public, not to protect
21 industry. And that's from the public's
22 perspective. If you can't do your job, quit.
23 Thank you.

24 (Applause.)

1 HEARING OFFICER SELTZER: Mike Hopkins.

2 Annie Ricaboni?

3 That's it, folks. Is anybody here
4 that would like to ask any questions or make any
5 comments that I haven't called on?

6 MR. PREDOVICH: Yes, sir. I would look to
7 go.

8 HEARING OFFICER SELTZER: Yes, please.

9 MR. PREDOVICH: Thank you. I'm probably
10 one of the newest residents in Lemont. And I just
11 heard of this today. It really alarmed me. I
12 moved out of Lincoln Park to build my dream home
13 for my family, and I thought I had that until
14 today. It was very alarming. I think what we need
15 to understand -- We heard a beautiful
16 presentation. It was brilliant. It was smooth.
17 It made it seem okay. But there was hundreds of
18 people that didn't see it okay. Please don't lose
19 sight of that. Presentations can be deceiving.
20 The truth isn't. We do not want you here. Please.
21 Don't come. Thank you.

22 (Applause.)

23 MS. DABARAS: My name is Jeanette Dabaras.
24 I'm going to be very brief. I just want to make

1 one point that I don't think has been made to the
2 audience tonight. And the fact of the matter is
3 once this permit is issued, if it is issued, and we
4 have this asphalt plant in town, there is no
5 monitoring that's going to go on. I was horrified
6 to find through other meetings that Citgo is only
7 monitored twice a year -- once every two years by
8 the EPA. So once you issue this permit, there is
9 no way that this can be monitored and that we can
10 be sure that even the emissions that have been
11 stated here tonight is what is going into the air.
12 There are no guarantees. And I don't believe that
13 you monitor those plants. I think they monitor
14 themselves by submitting information to you. Is
15 that not correct?

16 MR. DESAI: If this plant is permitted and
17 if they decide to construct, then they also are
18 required to perform a compliance test to show
19 whether they are in compliance with the applicable
20 regulations and the permit limits.

21 MS. DABARAS: And how often do they have
22 to --

23 MR. DESAI: I believe they are being
24 visited twice a year.

1 Ms. DABARAS: And do they perform the test
2 and submit the information to you?

3 MR. DESAI: Based on the performance test,
4 they are required to maintain the recordkeeping of
5 what they -- what trade they are processing, how
6 much gas they use, and there are other parameters.
7 And based on that parameter, the report has to be
8 submitted with the Illinois EPA.

9 MS. DABARAS: But there is no monitoring?
10 Nobody goes out to see what's actually happening at
11 that plant or to investigate the records?

12 MR. DESAI: It's being visited twice a
13 year.

14 MS. DABARAS: It is visited twice a year?

15 MR. DESAI: Twice a year for the purpose of
16 inspection if it's being in operation in a proper
17 manner or not.

18 MS. DABARAS: And is that report published
19 anyplace, or is there any type of enforcement that
20 if they were not complying that they would have
21 to --

22 MR. DESAI: After making a visit, the
23 inspector will prepare the report on that and the
24 report is in the file and is available in a Freedom

1 of Information request.

2 MS. DABARAS: It's not published in the
3 papers or anything?

4 MR. DESAI: It is a public -- Any document
5 the EPA has is a public information.

6 MS. DABARAS: If they don't comply, are
7 they subject to any fines?

8 MR. DESAI: If I understand your question
9 properly, if any public requests for the copy of
10 the report, it will be made available to them.

11 MS. DABARAS: If they are not complying, if
12 it's found that they are not complying, is there
13 any teeth in that inspection?

14 MR. DESAI: If they are not in compliance,
15 then there will be an enforcement action taken
16 against the company and with the pollution --
17 enforcement action will be filed and the Pollution
18 Control Board as a law court in the State of
19 Illinois, they will fine, the penalty.

20 HEARING OFFICER SELTZER: I will expand on
21 that. What the Agency does if there is a violation
22 detected they first notify the alleged violator,
23 meet with the alleged violator, and try and correct
24 the violation without bringing enforcement action.

1 If the violation is not corrected, then it's
2 referred for enforcement, an enforcement action is
3 brought, the Attorney General prosecutes the case.

