

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MARCH 22, 2011

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IN RE: )  
 ) 35 IAC 166  
PUBLIC HEARING, CONSTRUCTION ) SUBPART A  
PERMIT FOR COUNTRYSIDE )  
LANDFILL )

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

A P P E A R A N C E S

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

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

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

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

13                 My purpose tonight is to ensure  
14                 that this hearing runs properly according to  
15                 rules and is conducted in a fair, but  
16                 efficient manner. I will not personally be  
17                 responding to technical issues that are  
18                 raised, but will defer such issues to the  
19                 technical personnel with me tonight.  
20                 However, I will provide guidance on a  
21                 specific issue, or if an item is irrelevant  
22                 to this proceeding, I may ask that you move  
23                 on to your next issue in the event that  
24                 comments start drifting into areas that are

1 not relevant to the hearing tonight.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 remarks.

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

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

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

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

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

24 We have a court reporter here who

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 MR. HEY: Can I face them?

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

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

1 Management, more specifically Countryside  
2 Landfill.

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

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

24 You'll hear people talk about

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Another factor with not being able

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

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

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

1 We appreciate you coming.

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

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

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

1           jeering are not permitted during this  
2           hearing.

3                        You are not required to submit  
4           your comments -- you are not required to  
5           provide your comments orally.  Written  
6           comments are given the same consideration and  
7           may be submitted to the Illinois EPA at any  
8           time within the public comment period, which  
9           ends at midnight on April 21st, 2011.  
10          Although we'll accept comments through that  
11          date, tonight is the only time that we will  
12          accept oral comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 It is desirable that thereby a  
10 dispersion calculation for dilution from the  
11 location of the control treatment exhaust to  
12 the property line, or the nearest neighbor,  
13 to estimate the impact upon the surrounding  
14 community. Has such a calculation ever been  
15 done? Is the NMOC emission factor of 766 ppm  
16 the basis to start with? Is the control  
17 system operation at 99.2 percent removal?  
18 Not likely, in my opinion. It has been  
19 brought to my attention that H<sub>2</sub>S  
20 concentrations have been measured at 900 ppm.

21 Let's assume the NMOC is not H<sub>2</sub>S  
22 but some other compound that one can expect  
23 in landfill emissions, such as acetaldehyde  
24 or methyl mercaptan. The air/odor threshold

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

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

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

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

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

9 If that has not been done, it  
10 doesn't matter how much a company protests  
11 that they achieve high percentage removals of  
12 one test compound, such as H<sub>2</sub>S. The  
13 neighbors will likely smell the odors, and  
14 the control technology will be inadequate.  
15 Note that with the dispersion calculations  
16 for a year, it is possible to estimate the  
17 percentage of the time that a neighbor will  
18 be impacted.

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

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

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

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

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

4 Now for SO<sub>2</sub>. Taking the emission  
5 factors, flare emission volume, converting to  
6 sulfur and to volume results in 112.9 ppm,  
7 but the default factor says the sulfur  
8 concentration should not exceed 46.9 ppm.  
9 This appears to be an incongruity to me, and  
10 I would appreciate a clarification. Also, I  
11 do not clearly understand how the sulfur  
12 emission is calculated, as H<sub>2</sub>S is included in  
13 NMOC.

14 Looking at the health point of  
15 view, the emission rate of SO is 225.8 ppm.  
16 That's two times the S rate based on  
17 molecular weights. The threshold limit  
18 value, ACGIH, is two ppm for SO<sub>2</sub>. Clearly  
19 this needs dilution and should be a concern  
20 for workers at the site, since the emissions  
21 are continuous.

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

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

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

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

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

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

17 MR. STUDER: Okay.

18 MR. RAFSON: But my basic conclusion  
19 is that on every account, the emissions  
20 should be challenged, have probably not been  
21 adequately tested to draw conclusions, and  
22 it's clearly indicated to me that a scrubber  
23 is required, if not just for odorous O<sub>2</sub>  
24 removal, et cetera, but also subsequent uses

1 within the gas generation of the plant.

