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IN THE MATTER OF:

Proposed Issuance of a Prevention of
Significant Deterioration Permit to Zion
Energy, LLC, to construct an electric
generation facility located on West Ninth
Street, Zion, Illinois.

The proceedings before the

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

August 14, 2000

Reported by:
Carrie A. McCann, CSR

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The proceedings before the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, taken before Carrie A. McCann, CSR, a notary public within and for the County of Lake and State of Illinois, on August 14, 2000, at the hour of seven o'clock p.m., at 2600 Emmaus, Zion, Illinois.

APPEARANCES:

MR. WILLIAM SELTZER, Hearing Officer
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 N. Grand Avenue E.
P.O. Box 19276
Springfield, Illinois 62794-9276

MR. CHRIS ROMAINE and MR. MANISH PATEL,
Illinois Environmental Protection Agency

appeared on behalf of IEPA;

MR. ANDREW KELLEN, Project Manager
650 Dundee Road, Suite 350
Northbrook, Illinois 60062

appeared on behalf of SkyGen and Zion Energy, LLC.

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I N D E X

PUBLIC EXHIBITS

1.....22

2.....26

3.....32

4.....107

5.....143

6.....144

APPLICANT EXHIBITS

1.....21

1 MR. SELTZER: We will go on the record
2 now. This is a hearing regarding the
3 proposed issuance of a construction permit
4 for Carlton, Inc., for a gas-fired peaker
5 turbine.

6 MR. PATEL: SkyGen.

7 MR. SELTZER: I am sorry. Zion Energy,
8 LLC. It is their permit application for a
9 peaker plant. I apologize.

10 My name is Bill Seltzer. I am
11 an attorney with the Agency acting as
12 hearing officer tonight. We will start off
13 by having some people from the Agency
14 introduce themselves. We will have somebody
15 from the Applicant introduce themselves.
16 The Agency will then make a comment if we
17 have any comments; and then the Applicant
18 will make a comment if they have any
19 comments.

20 There is a few things I would
21 like to clear up though before we get going.
22 No. 1, the application or the notice
23 indicates that the record will be open, I
24 think, until the end of this month. What I

1 want to do is extend the record to the 14th,
2 I am not sure what day of the week it is,
3 the 14th of next month which is September.
4 Does anybody have a calendar? Then we will
5 extend the comment period before the record
6 closes to Thursday, September 14.

7 Before I made this commitment, I
8 did check with the engineers at the Agency
9 and with the Applicant because the Agency is
10 also under a time limit by which they have
11 to act on the permit. And I am going to ask
12 the representative right now from Zion to
13 come forward, introduce himself for the
14 record, and simply indicate if you agree to
15 extending the comment period until the 14th
16 of next month.

17 MR. KELLEN: My name is Andy Kellen
18 representing Zion Energy. We agreed to the
19 extension of the comment period until the
20 14th.

21 MR. SELTZER: To clarify, what we are
22 talking about is the close of the record
23 until that day; but then there will be an
24 extension beyond that so that the Agency has

1 some extra time to review the information
2 before it has to make its decision. Are
3 there any questions?

4 Okay. There is another matter
5 that came up. Some of the people have asked
6 whether or not they have to appear tomorrow
7 night and offer identical testimony or ask
8 similar questions. Nobody has to appear
9 either night. But if any of you wish to
10 make your comments this evening a part of
11 the record for the comments tomorrow night,
12 indicate so on the record; and we can do
13 that. The court reporter will then
14 transcribe the testimony that you wish to be
15 introduced in the hearing tomorrow night so
16 that you don't have to appear if you want to
17 do it that way. Obviously, if you do it
18 that way, you lose the right to ask any
19 questions tomorrow night.

20 Finally, a lot of the hearing
21 officers for the Agency, I am told, limit
22 the time period during which people can
23 offer their comments and ask questions.
24 Some say five minutes. Some say ten

1 minutes. A lot of them do it so that people
2 can first make their comments. Everybody
3 makes their comments, and then they go back
4 to the audience, and people can ask
5 questions. The record doesn't look good, to
6 me, if it is produced that way.

7 When a person gets up, I would
8 like them to make their comments and ask
9 their questions. It is more coherent that
10 way for somebody reading the transcript; nor
11 do I wish to limit anybody's time limit. So
12 I am going to ask you all to just get up.

13 You see there is a lot of people
14 here that want to offer comments and ask
15 questions. Limit the time you use to
16 something reasonable. If not, I will have
17 to cut you off. You all have the right to
18 submit written comments if they are
19 extremely lengthy. At this point I am going
20 to start with asking the Agency folks to
21 introduce themselves.

22 MR. PATEL: My name is Manish Patel. I
23 am a permit engineer in the Bureau of Air,
24 Illinois EPA.

1 MR. ROMAINÉ: Hello. I am Chris
2 Romaine. I am the manager of the utility
3 unit in the Bureau of Air. In addition, out
4 by the front table we have Brad Frost who
5 helped you register this evening.

6 MR. SELTZER: I would like the people
7 for the Applicant who are present this
8 evening to introduce themselves.

9 MR. KELLEN: My name is Andy Kellen. I
10 am the project manager of the Zion Energy
11 project.

12 MR. SELTZER: Thank you.

13 MR. DEYO: My name is Steve Deyo. I am
14 an air quality specialist with their
15 environmental consultants group.

16 MR. SELTZER: Thank you. At this time
17 we will go to the Agency, and the Agency
18 will offer its comments. And then we will
19 go back to the Applicant, get their
20 comments. Then we will go to the audience.

21 MR. ROMAINÉ: Good evening. Thank you
22 for coming tonight. I just want to make a
23 couple brief introductory remarks before I
24 turn the microphone over to Mr. Patel. My

1 first point is that we do care about public
2 comments. You may wonder why we are holding
3 a public hearing tonight to get comments
4 even though we have already prepared a draft
5 permit.

6 First of all, this is the
7 process that our administrative rules set
8 forth. The other point is we have completed
9 our review of the application and determined
10 that it appears to show compliance with
11 applicable requirements. Accordingly, if
12 there are concerns that you have, this is
13 the time to bring them forward. If there
14 are things that we have overlooked, we need
15 to know about them.

16 Public comments can certainly
17 change the nature of a permit that can be
18 issued. Public comments can also certainly
19 result in a different action. If there is,
20 in fact, a fatal flaw, we have at times
21 denied applications even after we sent out
22 the public notice and a draft permit.

23 My second point, however, is not
24 as encouraging. We have a very specific

1 role in the permitting of the proposed
2 facility. Our job is to review compliance
3 with applicable state and federal
4 environmental laws and rules, and in this
5 case we are dealing with the air pollution
6 control aspects of the facility.

7 We cannot address other aspects
8 of the proposed facility including aspects
9 of the facility that are subject to the
10 jurisdiction of local government.
11 Accordingly, the comments that we hope to
12 hear tonight deal with matters that fall
13 within our jurisdiction dealing with
14 emissions and air pollution control and air
15 quality impacts.

16 My final point is we will try to
17 answer your questions to the best of our
18 abilities tonight. However, if you ask
19 questions about environmental aspects of the
20 project which we can't answer, we will take
21 them with us back to Springfield.

22 Everybody here hopefully has
23 filled out a registration card. Even if you
24 are not going to provide comments tonight,

1 that's very important because we will mail a
2 copy of our written response of the summary
3 to everybody who is registered at tonight's
4 hearing as well as anybody else who submits
5 written comments.

6 Again, thank you for coming
7 tonight. Here you are, Manish.

8 MR. PATEL: Thank you, Chris. Good
9 evening, Ladies and Gentlemen. I am Manish
10 Patel. I am a permit engineer in the Bureau
11 of Air. I would like to give you a brief
12 description of the project.

13 Zion Energy has requested a
14 construction permit for an electric
15 generation facility in Zion. The project
16 would be located on West Ninth Street on the
17 western edge of Zion.

18 The proposed facility is
19 designed to function as a peaking power
20 station, to generate electricity in peak
21 demand periods and at other times when other
22 power plants are not available due to
23 scheduled or unexpected outages. In
24 Illinois, peak power demand occurs during

1 daylight hours on hot summer days, weekdays
2 due to the power demand for
3 air-conditioning.

4 The facility would use five
5 simple cycle combustion turbines to generate
6 up to 800 megawatts of electricity. The
7 facility will also use five auxiliary
8 natural gas-fired boilers to generate steam,
9 which will be injected into the turbines for
10 power augmentation when needed. Electrical
11 generators on the shaft of the turbines
12 would directly produce power.

13 The plant will be using natural
14 gas, which is the cleanest commercially
15 available fuel, as its primary fuel.
16 Distillate oil will be available as a backup
17 fuel for the turbines. Natural gas does not
18 contain significant amount of sulfur or ash
19 as present in coal and oil. The pollutant
20 of interest for burning natural gas is
21 nitrogen oxides or NOX. NOX is formed when
22 nitrogen and oxygen in the atmosphere
23 combine during the high temperature of
24 combustion.

1 The NOX emissions of the
2 facility are well controlled. The maximum
3 NOX emissions of the turbines would be
4 limited by use of low-NOX burners to no more
5 than 15 parts per million on an hourly
6 average when firing natural gas.

7 Low-NOX burners are not as
8 effective for burning oil. Water injection
9 control will be used to lower the NOX
10 emissions when firing oil. The limit is 42
11 parts per million when backup fuel,
12 distillate oil, will be fired.

13 Compliance with these NOX
14 emission limits would be verified by
15 continuous emission monitors installed in
16 the stack of each turbine and auxiliary
17 boiler. These monitors would be operated in
18 accordance with the protocol of the Federal
19 Acid Rain Program.

20 Zion Energy has performed an air
21 quality study to determine the air quality
22 impacts from the project for pollutants
23 other than ozone. Even though the adjacent
24 North Shore Power Plant project has not

1 received a permit, the modeling included
2 this facility. The study indicates that air
3 quality would comply with ambient standards.

4 With respect to ozone, the
5 facility should not have any effect on local
6 air quality as ozone forms gradually as
7 precursor compounds react. This facility
8 would be addressed as part of Illinois'
9 program to roll back NOX emissions from
10 electric utilities as-needed to comply with
11 the ozone standard in the Chicago area and
12 in areas downwind.

13 In summary, the Illinois EPA has
14 reviewed the materials submitted by Zion
15 Energy and has determined that the
16 application for the project shows that it
17 will comply with applicable state and
18 federal standards. We have prepared a draft
19 of the construction permit that sets out the
20 conditions that we propose to place on the
21 facility to assure continuing compliance.

22 In closing, we welcome any
23 comments or questions on our proposed
24 action. I will hand over to Zion Energy

1 representatives present here to address
2 further in detail. Thank you.

3 MR. KELLEN: My name is Andy Kellen. I
4 am employed by SkyGen Energy, LLC, as the
5 project manager of the Zion Energy Center
6 project. I appreciate the opportunity to
7 speak at this hearing and would like to make
8 a couple of brief comments about our
9 proposed facility and, in particular, the
10 level of emissions from the facility.

11 First, we believe that the
12 proposed facility meets all applicable
13 requirements for issuance of a Prevention of
14 Significant Deterioration Construction
15 Permit and that a permit should be issued as
16 proposed by the IEPA. Second, we believe
17 that the construction and operation of the
18 proposed facility will have overall air
19 quality benefits that bear mentioning.

20 By its nature, the air permit
21 review process must examine the potential
22 negative impacts of a proposed emissions
23 source to ensure that these impacts do not
24 exceed applicable regulatory standards.

1 There is nothing in the process to suggest
2 that construction of a proposed source may
3 have any positive impacts on air quality.
4 Yet by looking at the overall electric
5 supply situation --

6 MR. SELTZER: Let me interrupt, I am
7 sorry, for a minute. I don't think the
8 people in the back can hear.

9
10 (There was a discussion held
11 off the record.)

12
13 MR. SELTZER: Back on the record.

14 MR. KELLEN: There is nothing in the
15 process, air permit review process, to
16 suggest that construction of a proposed
17 source may have any positive impacts on air
18 quality. Yet by looking at the overall
19 electric supply situation, it can be seen
20 that the construction and operation of new
21 peaking facilities can reduce the total
22 quantity of air pollutants produced in the
23 course of meeting electrical needs.

24 Obviously, the proposed Zion

1 facility will produce air emissions only
2 when it operates. And it will operate only
3 when the demand for electricity creates the
4 need to operate peaking plants. If the
5 proposed Zion facility were not built, this
6 need would be met by existing peaking
7 plants.

8 In Illinois, the majority of the
9 existing peaking plants constructed by the
10 state's utilities are old with high air
11 emissions. Nearly 40 percent of Illinois'
12 existing utility peaking capacity burns oil
13 as its only fuel. Over 50 percent of
14 existing utility peaking capacity, while
15 primarily gas-fired, operates without
16 benefit of emission controls. As shown in
17 the attached figure that we provided, these
18 older facilities have significantly higher
19 emissions than the proposed Zion facility
20 even during a small number of hours that the
21 Zion facility may be required to operate on
22 oil.

23 In addition to being cleaner
24 than existing power plants, new peaking

1 plants like the proposed Zion facility are
2 also more efficient, burning approximately
3 30 percent less fuel while producing the
4 same electrical output. In a competitive
5 electric market, the facilities that produce
6 energy most economically will be the ones
7 that are called upon to operate.

8 Producing the same electrical
9 output with less fuel will make new peaking
10 facilities more economical than existing
11 plants, and they will be called upon to
12 operate instead of the older plants whenever
13 they are available. When a cleaner facility
14 operates instead of a dirtier facility, the
15 overall quantity of pollutants released to
16 the atmosphere is reduced.

17 Some will say that conservation
18 or renewable energy should be pursued,
19 rather than the construction of a new
20 gas-fired plants. Certainly both of these
21 strategies have the potential to reduce the
22 total quantity of pollutants released in the
23 course of meeting the demand for
24 electricity.

1 Conservation reduces electric
2 demand reducing the amount of electricity
3 that power plants must generate, thereby
4 reducing the amount of pollution produced to
5 generate this electricity. Renewable
6 technologies, or at least the ones that do
7 not involve combustion, produce electricity
8 with little or no air emissions.

9 If progress in conservation and
10 renewables were sufficient to eliminate the
11 need for peaking facilities, the proposed
12 Zion facility would not operate; and there
13 would be no air quality impacts associated
14 with the facility. More likely, however,
15 increased conservation and renewables would
16 reduce but not eliminate the need for
17 peaking facilities.

18 In this case meeting peaking
19 needs with new plants like the proposed Zion
20 facility would result in lower overall air
21 emissions than meeting these needs with
22 older facilities. The lowest overall level
23 of emissions would be achieved by pursuing
24 conservation and renewables in addition to

1 rather than instead of the construction and
2 operation of new gas-fired peaking plants
3 like the Zion facility.

4 In closing, I would like to note
5 that air emissions are not the only issue
6 involved when discussing the potential
7 impacts for a proposed new peaking facility.
8 While this proceeding deals with air
9 emissions, we acknowledge that issues such
10 as water use, noise, traffic, and aesthetics
11 are matters of legitimate concern to the
12 future neighbors of a proposed facility. We
13 have worked with the community on these
14 issues in the past and would certainly
15 continue to work with the community on these
16 issues if the proposed air permit is granted
17 and the Zion Energy Center moves forward to
18 construction and operation. Thank you. I
19 will have copies of my statement at the
20 back.

21 MR. SELTZER: Thank you. Before you
22 leave, Mr. Kellen, the chart that you
23 showed, is there replications of that chart
24 on the table? Do you have copies of that?

1 MR. KELLEN: I will be putting copies
2 on the table. I have given a copy to the
3 court reporter.

4 MR. SELTZER: We will mark that as
5 Public Exhibit No. 1 or Applicant's Exhibit
6 No. 1.

7
8 (The document referred to was
9 marked as Applicant's Exhibit
10 No. 1 for identification.)

11
12 MR. SELTZER: Also, before you sit
13 down, we had a conversation before the
14 hearing; and I informed you that I was going
15 to extend the comment period until the 14th
16 of next month. And since we are doing that,
17 we will need another waiver. And you
18 indicated, on behalf of the Applicant, you
19 would give the Agency a waiver for their
20 action on the permit application until
21 October 30, I believe; is that correct?

22 MR. KELLEN: That's correct.

23 MR. SELTZER: Okay. Thank you much.
24 At this time we will go to the audience.

1 Frank Kaiser? Candye Nannini? Would you
2 spell your name, please, for the court
3 reporter, first and last?

4 MS. NANNINI: Sure. It is Candye,
5 C A N D Y E, last name, N A N N I N I. My
6 name is Candye Nannini. I am a trustee with
7 Newport Township.

8 We passed a resolution on
9 January 19, of 2000, opposing the siting of
10 the peaker plant in such close proximity to
11 our township; and I would like to present
12 the resolution to the EPA for your
13 consideration. I would also like this to
14 count for tomorrow night too. Should I give
15 it to you?

16 MR. SELTZER: If you give it to the
17 court reporter, I will ask the court
18 reporter to mark this exhibit as Public
19 Exhibit No. 1.

20
21 (The document referred to was
22 marked as Public Exhibit No. 1
23 for identification.)

24

1 MR. SELTZER: And I am also going to
2 request based on your request that the court
3 reporter include your comments of this
4 evening into the record of the comments
5 tomorrow night. That will also then be
6 introduced as an exhibit in the hearing for
7 tomorrow as Public Exhibit No. 1.

8 MS. NANNINI: Understood. Thank you.

9 MR. SELTZER: Loretta McCarley?

10 MS. McCARLEY: Good evening. My name
11 is Loretta McCarley, and I am a
12 representative --

13 MR. SELTZER: Spell your name, please,
14 for the record.

15 MS. McCARLEY: M C C A R L E Y.

16 MR. SELTZER: Thank you.

17 MS. McCARLEY: I am a representative of
18 the Lake County Board. I represent District
19 2.

20 I am here tonight to say that
21 back in December our Lake County Board did
22 propose that some legislation be adopted
23 regarding basically a moratorium. That
24 wasn't the words used, but it was to delay

1 any permits to be accepted until further
2 guidelines had been established.

3 I understand we are only dealing
4 with air quality tonight. However, I feel
5 that we have other concerns that,
6 unfortunately, are not within the guidelines
7 for permitting; and those were addressed in
8 the proposed legislation. I would like to
9 present this to you also.

10 Unfortunately, this proposal was
11 not supported by any of our legislators.
12 However, I feel the Lake County Board is
13 still -- all of us have these feelings
14 regarding the permitting process.

15 As far as the air quality
16 issues, I think one of the main concerns
17 that we have is that not only will this
18 be -- not only will we have this peaker
19 power plant but possibly two others. And I
20 have a question whether or not the
21 cumulative effects will be considered when
22 you are permitting individual plants. I --

23 MR. SELTZER: Let's hear the answer
24 first.

1 MR. PATEL: The other project you are
2 referring to is North Shore Power Plant,
3 which is not permitted yet. But we have
4 included the effects, emission effects of
5 that project into the modeling of this
6 particular project.

7 MS. McCARLEY: So is there a
8 possibility that all of these three power
9 plants could, in effect, be running at the
10 same time; and has that been worked out
11 because they are in such close proximity to
12 one another?

13 MR. PATEL: Yeah.

14 MS. McCARLEY: Yes?

15 MR. PATEL: Yes.

16 MR. SELTZER: Let me ask a question.
17 You indicated that there was a resolution or
18 a --

19 MS. McCARLEY: Actually, this was
20 proposed legislation.

21 MR. SELTZER: Proposed before what
22 body?

23 MS. McCARLEY: It was given to our
24 legislators, our state legislators, by the

1 Lake County Board requesting that this take
2 place.

3 MR. SELTZER: Did the Lake County Board
4 pass any ordinances relative to this matter?

5 MS. McCARLEY: Ordinances, no. This
6 was proposed legislation.

7 MR. SELTZER: But the Board itself has
8 the authority to pass ordinances. I am
9 asking if they passed any ordinances.

10 MS. McCARLEY: Ordinances for Lake
11 County?

12 MR. SELTZER: Yes.

13 MS. McCARLEY: No, we have not.

14 MR. SELTZER: Was this introduced to
15 the General Assembly? How far did it go?

16 MS. McCARLEY: It got as far as just in
17 the hands of our legislators. No one picked
18 it up for sponsorship.

19 MR. SELTZER: Okay. That will be
20 introduced into the record as Public Exhibit
21 No. 2.

22 (The document referred to was
23 marked as Public Exhibit No. 2
24 for identification.)

1 MR. SELTZER: Again, what we will do is
2 I will ask that your testimony be duplicated
3 for tomorrow night; and the exhibit will
4 also be part of the record for tomorrow
5 night's hearing as Public Exhibit No. 2.

6 MS. MCCARLEY: Okay. Thank you.

7 MR. SELTZER: Carol Dorge? I will ask
8 that you spell your name before you begin,
9 please.

10 MS. DORGE: My name is Carol Dorge,
11 D O R G E. I am an attorney representing
12 the Lake County Conservation Alliance.

13 What I would like to start with
14 is a letter that I handed to you. I am
15 going to read the letter, and then I do have
16 some questions. This is addressed to the
17 Illinois Environmental Protection Agency.

18 "To whom it may concern: The
19 purpose of this letter is to object to the
20 timing of this public hearing. The public
21 is being asked to comment on the Zion Energy
22 air permit application based upon a permit
23 application that is missing information,
24 that contains inconsistencies, and that

1 relies on the conclusary statements rather
2 than explanations and information that can
3 be substantiated by documentation in the
4 record. We have asked for the entire
5 administrative record, and we have reviewed
6 what we have been given. We have also asked
7 for calculations and assumptions used,
8 particularly those relating to start-up, and
9 have not received a response.

10 We would like a response as soon
11 as possible. We also attempted to review
12 information in the depository at the
13 Waukegan Public Library, and they had no
14 information on this facility."