4 MS. DABARAS: How long does all that take?
5 And do they continue to pollute during that period?

6 HEARING OFFICER SELTZER: It could take a
7 considerable amount of time.

8 MS. DABARAS: Thank you. I would ask that
9 the permit not be issued. Thank you.

10 MR. AREDOVICH: Peter Arendovich. I'm a
11 resident in Lemont Township. And based on this
12 permit issuing and things like that, I have some
13 experience when I was living in Cicero. There was
14 a copper, copper plant. And they were polluting
15 the air pretty badly. And every so often the wind
16 was coming my way. I call them up, "Hey, do
17 something about it." Nothing was done. We filed a
18 lawsuit against them. And so we had the hearing
19 and all that thing, and nothing was done about it.
20 And I pass by a few days ago, I pass by a few days
21 ago, and nothing. It still smells in that area.
22 I'm interested in that area because I have property
23 there.

24 So the thing is, you folks don't have

1 any teeth in anything. Besides, I have inquired as
2 a -- When I have made a complaint, about
3 something, well, from here from the Illinois EPA,
4 from Maywood or whatever that thing is, they said,
5 "Well, we don't have enough people to send."
6 Listen, you don't have enough people when the guy
7 is venting out everything out. You cannot send
8 them there. You don't have anything to monitor
9 that.

10 Now, let me tell you my experience
11 working with the industry. When we knew that there
12 was coming a test, that the company was subjected
13 to a test, "Okay, folks in the lab, don't throw
14 anything down the sink today. Don't throw anything
15 down the sink." And so they came, they took the
16 sample. Wow, we are clean like a whistle. That's
17 how it works. That's how it worked. You guys, if
18 somebody were complaining something, hey, they
19 are -- We are they are only two, three people for
20 all the state. We don't have the personnel. So
21 the thing is if these folks were start to pollute
22 and vent and so on, you guys will do nothing. Same
23 as the copper company in Cicero or Stickney. It is
24 still polluting. And I'm here already ten years.

1 And our complaint was ten years ago, and they still
2 do the same thing. And if they move in, they will
3 do the same thing. Because you guys don't have any
4 teeth. Okay. That's it.

5 (Applause.)

6 HEARING OFFICER SELTZER: One minute. You
7 have already spoken. Let me first --

8 MR. REDDY: I have a question.

9 HEARING OFFICER SELTZER: Well, let me
10 first ask if there is anybody else that hasn't
11 spoken that has any comments or questions.

12 MR. REDDY: I would like to. I changed my
13 mind. I will be quick. My name is Mike Reddy.

14 I have had this thought all evening,
15 and I decided I would come up and say it and I
16 would just like to ask a question. In the early
17 part of the evening, I think there was probably
18 maybe 500 people in here including the children.
19 Has anybody seen anybody in this entire auditorium
20 tonight light up a cigarette? Why is that? It's
21 because the rules go towards the majority. The
22 individual is not as important as the majority.
23 And that's the case here. All these people, nobody
24 wants this plant here, nobody. The strong showing

1 I'm a veteran. I served my country
2 four years when I was called upon. I always felt
3 that that's one thing great about America, of the
4 people, by the people, and for the people. I'm
5 sure if we would put this on the local voter
6 referendum that this, in fact, would not be
7 approved tonight from this overwhelming majority.
8 I don't know what leverage we have to use at this
9 point. But whatever leverage we have, we should by
10 all means use.

11 I still know that there are two
12 governmental bodies that we have to put more
13 pressure on. Obviously, one is the Water
14 Reclamation District, who has the land and who
15 issues the permit. The other is the Cook County
16 board, the zoning board. So when we leave here
17 tonight, let's not forget what was done here
18 tonight. We need to get to those two governmental
19 bodies. We need to make some phone calls. We need
20 to write some letters. You know, we need to twist
21 some arms; but we are not going to let this issue
22 die.

23 You know, it's a shame that big
24 business has a way of rolling over the people of

1 this country. You know, we are the people. You
2 know, we are the ones that this is all for. And it
3 would be nice if Ganna would step up and say, gee,
4 we are not wanted here, nothing personnel,
5 gentlemen, we'll take our business elsewhere. The
6 people have spoken. It doesn't work that way, even
7 in a freedom democracy such as the great United
8 States.

9 So we still have some work cut out
10 for us. We appreciate you coming here. We
11 appreciate the extension of time. I would like
12 another six months or a year to be honest with you
13 but, you know, we will take any extension we can
14 get. But I know we have to have some technical
15 data that you are going to analyze in your part.
16 But we also have to do the other part, which is
17 contact those two boards, put a little more
18 pressure.

19 So thank you for the time tonight.
20 And gentlemen, you know, I hope there is a little
21 bit of heart and compassion in your decision and
22 realize there is a lot of children here. And all
23 they want is their future. So if we are the eighth
24 dirtiest state in Illinois, as I'm hearing tonight,

1 which I'm a little surprised to hear that. Let
2 that be a figure also.

