

1 ILLINOIS Environmental Protection Agency
2 Public Hearing
3 Proposed Significant Modification of the Clean Air Act
4 Permit Program Permit Midwest Generation LLC
5 Waukegan Generating Station
6 September 2nd 2015
7 1 Lake Front Drive, Zion, Illinois
8 at 7:00 o'clock p.m.

9
10 Report of Proceedings had at the meeting on
11 September 2nd, 2015, at the hour of 7:00 o'clock p.m,
12 pursuant to notice, at 1 Lake Front Drive, Zion, Illinois,
13 before HEARING OFFICER DEAN STUDER.

14
15 APPEARANCE:

16 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
17 MR. DEAN STUDER, Hearing Officer, Right-To-Know
18 Coordinator, Office of Community
19 Relations
20 MR. DOUG RUTHERFORD, Permit Section, Bureau of Air
21 MR. MICHAEL REED, Clean Air Permit Program, Unit
22 Manager, Permit Section, Bureau of
23 Air

24 ALSO PRESENT:

25 Ms. Sylvia Escarcega, Interpreter
26 Ms. Elke Luken, Interpreter

1 HEARING OFFICER STUDER: Good evening. My name
2 is Dean Studer, and I'm the Hearing Officer for the
3 Illinois Environmental Protection Agency. On behalf
4 of Director Lisa Bonnett, I welcome you to tonight's
5 hearing. My purpose tonight is to ensure that this
6 proceeding runs properly, according to rules, and is
7 conducted in a fair and efficient manner.

8 Personally, I will not be responding to
9 specific technical issues related to the permit, but
10 will defer such issues to the technical staff that
11 are seated up here on the panel with me.

12 I point out that we are having this
13 hearing interpreted in Spanish. Due to time
14 constraints, and the number of people expected to
15 participate in this hearing, we are using
16 simultaneous interpretation. That's a method that
17 does have a significant cost, both to the state and
18 to our agency.

19 This is the first time that I am
20 conducting a hearing with simultaneous
21 interpretation method being used. The need for
22 interpretation, and the type of interpretation used,
23 was determined at hearings on a case-by-case basis,
24 and everyone is reminded that they should not

1 necessarily expect the same method of interpretation
2 at future EPA hearings.

3 This is an informational hearing before
4 the Illinois EPA in the matter of a Significant
5 Modification of a Clean Air Act Permitting Program,
6 and that's usually pronounced CAAPP. The acronym is
7 C-A-A-P-P. And that permit is for Midwest
8 Generation, LLC, the Waukegan Generation Station,
9 located at 401 East Greenwood Avenue in Waukegan,
10 here in Lake County.

11 An informational public hearing means
12 exactly that. It is an opportunity for you to
13 provide information to the Illinois EPA concerning
14 this permit. This is not a contested case hearing.

15 A CAAPP permit was issued on February 7th,
16 2006. On March 13, 2006, Midwest Generation
17 petitioned the Pollution Control Board.

18 I've been asked to have the volume turned
19 up. Is that better for you? For those that are
20 sitting on the outside, the speakers are actually
21 pointing more in for feedback reasons. We'll go
22 ahead and point those speakers a little bit more
23 toward you, but if you are not sitting directly in
24 line with the speakers is one of the reasons why

1 you're probably having a harder time hearing.

2 We're going to run a fine line. You're
3 going to have to turn it down. Okay, we got the
4 ringing to stop. Can you hear better?

5 An informational public hearing means
6 exactly that. It's an opportunity for you to
7 provide information to the Illinois EPA concerning
8 this permit; and again, this is not a contested case
9 hearing.

10 A CAAPP permit was issued on February 7th,
11 2006. On March 13th, 2006, Midwest Generation
12 petitioned the Pollution Control Board for
13 administrative review of the permit. The
14 administrative review of a permit is often referred
15 to as a permit appeal.

16 On March 16th, 2006, the Illinois
17 Pollution Control Board stayed the permit in its
18 entirety, pending resolution of the appeal
19 proceeding. Illinois EPA and Midwest Generation
20 have been negotiating to resolve the administrative
21 review of the permit filed by the permit applicant.

22 The permit, as drafted, reflects
23 negotiations, and is the first step in resolving the
24 permit appeal. Once the permit is issued, that

1 resolves the appeal. The plans are to ask the
2 Illinois Pollution Control Board to dismiss the
3 administrative permit review.