15 I should mention that I was
16 there today, and they again told me they did
17 not have any information. But after
18 insisting that I heard that they did, they
19 were able to find it. I understand a number
20 of people have been by there, and they have
21 not be been able to review the record.

22 "Based upon what we have seen,
23 we cannot get from here, the administrative
24 record, to there, the draft permit.

1 We also note that SkyGen admits
2 that it has not seen reliable data for
3 emissions during start-up or emissions of
4 hazardous air pollutants. IEPA should defer
5 issuing any permit until such time as
6 reliable information can be and is provided.
7 The record does not establish that this
8 facility can be operated in compliance with
9 applicable regulations.

10 Furthermore, the public has a
11 right to any data or other information
12 utilized by SkyGen or IEPA to estimate
13 emissions during start-up and HAPs. We
14 would like copies of all information
15 considered, whether it was felt to be
16 reliable or not.

17 The Lake County Conservation
18 Alliance, LCCA, objects to tonight's
19 proceeding. The application is incomplete.
20 The record is incomplete. The Applicant
21 should be required to produce reliable
22 emission data for all pollutants. In the
23 meantime, this proceeding should be put on
24 hold.

1 Assuming you go forward tonight,
2 you will be asked many questions, technical
3 questions and other questions related to the
4 ownership and control of this facility. We
5 urge SkyGen and IEPA to respond in as great
6 detail as possible. The public needs
7 answers.

8 I have listed some of the
9 omissions and discrepancies in the permit
10 that is attached. We have identified a
11 number of discrepancies, casting doubt on
12 the accuracy and validity of other
13 information in the application where errors
14 could not be so readily apparent.

15 The Agency must be overwhelmed
16 with the number of permit applications that
17 are pending. Does it validate the
18 information it receives? We want assurance
19 that permit decisions are based on the best
20 possible data, data that has been checked
21 and verified. That does not seem to be the
22 case here, and this permit should be
23 denied."

24 I am not going to go through all

1 of the errata. I will point out a couple of
2 major discrepancies including stack height.
3 Stack height in the application was
4 different than the stack height used for
5 modeling.

6 We were not able to find
7 anything substantiating the maximum hourly
8 emission rate of 106.7 pounds per hour.
9 This apparently occurred at 59 degrees. The
10 only data sheet that we saw appeared to be
11 run at 59 degrees was I think in Appendix E,
12 Page 5.

13 I have the application, and we
14 can go through some of this. I will show it
15 to Mr. Kellen if he is willing to try to
16 answer some of the questions we have, but we
17 saw nothing substantiating that number.

18 There are a number of other
19 things. I won't read them all. I do have
20 some questions.

21 I should also mention we have
22 objected to the location, the location of
23 this facility. I am going to show you the
24 map that -- be able to pull off the

1 Internet. It is nowhere near where this
2 facility is actually located. Most of my
3 questions are directed to SkyGen. Can I do
4 that?

5 MR. SELTZER: Let me stop at this
6 juncture and ask this. Do you want the
7 testimony you are offering tonight, your
8 general comments to be inserted into the
9 record tomorrow evening?

10 MS. DORGE: No. I will be here
11 tomorrow night.

12 MR. SELTZER: Now, with regard to the
13 map, you would like to introduce into this
14 record, just this record?

15 MS. DORGE: Yes.

16 MR. SELTZER: Then the map will be
17 marked or introduced into evidence as Public
18 Exhibit No. 3.

19
20 (The document referred to was
21 marked as Public Exhibit No. 3
22 for identification.)

23
24 MS. DORGE: Thank you. Most of my

1 questions refer to (unintelligible). Some
2 may be answered by IEPA. So if either of
3 you can respond, I would appreciate that
4 response.

5 The first is how many stacks?
6 How tall are the stacks? How wide are the
7 stacks? Are there stacks associated with
8 ancillary operations such as the auxiliary
9 boilers and (unintelligible)? Do they emit
10 from one stack or different stacks? And,
11 last, how does this affect exhaust
12 temperatures? Should --

13 MR. SELTZER: Let me say this.
14 Generally these hearings are for the public
15 to query the EPA. Under the law, the
16 Applicant does not even have to show up. It
17 probably wouldn't be very wise not to show
18 up, but they are not required to show up.
19 So basically the hearing is for you to quiz
20 us. So if the Applicant wishes to answer,
21 that's fine. If they decline to answer, the
22 record will so note.

23 It sounds to me like you asked
24 for a lot of information that we should have

1 anyway. So if it is easier for the
2 Applicant to give that information and if
3 they wish to do so, then I would like to
4 hear it from the Applicant. If not, I would
5 think we have that information; and we can
6 supply it to you.

7 So let me first ask the
8 Applicant, do you have the information that
9 was requested at hand?

10 MR. KELLEN: I can provide at least
11 some of the information.

12 MR. SELTZER: Go ahead.

13 MR. KELLEN: The question of number and
14 height of stacks, the reason for the
15 discrepancy as originally shown in the
16 drawing with the original permit application
17 the stack height assumed that the turbines
18 would be located in an outdoor arrangement.
19 Subsequent to that, we have agreed, based on
20 concerns from some people in the area, that
21 we would put the turbines inside a building.
22 Putting them inside a building with a height
23 of slightly higher than what the stacks were
24 originally necessitated the increase of the

1 height of the stacks.

2 This is reflected in the
3 submittal done for the modeling of the
4 facility. The facility -- The stacks were
5 modeled at 105 feet in height. It would be
6 separate stacks for each of the five
7 turbines and each of the five auxiliary
8 burners.

9 MS. DORGE: They are all 105 feet for
10 the ten 105-foot stacks?

11 MR. KELLEN: (Nodded head).

12 MS. DORGE: Exhaust temperatures
13 ranging from 1,100 to 1,200 degrees. What
14 conditions affect exhaust temperatures? And
15 how often does it exceed 1,100 and under
16 what conditions and if there are emissions
17 from the fuel heaters or other heaters that
18 gas --

19 MR. SELTZER: Would you talk into the
20 microphone? I can't hear at all.

21 MS. DORGE: The question was exhaust
22 temperatures are reported to range from
23 1,100 to 1,200 degrees. What conditions
24 affect the exhaust temperature? How often

1 does it exceed 1,100 degrees and under what
2 conditions? And are there any air streams
3 such as any air streams from the fuel
4 heaters that might dilute gases and cool
5 them off?

6 MR. KELLEN: The exhaust temperature
7 from the turbines is going to vary as a
8 function of both the fuel used, the ambient
9 temperature, and the percent of full load.
10 In our application in Appendix D, the data
11 sheets show for the various combinations of
12 fuel, load, and ambient temperature what the
13 corresponding exhaust temperature is.

14 The fuel heaters, the exhaust
15 from the fuel heaters would be discharged
16 via two separate stacks so that it won't not
17 be mixed with the exhaust from the turbines.
18 It won't result in any cooling of the
19 exhaust from the turbines.

20 MS. DORGE: So we have false stacks
21 then?

22 MR. KELLEN: Yes.

23 MS. DORGE: Can you tell us are your
24 numbers for normal operation in Exhibit D?

1 And if you have some computer software from
2 the manufacturer, would you be willing to
3 share that with us?

4 We -- Particularly in the case
5 of your application, some of the numbers
6 seem to jump around; and we are having a
7 hard time understanding what's been causing
8 some of the elevated numbers and so forth.
9 We would like to have access to that
10 software. Would you be willing to share it
11 with us?

12 MR. KELLEN: I assume you are talking
13 about the software that generated the data
14 sheets?

15 MS. DORGE: (Nodded head).

16 MR. KELLEN: That is something that
17 is -- we haven't -- proprietary
18 manufacturer's data as far as we can tell --

19 MR. SELTZER: Can I just ask everybody
20 talk into the microphone, please?

21 MR. KELLEN: We don't have the software
22 for it.

23 MS. DORGE: Who ran that, the numbers?

24 MR. KELLEN: The manufacturer.

1 MR. SELTZER: Why don't you both stay
2 up there?

3 MS. DORGE: Could I ask how the
4 temperatures --

5 MR. SELTZER: Could you talk directly
6 into the microphone? Just face the
7 microphone and talk into it.

8 MS. DORGE: You ran the performance at
9 zero degrees, 45, 59, and 92, I believe.
10 Who selected those temperatures, and do you
11 know why?

12 MR. KELLEN: I don't have -- I can tell
13 you essentially what they represent. The 45
14 degrees is approximately the annual average
15 ambient temperature. The 92 degrees is the
16 expected ambient temperature at the time of
17 peak electrical load. And the zero degrees
18 represents a low temperature case.

19 MS. DORGE: Did GE select
20 temperatures -- Who selected the
21 temperatures that would be run?

22 MR. KELLEN: We selected the
23 temperatures.

24 MS. DORGE: We are interested in all

1 pollutants including, not just NOX and some
2 of the larger quantity pollutants, but VOCs
3 and hazardous air pollutants. Do you have
4 data for start-up for all pollutants
5 including VOCs and HAPs, and do you have
6 data for HAPs under normal operation? We
7 would like everything that you considered,
8 whatever is available.

9 MR. KELLEN: We submitted data on HAPs
10 emissions. We don't have information on the
11 emissions during start-up and shut-down.

12 MS. DORGE: For VOCs or HAPs?

13 MR. SELTZER: I'm sorry. I didn't hear
14 that.

15 MS. DORGE: For VOCs or HAPs? He has
16 no information -- no data for emissions
17 during start-up for VOCs or HAPs.

18 MR. SELTZER: Is that correct?

19 MR. KELLEN: That's correct.

20 MS. DORGE: And the HAPs information
21 you had came from AP-42. Is that all you
22 had?

23 MR. KELLEN: That's correct.

24 MS. DORGE: Did you ask GE for any of

1 this data, this type of data?

2 MR. KELLEN: Yes, we did.

3 MS. DORGE: Did they say they don't
4 have it?

5 MR. KELLEN: That's correct.

6 MS. DORGE: Can you tell us what
7 assumptions you used for calculating your
8 emissions during start-up? We haven't even
9 seen the number of times you assumed you
10 were going to start-up. But as much as
11 possible, tell us what assumptions were
12 used.

13 MR. KELLEN: Start-up and shut-down
14 emissions -- Take a step back. The reason
15 that the -- not all of the data is
16 available, the -- the turbine in order to
17 meet the parts per million NOX emission
18 limit will use a very new dry low-NOX
19 combustor. In order to estimate the
20 emissions during start-up and shut-down, we
21 based it on emissions of other combustors
22 that have more significant operating
23 experience and came up with an estimate of
24 start-up emissions, shut-down emissions.

1 MS. DORGE: How many times did you
2 assume each turbine would start-up or all
3 five turbines would start-up?

4 MR. KELLEN: We didn't make any
5 estimate of number of times start-up and
6 shut-down.

7 MS. DORGE: How many times will they
8 start-up?

9 MR. KELLEN: The -- On average, as a
10 rough estimate, I believe it would be
11 reasonable to assume approximately ten to
12 twelve hours of operation per start-up.

13 MS. DORGE: So will they start up every
14 day they are operating?

15 MR. KELLEN: Generally -- The typical
16 operating mode would have the turbines start
17 up early in the morning on a hot summer day
18 and shut down in early evening.

19 MS. DORGE: Well, then is it safe to
20 assume a turbine that might operate 2,300
21 hours could operate ten or twelve hours a
22 day would start up, what, 200 and some
23 times?

24 MR. KELLEN: At ten hours, that would

1 be 230 times. That's correct.

2 MR. SELTZER: Let's go off the record.

3

4 (There was a discussion held
5 off the record.)

6

7 MR. SELTZER: Let's go back on the
8 record.

9 MS. DORGE: I understand the dry NOX
10 combustor is not operating during start-up.
11 Can you tell me what emission controls are
12 operating during start-up, if any?

13 MR. KELLEN: That's not true. The dry
14 low-NOX combustor will operate at all times
15 when the turbine is running.

16 MR. SELTZER: Please.

17 MS. DORGE: Do you have -- You said
18 your start-up assumptions were based upon
19 some other information. Do you have that
20 information, and can we have anything that
21 you have?

22 MR. KELLEN: I don't have it with me at
23 this time.

24 MS. DORGE: Would you provide it to us?

1 MR. KELLEN: I could provide it.

2 MS. DORGE: Has this turbine,
3 particular type of turbine been -- is it in
4 operation anywhere? Has it been tested
5 anywhere?

6 MR. KELLEN: Yes, it has.

7 MS. DORGE: For normal operations or --
8 yes?

9 MR. KELLEN: It is -- Yes, it's been
10 operated as both a peaking unit, as a
11 combined-cycle unit.

12 MS. DORGE: Is there anything other
13 than the information in Appendix D that you
14 have that establishes what emission levels
15 can be expected?

16 MR. KELLEN: No. That's the
17 information that we have.

18 MS. DORGE: I wasn't clear from
19 Appendix D what impact the use of the
20 evaporative coolers had on emissions. Is
21 that reflected somewhere in the -- I mean,
22 there was a reference to 85 percent
23 operation; but that was all that was there.

24 Is there any other information

1 that would tell us when they are used, when
2 they are used, and what impact they have on
3 all the different components of the stream?

4 MR. KELLEN: Evaporative coolers would
5 be used during periods of high ambient
6 temperature. Operating evaporative coolers
7 reduces the temperature of the air that goes
8 into the turbine. And reducing the
9 temperature, as you can see from the data,
10 at lower temperatures, the emissions are
11 higher than at higher temperatures.

12 So, for example, if the
13 temperature was 92 degrees and the
14 evaporative cooler was turned on, the
15 temperature of the turbine may be more like
16 80 degrees. Actually, I am sorry. I
17 misspoke there. I just noticed that the
18 case at 92 degrees does assume that the
19 evaporative cooler is on. So that already
20 is taken into account in those emissions.

21 MS. DORGE: How do you decide to turn
22 the turbines on, and when would they operate
23 at less than full load? What operating
24 considerations go into, you know, turning

1 them on, off, etcetera; and what loads, how
2 many, so forth?

3 MR. KELLEN: The operation will depend
4 on the price of power on the market. If
5 more power can be sold, it will be operated
6 at higher levels. If there is less need for
7 power, then it would be operated at lower
8 levels.

9 Generally be operated to such a
10 way to operate the maximum number of units
11 or operate units at higher load rather than
12 the lower load. For example, operating one
13 unit at 100 percent load rather than
14 operating two units at 50 percent load would
15 be preferred.

16 MS. DORGE: Who will actually turn them
17 on?

18 MR. KELLEN: Our operators would start
19 up and shut down the units.

20 MS. DORGE: Your emissions, your
21 modeling looks a lot different than
22 Carlton's. Would you be willing -- I
23 believe that they showed some concentrations
24 at receptors. Would you be willing to run

1 your model and show us what levels we could
2 expect to see, what worst case levels at
3 your property line and at the nearest
4 residence for all the different parameters
5 including toxins?

6 MR. KELLEN: We could do that.

7 MS. DORGE: Can I ask you, will you own
8 the turbines; or will they be leased?

9 MR. KELLEN: We would own the turbines.

10 MS. DORGE: Will they be financed by
11 GE?

12 MR. KELLEN: We haven't -- I am not
13 sure what the specific financial
14 arrangements would be. Most likely would
15 not be financed by GE.

16 MS. DORGE: How are you going to
17 finance this?

18 MR. KELLEN: Generally it would be a
19 project finance arrangement. Go out to a
20 bank for a debt financing and put up the
21 balance in the form of equity.

22 MS. DORGE: Okay. Do you know whether
23 any bank or -- Obviously, you just said --

24 MR. SELTZER: Ms. Dorge, I am going to

1 ask that we get back to the point of this
2 hearing.

3 MS. DORGE: You are familiar with
4 Carlton's proposal for Waukegan?

5 MR. KELLEN: No, I am not.

6 MS. DORGE: Have you heard that they
7 proposed a combined-cycle facility that
8 would utilize wastewater from the North
9 Shore Sanitary District in Waukegan?

10 MR. KELLEN: I have heard that.

11 MS. DORGE: Did you consider a similar
12 type operation and stack for -- including
13 the location which is very close to Zion as
14 BACT for your operation?

15 MR. KELLEN: I guess I don't understand
16 how the use of water would affect BACT
17 determination.

18 MS. DORGE: Did you consider a
19 combined-cycle operation at all as a
20 possible type of technology to use?

21 MR. KELLEN: We didn't consider that
22 for this project. That's a separate
23 technology, separate type of plant, separate
24 use.

1 MS. DORGE: The -- I believe the
2 application says your emission controls are
3 80 percent efficient. Can you explain what
4 that means in terms of each pollutant?

5 MR. KELLEN: I don't recall that
6 statement in our application. The dry
7 low-NOX combustor, rather than removing
8 pollutants after they are produced, operates
9 to reduce or decrease the formation of
10 pollutants. So describing it as a percent
11 of reduction, to me, doesn't seem to make
12 sense.

13 MS. DORGE: That's all for now. Thank
14 you.

15 MR. SELTZER: Thank you. Terry Jacobs?
16 Spell your name, please.

17 MS. JACOBS: T E R R Y, last name is
18 J A C O B S.

19 MR. SELTZER: Thank you.

20 MS. JACOBS: I was wondering if you
21 have room on the property to add additional
22 turbines. Many other plants have applied
23 for a second permit shortly after beginning
24 operation with the first. Do you have the

1 room, and what are your plans for expansion,
2 and how might that affect the air permit?

3 MR. KELLEN: Potentially we have the
4 room for additional turbines. However, we
5 have no plans for more turbines in the
6 future. In fact, although the application
7 is for five units, our expectation is that
8 only four units would be installed
9 initially. So our application covers all of
10 the expected development of the site.

11 MS. JACOBS: So you don't expect to
12 further develop the site?

13 MR. KELLEN: No, we don't.

14 MS. JACOBS: Okay. Does SkyGen plan on
15 selling by-products of the electrical
16 generation, such as steam to nearby
17 companies?

18 MR. SELTZER: I am going to ask that
19 we -- I will let you answer this question.
20 But we are getting way off field because
21 that has nothing to do with the parameters
22 the Agency has to look at when it decides to
23 issue or not to issue a permit. So let's
24 not go too far off field.

1 MR. KELLEN: We don't expect to sell
2 steam or the by-products from the unit.
3 That would generally be applicable for a
4 combined-cycle unit. But as a peaking unit,
5 that's not something that we would have
6 available to supply to other industries.

7 MS. JACOBS: Do I understand that you
8 do not plan to convert to a combined-cycle
9 or cogen plant as was implied by a newspaper
10 article recently? Was that incorrect in the
11 paper?

12 MR. KELLEN: We have no plans to
13 convert to a combined-cycle. I am not going
14 to say that it would be impossible to do
15 that in the future, but that is certainly
16 not something that is in our plans.

17 MS. JACOBS: Would it be appropriate to
18 continue to ask any further questions about
19 combined-cycle? I just have a couple.

20 MR. SELTZER: Let me confer.

21

22 (There was a discussion held
23 off the record.)

24

1 MR. SELTZER: Go ahead and ask your
2 questions one by one, and we will look at
3 each question.

4 MS. JACOBS: Okay. Since it is not
5 outside the realm of possibility that it
6 might someday be converted to a
7 combined-cycle plant, how many hours would
8 you perhaps run them then; and would you
9 anticipate some kind of a plume?

10 MR. SELTZER: No. That's way far off
11 field. You are posing a hypothetical, which
12 the Agency didn't look at and won't look at.
13 It is not part of the permit application.

14 MS. JACOBS: As far as if they were to
15 want to change this to combined-cycle
16 sometime in the future, would they have to
17 be re-permitted at that time through these
18 same types of procedures; or what would be
19 required?

20 MR. ROMAINE: Yes, they would. The
21 permit that we are proposing to issue is for
22 a peaking facility. It has provisions that
23 describe it as a peaking facility, and
24 certainly they would have to go back through

1 the permitting process to convert to a
2 combined-cycle facility.

3 MS. JACOBS: Since both the Illinois
4 EPA and the Applicant has brought up need
5 both prior to starting this and the
6 Applicant saying need would determine the
7 operating hours and the person who operated
8 the most economically would probably be
9 operating the most number of hours, the
10 need, it seemed to be rather implied that
11 the need would be local and Chicagoland
12 area; am I correct?

13 MR. ROMAINE: Well, let me first jump
14 in and say you suggested that we made a
15 statement that there was a need for this
16 particular facility?

17 MS. JACOBS: That the additional --
18 addition of peaker power plants in the area
19 was based on need for additional electrical
20 generating power; and by doing that, some of
21 the other entities that were currently
22 creating power for the area would have less
23 necessity to run such as the coal-fired
24 plants. I believe that was stated earlier

1 on by Mr. Patel. Maybe I misunderstood, and
2 then Mr. Kellen certainly in his
3 presentation when he first started mentioned
4 need.

5 MR. ROMAINE: Let me clarify. All we
6 said is that what peaking plants do is, at
7 the present time, they operate when there is
8 a demand for power, which at this point is
9 normally on hot summer weekdays. We did not
10 specifically address need as an absolute
11 concept. We were trying to just tell people
12 in general what a peaking plant has
13 historically done in Illinois.

14 MS. JACOBS: Okay. So you had shaken
15 your head yes, that you thought that that
16 would be to take care of the need in the
17 local area, that would contribute to your
18 operating hours, that would determine how
19 often you operated in this area, in the
20 Chicagoland area?

21 MR. KELLEN: I'll say when I was
22 talking about need in my presentation I was
23 talking about when you have certain
24 installed plants. Those plants are operated

1 in kind of an economic order. I don't
2 believe that I had any discussions about any
3 type of a need as far as how many plants are
4 needed and where the power is needed.

5 To try to answer that question
6 though, the reason that we are locating in
7 this area is as a result of a business
8 decision that there is a market for
9 additional electrical peaking capacity in
10 this area.