3 Also, I would like to ask one more
4 thing. I talked to an engineer tonight that was
5 here. We are going to put a monitor I believe on
6 this school. He said that a better or another
7 monitoring site might be a possibility, if that's a
8 possibility. I would like to see that maybe in the
9 old quarry school. That's a bigger school. It is
10 up on a higher piece of ground, and I think the
11 readings there might be significantly different.
12 And maybe one or two more monitoring spots would
13 give you more accurate information in which to base
14 your decision. So please consider a couple more
15 monitoring sites on higher terrain because Lemont
16 is a very high and low terrain, you know, town.

17 Appreciate everybody's time tonight.
18 Thank you very much.

19 (Applause.)

20 HEARING OFFICER SELTZER: Is there anybody
21 else here that hasn't spoken here tonight that
22 wishes to?

23 MR. VICK: My name is Randy Vick, and I'm a
24 resident of Lemont. I have heard a lot of

1 expertise. And my expertise, my training is an art
2 therapist. And I learn to look at images and find
3 in them what people don't intend to be there. This
4 first picture, I see this pink arrow which is
5 supposed to be the direction of the town. It's
6 also the direction of the prevailing wind. In the
7 far image created by our village, if you look at a
8 profile, use that single red dot as an eye, and you
9 see the nose pointing upward and you see this big
10 mouth with that line being drawn and what is being
11 rammed down our throats, and I think that's
12 important for us to recognize as well.

13 (Applause.)

14 MR. VICK: The political will that's here
15 tonight has to continue. We recognize that this is
16 one battle. But we have many more dirty industries
17 and probably many more looking to come in, and we
18 cannot forget the momentum that was brought here
19 tonight. And we heard a very pretty picture
20 painted with very pretty videos about what this is.
21 And even at its prettiest we don't want that.

22 (Applause.)

23 MR. VICK: And even if we were to believe
24 that prettiest picture, and I think you understand

1 that we don't, we have heard a lot about this. And
2 even in the newspaper, five employees. We have
3 more than that in spin doctors here alone tonight.
4 And so please recognize that I don't think that we
5 can believe anything we are hearing about this.
6 And I didn't hear tonight anyone from this floor
7 come up and say please give us this one and more
8 like it, and that has to be noted as well. Thank
9 you.

10 (Applause.)

11 HEARING OFFICER SELTZER: Is there anyone
12 else that hasn't spoken yet tonight?

13 MR. ARIANA: Ron Ariana. Just I think it's
14 interesting that we referred to this plant several
15 times as a temporary facility, yet we are talking
16 here about issuing a lifetime operating permit,
17 kind of ironic. My question really to you
18 gentlemen is on behalf of everybody else here, a
19 lot of diehards I think that are staying for the
20 end, what now? I would like to know what happens,
21 what's the process. And specifically, I would like
22 to understand the process that you go through now.
23 Are you just going to look at the legal facts? Is
24 that what your directive is? And I understand

1 there are laws that guide you in terms of how you
2 review these things. Is your process that you
3 simply look at the legal facts and make sure if
4 everything is in compliance, I don't have any
5 other -- there aren't any legal things out of place
6 here that you are forced into operating or issuing
7 the permit; or these gentlemen are going to sue
8 you? Or is there any subjectivity that is allowed,
9 and is all that that we have done tonight going to
10 make any difference?

11 HEARING OFFICER SELTZER: Well, let me
12 answer first. If anybody else at the table wants
13 to, I wish they would. What happens from this
14 point on is we will eventually get a transcript of
15 these proceedings. The record is going to remain
16 open I think we have said until November 28. Okay.
17 Whatever the date is, I will give it before we
18 adjourn. But the record will remain open for a
19 period of time. During that period of time,
20 anybody is welcome to make written submissions. At
21 the close of the record, all of that has to be
22 considered by our permit engineers in making their
23 final decision. They need enough time to review
24 it. Matters like this, voluminous material comes

1 in to the Agency, in addition to the permit
2 application, which I'm sure is voluminous. And so,
3 hopefully, our people will have an adequate amount
4 of time to review everything thoroughly and then
5 make a final decision. Their decision can be to
6 grant the permit, to deny the permit, or to change
7 the permit as it now appears in its draft form.