4 As part of this hearing proceeding, the
5 Illinois EPA has prepared documents for public
6 review that outline the modifications that are the
7 subject of this hearing.

8 The Illinois EPA is holding this hearing
9 for the purposes of accepting comments from the
10 public on the proposed modifications of the air
11 pollution control permit for this project, prior to
12 actually taking final action on that modification.

13 This public hearing is being held under
14 the provisions of the Illinois EPA's procedures for
15 permit and closure planned hearings, which can be
16 found at 35 Illinois Administrative Code, Part 166,
17 Subpart A. Copies of these procedures can be
18 accessed on the website for the Illinois Pollution
19 Control Board at www.ipcb.state.il.us; or if you do
20 not have ready access to the Internet, they can be
21 obtained from me on request.

22 I would like to explain how tonight's
23 proceeding is going to move forward. First, I will
24 have the Illinois EPA staff introduce themselves,

1 and identify their responsibilities within the
2 agency, in regards to this permitting action.

3 Then, permit engineer Doug Rutherford will
4 briefly explain the CAAPP permit modification. This
5 will be followed by additional instructions on how I
6 will take oral comments during this hearing, and
7 then I will allow the public to begin providing
8 their comments.

9 You are not required to provide comments
10 orally. Written comments are given the same
11 consideration as oral comments made during this
12 hearing, and may be submitted to the Illinois EPA at
13 any time during the comment period, which ends on
14 October 5th, 2015.

15 All comments submitted by mail must be
16 post marked in sufficient time so as to arrive at
17 Illinois EPA no later than October 5th, 2015.
18 Although we will continue to accept comments through
19 that date, tonight is the only time that we will
20 accept oral comments.

21 I also point out that the Illinois EPA has
22 extended the public comment period through
23 October 5th, from the original comment period, which
24 had been set to expire on October 1st, 2015. This

1 will allow a little extra time for submittal of
2 comments. Again, the Illinois EPA will consider
3 relevant written comments that are received by me no
4 later than October 5th, 2015.

5 The Illinois EPA would like to have a
6 final decision in this matter later this fall;
7 however, the actual decision date will depend upon
8 the number and nature of comments received, as well
9 as other factors.

10 Any person who wants to make oral comments
11 may do so, as long as the statements are relevant to
12 the issues at hand and time allows. If you have not
13 completed a registration card at this point, please
14 see Brad Frost or Jillian Hawkins in the
15 registration area, and either of them can provide
16 you with a registration card.

17 Please be sure to check the appropriate
18 box on the card, if you desire to make comments at
19 the hearing this evening. If you are going to make
20 comments, please consider giving only a summary of
21 those comments at this hearing, and then submitting
22 them to me in writing in their entirety, before the
23 end of the comment period, and I will ensure that
24 they are included in the hearing record as an

1 exhibit.

2 Please keep your comments relevant to the
3 issues at hand. The focus of this hearing is the
4 conditions and the requirements in the permit that
5 Illinois EPA is proposing to modify. If your
6 comments fall outside the scope of this hearing, I
7 may interrupt you and ask you to proceed to your
8 next relevant issue.

9 I will not allow the speakers to argue or
10 engage in prolonged dialogue with each other or with
11 members of our panel. I also will not allow members
12 of the public to address comments to other members
13 of the public. Comments from the public are to be
14 addressed to the hearing panel and the court
15 reporter.

16 For the purposes of allowing as many
17 people as we can accommodate, in the time that we
18 have allowed, I ask that everyone keep their
19 comments to no more than four minutes.

20 In addition, I would like to stress that
21 we want to avoid unnecessary repetition. If anyone
22 before you has already presented what is contained
23 in your comments, please skip over those issues when
24 you speak. If someone speaking before you has

1 already said what you desire to say, you may pass
2 when I call your name to come forward.

3 Again, we are also accepting written
4 comments, which will become part of the official
5 record in this matter, and will be considered in the
6 same manner as comments made orally at this hearing.

7 All who legibly complete a registration
8 card, or submit written comments in this matter
9 during the comment period, will be notified of the
10 final decision in this matter and of the
11 availability of the responsiveness summary.

12 In the responsiveness summary, the
13 Illinois EPA will respond to relevant issues that
14 were raised at this hearing, or submitted to me,
15 prior to the close of the comment period. The
16 record in this matter again will close on
17 October 5th.