11 MS. JACOBS: This area being Zion,
12 Chicagoland area?

13 MR. KELLEN: That's correct.

14 MS. JACOBS: Okay. So could you tell
15 me how you are going to determine when this
16 particular area is in need of power since
17 the grid, it is my understanding, serves a
18 five-state region; and are your contracts
19 all local here with Zion and the Chicagoland
20 area and not anywhere outside of that area
21 for your power?

22 MR. KELLEN: This is getting a little
23 bit outside of my area, but we don't have
24 specific contracts at this time that

1 determined where the power would go. You
2 are right, it is a connected grid; and the
3 price of the power on the grid would
4 determine whether or not the plant operates
5 and where the power would go.

6 MS. JACOBS: So the power --

7 MR. SELTZER: Let me interrupt here.

8 These questions, they are not germane to
9 what the Agency is looking at unfortunately.

10 MS. JACOBS: Well --

11 MR. SELTZER: Let me finish, please.

12 MS. JACOBS: Okay.

13 MR. SELTZER: But they are probably
14 more than appropriate questions when there
15 is a hearing before the Planning Commission
16 or the Planning Board, whoever it would go
17 to for your local zoning because they can
18 look at those issues. You are raising
19 issues that the Agency doesn't look at. So,
20 therefore, it is not germane to our issuance
21 or denial of a permit or any special
22 conditions we may add to the permit.

23 MS. JACOBS: Good point. But I guess
24 assumptions are being made based on what the

1 need will be as to how many start-ups and
2 shut-downs there will be, and when there is
3 a local need, that they will be starting up
4 and shutting down more frequently.

5 Now, I think I heard him say
6 that it will be based on a need anywhere on
7 this grid, which to my understanding is a
8 five-state area. So the need could be out
9 of state. So the start-ups and shut-downs
10 could be much more frequent, and they won't
11 necessarily be early a.m. and early p.m. on
12 any particular given day. Some place else
13 outside of our weather area, I think they
14 said this, could have a need when we don't
15 have a need here.

16 MR. SELTZER: I think that is an
17 appropriate comment. I thank you for that
18 comment.

19 MS. JACOBS: Okay. I have a lot of
20 questions that I am trying to self limit.
21 Excuse me for a moment. The surrounding
22 area that you are saying will not be used to
23 expand to additional turbines, is there any
24 other plans for that surrounding area right

1 now?

2 MR. KELLEN: We don't have any plans at
3 this time.

4 MS. JACOBS: Okay. Is there anything
5 in the realm of possibility that could be
6 put on that plant on those -- on that land
7 by your company that would at some time
8 require you to request additional permitting
9 from the EPA?

10 MR. SELTZER: Please, let's try and
11 focus. What they may do in the future is
12 not what we are looking at now.

13 MS. JACOBS: Okay. Then at that time
14 would you be looking at the cumulative
15 effects of the other plants that are
16 currently presumed to come before you plus
17 what they are currently asking for plus what
18 they may be asking for in addition if it did
19 require an air permit so that all of those
20 cumulatively would be considered prior to
21 issuing a permit; and if you do, what
22 criteria would you use in deciding? Am I
23 too close to this, too far away?

24 MR. SELTZER: You are fine.

1 MR. ROMAINÉ: We really can't answer
2 that because we don't know what this
3 theoretical project would be. It is quite
4 possible that if it were a project that were
5 clearly insignificant we would not require
6 further air quality analysis. On the other
7 hand, if it were a major project, we would
8 be back doing PSD type application like we
9 have got today with doing further
10 comprehensive air quality impact analysis.

11 MS. JACOBS: Thank you.

12 MR. SELTZER: Thank you. Folks, should
13 we take a short break, turn the air on for
14 five minutes, turn it off, and get started
15 again? It might make everybody a little
16 more comfortable. Let's take a five minute
17 break.

18
19 (After a short recess, the
20 proceedings resumed as
21 follows:)

22
23 MR. SELTZER: The next card, I believe
24 it is Verena Owens. Would you begin,

1 please, by spelling your first and last
2 name?

3 MS. OWEN: Sure. My name is
4 V E R E N A, O W E N. And I would like to
5 start that I am disappointed to be having
6 this hearing tonight. I worked for over a
7 year not to have this.

8 MR. SELTZER: Excuse me, ma'am. Can we
9 have some quiet back there, please? I am
10 sorry.

11 MS. OWEN: And you are aware that the
12 Pollution Control Board will be having
13 hearings about peaker plants, and I don't
14 think the EPA should be issuing any permits
15 until we have the results of these hearings.

16 Mr. Hearing Officer, I would
17 like to know why you chose to extend the
18 deadline for public comment?

19 MR. SELTZER: I feel that it -- the
20 more time to give the public, the more
21 information the Agency will receive. Now,
22 we do have a time limit. There's a time
23 limit by which the Agency has to act on a
24 permit application.

1 MS. OWEN: That is 45 days after close
2 of public comment; is that correct? Chris?

3 MR. ROMAINE: Yes.

4 MR. SELTZER: Do you know? It is from
5 the time the application is submitted; am I
6 correct?

7 MR. ROMAINE: That's correct.

8 MS. OWEN: Okay. I will get back to
9 that later then. Did you have a feeling
10 there were lots of problems with this permit
11 that made you decide there might be a lot of
12 public comment? I mean, we didn't even
13 start talking; and you said you were going
14 to extend the deadline. I was just curious.

15 MR. SELTZER: I am new to this position
16 as a hearing officer. And when I took a
17 look at some of the information that's been
18 given at a prior hearing or two, I decided
19 that the public just needs more time. It
20 was an individual decision that I made.

21 I don't look at the permit
22 application. I am not a technical person.
23 I wouldn't understand the permit
24 application, and I have no input into the

1 decision. But from a legal perspective, I
2 felt it would be more favorable if we
3 allowed the public some additional time.

4 MS. OWEN: Thank you. I am looking at
5 the draft permit. It says that summary and
6 draft permits were placed in the location in
7 the vicinity of the project. I found out
8 tonight where the vicinity was. Is that the
9 usual wording in the draft permit, to have
10 people go search for information?

11 MR. ROMAINE: The -- Yes, it is. The
12 information on where the material is
13 available is specifically provided in the
14 public notice, but not provided in the draft
15 permit.

16 MS. OWEN: The public notice, I had a
17 bit of a problem. The public notice
18 appeared on your website. The permit was
19 issued on 6-30-2000. It appeared on your
20 website on July 27. And you are right. In
21 that public notice, it said Waukegan.

22 I went to the Waukegan Library.
23 I couldn't find it. I had the public
24 librarian search their database. I had them

1 search the shelves. I heard today that they
2 finally found it.

3 I wonder when it was sent to
4 Waukegan Library?

5 MR. FROST: It was sent at the
6 beginning of the comment period. If they
7 misplaced it or if they -- Usually I thought
8 that they have a whole bunch of stuff there
9 on Waukegan Harbor from us. I thought they
10 would place it right --

11 MS. OWEN: Yes. That's still there. I
12 did see that on the shelf. There was
13 nothing else there though. I understand
14 that is not your problem, but I am pointing
15 out that this in the future might need to be
16 addressed a little better.

17 MR. FROST: We sent a letter along with
18 the stuff --

19 MS. OWEN: Yeah. Let me get back to
20 the letter in a minute here. I looked at
21 40 CFR, Paragraph 124.10C19. It talks about
22 notification of interested parties. Can I
23 ask who was notified in writing?

24 MR. FROST: I can.

1 MR. SELTZER: Let me interrupt for a
2 minute.

3 MS. OWEN: 'Cause I wasn't. That was
4 my point. I am on the list, and I had
5 called Mr. Frost because I wasn't notified.
6 There are other people on this list that
7 have gotten no letter from the EPA about
8 this. You don't need to comment on that. I
9 think it was all in my comment.

10 MR. SELTZER: What I was going to
11 comment on is the citation you have.
12 40 CFR, what is the title of that?

13 MS. OWEN: I don't know. You are the
14 lawyer. I am sorry.

15 MR. SELTZER: That's why I asked
16 because that's --

17 MS. OWEN: I can repeat the number if
18 it helps any.

19 MR. ROMAINE: I know the reg. Those
20 are relevant regulations. They are USEPA
21 administrative rules for the PSD permitting
22 process.

23 MS. OWEN: Yeah, he is right. Thank
24 you, Chris. Okay. Going down the permit, I

1 have a question about power augmentation.
2 What is the effect of power augmentation?
3 And you should be able to answer it because
4 you permitted that.

5 MR. ROMAINÉ: The effect of power
6 augmentation is to increase the amount of
7 electrical power or the amount of power that
8 is coming out of the turbine and the amount
9 of electricity that can be generated.

10 MS. OWEN: What are the effects on
11 emissions?

12 MR. ROMAINÉ: It should not affect
13 emissions significantly. There is --

14 MS. OWEN: Define significant. Less
15 than 10 percent, more than 1 percent, 5
16 percent, 20? Is it increasing any
17 emissions? Let's make it easy. Is it
18 increasing any emissions?

19 MR. ROMAINÉ: I believe that based on
20 the information that we have provided, we
21 have a different BACT limit for power
22 augmentation.

23 MS. OWEN: There is none in your
24 permit.

1 MR. ROMAINE: Wait.

2 MS. OWEN: My question was what are the
3 emissions increase of the power
4 augmentation? We don't need to go into
5 details. I just need to know are there
6 increases, what are the increases, how high
7 are the increases. You can get back to me
8 about that.

9 MR. ROMAINE: No. I am just checking
10 the information. My understanding is that
11 power augmentation does not affect the
12 emissions of the turbine. What it affects
13 is the additional emissions from generating
14 steam. This is because the steam is
15 introduced to the turbines at a point after
16 the burners. If you want to comment on
17 that, Mr. Kellen?

18 MS. OWEN: To save time, no, he doesn't
19 have to. Thank you. I will comment in my
20 written comments. Mr. Kellen, since you are
21 here, what is the thermal efficiency of the
22 plant?

23 MR. KELLEN: Approximately 30 to 32
24 percent.

1 MS. OWEN: Is that high or low or
2 medium for industry standards?

3 MR. KELLEN: Industry standards, it is
4 high for a peaking plant.

5 MS. OWEN: How high, medium high? What
6 is the highest you are aware of?

7 MR. KELLEN: I don't have any
8 specifics, but for --

9 MS. OWEN: Thanks. I do. Do you have
10 the permit there? Would you look on Page 4,
11 please? This talks about circumstances when
12 they are allowed to run their turbine more
13 than the permitted 2,300 hours a year.
14 Under B1 it says, circumstances with respect
15 to public demand for power usually cold or
16 hot weather. What is that weather supposed
17 to be?

18 MR. ROMAINE: This permit does not
19 restrict where that weather would be.

20 MS. OWEN: How do you define public
21 demand then?

22 MR. ROMAINE: Be based on the demand
23 for power --

24 MS. OWEN: Where?

1 MR. ROMAINE: On the grid.

2 MS. OWEN: On the grid. Thank you. I
3 do know that, Chris. But I am one of the
4 first graduates from the Title Five Citizen
5 Workshop in Illinois. So I have quite a few
6 ideas about Title Five wording.

7 Would you explain to me what
8 other circumstances could be believed by the
9 permittee to contribute to the operation of
10 the turbine as mentioned in No. 4 on the
11 same page?

12 MR. ROMAINE: No, I can't. The
13 specific provision --

14 MS. OWEN: Are you leaving this up to
15 the permittee then to tell you what the
16 circumstances are?

17 MR. ROMAINE: Certainly. The specific
18 provision you are referring to is one that
19 allows an individual turbine to operate more
20 than 2,300 hours --

21 MS. OWEN: That's what I said.

22 MR. ROMAINE: -- but we have identified
23 certain things that can cause that. But
24 there, in fact, are the other things that we

1 have not contemplated.

2 MS. OWEN: I would like to know the
3 origin of authority for a number of -- on
4 the same page, please. It says for the
5 purposes of this permit peaking operation
6 means operation and so on. What is the
7 origin of authority for that?

8 MR. ROMAINE: This is simply reflecting
9 information that's been provided in the
10 permit application as to the nature of the
11 facility.

12 MS. OWEN: What is the origin of
13 authority for that?

14 MR. ROMAINE: I'd have to say Section
15 52.21, the PSD Rules and our ability to
16 impose conditions, and Section 39 of the
17 act, which allows us to impose conditions on
18 construction permits.

19 MS. OWEN: Thank you. We talked about
20 demand. We don't need to do that again.
21 Just briefly about operating hours,
22 Mr. Kellen, you said they would be running
23 between ten and twelve hours a day during
24 daylight hours. So 6:00 p.m., 5:00 p.m.,

1 what is the usual start-up time in your
2 experience?

3 MR. KELLEN: Typical start-up time
4 would be between 6:00 and 7:00 a.m.

5 MS. OWEN: Running till about 9:00
6 then?

7 MR. KELLEN: 8:00 or 9:00, correct.

8 MS. OWEN: 8:00 or 9:00. This is after
9 people get home from work then?

10 MR. KELLEN: Correct.

11 MS. OWEN: Would you be running on the
12 weekends?

13 MR. KELLEN: Generally not, but it
14 would be possible that the facility be
15 operated sometimes.

16 MS. OWEN: Are you limited in any way
17 in this permit as to the hours a day, the
18 times of day, or the weeks of the day?

19 MR. ROMAINE: I can answer that, and
20 the answer is no.

21 MS. OWEN: On Page 7, it talks about
22 the Emission Reduction Market System, ERMS.
23 The last sentence says, "This reflect an
24 expectation that the actual BUM emissions

1 will be much less than allowed by this
2 permit." Now, these emissions are limited
3 for operations between May and September; is
4 that correct, in regards to ERMS?

5 MR. ROMAINE: That's correct.

6 MS. OWEN: Did you look at the permit
7 application and what percentage of the
8 months they will be running?

9 MR. ROMAINE: No, we did not.

10 MS. OWEN: Maybe you should have.

11 MR. ROMAINE: The determination is not
12 based on an assumption about operating time.
13 In fact, we would assume that this facility
14 will operate almost entirely --

15 MS. OWEN: Yes, sir.

16 MR. ROMAINE: -- in the months May
17 through September. It is based on a
18 projection about the performance of the
19 emission rate.

20 MS. OWEN: If you indeed assume it will
21 be running mostly May through September, how
22 can you have something in here that limits
23 the tons of VOCs to 10 while the application
24 is almost 25? So you already know they will

1 be over 10 tons. So why did you put this in
2 the permit?

3 MR. ROMAINE: In fact, the experience
4 that we have had with testing of turbines
5 that have been, actually been built and
6 operated, is demonstrating that the actual
7 VOM emissions are significantly lower than
8 the manufacturer's guarantees.

9 MS. OWEN: The permittee asks for
10 almost 25 tons of VOCs. You don't think
11 they will even be close to that?

12 MR. ROMAINE: No, I don't.

13 MS. OWEN: I would just like to point
14 out on Page 8 there is a typo. There is no
15 such thing as 6HV. I think that should be I
16 or G maybe. I don't know. But if you try
17 to look this up, it doesn't exist.

18 The next one on Page 10, it
19 says, "The Illinois EPA shall be notified
20 prior to these tests to enable the Illinois
21 EPA to observe these tests." How many tests
22 have you observed in the last year?

23 MR. ROMAINE: I don't observe tests.
24 Tests are observed by people in our field

1 offices.

2 MS. OWEN: How many have they observed?

3 MR. ROMAINE: I don't have that number.

4 MS. OWEN: Can you --

5 MR. ROMAINE: I can acquire that number
6 for you.

7 MS. OWEN: Can you also find out about
8 how many notifications, how many they
9 observed, what the percentage is?

10 MR. ROMAINE: I can see if we have that
11 data, yes.

12 MS. OWEN: Um, how accurate are
13 continuous emission monitoring systems?

14 MR. ROMAINE: Continuous emission
15 monitoring systems are subject to certain
16 provisions which require them to be tested
17 for accuracy. I think the acceptable
18 accuracy range is -- I'd have to check the
19 records, check the rules to see what the
20 required accuracy range is.

21 MS. OWEN: I could tell you, but I am
22 not going to. On Page 14 -- we are getting
23 close to the end, it is 14 out of 16, so be
24 patient -- it says, NOX emissions from each

1 CT and each auxiliary boiler recorded
2 hourly, quarterly, and so on. Why are not
3 all emissions recorded hourly?

4 MR. ROMAINÉ: Because there are not
5 continuous emission monitors for pollutants
6 other than NOX.

7 MS. OWEN: How will the inspector know
8 they are in compliance then?

9 MR. ROMAINÉ: The compliance is
10 determined by reviewing the operating
11 configuration unit and showing that it is
12 operating consistent with the manner it was
13 operated during emissions testing.

14 MS. OWEN: I will comment on this in
15 writing too. Did the air model include the
16 building?

17 MR. ROMAINÉ: I don't know.

18 MR. DEYO: Yes, it did.

19 MS. OWEN: Would you tell the audience
20 that might not be aware how big the building
21 is how big the building is?

22 MR. SELTZER: Would you identify
23 yourself again for the record, please?

24 MS. OWEN: It is Mr. Deyo.

1 MR. DEYO: My name is Steve Deyo. I
2 don't have the exact dimensions. I believe
3 it is 70 feet high.

4 MS. OWEN: 75 we were told.

5 MR. DEYO: 75.

6 MS. OWEN: Yes. How long?

7 MR. DEYO: 120.

8 MS. OWEN: Close. And how long?

9 MR. DEYO: I can't remember off the top
10 of my head.

11 MR. KELLEN: It would be around 650
12 feet long.

13 MS. OWEN: He said 700 at the last
14 meeting I went to. So it has come down. To
15 repeat this, it is going to be 600, 700 feet
16 by 120 feet by 75 feet high. It is a big
17 building. Did you model air start-up
18 emission?

19 MR. DEYO: Can you repeat?

20 MS. OWEN: Did you air model for
21 start-up emissions?

22 MR. DEYO: No, we didn't.

23 MS. OWEN: Chris, when I asked -- when
24 I FOIAed all the information, one of the

1 things I received was a form called AP-203.
2 Would you consider AP-203 part of a complete
3 permit?

4 MR. ROMAINE: Not necessarily. It
5 depends on the nature of the particular
6 application.

7 MS. OWEN: In this particular case, did
8 you feel it was a necessary part of the
9 permit?

10 MR. ROMAINE: I would not consider it
11 to be a necessary part of the permit.

12 MS. OWEN: I would like to ask
13 Mr. Kellen when you will be going before the
14 planning and zoning commission.

15 MR. KELLEN: I guess I am not sure what
16 -- go before them for what purpose?

17 MS. OWEN: I hope the audience
18 understood that, especially in light of what
19 Mr. Seltzer said just before the break.
20 Mr. Kellen, can you sell electricity to
21 local customers?

22 MR. KELLEN: No, we are not.

23 MS. OWEN: So you cannot sell
24 electricity to local customers?

1 MR. KELLEN: That's correct.

2 MS. OWEN: Thank you. I think that is
3 all for right now.

4 MR. ROMAINE: I would like to correct a
5 statement I made. I have reviewed the
6 emission data; and, in fact, the steam
7 augmentation does increase the emissions
8 rate of carbon monoxide as allowed by the
9 permit. I apologize.

10 MS. OWEN: Apologize accepted. Yes, I
11 did know that.

12 MR. SELTZER: I want to thank the
13 witness for mostly sticking to the issues
14 here. I appreciate that. The next one is
15 Chris Geiselhart.

16 MS. GEISELHART: Good evening. Chris
17 Geiselhart, C H R I S, G E I S E L H A R T.
18 I have some questions for Mr. Kellen.

19 The first is -- has to do with
20 the Waukegan Airport. This plant is going
21 to operate in the Waukegan Airport airspace.
22 And hearing tonight that there will be 12
23 stacks, emissions, heat generated by the
24 turbines, my question has to do with the

1 safety of the various sizes of planes that
2 navigate that area. How did the FAA respond
3 when you asked about the need for exceptions
4 for that space?

5 MR. KELLEN: The FAA regulation for
6 airspace has to do with the height of
7 structures on the facility and structures
8 over a certain height and shorter structures
9 within a shorter distance of the airport.
10 We didn't fall into any of these criteria
11 with our stacks.

12 MS. GEISELHART: So the height of the
13 stacks was within their allowable --

14 MR. KELLEN: Correct.

15 MS. GEISELHART: -- guidelines? Thank
16 you. How far is the nearest residence to
17 this facility?

18 MR. KELLEN: I don't have the exact
19 number. It is approximately a thousand
20 feet.

21 MS. GEISELHART: Okay. In your
22 modeling, did you include in the modeling
23 the elevation as far as what -- what I mean
24 by elevation is elevation even though it

1 appears it is perfectly flat around here, we
2 know that there are variations in elevation.

3 Did you include on your modeling
4 the effects of elevation on the amount of
5 emissions, the speed with which emissions
6 would reach, say a home that would be on a
7 little knoll as opposed to a valley or
8 something like that?

9 MR. DEYO: No. It was modeled as flat
10 terrain. The small knolls you are talking
11 about would not be picked up by the model,
12 only very complex terrain like mountains;
13 and there are none in the --

14 MS. GEISELHART: The next question is
15 do you have results of noise modeling?

16 MR. SELTZER: I am going to -- This is
17 far off field. That is not pertinent to the
18 permit application. So I will ask you to
19 ask questions that are more pertinent,
20 please.

21 MS. GEISELHART: Most of the questions
22 that I have actually have to do with the
23 noise. And if I remember correctly, there
24 were some questions about noise allowed in

1 Libertyville and Big Rock.

2 MR. SELTZER: This is neither one of
3 those hearings.

4 MS. GEISELHART: So how would I then
5 have these questions answered about how much
6 noise the plant would emit, the results of
7 noise modeling, modeling ambient noise, the
8 decibels audible to the homes in various
9 areas like along Delany Road? How can I get
10 answers to questions about whether they
11 included increased effects of the Carlton
12 plant, if exhaust stacks make noise, the
13 substation? How would I get answers to
14 those questions?