8 From a legal perspective, the Agency
9 is not free to depart from the law. And the law,
10 which is in the form of statutes and regulations,
11 the statutes, of course, adopted by the state
12 legislature, the regulations by a state Agency
13 called the Pollution Control Board. We are bound
14 by law to follow their rules and regulations in
15 making our permit determination. So that if there
16 are rules and regulations or federal rules and
17 regulations that apply as to how much emissions can
18 be allowed over which no permit can be granted,
19 under which a permit can be granted, the Agency is
20 more or less bound to follow the law.

21 Does that answer your question?

22 MR. MITRANI: I would --

23 MR. VICK: Therefore, you --

24 HEARING OFFICER SELTZER: You have to stand

1 up and identify yourself.

2 MR. MITRANI: I'm Jacques Mitrani, and I
3 would like to ask you a question on what you just
4 said.

5 HEARING OFFICER SELTZER: Sure.

6 MR. MITRANI: The gentleman I believe asked
7 you is what we have done here tonight going to be
8 part of the consideration. What you I think I
9 believe you just said is they must consider the
10 data, the set, the permit and the law, and the
11 rules, the law, and Pollution Control Board rules.
12 You have said nothing that they have to consider
13 one word any idea individual has said in this
14 meeting, is that correct?

15 HEARING OFFICER SELTZER: No. That's
16 wrong.

17 MR. MITRANI: You didn't mention that,
18 though. He asked you a specific question about
19 this process and our -- Can you answer the
20 gentleman's question?

21 HEARING OFFICER SELTZER: Well, I thought I
22 did but I will try to elaborate again. Everything
23 that was said here tonight is taken into
24 consideration. You know, we have families and

1 children also. We consider everything that is
2 said. When we make our permit decision, we have to
3 make a decision in accordance with the law. We are
4 a nation of laws. That's the bottom line.

5 MR. ARIANA: I'm not sure if that really
6 answered the question.

7 HEARING OFFICER SELTZER: Well, let me add
8 something else to that.

9 MR. ARIANA: Can I be very direct with it?

10 HEARING OFFICER SELTZER: This was alluded
11 to earlier, too.

12 MR. ARIANA: Let me give you an example and
13 maybe that will help. You go through the process.
14 Everything is in order, all the -- it fits within
15 the regulations, under the levels, what this is
16 going to happen, yes, we are going to regulate, we
17 are going to monitor and come slap somebody's hand
18 if it doesn't work right, and all this kind of
19 thing, but your inner sense tells you this is
20 wrong. Your inner sense says that even though
21 there might not be a law that allows us to add more
22 pollution to a heavily polluted area your inner
23 sense says, gee, this is wrong. All these people
24 were here tonight and said this is wrong, we don't

1 want it, it's already terrible. Can you use that?
2 Can you use that in making a decision?

3 HEARING OFFICER SELTZER: I mean we all
4 have emotions like everybody else, but the
5 bottom -- But we have to follow the law. I mean
6 an inner sense becomes individualistic. I may have
7 an inner sense as to what is right or wrong. I
8 can't ask a law enforcement to enforce something
9 because I have an inner sense it's wrong. He has
10 to follow the law as we have to follow the law, and
11 that's the bottom line. I couldn't make it any
12 clearer.

13 MR. ARENOVICH: That means it's all a
14 waste of time. It's a waste of time. All the
15 thing is just a show, nothing else.

16 HEARING OFFICER SELTZER: Well, it's not a
17 waste of time. Very often what comes out of these
18 types of hearings are that the permit people go
19 back and take a harder look at -- Very often we
20 are presented with new information that we didn't
21 have before, and the permits then that will be
22 granted in those cases are changed from the way
23 they are originally given as a draft permit. So,
24 yes, the input really does make a difference.

1 Now, if somebody at the Agency had a
2 gut feeling, well, that industry doesn't belong in
3 that particular location so we are not going to
4 give them a permit, that industry is going to sue
5 and that industry is going to win because the law
6 is on their side.

7 Let me make just make this -- This
8 was brought up a number of times, that the people
9 that affect the laws are your legislators and the
10 people that sit on the regulatory Agency that
11 adopts the laws, which is the Pollution Control
12 Board. A lot of times people get very involved and
13 emotional. You go home and your problem either is
14 or is not solved, but somebody 50 miles away has a
15 problem but now you forgot it because your problem
16 is resolved one way or another. It takes everybody
17 working together to create a clean environment and
18 that means you have to give us the laws to enforce
19 because we are an enforcement Agency.

20 MR. MAHER: Mr. Hearing Officer. Mike
21 Maher. Just one matter of clarification. You
22 indicated that the deadline for submission of
23 public comment is continued till -- extended to
24 November 28. But just to confirm that the city can

1 submit its report as of December 20, correct?