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

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

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

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

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

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

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

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

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

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

1 concentration over the coming years. Thank  
2 you.

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

5 MS. THOEDE: Yes. Very good.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 first. Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 We have other concerns as well.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24                  MS. HODGKIS: I'll pass.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 I am requesting that dispersion

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

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

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

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

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

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

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

17 Thank you for taking my comments.

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

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

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

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

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

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

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

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

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

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

24 MR. STUDER: Thank you. Following

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

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

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

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

12 MR. STUDER: Thank you.

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

24 Obviously if we're going up to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16                    MR. CRAIG: You're welcome.

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

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

1 Sierra Club to make a few remarks.

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

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

24 MR. ROMAINE: No.

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

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

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

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

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

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

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

7 Let me just check my notes here.

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

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

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

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

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

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

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

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

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

1 bad.

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

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

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

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

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

1           It's only become that when we started  
2           accepting the stuff in the ground form. We  
3           didn't do it. It's part of a recycling  
4           effort.

5                        So when I, as a site manager for  
6           my site only, found out this is indeed what  
7           was happening and backed it up, we stopped  
8           taking it immediately. We put in practices  
9           to prevent it from coming in. If you came in  
10          to my site today, is there a chance you'd see  
11          a piece of drywall in the waste? Absolutely.  
12          But I'm here to tell you from 22 years of  
13          experience, it never lead to that just  
14          drywall come in. It was the grinding, the  
15          mixing it, the manipulation of those  
16          materials made the right recipe.

17                       MS. KENDALL: Are you still accepting  
18          it?

19                       MR. HEY: No, not in that form at all.

20                       MS. KENDALL: It's very scary to me  
21          that in 2008 somebody who --

22                       MR. STUDER: Please address the  
23          hearing panel.

24                       MS. KENDALL: Well, it's very scary

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

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

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

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

1 different than landfills?

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

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

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

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

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

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

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

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

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

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

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

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

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

1 time they've lost control of it.

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

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

1 are back in compliance. Thank you very much.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Anyway, Waste Management and Genco

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

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

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

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

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

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

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

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

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

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

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

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

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

1 MR. BARHARD: Pass.

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

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

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

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

9 MR. STUDER: What's the name?

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

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

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

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

1 application is a public health issue.

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

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

24 It's good that Countryside is

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

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

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

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

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

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

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

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

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

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

24           MR. STUDER: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 MS. GEISELHART: Thanks for qualifying  
7 and clarifying that. And lastly, the bottom  
8 line is that we all want to have a good  
9 quality of life that includes good health as  
10 best as we are capable of having.

11 Countryside Landfill's bottom line should not  
12 be borne on the backs of its neighbors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           those smells.

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

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

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

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

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

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

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

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

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

6 MR. STUDER: Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 MR. CRAIG: I wanted to ask two  
19 questions, just be clear. I think I know the  
20 answer to this. Is the threshold between a  
21 minor source and major source at which best  
22 available control technology is required, is  
23 that 100 tons per year? I'll repeat the  
24 question. Is 100 tons the threshold for SO<sub>2</sub>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 MR. ROMAINE: What was the question?

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

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

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

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

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

8           MR. HEY: Correct.

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

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



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

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

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

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

5                     MR. HEY: No.

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

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

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

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

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

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

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

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

18 MR. WERFEL: That's understood, but it  
19 gets rid of the SO<sub>2</sub>.

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

1 minimize it. I understand.

2 MR. WERFEL: You are minimizing it.

3 That's exactly what you're doing.

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

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

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

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

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

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

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

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

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

10                    MR. STUDER: Yeah.

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

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

24                    MR. HEALEY: Thank you for tolerating

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

9 MR. HEY: Yes.

10 MR. HEALEY: On both?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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15

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

16  
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19 SUBSCRIBED AND SWORN TO  
before me this \_\_\_\_ day  
20 of \_\_\_\_\_, A.D., 2011.

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Notary Public