15 MR. SELTZER: Unfortunately, the
16 Environmental Protection Act does not
17 provide for the Agency to permit noise
18 sources.

19 MS. GEISELHART: So how can I find out
20 from them the answers to these questions?

21 MR. SELTZER: You can ask them, not at
22 this hearing.

23 MS. GEISELHART: Can I submit something
24 in writing then to them and expect an answer

1 in a timely manner?

2 MR. SELTZER: Since it is outside the
3 scope of this hearing, that would be between
4 you and the other party.

5 MS. GEISELHART: Okay. Thank you.

6 MR. SELTZER: Thank you. Next is Jim
7 Booth.

8 MR. BOOTH: My name is Jim Booth,
9 B O O T H, from Newport Township. One of
10 the integral parts of the operation of this
11 plant appears to be water, and I would like
12 to address water if I might because it is of
13 great concern to me.

14 The limitation on water from
15 Lake Michigan is controlled by a treaty, as
16 you know, between the United States and
17 Canada. It is an adversarial relationship
18 for each village and city that takes water
19 out of Lake Michigan. As such, the City of
20 Zion has an allotment of water that they are
21 allowed to take out of Lake Michigan for all
22 purposes. That allotment is about 2.2
23 million gallons, slightly over. The City of
24 Zion last year averaged 2.1 million gallons

1 of water per day.

2 We have heard here that in a
3 24-hour period the SkyGen plant could use a
4 peak of 2.1 million gallons. That,
5 obviously, is greater than the allotment
6 that the City of Zion has for supplying
7 water.

8 A secondary source for the water
9 would be deep wells. There are three
10 aquifers as I understand that are in this
11 area. And they would obviously have to tap
12 an aquifer that would give them the best
13 quality water at the lowest price at the
14 lowest level possible. That would come from
15 what is called the deep aquifer or the
16 second aquifer that is in this area because
17 the third aquifer you have to be very
18 careful with it because it contains
19 saltwater.

20 The second aquifer is currently
21 being mined by not only Lake County but also
22 Kenosha County and McHenry County. The
23 potential of bringing that water to surface
24 for operating a peaker plant, two peaker

1 plants, or three peaker plants causes some
2 concern for residents in the area who are
3 dependant upon wells for their water supply.

4 I would like the EPA to register
5 some question and concern over where that
6 water is coming from and have some
7 assurances that the people in Wadsworth,
8 Newport Township, Benton Township will not
9 suffer from dry wells. Thank you.

10 MR. SELTZER: Thank you. Bill
11 Hollaman?

12 MR. HOLLAMAN: My name is Bill
13 Hollaman. That is spelled B I L L,
14 H O L L A M A N.

15 I have some questions about --
16 in fact, I guess what I can say is I am very
17 confused. The application refers to Zion
18 something or other as the operating company.
19 I hear SkyGen being tossed around. And I am
20 very confused as to whose application this
21 is and what the ownership of these various
22 companies are.

23 The question I would address to
24 the Illinois EPA before I solicit an answer

1 to that question is during the permit
2 application process does the Illinois EPA
3 require some sort of financial information
4 that allows them to know that the company
5 that's applying is a viable company, that it
6 can afford to build what they want to build;
7 or is there any way that you can assure the
8 people who live in this area that these
9 companies aren't going to go bankrupt
10 halfway through this process?

11 That relates to the ownership
12 here and the strange line of ownership to
13 SkyGen and Zion, LLC, or whatever it was
14 called. And I am wondering about financial
15 fiduciary responsibilities here.

16 MR. ROMAINE: That is not a subject
17 that we address or have the authority to
18 address during construction permitting.

19 MR. HOLLAMAN: So you are telling me it
20 doesn't make any difference to you if a
21 company goes bankrupt after they have 350
22 feet of this 700 feet building built?

23 MR. ROMAINE: It is not something, as I
24 said, that we have the authority to address

1 and permit.

2 AUDIENCE MEMBER: We can't hear.

3 MR. ROMAINE: It is not something that
4 we have the authority to address during
5 permitting.

6 MR. HOLLAMAN: So then, theoretically,
7 I could sit down tonight and crank out a
8 permit application and submit it to you
9 guys; and if it met -- if I made up the
10 right numbers as I went through all of this,
11 I could get a permit to build a peaker
12 plant?

13 MR. ROMAINE: Yes, you could.

14 MR. HOLLAMAN: That's scary, isn't it,
15 'cause I don't know a damn thing about
16 peaker plants?

17 MR. ROMAINE: It certainly is scary,
18 particularly if you have the hundreds of
19 millions of dollars necessary to build the
20 plant.

21 MR. HOLLAMAN: But I don't need any
22 money to submit a permit application.

23 MR. SELTZER: Let me stop this right
24 here. That's enough, Chris.

1 MR. HOLLAMAN: Excuse me, sir?

2 MR. SELTZER: I asked Chris to go --
3 This conversation is not relevant to the
4 record. So I asked that it be stopped.

5 MR. HOLLAMAN: I think it is because I
6 was asking if --

7 MR. SELTZER: You can make any comments
8 you want, sir.

9 MR. HOLLAMAN: -- it requires any
10 fiduciary responsibility of the permit
11 application.

12 MR. SELTZER: Your question was
13 answered.

14 MR. HOLLAMAN: Do you have any idea
15 what the relationship between SkyGen and
16 Zion, LLC, is?

17 MR. ROMAINE: No, we don't.

18 MR. HOLLAMAN: Who was the permit --
19 Who was applying for the permit application?

20 MR. ROMAINE: Can you answer that,
21 Manish?

22 MR. HOLLAMAN: I would hope you would
23 know the answer to that question.

24 MR. ROMAINE: We are checking to make

1 sure we have the right answer. The
2 application has been submitted by SkyGen --
3 I am sorry -- Services, LLC, as the operator
4 of the facility and by Zion Energy, LLC, as
5 the owner of the facility with
6 correspondence and information about the
7 application to be submitted to the owner.
8 That is Zion Energy.

9 MR. HOLLAMAN: I heard what you said,
10 but I sure don't know what it means.
11 Essentially you said you had two applicants.
12 And I am sorry, Chris; but I am not
13 following. You say it was applied for
14 so-and-so, but then the permit was given to
15 someone else?

16 MR. ROMAINE: No. The application has
17 a separate owner and a separate operator.
18 There are two parties involved in this
19 project I think is the simple explanation.

20 MR. HOLLAMAN: Wouldn't the owner be
21 the one that would be applying for the
22 permit and receiving the permit?

23 MR. ROMAINE: In fact, the owner has
24 requested that correspondence go to the

1 owner. The application requests the two
2 parties have correspondence go to the owner.

3 MR. HOLLAMAN: The letter I have is
4 addressed to Zion Energy, LLC, Mr. Andy
5 Kellen.

6 MR. ROMAINE: Uh-huh.

7 MR. HOLLAMAN: Okay. I think -- Let me
8 ask the following question. Many times from
9 Mr. Skinner, from the governor himself, we
10 have heard that you are operating under this
11 180-day deadline. What happens if you don't
12 meet that 180-day deadline to issue a
13 permit? Does the world come to an end? No,
14 no, that's facetious. Just tell me what
15 happens if you don't meet the 180-day
16 deadline.

17 MR. ROMAINE: Under state law, the
18 Applicant can presume that they have
19 received the permit they requested.

20 MR. HOLLAMAN: Therefore, you are -- in
21 order not for that to happen, can you not
22 ask for -- let the Applicant know that it
23 will take longer than 180 days to review the
24 permit?

1 MR. SELTZER: That's been done in this
2 case. And if you were here at the
3 beginning, that's what was asked for. In
4 order not to go over that time period
5 without a waiver, we asked them to give us a
6 waiver.

7 MR. HOLLAMAN: The 180-day period ran
8 through August 31?

9 MR. SELTZER: They have already given
10 us one waiver. So I don't know when the 180
11 days expired. But they gave us a waiver to
12 go beyond that date to whatever we said at
13 the beginning of the hearing, which I think
14 was October 30.

15 MR. HOLLAMAN: The governor has asked
16 the Illinois Pollution Control Board to
17 review this whole issue of peaker plants.
18 Meanwhile, the Illinois EPA is issuing
19 permits nearly as rapidly as they can. Why
20 is it that the Illinois EPA cannot put a
21 moratorium on issuing these permits until
22 there's been an opportunity to address the
23 overall picture as requested by the
24 governor?

1 MR. SELTZER: Folks, the EPA has no
2 more authority to put such a moratorium into
3 effect than anybody in the audience does.

4 MR. HOLLAMAN: I can do it. I mean, it
5 is just -- If I were the governor of this
6 state, I could do it.

7 MR. SELTZER: That's a different story.

8 MR. HOLLAMAN: Well, that's a little
9 bit irrelevant. But in all of my dealings
10 with government bureaucracy, I have never
11 seen a bureaucracy that is able to meet
12 deadlines as rapidly and as efficiently as
13 the Illinois EPA. It is a marvelous
14 bureaucracy that it can meet and issue them
15 so rapidly. In fact, it is very suspect.
16 It is very suspect.

17 And the question is, why is
18 everyone in such a hurry to issue these
19 permits when we have such a major pollution
20 problem, when we have a statewide problem?
21 And it happens to be unique to Illinois
22 because of Illinois' laws. We don't in the
23 surrounding states because the surrounding
24 states have laws governing these things.

1 Now, that's a comment. You can
2 comment on that if you would like whether
3 the peaker plant applications in Illinois
4 are in Illinois because Illinois lacks
5 regulation laws.

6 MR. SELTZER: That isn't something --

7 MR. ROMAINE: I don't have an answer to
8 that.

9 MR. HOLLAMAN: Let me talk about some
10 specifics. I can't think of anything more
11 specific than pollution two miles down the
12 road. Is this plant by Zion Energy/SkyGen
13 considered a major pollutant or a minor
14 pollutant?

15 MR. PATEL: It is a major pollutant for
16 PSD regulations. Several program --

17 MR. HOLLAMAN: How about NOX, ozone?

18 MR. PATEL: They are major for NOX and
19 VOC emissions.

20 MR. HOLLAMAN: How -- Answer this
21 question for me. How can the Illinois EPA
22 permit this application when we are a
23 non-attainment area for ozone levels?

24 MR. ROMAINE: This goes to the issue of

1 the so-called NOX Waiver. In fact,
2 reductions in NOX emissions have been --
3 reductions in NOX in the actual
4 non-attainment area have been demonstrated
5 to make the ozone problem worse. Those
6 States of Indiana, Michigan, Wisconsin,
7 along with Illinois went to USEPA and
8 requested and obtained a waiver from having
9 to treat NOX emissions in the specific
10 non-attainment area as an ozone precursor in
11 our modeling.

12 But what that allowed us to do
13 is to come up with a much more effective
14 strategy that deals with NOX emissions which
15 addresses NOX emissions as part, I think it
16 is part of 23 states, hopefully, regional
17 approach to NOX emissions that's going to
18 get overall reductions in NOX emissions.
19 The situation doesn't sound logical that
20 less emissions would make the problem worse.
21 But it has to do with the fact that ozone is
22 a reactive.

23 You don't emit ozone out of
24 stacks. Ozone is precursor compound.

1 Certainly one of those is NOX. But when NOX
2 is formed from a combustion source, most of
3 that NOX comes out in the form of nitrogen
4 oxide.

5 The initial reaction of that
6 nitrogen oxide is to oxidize in the
7 atmosphere. So the first reaction is
8 actually a scavenging reaction that results
9 in improvements of ozone air quality. It is
10 only after the NOX has time to react, to
11 cook, to form the nitrogen dioxide that it
12 actually contributes to forming ozone.

13 That's part of the reason that
14 we need regional reductions because what
15 causes problems in the Chicago area is
16 emissions from our downstate power plants.
17 Those are the emissions that have had time
18 to cook, to oxidize, and then help to form
19 ozone in the Chicago area.

20 Likewise, there's no question
21 that the NOX emissions in the Chicago area
22 do cook; and they contribute to high ozone
23 levels downwind. So what we need is a
24 comprehensive plan to reduce NOX emissions

1 rather than one that narrowly focuses on the
2 non-attainment area.

3 MR. HOLLAMAN: Thank you for that
4 explanation. As a chemist, you are almost
5 completely -- myself as a chemist, I will
6 tell you that you are almost completely
7 right.

8 However, if I were to summarize
9 what you just said which is because this NOX
10 Waiver is that the ozone levels will be the
11 people's downwind problems and not ours
12 because there will be an increase in ozone
13 somewhere down the road, but the hell with
14 them, there won't be an increase here, is
15 that what I heard you say?

16 MR. ROMAINE: Absolutely not. If we
17 weren't committed to going forward with
18 regional reductions, the State of Illinois
19 along with other states are going forward
20 with programs with the help of USEPA that
21 are going after statewide reductions in NOX
22 emissions. Those will have the benefit for
23 both the Chicago area and for locations
24 downwind.

1 MR. HOLLAMAN: I agree with you when
2 you say the State of Illinois is going
3 ahead. They are building peaker plants all
4 over the place. Let me ask you a specific
5 question about -- that these turbines are
6 required to operate or limited to operate.

7 In the permit, it says that a
8 single turbine cannot operate more than
9 2,300 hours a year except under the special
10 conditions that were already talked about by
11 Ms. Owen. However, it doesn't say that
12 those turbines couldn't operate 24 hours a
13 day, 365 days a year. It is just a matter
14 that all five can't run at the same time.

15 In fact, if you take five times
16 2,300, you get 11,500. That exceeds the
17 number of hours in a year by several
18 thousand. So, theoretically, this so-called
19 peaker plant could run one to two turbines
20 year-round, 24 hours a day, 365 days a year;
21 is that correct?

22 MR. ROMAINE: That's certainly
23 theoretically possible.

24 MR. HOLLAMAN: So then this is not a

1 peaker plant?

2 MR. ROMAINE: The fact --

3 MR. HOLLAMAN: It is a theoretical
4 peaker plant?

5 MR. ROMAINE: Theoretically it could do
6 that. I think it is just the same as saying
7 you go out and buy five automobiles and only
8 run one of them every 2,000 hours a year.
9 When you are putting in an investment of
10 this facility, common sense would suggest --
11 obviously there are no restrictions in the
12 permit that address that -- but common sense
13 would suggest that you are putting in the
14 number of turbines you are putting so you
15 can operate all five of them at once to
16 respond to a particular need.

17 If there is a concern that
18 somebody could, in fact, stagger them as you
19 are suggesting, I think that is something
20 that we certainly have the authority
21 consistent with the description of this
22 facility as a peaker plant to add some sort
23 of condition of the permit to address.

24 MR. HOLLAMAN: Well, I think that

1 should be part of your permit application
2 that makes it very clear that these plants
3 only run during peak demands; and that peak
4 demand is somehow defined. It is not left
5 up to the owner of the peaker plant to
6 define what a peaker plant is. That should
7 be defined by the Illinois EPA. I don't
8 know how you define that.

9 Mr. Kellen said that it would be
10 when the energy rates went up, and they
11 could make big bucks selling the
12 electricity. However, I would think the
13 Illinois EPA should define what a peak time
14 is if they are permitting peaker plants.
15 Does not that make sense?

16 MR. ROMAINE: Our experience to date
17 has not suggested that's necessary. I take
18 your comment --

19 MR. HOLLAMAN: I am not interested --

20 MR. ROMAINE: -- under advertisement.

21 MR. HOLLAMAN: Because rules are made
22 to be broken. All we have to do is look at
23 campaign finance reform. We know rules are
24 made to be broken. If you don't have these

1 rules and regulations in place at the time
2 the permit happens, then these come along.

3 Let's just say electricity rates
4 go up, and it becomes profitable to run this
5 thing year-round. And we have had some
6 talks about cogeneration and some of these,
7 but we don't need that.

8 Right now you can run one and a
9 half of those turbines and almost two
10 year-round, 365 days a year; and that's not
11 a peaker plant. That's a base-load plant.
12 What you are permitting here is a small
13 base-load plant with a little extra peaker
14 thrown in if needed.

15 MR. ROMAINE: I simply accept that as a
16 comment.

17 MR. HOLLAMAN: Thank you. I would like
18 to follow up on Ms. Owen's comment about
19 power augmentation by steam injection. Why
20 does the permit limit the power augmentation
21 to 500 hours per year per turbine? If this,
22 in fact, is power augmentation, as
23 Mr. Kellen explained it is a more efficient
24 way of producing electricity, why would we

1 prevent them from producing electricity more
2 efficiently?

3 I can give you a page number on
4 that if you need it. It was 13. I am
5 sorry, Page 3, B2, operation of each CT --
6 what's a CT -- when firing on backup fuel
7 shall not exceed -- that's the wrong one. I
8 am looking for the augmentation. It was
9 stated that 500 hours a week on the
10 augmentation. I am sorry. Thank you, John.
11 The next one, 3.

12 MR. ROMAINE: That's a good question.
13 We may have a limit we don't need. Thank
14 you.

15 MR. HOLLAMAN: Because your evidence
16 was that it produced no more pollution.
17 Mr. Kellen said that it was a more efficient
18 way. Maybe Mr. Kellen would like to answer
19 the question why they wouldn't like to
20 produce efficiently for a greater period of
21 time.

22 MR. KELLEN: Yeah. The answer is it
23 actually is somewhat less efficient way of
24 producing energy. If you looked just at the

1 turbine itself, the turbine will produce
2 energy more efficiently.

3 But then if you look at the
4 whole system in order to produce steam, you
5 have to fire additional fuel in the boiler
6 so that it is a less efficient way of
7 producing electricity. There is a somewhat
8 higher emission rate since there is also
9 emissions from the boiler. So the permit
10 limits it to a smaller number of hours out
11 of the year since we don't anticipate we can
12 operate a large number of hours in that
13 mode.

14 MR. HOLLAMAN: Thank you very much. I
15 sincerely hope that you will look at this
16 hour per year limit, and I am very serious
17 when I say this is not a peaker plant
18 application. This is a small base-load
19 application with a peaker plant thrown in as
20 a bonus.

21 MR. SELTZER: Thank you. Susan Zingle?

22 MS. ZINGLE: My name is Susan Zingle,
23 S U S A N, Z I N G L E. A lot of my
24 questions have already been asked by some of

1 the other people, but I have some
2 clarification and some revisiting to do.

3 I wanted to make the statement
4 first that I have not yet received my notice
5 for this meeting. I got a handwritten
6 letter from Thomas Skinner inviting me to
7 the Indeck one in Libertyville. I got an
8 original one from Brad Frost inviting me to
9 Big Rock six weeks before the hearing.

10 But as of today's mail, I have
11 not yet received a notice for this meeting
12 or tomorrow's. I obviously know it is
13 happening, but I am sort of disgruntled to
14 be left off the notice for the one that is
15 in my own hometown.

16 I also went to the Waukegan
17 Library, and I was unable to find the file.
18 I asked the research librarian. I made them
19 go to the back. I made them look in
20 unopened mail. I made them look in the
21 shelves. In fact, the permit was not there.

22 I am also not happy with the
23 FOIA procedures. My first FOIA of these
24 files cost me \$153. It came reasonably

1 quickly, \$.25 a page, folks. It came
2 reasonably quickly, and it was what I asked
3 for. I can't afford to do that.

4 So my second FOIA I pleaded
5 poverty, and it came incomplete. I repeated
6 that request, and it came incomplete again.
7 My third FOIA, after the first two weeks
8 they sent me a letter saying that I would
9 get an answer whether they could do it in 45
10 days. So even with the extension of public
11 comment, I will not have my FOIA information
12 in time to submit comments on this file.

13 I will also tell you that in the
14 past I have almost enjoyed air hearings.
15 The meeting at Big Rock last week was
16 pleasant and cordial, and I wonder why you
17 changed this meeting. At Big Rock the only
18 people who asked questions on air emission
19 were Verena Owen and myself; and the rest of
20 the evening was water, noise, zoning, land
21 use.

22 MR. SELTZER: The person with regard to
23 the noise issue was asking questions. You
24 are free to make any comments you want about

1 any discipline, but the difference is that
2 person wanted to ask specific questions of
3 the noise discipline. That's beyond the
4 scope. If you wish to make a comment,
5 that's fine.

6 MS. ZINGLE: They could ask questions
7 about noise. My question to you is why has
8 the procedure changed in this matter? There
9 were --

10 MR. SELTZER: Because as we --

11 MS. ZINGLE: -- questions about noise
12 at Big Rock.

13 MR. SELTZER: As we go along, I am in
14 the learning process also. I have just
15 started this position, and I realize that in
16 order for people to make comments that are
17 cogent to the EPA I have to limit the
18 comments to the -- that are applicable to
19 the hearing at hand.

20 MS. ZINGLE: Okay. Well, let me go
21 back then and visit another issue. They
22 were asked about the height of the stacks
23 and its relationship to Waukegan Airport
24 airspace. I believe the point of that

1 question, Mr. Kellen, is not specifically
2 the height of the stacks. How fast is the
3 exhaust leaving when it comes out of the
4 stacks?

5 MR. KELLEN: I don't have that number
6 right offhand. That is certainly something
7 we could get. What I was answering was the
8 question had to do with what FAA regulations
9 required with respect to stacks. I stated
10 that the EPA regulation deals only with the
11 height of the structure itself, not with the
12 exhaust coming out of the structure.

13 MS. ZINGLE: I believe that's
14 incorrect. At other plants that we have
15 visited the exhaust is coming out of the
16 stack at approximately 100 miles per hour.
17 Your stacks are 20 feet wide; and that
18 exhaust is heated between 1,000 to 1,200
19 degrees.

20 The FAA has a concern if someone
21 flying a single engine Cessna flies into
22 that plume. So the FAA is concerned not
23 only with the physical size of the stack,
24 the size, the height, the speed, and the

1 heat of the plume. So before you fly a
2 Cessna, I would suggest that you go back and
3 check with the FAA again.