2 HEARING OFFICER SELTZER: Yes. You are
3 absolutely correct.

4 MR. MAHER: And one other issue or one
5 point I would like to make on this last issue is
6 this: These folks here are limited in terms of
7 what they can do. And what they do basically is
8 they look at the four corners of the document
9 that's submitted to them, and they determine
10 whether or not all the T's have been crossed and
11 all the I's have been dotted.

12 However, the definition of pollution
13 in Illinois includes an evaluation of whether the
14 T's have been crossed and the I's have been dotted
15 in conjunction with existing pollution sources.
16 That is exactly what the city intends to evaluate
17 and submit information on. Because we believe that
18 the combination of Ganna in addition to a healthy
19 background load of contamination is such that you
20 are going to have air pollution, and we are going
21 to create a record that we are able to survive on
22 in the event of an appeal. And that is the issue
23 that the city is focused on, and that's exactly
24 where we are going on that study. Thank you very

1 much.

2 (Applause.)

3 MR. GONZALES: My name is Brian Gonzales.
4 I have lived in this town for 13 years. I married
5 a girl who was born in this town. My kids live in
6 this town. And my family who I'm now affiliated
7 with is five generations in this town.

8 I look at the situation as we have the
9 eighth worst air pollution in Illinois. That's
10 determined by the amount of zip codes that are in
11 this state. There are probably hundreds of zip
12 codes in this state. The fact that we are the
13 eighth worst air pollution in this state tells us
14 one thing, this should be our day of reckoning.
15 This is when we turn it around, and this is when we
16 say no more. We will get better than eight. We
17 will get above ten, and we will continue to get
18 better. We will not go the other way. We have
19 been too lackadaisical, obviously, in our past to
20 allow this to occur. So it's time we turn it
21 around, we get together, and we stay together.

22 And unfortunately, the people from
23 Ganna have tried to make a good decision in putting
24 their plant in an area where it's not too cost

1 effective -- or cost effective for them to do so.
2 They have chosen the wrong place. There are
3 several hundred other places they could put it
4 where pollution isn't as high, and they won't
5 create as much additional pollution that we can't
6 take or further accept. So we are sorry. We don't
7 want to be a community that doesn't allow
8 businesses to come and thrive in Lemont. But it's
9 come to a time now where your type of business is
10 no longer welcome in our town. Thank you.

11 (Applause.)

12 HEARING OFFICER SELTZER: Somebody else
13 wanted to speak.

14 MR. PREDOVIC: I wanted to clarify
15 something. Borris Pretovic. I just want to
16 elaborate on something a little bit if I may. I'm
17 sorry to come up here for a second time. It just
18 seems like I don't have my thoughts quite well
19 together as I should, but I realize one thing. The
20 company that's asking for us to be so
21 understanding, they hired top guns to present their
22 case. I want to reiterate, you guys don't even
23 really work for the company. You are just
24 consultants. And now what we need is we need some

1 guidance and we are looking to you to tell us what
2 approach beyond what we are doing now will give us
3 a true opportunity to win this. I don't think any
4 one of us is here because we wouldn't want to be
5 home with our families. I think it comes down to
6 we are looking for direction. We are looking for
7 strength in masses. It's all these homeowners that
8 care about where we live.

9 This is just a matter of making money.
10 To us it's not about that. It's about living in
11 happy healthy families. What we need is we need
12 some guidance. We are doing our very best. We are
13 asking and being polite for a little extension. It
14 seems like we shouldn't have to beg for those
15 things. I thank you for all the things you have
16 done for us, but I still feel I'm leaving here
17 without a true direction what it's going to take
18 for us to win. Maybe you can elaborate on that. I
19 think we are all really eager to hear that. Thank
20 you very much.

21 (Applause.)

22 MR. KUSEL: I have a question. Robert
23 Kusel. It's my understanding, gentlemen, that the
24 federal EPA has currently embarked on a program to

1 lower the amounts of benzene as hazardous air
2 pollution ingredients in the air. Is that correct?

3 MR. DESAI: I'm not familiar about that.

4 MR. KUSEL: Then I would ask that you check
5 into that. My understanding is is that one of the
6 hazardous air pollutants that Ganna will emit is
7 benzene. And what I would ask you is this, has the
8 federal EPA embarked on a program to lower the
9 amount of benzene in the air? What are the risks?

10 MR. DESAI: Okay. Federal government is
11 looking into several chemicals to lower the number
12 to be acceptable level. But if I understand
13 correctly, benzene is also one of them.