18 I will accept written comments, as long as
19 they are received at Illinois EPA headquarters in
20 Springfield no later than October 5th, 2015.

21 While the record is open, all relevant
22 comments, documents and data will be placed into the
23 hearing record as exhibits. Please send all written
24 documents to my attention. They should be mailed to

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1 Dean Studer, Hearing Officer, Office of Community
2 Relations, regarding Waukegan Generating Station,
3 Illinois EPA, 1021 North Grand Avenue East, P.O. Box
4 19276, Springfield, Illinois, 62794-9276. This
5 address is also given on the public notice for the
6 hearing tonight.

7 At this time, please silence all cell
8 phones and pagers, if you have not already done so.
9 I will now have the Illinois EPA staff present
10 tonight introduce themselves. Then Doug Rutherford
11 will make a brief statement regarding the permit.

12 I will then provide further instructions
13 to how we will be making oral comments during this
14 hearing, and I will then begin taking comments from
15 the public.

16 MR. REED: Michael Reed, that is M-i-c-h-a-e-l
17 R-e-e-d, and I am a supervisor in the Permit Section
18 for the Bureau of Air.

19 MR. RUTHERFORD: Good evening. I am Doug
20 Rutherford. That's R-u-t-h-e-r-f-o-r-d. I'm an
21 engineer with the Bureau of Air Permit Section, and
22 I would like to thank you all for attending tonight.
23 We appreciate your participation.

24 The planned action being discussed tonight

1 involves revisions to the initial CAAPP permit
2 issued in 2006 to the Waukegan Generating Station so
3 that it will become subject to a CAAPP permit.

4 These revisions arise from the settlement
5 of Midwest Generation's appeal, permit appeal,
6 currently pending before the Illinois Pollution
7 Control Board.

8 The Illinois EPA is committed to putting a
9 CAAPP permit in place for the Waukegan Generating
10 Station, as well as the other coal-fired plants in
11 Illinois whose initial CAAPP permits were also
12 subject to appeals.

13 The draft revised permit is being
14 discussed as a result of settlement discussions
15 between Illinois -- between Midwest Generation and
16 the Illinois EPA, with the assistance of the
17 Illinois Attorney General's Office. The essential
18 nature of negotiating settlement is that all parties
19 reach agreement in which they each believe their key
20 concerns will be fairly and appropriately addressed.

21 Given the nature of air pollution
22 operating permits, the coal-fired power plants and
23 their settlement negotiations have involved
24 significant effort over the period of time by both

1 the Illinois EPA and the sources.

2 Once the draft revised permits are issued,
3 Illinois EPA will reopen the Waukegan CAAPP permit
4 for the primary purpose of incorporating new
5 applicable requirements that have become effective
6 since 2006, when the initial permit was issued.

7 During settlement negotiations, changes to
8 numerous conditions throughout the entire permit
9 were discussed and planned changes were drafted.
10 Specific detail regarding all of the planned changes
11 for the Waukegan Station can be found in a Statement
12 of Basis that will become the draft of the revised
13 permit.

14 Summarizing some of the specific changes
15 that were made to the CAAPP permit, several permit
16 conditions involving general recordkeeping and
17 reporting will be revised to clarify regulatory
18 requirements and reduce potential redundancies.
19 These include specific contents of annual emissions,
20 initial reports, the availability of records being
21 maintained electronically, and implementation of the
22 permit requirements after the permit is issued.

23 Permit conditions related to recordkeeping
24 for the coal-fired boilers will be revised to

1 reflect a different duration of a typical startup
2 time, when it became apparent that the original
3 condition that was based upon incorrect assumptions.

4 Midwest Generation must continue to keep
5 basic information related to each startup, date,
6 time, duration, but now they must also keep
7 additional records, including documentation that
8 established startup procedures were followed. If
9 procedures were not followed, detailed records must
10 be kept, including reasons why established
11 procedures were not followed.

12 Startups where there might have been an
13 exceedance will trigger additional recordkeeping and
14 reporting to the Illinois EPA.

15 Changes to permit conditions for the
16 handling of coal and fly ash are also being planned.
17 Protocols for routine inspections of these
18 operations and processes will be revised, as well as
19 requirements for periodic observations for visible
20 emissions being standard -- using standard USEPA
21 methods.