4 It becomes more complicated
5 because you have not but other companies
6 brag that the plume is invisible, and my
7 understanding is that is true. So you have
8 got a pilot with touch and go landings and
9 takeoffs, and the wind shifts a little bit.
10 So that invisible plume moves. Even if the
11 pilot knows where it is the first time
12 around, they won't know where it is the
13 second, the third, and the subsequent times
14 around.

15 It is also an issue in the
16 winter. You have an exhaust stream that's
17 heated to 1,100 degrees, 1,200 degrees. You
18 have got a small plane that is flying in
19 below zero temperatures. It hits hot, moist
20 air. It comes out the other side a
21 planecycle. It will freeze. So the FAA
22 needs to know where your plume is and how
23 high it goes and how fast it goes and how
24 hot it gets.

1 Back to the idea of deadlines,
2 you did, in fact, show this evening that you
3 could ask SkyGen for an extension in issuing
4 the permit. My understanding is that when
5 you ask for those extensions and the company
6 refuses, you deny the permit. So you could,
7 in fact, ask SkyGen for a permit issuance
8 date after the Illinois Pollution Control
9 Board has completed its work.

10 And if SkyGen says yes, then you
11 can incorporate those new standards that
12 will be created into the permit. And if
13 SkyGen says no, you can deny. So
14 Mr. Skinner's hands are not tied. You can,
15 in fact, control the timing of these
16 permits. I have --

17 MR. SELTZER: Let me just say that is
18 somewhat of a legal thing that you just
19 posed. The Agency is not in power to deny a
20 permit based on the fact that an Applicant
21 refuses to grant a waiver since it is their
22 legal right to refuse to grant a waiver.

23 MS. ZINGLE: I got my information from
24 people within the Department. It is

1 different from what you just said, but
2 that's okay. I lost my train of thought.
3 Well, I can keep going.

4 I have here a slightly different
5 topic, some resolutions. Ron, I may -- I
6 have one here from the League of Independent
7 Democrats asking for a moratorium on the
8 siting of peaker plants until the Illinois
9 Pollution Control Board finishes its work.
10 I have a resolution here from the Village of
11 Winthrop Harbor, and I have a resolution
12 here from Benton Township Board, and I have
13 an article describing how the Village of
14 Beach Park posed some moratorium on peaker
15 plants until the issue could be studied
16 further. I would like to include these in
17 the records and again this part of my
18 testimony also.

19 MR. SELTZER: It will be marked and
20 accepted as Public Exhibit 4. You want all
21 your comments also in the record of tomorrow
22 night; am I correct?

23 MS. ZINGLE: No, just the comments on
24 the resolution. I have different questions

1 for tomorrow night. That's all I have at
2 this time.

3

4 (The document referred to was
5 marked as Public Exhibit No. 4
6 for identification.)

7

8 MR. SELTZER: Thank you. Is it Alice
9 Marshall?

10 MS. MARSHALL: A L I C E,
11 M A R S H A L L. First of all, I have --
12 Thank you. I have a couple of comments to
13 make which is that I really believe that the
14 job that you do should be toward the benefit
15 of all the people that live in our vicinity
16 and, of course, within the state because
17 that is what I believe you are allocated by
18 the law to handle. I have two comments to
19 make because you want to stick to air
20 pollution at this point in time.

21 The first thing is I have
22 material that states that by allowing the
23 two plants, SkyGen or Zion Energy and
24 Carlton, to consider being in our area could

1 bring to our air environment 968 tons of
2 nitrogen oxides which cause smog, 38.5 tons
3 of volatile organic compounds, 143.5 tons of
4 sulfur dioxide, 171.3 tons of particulate
5 matter which is soot, 485.5 tons of carbon
6 monoxide.

7 Now, my question would have to
8 be I believe all these things are not good
9 for our environment. They are not here at
10 this point in time, but we should gladly
11 accept the fact that these could be
12 introduced into our environment and accept
13 some type of disclaimer that this is good
14 for us.

15 I find this extremely hard to
16 understand, and I certainly don't think that
17 it makes any sense whatsoever toward
18 improving our environment. That's the first
19 thing that I would like to say.

20 Now, the second thing that
21 occurs to me is that two days ago in Venice,
22 Illinois, which is across from St. Louis,
23 Missouri, you had a peaker plant blow up.
24 Now, I would like to know, since that plant

1 is smaller than anything that you are
2 thinking of instituting here with your
3 permits, I would like to know exactly what
4 those chances are of something like that
5 occurring; and what toward the air pollution
6 levels could that do to all the surrounding
7 communities?

8 MR. ROMAINE: I am not familiar with
9 the details of what actually occurred at
10 this Amarin Venice plant. I am not in a
11 position to answer that. I will have to get
12 back to you on it.

13 MS. MARSHALL: Would you consider it to
14 be a dangerous situation?

15 MR. ROMAINE: I would not consider it a
16 dangerous situation for the general public.
17 These peaker plants are industrial
18 facilities. Industrial facilities do have
19 accidents. Accidents are dangerous to
20 workers.

21 MS. MARSHALL: I see. So no one who
22 would be at all in the vicinity of where
23 these plants could be built would be in any
24 danger if they blew up?

1 MR. ROMAINÉ: Depending on the nature
2 of the explosion, certainly people might be
3 in danger. Again, based on my experience,
4 these types of incidents have not posed a
5 risk to the general public. And certainly
6 when there are incidents where there is a
7 danger to the public, departments -- the
8 fire departments do evacuate the public to
9 protect them. So I am not saying that there
10 could not be dangers; but those dangers, in
11 my experience, have not related to general
12 public.

13 MS. MARSHALL: No comment.

14 MR. SELTZER: Thank you. Larry Melvin?

15 AUDIENCE MEMBER: He left. He said he
16 would send his comments in writing.

17 MR. SELTZER: Thank you. John
18 Matijevich?

19 MR. MATIJEVICH: Yeah. I will give it
20 to you. I will spell my name if it is not
21 taken against my time, J O H N,
22 M A T I J E V I C H. That will keep the
23 Stenographer busy.

24 I served in the Illinois

1 legislature for 26 years. Sometimes I miss
2 it. Most of the time I don't, but there are
3 times that I wish I were there.

4 One of the days I wish I were
5 there is when they deregulated electricity
6 because they would have heard a hell of a
7 lot from me. They didn't really hear from
8 anybody in the legislature unfortunately.
9 They told us how much money we are going to
10 save. And sure, we are going to save it for
11 a little while; but believe me, long-term we
12 are not.

13 Now, the frame of reference,
14 Bill Hollaman asked about deregulation. And
15 some of my comments may be out of scope, but
16 we used to ask for legislature prerogatives.
17 This is so important an issue, and there is
18 no public hearing anywhere that I know of
19 that some of these things have to be asked
20 and said.

21 He mentioned deregulation. Does
22 anybody there know in the six-state grid how
23 many states have deregulated electricity?

24 MR. ROMAINE: No, we don't.

1 MR. MATIJEVICH: You don't know? My
2 God, imagine that. The Department -- The
3 Environmental Protection Agency doesn't know
4 how many of its surrounding states have
5 deregulated electricity. I thought that's
6 got something to do with the environment,
7 but my guess is maybe none of them except
8 Illinois. That's why we have this mad rush
9 of peaker power plants.

10 Now, the opening comment, the
11 gentleman in the middle led all of us to
12 believe that peaker power plants are used in
13 peak load periods and primarily during
14 summer months when we are using
15 air-conditioners. The gentleman next to him
16 later said they can have peaker load use any
17 time they want virtually in a response to
18 Bill Hollaman. So the matter of need really
19 is determined by this guy over here.

20 Now, at a hearing that Ron
21 Mulnair (phonetic) had a couple weeks ago, I
22 made the crazy statement that these peaker
23 plants, even though they claim they are
24 going to be used during peak periods, are

1 going to be base-load. They are going to be
2 operating year-round. Believe me.

3 Now, I would think no matter
4 what your jurisdiction is here today, I
5 would think that the EPA as a matter of
6 common sense, as a matter of common sense,
7 looking at all of the applications, looking
8 at all of the mad rush for peaker power
9 plants in Illinois, in Illinois, ought to
10 say just as Governor Ryan said to the
11 Pollution Control Board, hey, let's put a
12 halt to this. Let's take an overview. Take
13 a long look at all of this because you can
14 approve a permit based on your analysis
15 saying this one is okay. But how about the
16 other one next -- right next door virtually?
17 You are going to say okay to that. Then
18 what are we left with?

19 They talked about twelve stacks.
20 Frankly, I don't want any in Lake County,
21 maybe later after all the standards are put,
22 maybe later. But when that woman said
23 twelve stacks, I said Zion, Waukegan, North
24 Chicago, the odds are stacked against you.

1 Anything that corporations can't put
2 anywhere else they put in Waukegan, North
3 Chicago, and Zion. Now, somebody has got to
4 speak up for that guy, the wife, the
5 children that live 1,000 miles away -- 1,000
6 feet away from that plant.

7 I am a layman; but I heard you
8 say it is a major polluter, major. Major in
9 my mind means it is a major polluter. What
10 does that mean to all of you? Pollution,
11 pollution.

12 You are the Environmental
13 Protection Agency. Protect us from major
14 polluters. That's your job.

15 Now, this matter, and I think
16 Bill Hollaman said that too, this matter of
17 fast track. I have never, in all my
18 experience in the legislature, never in all
19 of my experience have I seen anything like
20 this fast track, nothing like it before.

21 Now, I would like to ask the
22 gentleman from whoever the Applicant is, do
23 you -- you are not a subsidiary of any of
24 the power companies, are you?

1 MR. KELLEN: No.

2 MR. MATIJEVICH: Because some of them
3 are. And do you have any relationship
4 within your governing body, with your
5 corporation, with any public utility?

6 MR. KELLEN: No, we don't.

7 MR. MATIJEVICH: But you aren't limited
8 only to provide power for Illinois only or
9 for Zion only or for Lake County only,
10 right? You go within the six-state grid; is
11 that correct?

12 MR. KELLEN: That's correct.

13 MR. MATIJEVICH: In other words, we
14 here in Zion are going to bear the burden,
15 bear the pollution for power that is going
16 to go somewhere else, Wisconsin, Wisconsin
17 Electric, Indiana, somewhere else. Nobody
18 gives a hoot about that. That isn't the
19 scope of this, but it is not the scope of
20 anywhere. You mean to tell me we, the
21 citizens, shouldn't ask those questions? I
22 think we should.

23 Now, somebody also mentioned the
24 cumulative effect; and I sort of talked

1 about it in my opening remarks because these
2 are only two applicants in Zion. There is
3 one or two in Waukegan, I believe. There's
4 one in North Chicago that had been
5 requested, and then I don't know if it is
6 hanging in the air or what.

7 But there are -- I don't know --
8 maybe you can answer this. How many
9 applications are there in the State of
10 Illinois pending?

11 MR. ROMAINE: There are approximately
12 25 applications pending.

13 MR. MATIJEVICH: There's 25
14 applications, and there's a lot more talking
15 about it. You know that. There's a lot
16 more that are talking about it because there
17 is a lot of money in it.

18 And the fact of the matter is
19 that when we talk about pollution, we sure
20 ought to be talking about it in a regional
21 manner. When they talk about the cumulative
22 effects, I get the impression that you are
23 going to approve them one by one, one by
24 one.

1 And I -- well, I will tell you
2 the truth because I never hide anything. At
3 the hearing a couple of weeks ago I said I
4 have no faith in the Illinois Environmental
5 Protection Agency. I have faith in the
6 Illinois Pollution Control Board. I have
7 more faith with the federal EPA than the
8 state. That -- That's a long period of
9 history with those agencies.

10 I think that this Agency, even
11 though it is beyond the scope of this
12 hearing, ought to be proactive. I think the
13 Environmental Protection Agency ought to be
14 proactive and say that there are so many of
15 these applications and that because the
16 matter is pending before the Illinois
17 Pollution Control Board where standards can
18 be met.

19 We evidently can't talk about
20 noise. That guy and his wife that lives
21 1,000 feet away, noise evidently doesn't
22 mean a thing to anybody. There's nowhere he
23 or they can bring it up. Nobody can talk
24 about water quality or as the gentleman here

1 said about how much water they can get.

2 I remember that it used to be a
3 time when you had a hard time getting water
4 for anything. I mean because of the Supreme
5 Court Rule on Canada and our other states.
6 But nobody wants to talk about that.

7 So I would -- I would hope --
8 but I don't have any confidence -- I would
9 hope that somebody up there would go back to
10 somebody, be it Governor Ryan or who,
11 because Governor Ryan took that step to ask
12 the Pollution Control Board to examine this
13 at a round table discussion right here in
14 Lake County. He got so much heat on that
15 issue. That's where it happened, and it is
16 happening in other counties in the
17 metropolitan area, and you know that.

18 But I would hope that you would
19 ignore everything said at this hearing on
20 this application and say to somebody that
21 more important to this application is the
22 matter of environmental protection for the
23 whole six-county area. And until it is
24 addressed and standards are met, we don't

1 approve anything. It is easy to --

2 One other thing, I think I've
3 been around big government long enough to
4 know that if an agency wants to deny they
5 can find an I that wasn't dotted, a T that
6 wasn't crossed. They can deny anything.
7 They have denied some good things. It is
8 about time they deny some that are bad until
9 we answer these unanswered questions.

10 MR. SELTZER: Thank you. Lena Moraz?

11 MS. MORAZ: I have no comment at this
12 time.

13 MR. SELTZER: Al Dudleston?

14 MR. DUDLESTON: Al, D U D L E S T O N.
15 I have a single comment. One of the
16 problems that people in the general public
17 have is characterizing the level of
18 emissions from the plant. It is listed in
19 the application 715 tons of NOX and 206 tons
20 of CO2.

21 Just to put it in perspective,
22 there are other emitters of NOX in Lake
23 County. There are cars. The federal limits
24 in 1994 has been four-tenths of a gram per

1 mile. If you drive those during this
2 operating season, this plant which is about
3 four months long, driving a thousand miles a
4 month, that's about 1,600 grams.

5 This plant will emit the same
6 amount of nitrogen oxide as 405,736 cars.
7 So when they say it is a major emitter, it
8 is a very big emitter; and I will be happy
9 to provide a calculation of that number of
10 cars if you would like.

11 MR. ROMAINE: Sure.

12 MR. SELTZER: Yes, please. Thank you.
13 Sandra DeBurn?

14 AUDIENCE MEMBER: She left.

15 MR. SELTZER: Frank Vonora? Do you
16 know, is he gone? V O N O R A is the last
17 name.

18 AUDIENCE MEMBER: I don't know him.

19 MR. SELTZER: Connie Schmidt?

20 MS. SCHMIDT: Hi. My name is Connie
21 Schmidt. It is S C H M I D T. I am here to
22 represent the Sierra Club. It is the River
23 Prairie Group which is primarily DuPage
24 County. We have 2,500 members.

1 There is a chapter in the Fox
2 River area as well as the Lake County area.
3 Those representatives were not able to come
4 tonight, but I am here to let you know from
5 my group that I am here to speak for them.
6 I have a number of -- several comments.

7 First of all, I want to let the
8 gentleman -- can you hear me?

9 MR. SELTZER: Yes.

10 MS. SCHMIDT: The gentleman from the
11 company know that they can sit back and rest
12 easy because I feel they are here primarily
13 to earn a buck, make money at the expense of
14 the people here; and that's the American
15 way. They are doing what they want to do,
16 and that's totally appropriate. But let me
17 address the Illinois Environmental
18 Protection Agency.

19 What appears to have happened
20 here is that the technology which these
21 gentlemen want to impose upon this area has
22 been developed far more quickly than the
23 government bureaucracy that is necessary to
24 provide a set of guidelines to protect the

1 environment and its inhabitants. Individual
2 municipalities are being asked at an
3 alarming rate to approve these on an
4 individual basis.

5 The IEPA is the only Agency that
6 has a thread of holding these municipalities
7 together and creating a regional look at
8 this possibility for various communities. I
9 implore you to consider this regional
10 impact. I have a question for you now.

11 I wonder if any of you have gone
12 back to your supervisor, perhaps even
13 Mr. Skinner, and said they are eating us
14 alive out there with these questions
15 regarding our responsibility. Maybe we
16 should consider the moratorium. Has there
17 been any discussion amongst your staff that
18 perhaps these hearings should no longer
19 continue?

20 MR. ROMAINE: Certainly we have thought
21 about that, but that is not a decision that
22 actually gets made in the permit section.
23 The permit section does not make policy.
24 That would be policy. We do not adopt laws.

1 We do not adopt rules. We operate under
2 very strict sets of rules that say if an
3 application meets the applicable
4 requirements it is entitled to a permit.

5 We do not have the same sort of
6 authority that a policeman might have for
7 reckless driving. This is not a case of
8 reckless driving. In terms of the rules
9 that we are dealing with, these plants as
10 demonstrated by the modeling don't have --
11 pose a threat to air quality. The --

12 MS. SCHMIDT: I fear we have --

13 MR. ROMAINE: Well, excuse me. I am
14 continuing. There is no question they are
15 large facilities, and I will not dispute
16 that. We are concerned about them. We are
17 permitting them. We are addressing them in
18 our attainment planning demonstrations.

19 But there isn't a basis for us
20 to say that these plants are going to cause
21 or contribute to a violation of an air
22 quality standard or are going to exacerbate
23 the ozone problem. On that basis, there's
24 no legal means that we can take to

1 legitimately deny these applications.

2 MS. SCHMIDT: You seem like a nice
3 enough guy. I sure hope that by you just
4 now telling us that there is no reason these
5 permits should be denied I wonder why we are
6 bothering with a hearing at all.

7 I am going to make some comments
8 about something other than air pollution.
9 Air quality definitely is a concern, and I
10 think it's been addressed very well by the
11 individuals here.

12 I come from an area far south of
13 here, DuPage County near Aurora. We do not
14 have Michigan -- Lake Michigan water.
15 Although, they are trying to push it down
16 our throats; and many of us individually
17 don't want it.

18 I don't understand why they are
19 trying so hard to sell it to us when it is a
20 precious commodity, but we are relying on
21 wells down there. I understand that wells
22 are important up here as well.

23 When you go down in the deep
24 aquifer, it is my understanding that the

1 possibility for contaminants that are within
2 those deep aquifers are not even known
3 necessarily to modern science yet because
4 they haven't been explored thoroughly.
5 There is a reason that local wells prefer
6 the higher aquifers. Part of it is radon.

7 So I am going to suggest to you
8 without giving a question because I know you
9 can't answer it that possibly pollutants
10 could be being pulled forth that we don't
11 even know complete -- fully about. And they
12 will be utilized by the power companies for
13 cooling, whatnot. And then they will be
14 emitted as steam through the air. So we
15 don't even know what we are bringing forth.

16 It bears being said again -- and
17 I applaud everyone's comments here tonight
18 because I think they've been excellent. But
19 Governor Ryan has appointed a special water
20 resources advisory committee. He has asked
21 the Pollution Control Board to hold hearings
22 on peaker power plants.

23 It seems absolutely ridiculous
24 that these hearings would continue, that you

1 wouldn't ask your supervisors if we couldn't
2 just hold on until we get the advice that we
3 need so that you can do your job. Your job
4 is to protect the environment.

5 Is there any kind -- I am just
6 curious. Is there any kind of an oath that
7 you take when you take your job, or do you
8 just get a salary and a sheet? Do you do --
9 I know as a teacher I do have an oath, and
10 it is in my contract. I am wondering if you
11 do.

12 MR. ROMAINE: We have not adopted an
13 oath, no.

14 MS. SCHMIDT: Is there a mission
15 statement for the Illinois EPA?

16 MR. ROMAINE: Yes, there is.

17 MS. SCHMIDT: Does anyone know it?

18 MR. ROMAINE: I have it with me if you
19 want me to read it.

20 MS. SCHMIDT: How long is it? Maybe
21 the record needs to hear it. Is it like
22 more than a paragraph?

23 MR. ROMAINE: I can read it. The
24 mission of the Illinois Environmental

1 Protection Agency is to safeguard
2 environmental quality consistent with the
3 social and economic needs of the state.

4 MS. SCHMIDT: Well, thanks. That is a
5 good thing in the public record.

6 AUDIENCE MEMBER: I have to interrupt
7 now because we are limited only to air
8 quality. Your mission statement says social
9 and economic conditions, doesn't it? And
10 now you are going to tell me that's not part
11 of the permitting process. But if we can't
12 say it here, you can't say it anywhere; is
13 that true?

14 MR. SELTZER: I think it is good you
15 are saying it here. I think that -- I hope
16 the people here are getting an understanding
17 that the Agency can only make its decisions
18 based on what the law allows it to do and
19 look at. As I said, for example, with
20 regard to noise pollution, the legislature
21 has not given us the authority to even
22 permit noise sources. So we have to act
23 within the bounds of the law.

24 We don't make the law. Our

1 sister Agency, the Pollution Control Board,
2 makes the regulations which we must follow;
3 and the state legislature, as you well know,
4 makes the changes to the Environmental
5 Protection Act that they think may be
6 appropriate.

7 AUDIENCE MEMBER: I also well know that
8 most of the things that EPA wants that are
9 good for the people they introduce -- they
10 get a legislator to introduce. You are not
11 doing your job. You are not meeting your
12 own mission statement. Somebody isn't, not
13 you guys. When I say you, I don't mean the
14 three you. You know who I mean.

15 One of them is your director.
16 He lives right here in Lake Forest. He is
17 not doing his job, not living up to his
18 mission statement. Take that back to
19 Skinner. I think he is Sam -- I don't
20 know -- Tom.

21 MR. SELTZER: I want to thank the last
22 person that testified. The next one is
23 Terri Voitik.

24 MS. VOITIK: My name is Terri,

1 T E R R I, V O I T I K. I am the founder of
2 the Citizens Against Power Plants in
3 Residential Areas, CAPPRA. I am here to
4 speak tonight.