14 MR. KUSEL: My understanding, sir, is that
15 there is no acceptable level, that benzene is known
16 as a very dangerous chemical. And my question
17 specifically to the Illinois EPA is if we know that
18 children are already put at risk by the benzene
19 that is currently in the air, then, why, please,
20 tell me, would we allow another polluting industry
21 into an area that's already burdened?

22 I would expect that you would address
23 that in your responses, or I would invite you to
24 now. I think these folks would like to know. If

1 kids are already put at risk, how can the Illinois
2 EPA acting in its capacity as guardians allow
3 another polluting industry to further dirty the air
4 that these children and folks breathe? Help me
5 understand that, please.

6 HEARING OFFICER SELTZER: I'm not a
7 technical person, but -- So I will give you a
8 laymen's explanation as I understand it.

9 MR. KUSEL: But excuse me, we are depending
10 on you for the science.

11 HEARING OFFICER SELTZER: We have the
12 scientists here, and it will be addressed in the
13 response summary.

14 MR. KUSEL: Okay.

15 HEARING OFFICER SELTZER: The federal
16 government has done massive research with regard to
17 the health effects of all different kinds of
18 pollutants. A lot of people talked about them here
19 tonight. And there is, you know, masses and masses
20 of all kinds of figures. The limits have been
21 steadily -- The limits are steadily being brought
22 down as to what is and is not permissible. I think
23 in part is because they are learning more and more
24 as to the effect of pollutants. And also they are

1 learning more and more as to how to control
2 pollutants, pollution control devices. The
3 government also will, I'm sure has in the back of
4 their mind, if we had no pollution, that would be
5 wonderful. If nobody drove to work and didn't use
6 a car, that would be great. If nobody cooked on
7 their stove or had a boiler to keep their house
8 warm, that would be great.

9 So on the other side of the coin is
10 there is a certain amount of industry that we all
11 want. There is a certain amount of things we use.
12 We may not want them in our backyard, but we want
13 their services. I imagine the federal government
14 weighs all these. Certainly if they find a
15 pollutant that they know is going to cause
16 immediate harm, they do away with it, or they limit
17 it, or they have a pollution control device to
18 control it. I don't know if this makes sense, but
19 I think from a laymen's perspective I think that's
20 the way it works.

21 MR. KUSEL: So then my question to you
22 would be this, sir, if the federal EPA has issued
23 guidance with regard to the levels that it
24 currently determines as acceptable, would the

1 Illinois EPA utilize those in its decision as to
2 whether or not to grant Ganna a permit?

3 HEARING OFFICER SELTZER: I would assume
4 so.

5 MR. DESAI: This Ganna permit is based on
6 all the existing regulations and is in compliance
7 with that. Now, you mentioned about the benzene
8 being unacceptable or very dangerous. Benzene
9 exists at several places. For example, gasoline
10 tank you fill out in the cars, gasoline contains an
11 amount of benzene and toluene and xylene, which are
12 again considered toxics. When you fill out your
13 gas tanks, you are breathing exactly the same
14 thing. And those things at much higher level than
15 you would find in the atmosphere.

16 MR. KUSEL: With respect, sir, I
17 would just --

18 MR. DESAI: Let me finish that.

19 MR. KUSEL: Of course.

20 MR. DESAI: That's not today. That's been
21 happening 20, 30 years ago. Today we have -- At
22 least in the Chicago area, you have gasoline in the
23 dispensing facility that's equipped with a stage
24 one and stage two air quality, which reduces your

1 emissions considerably when you fill out the
2 gasoline tank. So steps are being taken. Whether
3 they are taken to reduce the emissions to zero
4 level, maybe not. Maybe that day will be coming
5 some day. But today there is definitely a lot of
6 improvement from the way they things were in 1970
7 and what the things are today.

8 MR. KUSEL: My question would be -- I'm
9 sure you gentlemen are familiar with something
10 called the precautionary principle, which
11 essentially says that if you think that a substance
12 can do harm then the people get the benefit of the
13 doubt. I'm not sure if I'm hearing tonight that in
14 this case they do. It sounds like Ganna will be
15 allowed to emit something along the lines of
16 3 pounds an hour, 3 pounds -- The statistics are
17 out there. And I'm wondering, and I would just
18 suggest that what these folks want to know is if
19 the air is already dirty here, if the children are
20 already at risk, then how can the Illinois EPA in
21 good conscience regardless of regulations, how can
22 you as the guardians of the folks issue this
23 permit. That would be my question to you. Thank
24 you.