22 Additionally, a requirement to maintain a
23 separate contingency plan for the handling and
24 temporarily storage of fly ash, during malfunction

1 or breakdown events, will be removed from the
2 permit, because it would be redundant to a
3 source-wide requirement to maintain a specific
4 operating program that will address these
5 situations.

6 As a result of these and other plans,
7 significant modifications, the CAAPP permit for the
8 Waukegan Station must now address compliance
9 assurance monitoring, commonly referred to as CAM.
10 That is C-A-M.

11 The CAM plan proposed by Midwest
12 Generation for the emissions of particulate matter
13 at coal-fired boilers will be conditionally approved
14 by the Illinois EPA. This would provide Midwest
15 Generation up to 180 days, after permit issuance, to
16 complete necessary testing for particulate matter
17 emissions, submit test results, apply for a proposed
18 modification to the permit and begin implementation
19 of a CAM plan.

20 As I mentioned before, details concerning
21 these and other permit changes addressed by the
22 permit -- addressed in this permitting action, as
23 well as the accompanying justification for these
24 actions, are set forth in the Statement of Basis.

1 I will now turn the microphone back over
2 to Dean.

3 HEARING OFFICER STUDER: Thank you. I also
4 want to point out we have additional EPA members
5 here tonight at the registration table when you came
6 were Brad Frost, F-r-o-s-t, and Jillian,
7 J-i-l-l-i-a-n, Hawkins, assisting at the
8 registration table; and we also have our attorney
9 here, Robb Layman, and that's R-o-b-b L-a-y-m-a-n.

10 Primarily, those at the table up here will
11 be addressing the issues. If issues are raised, and
12 they need input from others, we will follow them
13 accordingly.

14 While the issues raised tonight may indeed
15 be heartfelt concerns to many of those in
16 attendance, applause or other noises are not
17 appropriate during the course of this hearing.

18 Statements and comments that are of a
19 personal nature, or reflect on the character or
20 motive of a person or group of people, are not
21 appropriate in this hearing.

22 If statements or comments begin to drift
23 into this area, I may interrupt the person speaking
24 and ask that they proceed to their next relevant

1 issue.

2 As Hearing Officer, I intend to treat
3 everyone here tonight in a courteous, respectful and
4 professional manner. I ask members of the panel and
5 the public do the same. If the conduct of person
6 attending this hearing should become unruly, I am
7 authorized to adjourn this hearing, should the
8 actions warrant.

9 In such a case, the Illinois EPA would
10 still continue to accept written comments through
11 the close of the comment period, which goes through
12 October 5th, 2015.

13 Since we have a limited time in which to
14 conduct this hearing, the Illinois EPA staff members
15 will be responding to issues primarily for
16 clarification purposes. We are here tonight to
17 listen to comments on the planned revision to the
18 CAAPP permit.

19 You may disagree with or object to some of
20 the statements and comments made tonight, but this
21 is a public hearing, and everyone has a right to
22 express their comments in this matter.

23 Again, written comments are given the same
24 consideration as oral comments received during this

1 hearing, and again may be submitted to Illinois EPA
2 at any time, as long as they are received by
3 October 5th, 2015.

4 Although we'll continue to accept comments
5 through that date, again tonight is the only time
6 that we will accept oral comments. Any person who
7 wishes to make oral comments may do so, as long as
8 the statements are relevant to the issues at hand
9 and time allows.

10 If you have lengthy comments, please give
11 only a summary of those comments during this
12 hearing, and then submit your comments in their
13 entirety to me in writing before the close of the
14 comment period. I will ensure that they are
15 included in the hearing record as an exhibit.

16 Please keep your comments again relevant
17 to the issues with the CAAPP permit. If your
18 comments fall outside the scope of this hearing, I
19 will ask you to proceed to your next issue. For the
20 purpose of allowing as many to speak tonight as we
21 can accommodate, I will impose a time limit of four
22 minutes per speaker.

23 If everyone has had an opportunity to
24 speak, and time still allows, I may allow those who

1 initially did not desire to speak to do so. If time
2 still allows, I may then allow additional speakers
3 that have already spoken to give a brief sentence in
4 summary.

5 In the event that we cannot accommodate
6 everyone who wishes to make comments this evening,
7 you are asked to submit your comments to us in
8 writing; and again, those written comments are given
9 the same weight as comments made orally at this
10 hearing.