5 First of all, I would like to
6 say that you folks issued a permit in
7 Aurora. We still continue a legal battle.
8 It is very long and expensive to try and
9 stop that plant. It is on a fast track. I
10 don't know how much more justice we can
11 afford as a community, and that's really
12 sad.

13 I'd like this on the record for
14 both nights. There are letters that have
15 been written -- they will be submitted
16 tomorrow evening by Susan Zingle -- calling
17 for a moratorium on all peakers including
18 these two proposed plants. The letters are
19 submitted -- to be submitted are from
20 Senator Terry Link, Senator Bill Peterson,
21 Representative Susan Garrett, Lauren Beth
22 Gash, Representative Tim Osmond; and, again,
23 Susan Zingle will be submitting those
24 tomorrow night.

1 MR. SELTZER: Excuse me. Are you going
2 to testify tomorrow night also?

3 MS. VOITIK: No.

4 MR. SELTZER: So the testimony that you
5 are offering tonight, you would like in the
6 record for both nights?

7 MS. VOITIK: It is for both nights,
8 yes.

9 MR. SELTZER: We will do that.

10 MS. VOITIK: Speaking for CAPPRA, you
11 have heard this. I would like to reiterate.
12 These plants run intensely on days when air
13 quality is very poor, and the standards do
14 not and should not apply. We need daily
15 standards on these plants. You continue to
16 issue permits without regard for siting
17 plans or without regard for cumulative
18 effects for multiple plants in our severe
19 non-ozone attainment area.

20 The peaker plant concept has
21 outgrown the guidelines that you, the IEPA,
22 are here to implement. Again, I ask you,
23 the IEPA, to look at what is morally the
24 right thing to do and stop issuing permits

1 until the information gathering has been
2 completed and an appropriate set of
3 guidelines have been put in place.

4 I also would like to read
5 something. Evan Craig is not here tonight.
6 I came across something in one of the Sierra
7 Club bulletins. It is called the Truth
8 About Ozone. I would like to read certain
9 excerpts of it. It is called the Truth
10 About Ozone.

11 "Air in our region was hazardous
12 to our health 18 times last summer due to
13 high levels of ground level ozone, up from 7
14 in 98 and none in 97. You were advised to
15 stay inside and to avoid driving or mowing
16 inside" -- is this working? "Children were
17 at higher risk.

18 Ironically, by riding my bike to
19 work to avoid adding to the problem, I ride
20 there dizzy from the noxious air. If you
21 are asthmatic or decided to breathe deeper,
22 you would probably suffer the consequences.
23 If so, you might be surprised to learn that
24 the Environmental Protection Agency allows

1 higher emissions of ozone precursors here
2 than is allowed in the rest of the country.

3 Political chemistry has been
4 used to pass our entire region through a
5 chemical loophole. Political chemistry, a
6 product of the reaction between politics and
7 regulators, has been used to pass our entire
8 region through a chemical loophole.

9 According to the chemistry
10 taught in most colleges, nitrogen oxide,
11 NOX, and volatile organic compounds combined
12 in the presence of sunlight to form ozone,
13 O3, also known as smog. Accordingly, the
14 IEPA tightly regulates the release of NOX
15 and VOCs. But here chemists say that the
16 most combustion powered machines produce the
17 simplest oxide of nitrogen, NO.

18 They argue that NO tends to
19 react not only with your mucous membranes
20 but also with ozone to become NOX and in the
21 process converts toxic ozone back to
22 beneficial O2. Suddenly because this
23 immediate effect is to eliminate some ozone,
24 combustion is seen not as the cause of ozone

1 but as the solution to it.

2 With their political chemistry
3 in hand, the Illinois EPA successfully
4 argued for looser NOX emission standards and
5 obtained a paradoxical NOX Waiver for our
6 region on the grounds that we need the NO to
7 help reduce our ozone. Never mind the fact
8 that the NOX ultimately creates even more
9 ground level ozone downstream forcing parts
10 of Wisconsin and Michigan to exceed safe
11 ozone levels and drawing legal challenges
12 from eastern states. Meanwhile, as the
13 waiver remains in place, permits for power
14 plants continue to be approved." Thank you.

15 MR. SELTZER: Thank you.

16 MS. SCHMIDT: Sir, can I ask that my
17 testimony be included; or is it too late to
18 do that?

19 MR. SELTZER: You mean for tomorrow?

20 MS. SCHMIDT: Okay.

21 MR. SELTZER: No. Sure. So ordered.
22 Eric Strom?

23 MR. STROM: Wow. I am just a homeowner
24 around here. I am just concerned about my

1 house. I've been living with BFI. They
2 wanted to put a toxic waste dump a quarter
3 mile from my house. We stopped that.

4 I have to live with the sanitary
5 district. That ain't too bad. It don't
6 smell too bad. They want to expand the
7 airport. I don't want that. We got a nice
8 golf course up here. It is going to improve
9 all our property, but now we want two peaker
10 plants up here.

11 I am a little concerned about
12 what -- you are issuing a permit for this
13 plant here. Now, there is already a gas
14 pipeline put in on Route 173 for this plant.
15 Now, I am in construction; and I know about
16 infrastructure.

17 Now, they have already started
18 the infrastructure for this plant, which
19 means this gentleman here has already
20 started construction. He has already cut a
21 deal with NICOR. He has already cut a deal
22 with ComEd to tie into the power lines over
23 there. They have already started before you
24 have given them permission to do so. Is

1 this true?

2 MR. SELTZER: I don't know.

3 MR. STROM: We don't know. We don't
4 know. Well, there is a high pressure gas
5 line that started out west of the tollway
6 and came right up 173 and stopped short of
7 Green Bay Road just past Delany. Now, there
8 is something fishy going on here, guys.
9 There is something fishy going on here.
10 They are going to shove it down our throats.
11 I don't like it.

12 I got my daughter talking to Al
13 Gore on the Internet. I want him to come up
14 here 'cause I am a staunch Republican all my
15 life. I am going to vote democrat because I
16 am working. I'd like some full disclosure
17 on their negotiations with NICOR and the
18 city, the great Republicans I voted in.

19 I don't know. I am just a
20 simple guy. I am not -- I am not like this
21 gentleman over here who has been in the
22 legislature. I don't even know what's right
23 and what's wrong. For some reason, I
24 think we are taking it. I can't say any

1 more.

2 MR. SELTZER: Thank you.

3 MR. STROM: Put me down for both nights
4 too. I have to work in the morning.

5 MR. SELTZER: So ordered. Toni Larsen?

6 MS. LARSEN: T O N I, L A R S E N.

7 Mr. Patel, I believe in your statement that
8 you stated that there is no threat of ozone
9 as it forms gradually. What is meant by
10 gradual, and who will this affect? Are we
11 looking at one year, five years? And like I
12 say, the -- we have got the lake effect; and
13 we have got other things to be taken into
14 consideration.

15 MR. ROMAINE: The specific comment that
16 was being made just related to the sort of a
17 distant phenomenon. It was not talking
18 time. Essentially saying that this --
19 emissions from this plant will mix with the
20 greater Chicago, we can call it a soup, all
21 the emissions of the various sources in the
22 Chicago area; and there will not be any
23 distinguishable effect from this particular
24 facility in this immediate vicinity. This

1 will simply be adding to the loading of
2 emissions that is going downwind from
3 Chicago and affecting places like Milwaukee
4 and Detroit.

5 MS. LARSEN: So, in essence, later on
6 there will be ozone?

7 MR. ROMAINE: That's correct. But
8 that's the other point where we do have a
9 program in place or putting a program in
10 place to roll back the emissions statewide
11 from power plants. And the emissions that
12 are much more critical for improving ozone
13 air quality in the Chicago area itself are
14 the downstate power plants and, again, to
15 achieve an overall budget for the state that
16 minimizes the total amount of NOX emissions
17 put into the atmosphere from power plants.

18 MS. LARSEN: So you are going to
19 approve a major, major polluter; and then
20 later on reduce it? How can you say there
21 is no ozone threat then? There is.

22 MR. ROMAINE: In fact, the reductions
23 in emissions are ongoing. As part of the
24 Federal Acid Rain Program, there has been

1 substantial reductions in emissions from
2 coal-fired power plants in Illinois. And as
3 part of the continuing NOX budget SIP call,
4 there must be more NOX reduction in
5 emissions.

6 MS. LARSEN: By approving major
7 polluters? I mean, once it is approved
8 there is like no turning back. We all know
9 that.

10 MR. ROMAINE: The emissions that we are
11 talking about are facilities like the
12 Waukegan Power Plant that emits 10,000 tons
13 per year of NOX. That's actual emissions,
14 not potential emissions. So those are the
15 facilities where we are, in fact, rolling
16 back emissions.

17 MS. LARSEN: But I still -- I still
18 have a real problem where they say there is
19 no threat of ozone when there is. I have
20 another -- I have another comment or
21 question. It was stated that there was no
22 data on start-up emissions, right? Am I
23 correct? I guess there is no data on
24 start-up emissions.

1 MR. KELLEN: We didn't have specific
2 information for this model of combustor that
3 they used on this turbine.

4 MS. LARSEN: So that was not taken into
5 account then because you don't have the
6 data?

7 MR. KELLEN: It was taken into account.
8 There is a value in the permit that limits
9 the emissions current start-up.

10 MS. LARSEN: But we don't know what
11 they are?

12 MR. KELLEN: We have an estimated value
13 that is used in the permit.

14 MS. LARSEN: But then we don't know how
15 many start-ups there are going to be?

16 MR. KELLEN: Right.

17 MS. LARSEN: So if we have two unknown
18 variables, how can we formulate air quality?
19 If we can't formulate air quality, then how
20 can there be an application approval?

21 MR. ROMAINE: You are talking about a
22 lot of different technical issues here. The
23 issue for ozone as you have mentioned --

24 MS. LARSEN: No. This is a whole

1 different question. When they were talking
2 that they said they did not have like the
3 model or whatever, they did not have the
4 data for start-up emissions. And then we
5 don't have any data on like perceived number
6 of start-ups. So how can -- how can we
7 formulate air quality?

8 MR. ROMAINE: Right. I am sorry. Are
9 you talking modeling of the impacts of this
10 particular facility or ozone air quality?

11 MS. LARSEN: No. This is just -- No.
12 I am not going -- I am not talking about the
13 ozone because there is a lot of other
14 pollutants considered than just the NOX or
15 just for the ozone.

16 MR. ROMAINE: There is sufficient data
17 to make technical estimates of the emissions
18 during start-up. And that data, as
19 Mr. Kellen said, comes from other facilities
20 that are operating where emissions have been
21 tested. And that data can be used to do a
22 reasonable evaluation of the impact of the
23 facility.

24 MS. LARSEN: But then you don't have

1 any idea of the number of start-ups?

2 MR. ROMAINE: When you are looking at
3 short-term impacts on air quality, you are
4 looking at it on a one time basis. The
5 question is what is the impact of a start-up
6 on that particular day or on that particular
7 hour.

8 MS. LARSEN: Right. And we don't know
9 those. You don't know how many start-ups
10 there is going to be.

11 MR. PATEL: The total emissions, that
12 includes start-up emissions. So if there
13 are more start-ups, their operating hours
14 will be lower. So these final numbers, NOX
15 CO, SUM, those are including the start-ups,
16 start-up numbers.

17 MS. LARSEN: How was that measured?

18 MR. PATEL: We have the percentages,
19 high percentages given for each start-up
20 that needs to be taken into consideration
21 for each start-up hour.

22 MS. LARSEN: So each start-up is then
23 measured?

24 MR. PATEL: Yes. They will have to

1 keep track of the number of start-ups; and
2 for that start-up hour, they have to use the
3 higher numbers.

4 MS. LARSEN: Okay. Thank you.

5 MR. SELTZER: Thank you. Next is Betty
6 Gibour, G I B O U R? Next is Loretta
7 McCarley.

8 MS. MCCARLEY: I already spoke.

9 MR. SELTZER: Is it Beth Rae Kaiser?

10 MS. KAISER: Betty.

11 MR. SELTZER: Betty Rae Kaiser.

12 MS. KAISER: B E T T Y, R A E,
13 K A I S E R. I am Wadsworth Village
14 Trustee. And back in December 21, 1999, we
15 submitted a letter to Mr. Donald Sutton,
16 Illinois Environmental Protection Agency,
17 and also a resolution, December 21, 1999. I
18 would like to submit that for tonight and
19 tomorrow.

20 MR. SELTZER: Sure.

21 MS. KAISER: Our concerns were with the
22 issues of air quality, and we have a great
23 concern about this if the peaker plants are
24 allowed.

1 MR. SELTZER: You have the regulation
2 with you?

3 MS. KAISER: Yes.

4 MR. SELTZER: We will mark that as
5 Public Exhibit No. 5, and it will go into
6 tonight's record and tomorrow night's
7 record.

8
9 (The document referred to was
10 marked as Public Exhibit No. 5
11 for identification.)

12
13 MS. KAISER: I also want to say I am a
14 Republican.

15 MR. SELTZER: Mr. Dudleston?

16 MR. DUDLESTON: Yes.

17 MR. SELTZER: You submitted those
18 calculations. I did not accept them by
19 marking them as a specific exhibit. So I
20 made a mistake. So we are going to go out
21 of turn, and I will mark that as Public
22 Exhibit No. 6.

23 MR. DUDLESTON: Thank you.

24 MR. SELTZER: It should have been 5,

1 and I will have that introduced into this
2 record and tomorrow night's record.

3

4

5 (The document referred to was
6 marked as Public Exhibit No. 6
7 for identification.)

8

9 MR. SELTZER: We have Terri Voitik, but
10 you have already testified. Were there a
11 couple cards filled out by some people.
12 Bill Rose? Is Bill Rose here? The last one
13 is, it looks like A R A D Anderson.

14 MR. ANDERSON: Hello, guys and
15 corporate dude. Is this where the next
16 meeting is going to be held tomorrow night
17 too?

18 MR. SELTZER: What is your name,
19 please?

20 MR. ANDERSON: Chad Anderson.

21 MR. SELTZER: S E N?

22 MR. ANDERSON: S O N. Son of Ander,
23 yes. All right. Is this where the meeting
24 is going to be tomorrow? Are you the Park

1 District guy? Can you get a lot more
2 chairs, first of all, because I don't think
3 the public really got all the information
4 out that there was going to be meetings
5 tonight 'cause there is 20,000 people that
6 live in Zion; and there is probably a
7 hundred people that are here right now? So
8 I don't really think that is democratic.

9 I've been listening since I got
10 off of work with everybody asking you guys
11 stuff and then no one answering. Does it
12 even matter talking, or am I just wasting my
13 breath?

14 MR. SELTZER: No. You are not wasting
15 your breath.

16 MR. ANDERSON: Am I wasting my time?

17 MR. SELTZER: I would hope not.

18 MR. ANDERSON: Are you wasting our
19 time? Does it matter what we say to you?
20 Is anything going to sway your opinion, or
21 has everyone already made up their mind
22 about the issue?

23 MR. ROMAINE: As we said at the
24 beginning --

1 MR. ANDERSON: Can you turn your mike
2 on?

3 MR. ROMAINE: As we said at the
4 beginning, we are certainly looking for
5 information on issues related to air
6 pollution that could affect our decision on
7 this particular permit application.
8 However, we do not have the authority to
9 address a lot of the concerns that have been
10 expressed here tonight.

11 MR. ANDERSON: So what are you talking
12 about air quality is more than just the
13 ozone layer, right? It is overall, correct?
14 The stuff doesn't necessarily have to ruin
15 the ozone layer to be bad for a human's
16 lungs, right?

17 MR. ROMAINE: Actually, in the upper
18 atmosphere ozone is good. What we are
19 talking about, the people that have
20 expressed concern is ozone at ground level,
21 which is bad.

22 MR. ANDERSON: That's what you guys are
23 talking about, right?

24 MR. ROMAINE: What we are talking about

1 here is putting in a request from Zion
2 Energy Center to build an electric power
3 plant that would be, in fact, a major source
4 of emissions. And before we issue that
5 permit, we want to give the public a chance
6 to see if there are aspects of this facility
7 as related to emissions that we did not see.
8 We have reviewed it and determined that
9 using best available control technology to
10 minimize emissions --

11 MR. ANDERSON: What does that mean? We
12 don't want to get like fast talked about the
13 fast track. Slow it down a little bit.

14 MR. ROMAINE: Actually, we are as good
15 as any bureaucracy. We have had this
16 application at this point for nine months.
17 So we have dragged it out a little bit.

18 But basically it means looking
19 at the units that's being proposed and
20 seeing whether, in fact, there are add-on
21 control devices that could reasonably be
22 applied to it. At this point in time,
23 peaking turbines of this type are controlled
24 by use of low-NOX burners as is being

1 proposed by Zion Energy Center. Add-on
2 control devices for NOX are being used by
3 combined-cycle plants, which is not what's
4 been proposed here; nor is it apparent that
5 people are interested in a facility that
6 would operate year-round either.

7 The other part of the
8 application review is the modeling that has
9 been performed. The modeling addresses
10 contaminants emitted in significant amounts
11 or major amounts other than ozone
12 precursors. That modeling shows that the
13 facility would not be a threat to air
14 quality.

15 In terms of ozone, as we have
16 explained, this facility should not have a
17 measurable effect on ozone in the Lake
18 County area. It certainly will contribute
19 to the effect of the greater Chicago area
20 and Illinois and is appropriately addressed
21 as part of regional programs dealing with
22 ozone precursors.

23 MR. ANDERSON: All right. So I have a
24 question. Who owns Zion Energy?

1 MR. KELLEN: Zion Energy is owned by
2 SkyGen Energy. Zion Energy is a wholly
3 owned subsidiary.

4 MR. ANDERSON: So Zion Energy really
5 isn't Zion Energy? It is just a different
6 name for another corporation.

7 MR. KELLEN: It is a different company.
8 It is a subsidiary company.

9 AUDIENCE MEMBER: Who owns --

10 MR. SELTZER: Wait, wait, wait, wait.
11 If you want to speak again --

12 MR. ANDERSON: Who owns SkyGen?

13 MR. KELLEN: SkyGen is owned right now
14 by Michael Pulski. It been announced
15 several weeks ago Calpine (phonetic) --

16 MR. ANDERSON: Where do they live?

17 MR. KELLEN: -- Calpine Corporation
18 which is based in San Jose, California.

19 MR. ANDERSON: All right. They don't
20 live in Zion then, right?

21 MR. KELLEN: That's correct.

22 MR. ANDERSON: I am pretty sure that if
23 a peaker power plant was here and the grid
24 could send the power all the way to this

1 guy's house he probably would do it free of
2 charge. But I am pretty sure that
3 deregulatization means that there is just a
4 business grid over like a six-state area,
5 right; and then they just make the energy
6 and sell it off like it is a product, right?

7 MR. ROMAINE: A couple points, the grid
8 and innerconnects are much larger than that.
9 On the other hand, power is lost with
10 transmission loss. So it is used near.
11 Now, I can't tell you how near --

12 MR. ANDERSON: But there is a grid,
13 right; and it is a nationwide grid?

14 MR. ROMAINE: Nationwide grid.

15 MR. ANDERSON: So we could think that
16 this issue is something that could be looked
17 at as a whole. That's something that
18 effects the people in this community, will
19 effect the neighboring communities. And
20 anything that is bad for the air and bad for
21 the environment is bad for the world as a
22 whole, not just Zion or Waukegan or North
23 Chicago. Is that too hard to look at the
24 whole big picture?

1 MR. ROMAINE: No. It is very easy to
2 look at the big picture, and certainly
3 people are bad for the environment if that
4 is what you are getting at. The complex
5 issues of the environment and global
6 environment are certainly beyond the ability
7 of this permitted section to address under
8 current laws in this particular application.

9 All we can address is whether it
10 complies with the applicable rules
11 established in Illinois and what would be
12 the immediate effects of the emissions of
13 the facility, whether the emissions would be
14 reasonably controlled. And that, in fact,
15 is the limitations that are reviewed.

16 MR. ANDERSON: All right. I have a
17 question for you as an individual, not as a
18 -- like as part of your job, just an
19 individual question. Would you want this in
20 your neighborhood in a residential area?

21 MR. ROMAINE: I take that as a
22 rhetorical question. I have learned not to
23 answer rhetorical questions.

24 MR. ANDERSON: That's why we don't want

1 the power plant. It is a rhetorical
2 question. We don't want it here, and I
3 don't know what we have to do to let
4 everyone know that we don't want it here.
5 What do we have to do? Like these debates,
6 I don't see much happening. I have seen
7 debates before. It is just lots of talk,
8 and nothing happens.

9

10 (There was a discussion
11 held off the record.)

12

13 MR. ANDERSON: Someone has greasy
14 hands. I mean, it is not that hard to
15 figure out. Who gets money out of this?
16 Who makes the money out of this? Tax
17 revenue, how much tax revenue do we get?

18 I know ComEd screwed every one.
19 I should be living on the lake front right
20 now. But because of a rule and a law,
21 eminent domain I am pretty sure it is
22 called, everyone got taken off of the lake
23 front. Now there is a big, ugly power plant
24 there. And now there is asbestos in the

1 water and everything. And what are we
2 supposed to do about it?

3 I mean, I don't want this to
4 ruin the local stuff like everyone else
5 doesn't want it to ruin anything. We don't
6 want bad stuff for the environment in our
7 community. We don't want it anywhere. I
8 don't. So what do we really have to do to
9 make you guys be on our side like you should
10 be? That's open to anyone.

11 MR. SELTZER: I am sorry?

12 MR. ANDERSON: It is open for anyone on
13 the table.

14 MR. SELTZER: Well, the purpose of this
15 hearing, as has been stated many, many
16 times, is so that the Agency can consider
17 not only what is in the Applicant's
18 application but also the Public's view of
19 the validity of their application. That's
20 the only authority this Agency has.

21 MR. ANDERSON: So who should we have to
22 talk to then?

23 MR. SELTZER: You should talk to the
24 people that you are talking to now. The

1 record that is being prepared will be read
2 by other people in the Agency. So you are
3 creating the record right now.