1 (Applause.)

2 HEARING OFFICER SELTZER: Is there anybody
3 else that would like to speak this evening?

4 Okay. As stated earlier --

5 MR. DVORAK: May I?

6 HEARING OFFICER SELTZER: Yes, you may.

7 MR. DVORAK: My name is Tony Dvorak. I sat
8 here very quietly this evening, and I really don't
9 have any notes. But I guess sort of some
10 observations, I think that most of the people that
11 are sitting here from the EPA are associated with
12 the air branch; is that correct?

13 MR. DESAI: That's correct.

14 HEARING OFFICER SELTZER: Most are. I'm
15 not.

16 MR. DVORAK: So, therefore, when you read
17 the application, what you are really going to be
18 evaluating and regulating is just simply going to
19 be the air emissions as opposed to other types of
20 issues that have been raised this evening by the
21 people.

22 HEARING OFFICER SELTZER: You are correct.

23 MR. DVORAK: I would also ask if you are
24 going to look at the facility, are you only going

1 to look at the facility itself as a point source?
2 There have been a number of issues that were raised
3 tonight that there are going to be a number of
4 nonpoint source air emitters associated with this
5 facility.

6 MR. DESAI: It will be on a point source
7 basis.

8 MR. DVORAK: So the issue of dust and truck
9 traffic and emissions from diesel engines are not
10 at issue?

11 MR. DESAI: Truck traffic on the road is
12 definitely not an issue here.

13 MR. DVORAK: Then as you do your
14 evaluation, I guess I would be curious to know if
15 the emissions from this facility that you are going
16 to regulate, are they going to be the same if this
17 were to be proposed to be cited in a farm area in
18 central Illinois?

19 MR. DESAI: I'm sorry. I don't understand
20 your question.

21 MR. DVORAK: The emissions, the limits that
22 you are imposing on the facility on a per hour, per
23 day, whatever, are they the same for Lemont as it
24 would be for the central part of Illinois in an

1 agricultural area?

2 MR. DESAI: For the type of pollutants that
3 Ganna is emitting, it will be the same because the
4 emissions are for purpose of -- for sulfur dioxide,
5 carbon monoxide, and nitrogen oxide, which are
6 considered as attainment area for the Lemont and
7 for the area, surrounding area.

8 MR. DVORAK: So, therefore, it's the same.
9 And you are saying it's an attainment area. I
10 guess I'm kind of curious, too, about the type of
11 independent evaluation that will be conducted
12 relative to the operation of this facility. And I
13 guess the other issue is that over and over again
14 people have been commenting about the current air
15 quality situation here in Lemont. And it would
16 seem to me that when you add a source to some
17 background concentration the only way you are going
18 to determine whether or not you are going to have
19 some problems or health effects of that is if you
20 do some kind of dispersion modeling. And you are
21 talking about an area that's a valley. And in
22 valleys we think about inversions, we think about
23 concentrations that can be increased because of
24 that. I guess what I would like to know is what

1 type of independent verification, what type of
2 modeling are you going to do, and are you going to
3 compare that to background as you look at the
4 permit and make your decision?

5 MR. DESAI: Normally we do the modeling
6 work for the very last sources that are subject to
7 the prevention of significant deterioration. The
8 level that the Ganna is emitting is not considered
9 as a major emission source. If, as I mentioned
10 earlier in my statement, that we do have ambient
11 air monitoring station in -- I believe in Lemont
12 which measures the sulfur dioxide and ozone which
13 shows attainment of the air quality, which is below
14 the ambient air quality standards.

15 MR. DVORAK: So the comment that was made
16 kind of very early that kind of past by all of us
17 when you said that Ganna is reducing their
18 emissions so that they would no longer be a major
19 source, I assume that that by doing that they are
20 avoiding your further and deeper analysis and
21 modeling by going at a lower level?

22 MR. DESAI: That's correct.

23 MR. DVORAK: Okay. Well, I guess I would
24 say that I would encourage you to consider the

1 situation in Lemont and the current air quality and
2 perhaps make an exception relative to how you deal
3 with this permit. I would encourage you to look
4 very carefully at the emissions that are going to
5 be coming from this facility, that you look very
6 carefully at what the background concentrations
7 are. And I would encourage you to not follow your
8 rules, that you consider an exception based on the
9 current air quality within Lemont.

10 Now, I'm trying to be fairly specific
11 because I know that the question that was raised
12 earlier was are you going to deal with all the
13 comments that the people have made this evening.
14 And I have a feeling a lot of us are going to see
15 in the response to comments "out of scope."