11 And again, I want to stress that when
12 comments are being received, we want to avoid
13 unnecessary repetition. Once a point is made, it
14 makes no difference if the point is made once or
15 whether it is made 99 times. It will be considered
16 and will be reflected only once in the
17 responsiveness summary.

18 The final decision of the Illinois EPA
19 will not be based on how many people support or
20 oppose the modification of this permit, but rather
21 on the record and whether the facility will comply
22 with the applicable laws, regulations and
23 requirements for permit modification.

24 We have a court reporter here who is

1 taking a record of these proceedings for the purpose
2 of us compiling the administrative record.
3 Therefore, for her benefit, please keep the general
4 background noise in the room to a minimum so that
5 she can hear everything that is said.

6 Illinois EPA will post the transcript of
7 this hearing on our web page in the same general
8 place where the hearing notice, statement basis, the
9 draft permit and other documents associated with
10 this proceeding have been posted.

11 When it is your turn to speak, I will call
12 your name to come forward. For the record, you
13 should state your name; and if applicable, any
14 government at body, organization or association that
15 you represent. If you are not representing a
16 governmental body, an organization or an
17 association, you can simply indicate that you are a
18 concerned citizen or a member of the public.

19 For the benefit of the court reporter, I
20 ask that you spell your last name. If there are
21 alternate spellings for your first name, you may
22 also spell your first name. Once you spell your
23 name, I will start timing you, and you will have
24 four minutes to complete your statement. The

1 timekeeper will remind you when there are 30 seconds
2 remaining, and she will remind you again when your
3 time is up.

4 I ask that while you are speaking, that
5 you direct your attention to the hearing panel and
6 to the court reporter to, ensure that an accurate
7 record of your comments is made.

8 Again, prolonged dialogue with the members
9 of the hearing panel, or with others in attendance,
10 will not be permitted. Comments directed to the
11 audience are also not allowed.

12 I remind everyone that the focus of this
13 hearing is the proposed modification of the CAAPP
14 permit, specifically the conditions and requirements
15 that Illinois EPA has proposed for modification, as
16 outlined in the documents available at the
17 registration table and on the Illinois EPA website.

18 Are there any questions regarding the
19 procedures that will be used for conducting the
20 hearing this evening?

21 (No response.)

22 HEARING OFFICER STUDER: Okay. Let the record
23 indicate no one has spoken. Jillian, if you could
24 come forward for timekeeping purposes. The first

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1 person it looks like Mark, is it Gibson or Gilson?

2 Mark Gibson, is he here this evening? Okay.

3 David Toledo? Okay, David Toledo. Karen
4 Long MacLeod, and she will be followed by Julie, it
5 looks like Nowak.

6 MS. MacLEOD: Good evening. My name is Karen
7 Long MacLeod. It's K-a-r-e-n, Long, L-o-n-g,
8 MacLeod, M-a-c capital L-e-o-d. I'm testifying as
9 an impacted resident of Waukegan.

10 I have lived in the Chicago area for more
11 than 35 years and in Waukegan for eight years. I
12 decided to get involved with the Clean Power Lake
13 County Campaign and the Sierra Club, after attending
14 a very similar hearing about the Waukegan power
15 plant almost two years ago.

16 I fell in love with Lake Michigan and the
17 lakefront, while attending Northwestern University.

18 HEARING OFFICER STUDER: Can you go just
19 slightly slower for so the interpreter can keep up?

20 MS. MacLEOD: Sure. I have felt awe and found
21 solace in the lake, its beaches and its adjoining
22 pathways ever since.

23 After living in the western suburbs for
24 most of my adult life, I decided to move to

1 Waukegan, in part because it meant I would once
2 again get to live near this national treasurer.

3 HEARING OFFICER STUDER: Can you lower your
4 mic?

5 MS. MacLEOD: The first person up here gets to
6 work out all the bugs. Waukegan's water is
7 remarkable, but its air is another story. One of
8 the things I like least about Waukegan is NRG
9 Energy's old and dirty coal-fired power plant, which
10 sits right on the shore of Lake Michigan.

11 That is why I'm here today to oppose this
12 draft permit. It's troubling that this draft
13 operating permit increases the startup duration by
14 460 percent. How many extra tons of pollutants
15 might be introduced into our air if NRG Energy is
16 allowed to go nearly a whole extra day without
17 monitoring or meeting permit emission limits.