4 And what you are saying, if it
5 is on the subject, may sway the Agency to a
6 degree or one way or another. But, frankly,
7 if it is off topic, by law the Agency cannot
8 consider those comments.

9 MR. ANDERSON: So is there only going
10 to be this hearing and tomorrow night's
11 hearing and that's all 'cause there was,
12 what, 19 hearings in Libertyville if that's
13 correct?

14 MR. SELTZER: This hearing is for the
15 state EPA, and there's just this one hearing
16 for this one facility by the state. Now, in
17 many instances, the local jurisdiction where
18 the facility goes, they have to go before
19 the local authority and need permission from
20 that local authority in order to construct
21 the facility. So there may be more than one
22 hearing for a particular facility.

23

24 (There was a discussion held

1 off the record.)

2

3 MR. ANDERSON: All right. So there is
4 going to be tonight and tomorrow night, and
5 that's all?

6 MR. SELTZER: Well, there is only this
7 one hearing for this one peaker plant.
8 Tomorrow night there will be one hearing for
9 another peaker plant.

10 MR. ANDERSON: Six months from now
11 there will be another one for another one in
12 another area. I am just asking when it is
13 going to end basically.

14 MR. SELTZER: Every time an application
15 is made to the Agency, the Agency has to
16 consider that application. We don't know
17 how many applications will be made.

18 MR. ANDERSON: Have you guys considered
19 this one yet?

20 MR. SELTZER: Yes. We have a draft
21 permit.

22 MR. ANDERSON: What do you feel
23 personally?

24 MR. SELTZER: That is not relevant to

1 this hearing, what I feel personally.

2 MR. ANDERSON: You are a human. I am a
3 human too. Every one has their own
4 opinions. You can't just be ruled by your
5 job. That's not your only place to think.
6 You can think as a human, as an individual
7 what you would want for you and your family
8 and your grandkids and their grandkids.

9 I mean, it might be easy to sit
10 at a table and just listen to people and let
11 it go in one ear and out the other and
12 answer a question here or there or just say
13 no, we don't have the technical data on that
14 or whatever. But why don't you have someone
15 down here that does? Why don't you send
16 someone out here that will know?

17 AUDIENCE MEMBER: Ask that gentleman.

18 MR. SELTZER: Just a minute.

19 MR. ANDERSON: Would you like to answer
20 that? Would you like to answer that?

21 MR. SELTZER: Let's stop this right
22 now. This is beyond the scope of this
23 hearing, and it is not going to get out of
24 control. Go off the record.

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(There was a discussion
held off the record.)

MR. ANDERSON: So I have a question,
how much tax, how many dollars in taxes are
going to come from this?

MR. KELLEN: I don't have an estimate
right now of tax revenue. We are looking at
that.

MR. ANDERSON: Will you come back
tomorrow night and let us know?

MR. KELLEN: I am not available
tomorrow night, but I can let you know.

MR. ANDERSON: Will you send someone
from your organization tomorrow night to let
us know how much money we will get in taxes
from your peaker power plant?

MR. KELLEN: I can't assure that I will
be here tomorrow night, or I will be able to
send someone tomorrow night, but I can
certainly get back to you.

MR. ANDERSON: Can you fax or E-mail
someone so they will know or something

1 snazzy like that?

2 MR. KELLEN: Certainly, certainly.

3 MR. ANDERSON: Is it going to be the
4 truth?

5 MR. KELLEN: Of course.

6 MR. ANDERSON: The absolute truth?

7 MR. KELLEN: Certainly.

8 MR. ANDERSON: All right. I am done.

9 MR. SELTZER: Thank you. Now, is there
10 anybody else that wishes to make any
11 additional comments or ask further
12 questions. Well, this lady in the back, you
13 haven't spoken this evening or in the middle
14 there.

15 MS. SNIDER: Hi. I am Lisa Snider,
16 L I S A, S N I D E R. I am not a speaker.
17 I am just a mom. I have three great kids.
18 They are healthy now.

19 I am your closest neighbor. I
20 am way less than a thousand feet from you.
21 If I removed the train tracks, I could jump
22 the fence and be on your property. So all
23 this thousand feet, it is not.

24 I have a log house. We have a

1 front porch. We have a little place to sit
2 out there. What am I going to hear? What I
3 am going to smell? What am I going to see?
4 How healthy are my kids going to be?

5 Why don't you come over this
6 summer and bring your kids and let them hang
7 out with my kids? You want to do that? Let
8 them do it. You know, we will make out a
9 picnic right by that fence line. What do
10 you think?

11 MR. SELTZER: That is not a question
12 and again --

13 MS. SNIDER: I know.

14 MR. SELTZER: These personal attacks,
15 this gentleman here --

16 MS. SNIDER: I am the closest person
17 there.

18 MR. SELTZER: I understand that.

19 MS. SNIDER: It is very important to
20 me. I know it is important to you; or you
21 would not be sitting here, at least partly
22 important to you.

23 MR. SELTZER: It is important. And if
24 you offer testimony showing that, in fact, a

1 permit application says one thing and, in
2 fact, that is a misrepresentation, that is
3 very important.

4 MS. SNIDER: I was just asking him some
5 questions, really not you, just the fact
6 that how loud will this be? We were talking
7 earlier. They had to turn the air off
8 because you couldn't hear each other. We
9 couldn't hear the speaker.

10 I have to be -- Will I be able
11 to hear my kid ask me, Mommy, I want some
12 juice; or will I have to go inside just to
13 hear that child? How loud? Can you hum how
14 loud it will be on my front porch?

15 MR. SELTZER: This is not --

16 MS. SNIDER: I can't ask a noise
17 question.

18 MR. SELTZER: You can make all the
19 comments you want. I don't know how loud he
20 can or can't hum.

21 MS. SNIDER: I asked him because
22 decibels don't mean a thing to me. I know
23 how loud this air conditioning was. I know
24 how loud I am speaking, but I don't really

1 know --

2 MR. SELTZER: Noise is insidious.
3 Noise is absolutely insidious. Noise is
4 bothersome. Nobody doesn't understand that.

5 MS. SNIDER: Crickets aren't
6 bothersome. I moved out there from North
7 Chicago to get away, to have eight acres, to
8 be away from things. Now this is going in
9 the back. Okay. I can't say what my
10 neighbors are going to put up. But I can
11 come here and find out the answers that I
12 need to know. I want to know how loud is it
13 going to be.

14 MR. SELTZER: I wish you could --

15 MS. SNIDER: He might know.

16 MR. SELTZER: The purpose of this
17 hearing is not for you to be able to find
18 out answers to the questions you may have.
19 That is not the purpose of tonight's
20 hearing.

21 MS. SNIDER: Oh, goodness. I think
22 that I am in the wrong spot then because I
23 really thought this was the place to ask the
24 questions.

1 MR. SELTZER: This is the place to ask
2 questions and offer comments with regard to
3 the permit application and the draft permit.
4 The draft permit --

5 MS. SNIDER: I can't ask him questions.
6 I can't ask him questions.

7 MR. SELTZER: That's up to him. If he
8 wants to after the hearing meet you in the
9 hall, that's fine.

10 MS. SNIDER: Yeah, the air quality.
11 Let me see if I have anything else here.
12 When something goes wrong -- I have a
13 question for you guys -- when something
14 wrong, let's just say that they have --
15 they've been emitting more than they really
16 thought. They will then write up a little
17 form that says, oops, we went a little high
18 that day.

19 Then that form goes where, in a
20 file; or do they have to have it go to you?
21 And how long do they have from that day till
22 the time that you get it? Is it 45 days
23 like, oops, last Wednesday we did this; but
24 we are already in December, okay? And at

1 that point do you shut them down? Do you
2 then look at it over a long scheme? What do
3 you do when something goes wrong, when the
4 quality gets worse than you thought?

5 MR. SELTZER: Well, the law provides
6 that if there is a violation of a permit and
7 let's assume it is an accidental violation,
8 some mechanical error, then of course what
9 the Agency wants to do is step in and make
10 sure that problem is solved. If there is an
11 intentional violation, then an action is
12 brought against the permit holder. That
13 action can be brought before the Pollution
14 Control Board, or it can be brought in
15 circuit court.

16 MS. SNIDER: How long -- is this kind
17 of a lengthy process?

18 MR. SELTZER: Yes.

19 MS. SNIDER: It is not a day or -- can
20 they keep running that way possibly until
21 they actually go in front of the judge and
22 the judge rules that they have to shut down
23 or something like that? It could take a
24 while. It could be a period of time,

1 lengthy.

2 MR. SELTZER: If it is shown that there
3 is a public health hazard, then the Agency
4 has the authority to go in and close it
5 down.

6 MS. SNIDER: Right a way, okay.

7 MR. SELTZER: Yes.

8 MS. SNIDER: You said you were new to
9 the job here. And all I am asking is maybe
10 by chance -- you said there's no legitimate
11 reason -- there possibly is no legitimate
12 reason to deny this. But does there have to
13 be a legitimate reason to -- or a partial
14 reason to put it on hold?

15 MR. SELTZER: I didn't say there was
16 not a reason -- that there is no reason to
17 deny it. What I said was the Agency has no
18 authority to deny it if the Applicant meets
19 all the applicable constraints.

20 MS. SNIDER: Right. If there is a
21 legitimate reason is the only way to deny a
22 permit, correct?

23 MR. SELTZER: Yes. If they don't meet
24 the requirements, then the permit would be

1 denied or should be denied. That is for
2 sure.

3 MS. SNIDER: Can we just put it on hold
4 in the effect of taking more time to look at
5 this? You say that -- You say that they are
6 already in the works to try to decrease the
7 amount of pollutants and the NOX or whatever
8 they are in the air, right? If they already
9 know that there is a problem and this one
10 would already be above that, why can't they
11 just put it on hold till they can get things
12 under control?

13 When my children are doing
14 something for the first time and they don't
15 know how to do it, I say take it slow.
16 Don't rush into something. You are just
17 learning something. Take it slow. Don't
18 worry. You will do it right. Why can't you
19 do the same?

20 MR. SELTZER: If the Agency decides
21 itself that it is going to put a moratorium
22 on reviewing permit applications is what you
23 are really asking?

24 MS. SNIDER: Correct.

1 MR. SELTZER: The law makes provision
2 for what would happen if the Agency does
3 that. What happens is they automatically
4 get the permit.

5 MS. SNIDER: If you slow it down, then
6 they automatically --

7 MR. SELTZER: If we go beyond the time
8 limit that we are allowed by law, then the
9 permit is considered to be granted.

10 MS. SNIDER: Okay. They cannot -- This
11 company right here cannot legally sell the
12 power to Zion; is that correct?

13 MR. SELTZER: Well, they have to sell
14 it to a company that has transmission lines
15 that go out to wherever the power is being
16 used.

17 MS. SNIDER: So Zion, Wadsworth, maybe
18 North Chicago won't be getting that?

19 MR. SELTZER: It may be going here. It
20 may be going hundreds of miles away.

21 MS. SNIDER: But we are getting all the
22 emissions? So, therefore, they are getting
23 the power; and we are getting the poop? Is
24 that what it is?

1 MS. SNIDER: You know what? That's all
2 I have to say. Thank you.

3 MR. SELTZER: You bet. Thank you.
4 Please state your name for the record again.

5 MS. OWEN: Verena Owen, V E R E N A,
6 O W E N. Thank you for letting me again. I
7 have a few questions and comments. It will
8 be very brief.

9 Since I didn't get a public
10 notice, this is the first I have seen, would
11 you please explain to me the maximum
12 predicted impact and significant impact
13 level for PM-10 24 hours and SO2 24 hours
14 and why this is? They are exceeding the
15 24-hour standard, the significant level for
16 PM-10 and the SO2.

17 MR. ROMAINE: That's correct. The
18 modeled impacts are higher than the
19 significant impact levels. That is
20 acceptable.

21 MS. OWEN: That is acceptable? There
22 are no consequences for that?

23 MR. ROMAINE: The further consequences
24 that they have to do regional modeling that

1 addresses the emissions of other major
2 sources in the area. So it affects the
3 extent of the modeling analysis --

4 MS. OWEN: So then did they do that,
5 measure other sources in the area? Did they
6 address that in the air modeling?

7 MR. ROMAINE: Yes, they did.

8 MS. OWEN: Did they include the new
9 Pleasant Prairie Power Plant that is going
10 in? They have a permit.

11 MR. ROMAINE: I don't know if they
12 included the proposed or the new -- is this
13 a facility that was recently issued a permit
14 in Wisconsin?

15 MS. OWEN: Yes. And it is what would
16 you say, a mile, a thousand megawatts just
17 about a mile or two north of here? We are
18 going to have four in a line. We are going
19 to have the existing one, then Pleasant
20 Prairie, then Carlton, and SkyGen. Maybe
21 that should be addressed.

22 Also, I would like to put into
23 the record that the finished BFI Landfill
24 will be the highest elevation in Lake

1 County, and I am very surprised that this is
2 not in the air model. It will be the
3 highest elevation in Lake County, and it is
4 not flat. It is a mountain of garbage.

5 I will also like to state that I
6 personally have requested Mr. Kellen twice
7 to submit ambient noise levels and to bring
8 them to meetings. This is the third time.
9 Did you bring them, Mr. Kellen?

10 MR. KELLEN: I got that available. I
11 can -- I didn't bring it with me.

12 MS. OWEN: Thank you. As I said, this
13 is just a statement. This is the third time
14 he has them available and didn't bring them.

15 I would also like to put into
16 the record that the mayor of Zion has not
17 attended the meeting tonight. He does have
18 an excuse tomorrow. I would like the EPA in
19 the future, should we ever have another one,
20 please do not schedule hearings on nights
21 when everybody has council meetings. I
22 think this is important for politicians to
23 attend, and they are not going to.

24 When I was talking about

1 exceedence of particulate matter, I would
2 like the audience to know this is also
3 commonly known as soot, what comes out of
4 chimneys. I also like Chris Romaine, Chris,
5 would you like to retract your financial
6 viability statement you made before?

7 MR. ROMAINE: Refresh.

8 MS. OWEN: You said that the Agency
9 does not look at the financial viability of
10 proposals.

11 MR. ROMAINE: I was specifically
12 looking -- referring to the air construction
13 permitting process. There are different
14 provisions that do apply to other types of
15 permitting, in particular to waste treatment
16 facilities.

17 MS. OWEN: The new sources that you
18 handle deals with air permits, does it not?

19 MR. ROMAINE: Yes.

20 MS. OWEN: On Page 4, there is an
21 example given for a permit. Do you know
22 what that example is? A financially
23 inviabile peaker plant.

24 MR. ROMAINE: You are posing a

1 different issue than the one I thought was
2 addressed before in terms of asking for
3 questions about financial resources and --

4 MS. OWEN: So does your Agency look at
5 the financial viability of proposals, yes or
6 no?

7 MR. ROMAINE: If we saw a proposal
8 where it appeared to us that the project did
9 not have the potential to be economically
10 viable and if there were further information
11 provided to us that you may have to suggest
12 that were the case, we would certainly have
13 the authority to look at it under the
14 federal PSD program.

15 MS. OWEN: Thank you for clarifying
16 that.

17 MR. SELTZER: Thank you. Anybody else?

18 MS. ZINGLE: Please.

19 MR. SELTZER: Please, identify yourself
20 again.

21 MS. ZINGLE: My name is Susan Zingle,
22 Z I N G L E. I just wanted to comment for a
23 moment the tone that we have taken on both
24 sides this evening is different than we have

1 experienced at a couple of other hearings,
2 and I thought you might need to understand
3 why.

4 For all the times for you to
5 decide to get strict with the rules and
6 limit it to air, this was not the place to
7 do it. The Zion City Council has not
8 referred this to any plan commission, to any
9 zoning board of appeals. When they have
10 allowed Mr. Kellen to speak at Zion City
11 Council meetings, they have denied public
12 comment.

13 They now will not allow public
14 comment from people outside the City of Zion
15 even though the residents of Wadsworth and
16 Newport Township are the closest people to
17 this plant. And we were, frankly, looking
18 forward to this evening to get some of these
19 issues out on the table.

20 And, yes, this is an air permit
21 hearing; and you are not probably wrong in
22 limiting it to air. You have not done so at
23 other cities. At Libertyville they had 20
24 plan commission hearings, and you still

1 permitted water and noise and zoning and
2 other issues to be discussed at the air
3 permit hearing. We need that opportunity
4 here to get those issues on the table.

5 I will tell the people here that
6 I believe that the SkyGen plant is going to
7 need a zoning variance, maybe two of them.
8 The mayor talked about these wonderful
9 financial benefits that are going to be
10 reaped from the plant. That's parts of an
11 agreement that they are still in the process
12 of negotiating, and that agreement has to be
13 made public, and it has to be voted on.

14 So if you don't want the plant,
15 ultimately the decision is made by the Zion
16 City Council. They need to hear from folks
17 here that you don't want it, not just folks
18 from Wadsworth and from Newport Township
19 that we don't want it 'cause we don't; but
20 they need to hear from the people that are
21 going to vote for them.

22 Two of those commissioners are
23 up for reelection in the spring. They are
24 to pay attention to what you say. So

1 please, yeah, the gas line is in; but it has
2 a lot of purposes beyond the two peaker
3 plants. Let the Zion City Council know how
4 you feel about this proposal. Tell your
5 neighbors. Tell your friends. Go to the
6 Zion City Council meetings and speak up.
7 Thank you.

8 MR. SELTZER: Thank you. Yes, sir.

9 MR. GEISELHART: My name is Paul
10 Geiselhart. I have a number of comments.
11 It was mentioned that there is approximately
12 25 peaker permits being reviewed by the
13 IEPA; is that correct? I think you said
14 that earlier.

15 MR. ROMAINE: Roughly. I hate to say
16 it, but I do lose count.

17 MR. GEISELHART: On an average, would
18 you say that is about 500 megawatts of power
19 for each plant?

20 MR. ROMAINE: I have a copy of my list
21 with me. If you want the data, I can
22 provide it.

23 MR. GEISELHART: Just on a -- just a
24 hypothetical -- for example, if that's the

1 case, we are looking at approximately six or
2 seven new nuclear plants in wattage
3 production. So --

4 MR. ROMAINE: I can simplify this.
5 There is certainly an awful lot of capacity
6 being proposed for peaker plants. That's
7 correct.

8 MR. GEISELHART: And it seems that we
9 are operating with old rules. And with
10 deregulation, it doesn't seem like the rules
11 have kept up. And perhaps the Agency should
12 take a look at why this is, you know, how to
13 deal with all these increased applicants who
14 really we are not taking out any old plants;
15 but we are building on an old
16 infrastructure.

17 And in -- this is really -- this
18 really means that we are going to export a
19 lot of power from Illinois. That's in my
20 estimation. That's -- the only way I can
21 say that these can be built economically is
22 if we export the electrical power to other
23 states.

24 I have some comments also on the

1 model. It was said that the model displayed
2 no effect on local air quality. I have a
3 question on what -- was there any sources of
4 local pollution included in the model study?

5 MR. ROMAINE: Well, Mr. Deyo can add to
6 this; but certainly the one that I was most
7 concerned about personally was the Pleasant
8 Prairie Power Plant. That was included in
9 the modeling analysis.

10 MR. GEISELHART: How about the Zion --
11 the local landfill pollutants? Were they
12 modeled into this? Were they included in
13 the model?

14 MR. ROMAINE: Steve, were those
15 included? Were there emissions at that
16 source in the inventory?

17 MR. DEYO: There were sources from that
18 facility. I can't tell you right now if
19 they were screened out or not, but I can
20 give you that information. I can give you a
21 list of all the facilities that were
22 considered significant in the impact area.

23 MR. ROMAINE: Steve, you are the
24 modeler. Do you want to explain screen

1 data, or do you want me as the permit
2 analyst to attempt to explain it?

3 MR. DEYO: Go ahead.

4 MR. ROMAIN: When a modeling analysis
5 is performed at a particular new project
6 shows that it will have significant impacts,
7 the next step is to do a regional analysis.
8 For that purpose, you have to have assemble
9 an inventory that includes existing sources
10 in the area. Obviously, we cannot include
11 every home, store, factory.

12 There is a procedure that our
13 modelers have developed that, you know, goes
14 through the inventory and selects sources
15 that could significantly affect the total
16 result. Those are the sources that are
17 included in the regional modeling analysis
18 along with the proposed new source.

19 In addition to that, we do have
20 some conservatism in the evaluation because
21 the modeling for those specific sources is
22 added on top of data for background air
23 quality that is taken from existing
24 monitoring sites. Certainly those existing

1 monitoring sites also have sources in their
2 vicinity.

3 So the evaluation is very
4 conservative in that regard. The point
5 there, what that background data may not
6 include is large sources in the area such as
7 a -- I don't know how many megawatts
8 Pleasant Prairie is, but it is certainly a
9 large facility.

10 MR. GEISELHART: Where was the point of
11 maximum impact from the plume?

12 MR. ROMAINE: I do not have -- have not
13 gone through and given that. Steve, do you
14 know in general where that is? Can you
15 describe it? Do you want to take a break
16 and come up and describe where it is?

17 MR. DEYO: No. I got it right here.
18 For the 24-hour PM-10 standard, the highest
19 concentration was found 550 meters from the
20 center of the facility. I can give you
21 that. I don't have that right in front of
22 me. The 24-hour SO2 standard was 350 meters
23 from the center of the facility. That was
24 the highest, and those were the only two

1 that required our find analysis.

2 MR. ROMAINE: I guess that just --
3 based on the size of the facility, is it
4 possible that those are fence line
5 concentrations?

6 MR. DEYO: No. These are outside the
7 fence.

8 MR. ROMAINE: Well, I mean right at the
9 fence line.

10 MR. DEYO: No.

11 MR. ROMAINE: We can clarify that.

12 MR. GEISELHART: In your model, was
13 there any temperature change predicted for
14 the local area?

15 MR. DEYO: For the annual, we used the
16 annual temperature averaged. For the
17 short-term, we used the worst case, which
18 happened to be zero degrees Fahrenheit.