16 MR. DESAI: That is correct. We will be
17 receiving the responsiveness summary, and that will
18 be also published and given to every people that
19 has registered here.

20 MR. DVORAK: So the answer to your question
21 really is the fact that all these other issues that
22 you have brought up, when you expect to get a
23 comment back, it's going to say "out of scope."

24 And I would encourage you when you

1 respond and write your comments that you be very
2 specific, that you make demands, and that you
3 really focus your comments on air, air quality, and
4 the air permit. Because if you comment on anything
5 else, it's out of scope. Thank you.

6 (Applause.)

7 MS. KAMUDA: Excuse me. Can I say
8 something just real quickly? Sue Kamuda. Keep up
9 the momentum. For one second don't think you
10 didn't do something. Even if the IEPA must issue a
11 permit, you have told these people something
12 tonight very clearly. You have told them that you
13 won't be a good neighbor. Remember that. You have
14 told them that you will sue them if you smell them.
15 You have told them to watch out for their trucks.
16 You have done something here tonight, and you
17 should be really proud of yourselves. And keep it
18 up and keep informed. Keep learning. And go home
19 and keep thinking about it and don't think for a
20 second that you should let up because the IEPA is
21 going to have to issue a permit. You have done a
22 great thing. Keep it up.

23 (Applause.)

24 MR. ARENOVICH: Just last question. Let

1 me ask it this way to the EPA. I mean this is a
2 dead horse, I see it. But to the EPA, let's say
3 this way, we are number eight. Suppose that we get
4 to be number one. At what point is the EPA going
5 to shut down the town or shut down the area? "Hey,
6 this is an area that you cannot live anymore." At
7 what point will that be? Is there a point like
8 that or not?

9 MR. DESAI: That's a very hypothetical
10 question. I don't think I can answer that.

11 MR. ARENOVICH: There is a number one,
12 since we are eight, so there must be a number one.

13 MR. DESAI: Right. There is always number
14 one.

15 MR. ARENOVICH: Yes.

16 MR. DESAI: There is always number two.
17 And it's very difficult to answer. How can you
18 answer the question like that?

19 MR. ARENOVICH: Well, the thing is my
20 question is at some point since you are regulating
21 the air, at some point that you say this is not
22 livable anymore, when is that point? I mean what's
23 the concentration of pollutants has to be that
24 you -- Well, it's not livable anymore.

1 HEARING OFFICER SELTZER: I don't have an
2 answer for that.

3 MR. AREDOVICH: Okay. That's it then.
4 Then, hey, to issue a permit, as long as the person
5 goes through the procedure, and we put a big show,
6 and this show doesn't mean anything then, that's
7 it. It's a dead horse. The people have the permit
8 according to the law and we just frustrate
9 ourselves. That's it.

10 HEARING OFFICER SELTZER: Is there anybody
11 else this evening that would like to make any
12 comments?

13 The record for comments will remain
14 open until November 28th of this year. That means
15 the comments have to be postmarked by November 28,
16 by midnight November 28 of this year. And the
17 record will stay open until December 22 for the
18 city's technical submission.

19 And there was an exhibit, that No. 3,
20 that was offered. I'm not sure which one it is.

21 MR. MAHER: Would you like to include it in
22 the record now?

23 HEARING OFFICER SELTZER: It will be
24 included in the record. I just want it in the

1 record so we can mark it. Yes. I would like it.

2 MR. MAHER: All right. We will get it
3 right now.

4 MR. RECTOR: I think you said the 22nd of
5 December. Previously you said the 20th. I'm just
6 asking for a clarification.

7 HEARING OFFICER SELTZER: I'm sorry. I
8 correct myself, it is December 20.

9 MR. MAHER: This is Exhibit 3.

10 (Document marked as Exhibit No. 3
11 for identification as of 10/13/00.)

12 HEARING OFFICER SELTZER: I want to thank
13 you all for your participation. And everybody that
14 has filled out a card and supplied us with their
15 address will get a copy of the responsive summary.
16 Thank you.

17 * * *

18
19 (Which were all the proceedings
20 had in the above-entitled
21 cause.)
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23
24

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

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 I, JANICE H. HEINEMANN, CSR, RDR, CRR,
10 do hereby certify that I am a court reporter doing
11 business in the State of Illinois, that I reported
12 in shorthand the testimony given at the hearing of
13 said cause, and that the foregoing is a true and
14 correct transcript of my shorthand notes so taken
15 as aforesaid.

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

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