18 It is further troubling that this draft
19 permits relaxes critical testing, monitoring,
20 recordkeeping and reporting requirements. How are
21 we supposed to know when NRG Energy's Waukegan coal
22 plant exceeds emission limits and endangers public
23 health, if these standards are relaxed.

24 How is it fair to the residents of

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1 Waukegan, and other communities in Lake County, if
2 unsafe pollution levels are not caught for weeks or
3 months because this permit allows NRG to file
4 reports less frequently.

5 It seems like the provisions in its draft
6 permit are designed to protect the interest of NRG
7 Energy above the interests of the people in this
8 environmental justice community.

9 Waukegan, which has been
10 disproportionately burdened with pollution from this
11 coal plant and five Superfund sites deserves better.
12 I implore the Illinois EPA to step up to protect
13 communities like Waukegan to the fullest extent
14 possible.

15 Please expedite a strong, effective
16 operating permit, so residents like me, and people
17 who visit Waukegan, can breathe easier while
18 enjoying our lakefront treasurer.

19 Thank you for your time.

20 HEARING OFFICER STUDER: Thank you. Julie
21 Nowak?

22 UNKNOWN SPEAKER: It's very difficult to hear.
23 They have to hold the mic in front of them like an
24 ice cream cone. It's very hard to hear back here.

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1 HEARING OFFICER STUDER: Thank you. Julie
2 Nowak?

3 UNKNOWN SPEAKER: She passes.

4 HEARING OFFICER STUDER: She passes, okay.
5 Christopher Fischer? He will be followed by Diane
6 Ower.

7 MR. FISCHER: Good evening. I'm Christopher
8 Fischer. That's F-i-s-c-h-e-r, and I'm 20-year
9 resident of Zion, and I'm speaking as a concerned
10 citizen.

11 HEARING OFFICER STUDER: Can you spell your
12 name, for the record, please?

13 MR. FISCHER: F-i-s-c-h-e-r. This is not the
14 year 1902. We know that the sky is not limitless,
15 and we know that the lake cannot carry away
16 everything we deposit into it.

17 We can not feign ignorance of the
18 environmental and economic costs that will continue
19 to fall upon the citizens of the North East Lake
20 County, if the operating permit for the NRG coal
21 plant is renewed as currently written.

22 Today, we who live here are paying the tab
23 on an environmental legacy resulting from short-term
24 decisions made over decades. Ignorance of the

1 long-term toxic events certainly played a role, but
2 all too often economics and expedience were the
3 driving factors in those decisions.

4 We know that expedience of the service of
5 short-term profit is no bargain. The five Superfund
6 sites in this area alone can testify to the price of
7 expedience. It's long past time we stop subsidizing
8 corporate profit margins at the expense of our
9 health, quality of life and ultimately with our tax
10 dollars.

11 It is 2015, and we know better.
12 Therefore, I ask that the IEPA redraft this permit
13 to include the current air quality standards, and
14 stronger inspections, monitoring and recordkeeping
15 protocols to ensure compliance.

16 Thank you for your attention.

17 HEARING OFFICER STUDER: Thank you. Diane
18 Ower, and she will be followed by Joe, if I can say
19 it, Dubaniewicz.

20 MS. OWER: Hello, my name is Diane Ower, with
21 an O-w-e-r. I live here in Zion, and I am also a
22 teacher In Waukegan. This is my 21st year of
23 teaching in Waukegan, and I'm lucky to get to know
24 my new crop of seven-year-old second graders.

1 When I hear the experts from the American
2 Lung Association or Respiratory Health Association
3 talk about the one-in-three asthma rate in Waukegan,
4 and the emergency hospitalizations, and the other
5 grim data that they give us in Lake County, I see my
6 children. I see the family faces.

7 HEARING OFFICER STUDER: Can you slow down just
8 a second for the interpreter?

9 MS. OWER: I see their faces. I know that
10 misery is agitated and worsened by the dangerous air
11 pollution from sources like NRG Energy's Waukegan
12 coal-fired power plant.

13 It is the largest source of air and water
14 pollution in Lake County. NRG Energy's plant has
15 been using Waukegan as a sacrifice zone for nearly a
16 century. Year after year I see the wreckage, and
17 that's why I'm here tonight to oppose this Clean Air
18 Act permit as drafted and ask you to go back and
19 strengthen it.