19 AUDIENCE MEMBER: What is the annual
20 temperature used?

21 MR. DEYO: 59 degrees.

22 MR. SELTZER: Wait, wait, please. The
23 record won't make sense to anybody reading
24 it when we do that.

1 MR. ROMAINÉ: I think -- I think your
2 question was a different one.

3 MR. GEISELHART: Yes.

4 MR. ROMAINÉ: You were asking the
5 impact of this facility on local ambient
6 temperature on weather conditions in the
7 vicinity, and that is not something that is
8 modeled.

9 MR. GEISELHART: Can you draw from your
10 experience any other facilities that have
11 changed temperatures in the local area?

12 MR. ROMAINÉ: Based on very general
13 experience, we do not see power plants
14 having effects on local weather conditions.

15 MR. GEISELHART: The fact that this
16 plant would be close to the lake, is there a
17 lake effect that you found in your modeling
18 with the cooler lake temperatures?

19 MR. ROMAINÉ: Again, I will refer you
20 to the modeling study. How did you address
21 lake effect, Steve?

22 MR. DEYO: We weren't required to.

23 MR. ROMAINÉ: But I will have to take
24 back to my modelers to answer the question

1 why it wasn't necessary to address lake
2 effect in this particular location. It may,
3 in fact, be the distance away from the lake.
4 It is a highly technical question.

5 MR. GEISELHART: Wouldn't the cooler
6 air tend to stall the air particles; and the
7 emissions could stall and be over the area
8 for a greater period of time allowing them
9 to cook and producing ozone, local ozone? I
10 would like if your modelers could look into
11 that.

12 MR. DEYO: We will look into that.

13 MR. GEISELHART: And who will keep the
14 emission records, and how long will they be
15 kept for?

16 MR. ROMAINE: The primary records will
17 be kept at the source. I don't recall if we
18 specified three years or a longer period of
19 time. The standard period of retention for
20 records is three years. Summaries of those
21 records would be submitted to the Illinois
22 EPA. We also have the authority to request
23 copies and obtain copies of records if we
24 think it is necessary.

1 MR. GEISELHART: Could a citizen have
2 access to those records and how quickly
3 after they are published?

4 MR. ROMAINE: Citizens can certainly
5 get access to our records through the
6 Freedom of Information Act process, which at
7 times can be cumbersome. I have to admit
8 that. I apologize that the process did not
9 go more smoothly, particularly in the
10 circumstance with regard to the pending
11 application. That's all I can say with
12 regard to that.

13 Other than that, next time get
14 your man, Brad, on the job to facilitate the
15 process.

16 MS. ZINGLE: Brad who left me off the
17 notice list. Brad is not my friend anymore.

18 MR. ROMAINE: Brad will be
19 extraordinary careful in the future to keep
20 you on the notice list. In terms of getting
21 copies of the records of the facility, that
22 is something that we really have to go
23 through really a two-stage process under
24 normal circumstances unless there is some

1 other agreement worked out with the City of
2 Zion where we would first have to obtain
3 those records. And then you would have to
4 come through us through the Freedom of
5 Information Act to get a copy of those
6 records. Have you worked anything different
7 in that regard, Mr. Kellen?

8 MR. KELLEN: I am sure we would be
9 willing to work something out so we could
10 provide you copies of the records directly.

11 MR. GEISELHART: How soon after you
12 have them? Could that be on a monthly
13 basis?

14 MR. KELLEN: I believe that would be
15 possible.

16 MR. GEISELHART: Thank you.

17 MR. SELTZER: Thank you.

18 MS. JACOBS: Terry Jacobs, T E R R Y,
19 J A C O B S. I am representing Concerned
20 Citizens for Lake County. You can add that
21 to my earlier testimony. I haven't put that
22 down yet. I would also like my testimony to
23 apply to both nights.

24 To clarify for the lady who is

1 the closest neighbor, is it not true that if
2 the Applicant is found to have higher
3 emissions levels it is -- is it not possible
4 and even likely that the company can simply
5 be permitted at a higher level for
6 emissions?

7 MR. ROMAINE: In this particular case,
8 I would say no. Because this is a PSD
9 application, it is, in fact, treated as a
10 major source of pollution. It has to comply
11 with best available control technology. And
12 once best available control technology is
13 established, that is essentially adopted
14 emission limit for the facility. So
15 certainly it is -- a minor upset condition
16 or other problem would not be a basis to
17 revise a back limitation of that sort.

18 The question you pose would be
19 more relevant to a facility such as the
20 Indeck-Libertyville facility which was a
21 minor source and voluntarily came in with
22 permit emission levels on an annual basis
23 that were significantly below the major
24 thresholds. And certainly it was a

1 possibility for a facility of that sort to
2 come back to our Agency and to request an
3 increase in the emission levels while still
4 staying a minor source.

5 MS. JACOBS: So what recourse would
6 this neighbor have then? I mean, is it
7 something that you would watch if you see
8 the emission levels coming in higher how
9 many times before it is a problem that you
10 feel something needs to be dealt with; and
11 how much later does that -- is that
12 correction made?

13 MR. ROMAINE: You are asking a very
14 sort of general question. I think the point
15 I would make is that --

16 MS. JACOBS: Just as a matter of
17 procedure.

18 MR. ROMAINE: Well, you posed the
19 question a certain way. This facility is
20 required to comply with best available
21 control technology 'cause that's a
22 technological standard. That technological
23 standard requires emissions to be many times
24 below the level that would pose a threat to

1 a neighbor as concerned that way.

2 So I would never be particularly
3 concerned with this facility about a health
4 threat from an upset condition. I would be
5 concerned about a control technology
6 violation, which is also a violation; but it
7 has a different character.

8 In terms of what happens in the
9 case of a violation, it really is a
10 discretionary project with us and our
11 attorney, the Attorney General's Office.
12 The question is why is the violation? Is it
13 something that will inherently correct
14 itself? Have they corrected it already?
15 Are they taking appropriate steps? Do they
16 need additional incentives to take
17 appropriate steps? What are the punitive
18 steps that should be taken to, you know,
19 assure that it doesn't happen in the future?

20 And the final point is are there
21 economic benefits they have achieved from
22 being out of compliance? And one of the
23 principles in enforcement actions is that
24 company shall not profit from being out of

1 compliance.

2 So depending on the nature of
3 what occurred, it could be a very
4 straightforward matter that they correct the
5 machine. They order the correct parts.
6 They stop operating until they have got it
7 corrected. Or it is some sort of chronic
8 problem where the -- I am trying to think of
9 what might go wrong with a turbine. They
10 have tried to operate it with the wrong
11 pressure in the natural gas. I don't know
12 if it would even operate in those
13 conditions. In fact, these are fairly
14 sophisticated pieces of equipment.

15 So I am not sure what they could
16 do and keep operating if it is broken, but
17 it might be something. If they persisted in
18 that behavior, that is certainly something
19 that we would see as a serious violation and
20 take appropriate action to extract the
21 appropriate penalty.

22 MS. JACOBS: About how long on average
23 is that? Have you ever in any of the
24 peakers that -- I mean you could tell me

1 when your first peaker appeared on the radar
2 screen here. Has any ever been found in
3 violation yet?

4 MR. ROMAINE: That question keeps
5 coming up from the Rocky Road Dynegy
6 facility, and it so far has a very clean
7 bill of health. The peaker plants do not
8 have a problem complying with air pollution
9 control regulations.

10 MS. JACOBS: And BACT in this case is
11 the dry low-NOX burners?

12 MR. ROMAINE: That's correct.

13 MS. JACOBS: Have you ever received any
14 information indicating that there may be
15 additional problems with the dry low-NOX
16 burners in that it isn't completely burned
17 at this lower temperature?

18 MR. ROMAINE: Um --

19 MS. JACOBS: Is there any further study
20 being done into that?

21 MR. ROMAINE: Certainly the dry low-NOX
22 burners do pose concerns for the level of CO
23 and VOM emissions, but the information to
24 date suggests that is an academic question

1 that as part of the development of dry
2 low-NOX burners burner manufacturers are
3 also taking appropriate steps to maintain
4 high combustion efficiency and maintain
5 CO and volatile organic material emissions
6 in the same range.

7 That's one of the reasons I
8 think that the combustor technology has
9 taken as long as it has. If it was simply a
10 matter of reducing NOX emissions, it could
11 probably have gotten to this point much more
12 quickly.

13 MS. JACOBS: One other question, just
14 in listening to some of the comments and
15 responses earlier regarding the emissions
16 here and other peakers throughout this
17 state, the answer often seems to be yes; but
18 the equivalent from the coal-fired plants
19 are going to be lower. As of yet, are there
20 offsets in place, taking place with the
21 coal-fired plants?

22 MR. ROMAINE: Yes, there are. Now,
23 when you say offsets, then their actual
24 emission reductions are occurring at

1 coal-fired power plants. Midwest
2 Generation, for example, has retrofitted one
3 of the boilers in Waukegan with low-NOX
4 burners.

5 MS. JACOBS: And is that happening
6 relative to? Is there a direct correlation
7 somewhere that this is happening? Or is one
8 thing happening and the other thing
9 happening, and it happens to be
10 coincidentally happening about the same
11 time? Is there something in place that --
12 am I making that clear enough?

13 MR. ROMAINE: I think it all depends on
14 how you look at it. There is certainly no
15 contractual relationship between proposed
16 peaker plants and the actions that Midwest
17 Generation has taken with regard to its
18 coal-fired power plants.

19 However, Midwest Generation, as
20 they have expressed it at meetings with the
21 Agency, sees its obligation to reduce its
22 NOX emissions. It believes that there is an
23 obligation that will be forthcoming under
24 the state rules. And rather than wait until

1 there are actually state rules in place that
2 require NOX reductions, they are going
3 forward at this time. Midwest Generation
4 sort of started that program as it took over
5 the coal-fired power plants from ComEd.

6 I wouldn't say, however, that,
7 you know, this makes practical sense on
8 their point. If they see those requirements
9 coming, it makes sense for them to phase the
10 construction activity, not to have crews at
11 16 power plants simultaneously and have
12 concerns about taking very short outage
13 periods of time.

14 It makes practical sense for
15 them as well to start early to meet the
16 requirements that they see coming in the
17 future, facilitate that. There are also
18 provisions in the NOX budget program that
19 would provide incentives for sources that do
20 provide early reductions.

21 MS. JACOBS: Okay. Would it be safe to
22 say -- Would it be accurate for me to say
23 that as long as you felt that the emissions
24 from the cumulative peakers in the area or

1 maybe even one or two or three peakers in a
2 certain area were to exceed what a
3 coal-fired plant would be emitting, that
4 this would then be something that is good
5 currently?

6 MR. ROMAINE: You are asking a very
7 good question. And the issue that Illinois
8 is facing is what should be done with our
9 existing coal-fired power plants, do they
10 have adequate levels of control, what should
11 be done in terms of natural gas-fired power
12 plants? Are there better? Is that
13 sufficient? Should they be even better?

14 That's why we are fortunate or I
15 am fortunate. I am in the permit section.
16 I don't have to address those broader
17 issues. Those are things that are being
18 addressed by the board that is studying
19 coal-fired power plants.

20 MS. JACOBS: Soon anyway. It just
21 seems that being the permitting section or
22 being the one that creates policy that it is
23 all the EPA, and this is the Illinois EPA.
24 You are representing our area. You are

1 representing us. We are coming to you with
2 our concerns.

3 It seems that now that you have
4 all, I know at least the two of you, I have
5 seen you at a couple of hearings; and you
6 have a reputation, as do the rest of us
7 sitting here in the room; and it proceeds
8 us. We are all, I think, trying to do what
9 is right.

10 And it seems now that we know
11 better. I know I have learned a tremendous
12 amount from attending these hearings and
13 listening to all the experts. I can only
14 imagine the depth of information that you
15 have and the knowledge that rests within the
16 two of you, let alone the staff's. And
17 there must be some part of the permitting
18 section that gets information to the policy
19 making section somehow either in an obvious
20 route or something that is more subtle.

21 Now that we know better, why
22 can't we do better? Just because the
23 country made the mistake or maybe we didn't
24 have the technology to have the coal-fired

1 plants and have all the problems that we now
2 know come from them doesn't mean that
3 because we now have something to replace
4 them to make the problem a little less bad
5 is good, especially if we know and the EPA
6 knows most specifically that there are far
7 better ways, far less polluting methods that
8 can be used to get the energy that we need
9 that there probably would be some very good
10 recommendations regarding air, water, siting
11 that the EPA, if you don't have the
12 authority, I believe you should. And I
13 believe somebody with the EPA should be
14 trying to get that authority.

15 And God knows there's an awful
16 lot of people within the State of Illinois
17 with a little bit of guidance. We would
18 help in any way we could. We tried to
19 channel our efforts appropriately if someone
20 would let us know.

21 It seems we know better. We can
22 do better. Somebody needs to be a leader.
23 It seems that you are the ones that probably
24 have the most cumulative knowledge at this

1 point. Is it unfair to look to you as a
2 group, not you personally, for this kind of
3 leadership?

4 MR. ROMAINE: That's -- I think it is a
5 very honest question. I would have to
6 answer it is fair to look to us for that
7 leadership. That is correct.

8 MS. JACOBS: Thank you. Is there a
9 more appropriate way or -- that we should be
10 going about this where, you know, you seem
11 like nice people as another lady I think
12 from the Sierra Club said. I almost feel --
13 I hesitate. I don't want to feel like the
14 bully here. I am just with people who have
15 tried so many ways to get information and to
16 have some leadership somewhere, and we don't
17 seem to be able to find it.

18 I would think anyone and, again,
19 I mean is it unfair to expect that we have
20 the best available since technology is to
21 the point where we know what the best
22 available is. And I am a little uncertain
23 as to how one thing is BACT someplace and
24 something else is BACT someplace else where

1 somewhere in the world there truly is best,
2 the best. That's like one way to do it. I
3 don't see that being even pushed, suggested
4 in a lot of areas.

5 I have heard a lot of different
6 companies come up and say what they have is
7 BACT, and maybe it is for whatever kind of
8 turbine they happen to have available to
9 them at the time. I think, again, we know
10 better. We should be able to do better.

11 Do you have any suggestions for
12 us cumulatively? We really are open to it
13 either on the record or off the record. I
14 will be available in back. I'd like to be
15 able to be more effective than I think I
16 have been so far.

17 MR. ROMAINE: I guess my simple
18 recommendation there is to work with the
19 established environmental groups, the
20 Illinois Environmental Council, to bring the
21 various organizations together to come up
22 with a concise comprehensive agenda of
23 environmental initiatives that they want
24 pursued.

1 MS. JACOBS: But that's not going to
2 happen until after the fact for a great
3 number of peakers within the State of
4 Illinois. And in the meantime --

5 MR. ROMAINE: As I say it simply, in
6 terms of the environmental impacts of
7 peakers and certainly the air pollution
8 impacts, those impacts simply aren't there
9 based on the information that we have had
10 and the applications that we have seen.
11 Even with the large numbers of applications,
12 those impacts aren't there. I am not saying
13 that there aren't other impacts.

14 I am very disappointed that
15 there is not a more aggressive approach. I
16 think Libertyville residents certainly had a
17 much -- a different local role for their
18 project than might be the present -- as
19 appears to be the process in Zion.

20 MS. JACOBS: They did -- they really
21 did a wonderful job. There were more than
22 20 meetings of the Plan Commission. I would
23 suggest that the people of Zion enforce in a
24 loud voice. We found signs to be very

1 effective. We found fliers to be very
2 effective. We found getting out and talking
3 to your neighbors to be very effective.

4 Get out and talk to your
5 commissioners, your trustees, your mayor,
6 ask them. Have the newspapers involved and
7 do it in force and have everything in
8 writing. You deserve a voice in this.

9 I thank you for your time. I
10 really -- do you mind if I call you after
11 the fact if you have any other suggestions
12 because this seems -- the one you are
13 suggesting is the one that is happening now.
14 And I think we all agree it is not in a
15 perfect world what's the best solution. Is
16 there no way to get past that?

17 MR. ROMAINE: We can talk later.

18 MS. JACOBS: Okay. Thank you.

19 MR. SELTZER: Thank you.

20 MR. HOLLAMAN: I know it is getting
21 late. And you, all four of you, including
22 the court reporter have been very patient.
23 However, you are getting paid for being
24 here; and I am a volunteer. So I don't have

1 any problems whatsoever taking up your time.

2 MR. ROMAINE: And I agree completely
3 with that. We are your employees.

4 MR. HOLLAMAN: I would like to pursue
5 this ownership question again that I -- by
6 the way, my name is Bill Hollaman -- that I
7 started talking about earlier. When a
8 permittee, potential permittee submits an
9 application, does he have to present some
10 sort of corporate structure to you that
11 indicates who the officers of that company
12 are, who the owners of that company are, and
13 how that corporate entity is structured? Or
14 do all you have is the name, SkyGen or Zion
15 Energy?

16 MR. ROMAINE: All we really have is the
17 name. We do not have the requirement to
18 look at corporate ownership or structure.

19 MR. HOLLAMAN: So if we wanted to find
20 out information about corporate ownership,
21 how would that be done or perhaps it
22 couldn't be done if it is a private
23 enterprise? That's a question. Is there
24 any way that you know that we could do it?

1 MR. ROMAINE: I don't have expertise in
2 that area because we don't look at that
3 issue.

4 MR. HOLLAMAN: So, for instance, if
5 Zion Energy struck a sweetheart deal with
6 the mayor -- and I am not suggesting that's
7 the case, I am just throwing out a
8 theoretical thing -- in order to make it
9 financially viable for him to support this,
10 there would be no way that the Illinois EPA
11 would be able to ascertain such an
12 arrangement?

13 MR. ROMAINE: That's correct.

14 MR. SELTZER: What you are suggesting
15 or not suggesting would be clandestine kind
16 of thing is what you are really talking
17 about. So even you as a citizen would have
18 trouble finding out about that presumably.
19 But you as a citizen can, once you have the
20 name of the Applicant, whether regardless of
21 the type of entity, you have access to
22 finding out more about that entity. For
23 example, through the Secretary of State,
24 through credit reports, through reports.

1 MR. HOLLAMAN: Yes. I was just, again,
2 trying to follow up what kind of fiduciary
3 responsibility. To back up, I have a little
4 trouble understanding why the Illinois EPA
5 would go through all this work to review a
6 permit and spend hundreds of hours probably
7 of staff time when the company they are
8 dealing with might be a financial failure.
9 I would think they would want some
10 indication that this company would have the
11 ability to follow through on what is
12 permitted to do before it is permitted.

13 MR. ROMAINE: Speaking honestly, I
14 think that is a very good comment that might
15 be made to the Board in its inquiry
16 hearings.

17 MR. SELTZER: Can I add something to
18 that?

19 MR. HOLLAMAN: Sure.

20 MR. SELTZER: I mean, the Board is the
21 one that makes the regulations, the rules to
22 be followed. The legislature makes the
23 statutes to be followed. Probably in many,
24 many areas it would be valuable information

1 for the Agency to have the authority to ask
2 for various types of financial information.

3 MR. HOLLAMAN: I think of river boat
4 casino business where a lot of local people
5 got sweetheart deals, and I am not saying
6 that's the case here, but there is a lot of
7 money here. There is a huge amount of
8 money. That's why we have 25 applications
9 in this state 'cause this is a license to
10 steal this peaker plant business.

11 I am really trying to figure out
12 how we as private citizens can determine, in
13 fact, that the financial arrangements are
14 legitimate. And I thank you for your time.

15 MR. SELTZER: Thank you. Anybody else?

16 MR. NESVIG: I just have a question.

17 MR. SELTZER: Could you come up to the
18 microphone and identify yourself?

19 MR. NESVIG: I'm Bud Nesvig,
20 N E S V I G. I am not from Zion. I am from
21 Wilmette.

22 First of all, I will explain for
23 this gentleman's benefit two things. His
24 local bank can probably find the background

1 of this organization, SkyGen, as to who
2 actually owns it.

3 The other is when you talk about
4 your local trustees or whatever you have in
5 Zion, you can go to your county
6 courthouse -- not courthouse -- wherever
7 your records are. Like, for example, in
8 Kane County we have the Cook County office
9 building. And you can there find out who --
10 because each elected official has to turn in
11 a financial statement. You can request
12 that.

13 I do want to warn you though, if
14 you do that in your own local area, that
15 will go right back to the individual to whom
16 you were requesting information. And that
17 gets to be a little sticky subject.

18 MR. HOLLAMAN: Thank you, sir. I have
19 pulled many a D2 report.

20 MR. NESVIG: Very good. Oh, how do I
21 get a copy of that?

22 MR. SELTZER: Let me talk to you about
23 that afterwards because I am not sure how
24 the state has been doing that.

1 MR. NESVIG: This is a public meeting.
2 So I am sure I am allowed to have it.

3 MR. SELTZER: I don't have the answer
4 right now. I have to speak with the court
5 reporter. Certainly you can order a copy
6 from her.

7
8 (There was a discussion
9 held off the record.)

10
11 MR. SELTZER: After the hearing, let me
12 talk to you about that. It is certainly
13 available to you. Anybody else?

14 Okay. It is 10 after 11:00. We
15 will adjourn this hearing. The comment
16 period for this hearing will remain open
17 until September 14, 2000. That means any
18 submission that is postmarked by that time
19 will be part of this record. I want to
20 thank you all for your participation, and
21 good night.

22
23 (Whereupon the proceedings
24 adjourned.)

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I, Carrie McCann, CSR, do
hereby certify that I am a certified
shorthand reporter doing business in the
State of Illinois; that I reported in
shorthand the testimony given in the
proceedings before the Illinois
Environmental Protection Agency on August
14, 2000, and that the foregoing is a true
and correct transcript of my shorthand notes
so taken as aforesaid.

Carrie McCann
Certified Shorthand
Reporter
Certificate No. 84-004374