20 Four of my second graders this year have
21 inhalers, and this is not new. I must speak on
22 behalf of these students and their families, who may
23 not be here tonight because we are having another
24 poor air quality day here in Lake County.

1 Their critical breathing issues often
2 impact their health, their time, their wallets, as
3 they paid for the inhalers and nebulizers.

4 In addition to the public health concerns,
5 I have academic concerns. I just read another
6 article this week highlighting the connection
7 between air pollution and poor grade-point averages
8 in fourth and fifth grade in Texas, but there's
9 plenty of anecdotal evidence that says the same
10 thing is true here in Waukegan and Lake County,
11 given all the hospitalizations and missed school
12 days. This is not a surprise to my colleagues or
13 me.

14 Tonight we have an opportunity and an
15 obligation to act on behalf of our children and our
16 communities. The draft permit in consideration
17 tonight is out of date, and it's only covering
18 critical measures for the year 2006, before my
19 second graders were even born.

20 Sincere NRG Energy took over this old
21 dirty coal plant, they made the minimal reductions
22 to their sulfur dioxide and nitrogen oxide
23 emissions, the bear minimum.

24 Communities like Waukegan and Zion deserve

1 more than the bear minimum to be fixed. Our
2 children, our communities, and our families deserve
3 to be protected to the fullest extent.

4 I actually see cumulative effects of
5 particulate matters straining those little bodies in
6 my classroom. It impacts their attendance in
7 school; and when they are in my class, they have the
8 inability to focus.

9 The worst thing is I don't see them get
10 enough rest at night where their bodies can repair
11 the daily assaults from inhaling NRG Energy's coal
12 particulates every day. This fall, I'm seeing cross
13 country and soccer teams outside, and even residents
14 like me. A lot of us like to, as Karen said
15 earlier, be outside in our beautiful Lake County
16 air, but when the air is polluted or dragging in
17 from NRG Energy's particular matters deep into our
18 own lungs. We're out exercising, trying to be
19 healthy, but ironically we are becoming the air
20 strainers for energy.

21 The P in IEPA does stand for protection,
22 and I'm asking on behalf of my second graders that
23 you will make this operating permit as strong as you
24 can. Put real teeth into it for my second graders.

1 Make NRG Energy accountable to us. We have all
2 suffered enough. Thank you.

3 HEARING OFFICER STUDER: Thank you. I can't
4 pronounce that very well. I apologize. I am sorry.
5 You will be followed, it looks like, Jae Pak.

6 MR. DUBANIEWICZ: Joe Dubaniewicz,
7 D-u-b-a-n-i-e-w-i-c-z. Good evening. My name is
8 Joe Dubaniewicz, and I've lived in Lake County for
9 about 20 years.

10 My wife and son both work in Waukegan just
11 a few miles south of the power plant along the lake.
12 My daughter lives near Grayslake. All four of us
13 have developed asthma symptoms since we've moved to
14 Lake County 20 years ago.

15 I and my daughter need to use high-priced
16 daily inhalers, which we really can't afford. I'm
17 on Social Security. We also use an immersed C
18 inhaler, when we are feeling badly, and which
19 actually coincides with getting action alert text
20 messages from the Sierra Club.

21 I can't do anything strenuous outside, not
22 even mowing my lawn on those days. My daughter, who
23 is only 21, can't ride her bicycle to work or
24 exercise for more than a few minutes.

1 I tend to rely on those reports. So in
2 the case of the power plant emissions of coal soot,
3 SOX, NOX, and other toxins, we would like much more
4 information.

5 I'm a data freak, since I worked in the
6 chemical industry a long time ago, and I want to
7 know what the continuous and cumulative output of
8 those pollutants are, as they come out of those
9 smoke stacks.

10 Anyone living in the immediate area of the
11 power plant should be able to use that data to
12 possibly file a lawsuit against the power plant for
13 violating the emissions standards that the Illinois
14 EPA and USEPA have established for cumulative and
15 historical output of those emissions, if they exist.

16 For shutdowns, the continuous snapshot of
17 those emissions should show low emissions while
18 going full bore. It would show large emissions and
19 the cumulative would show all the exposures to the
20 population. So continuous monitoring is key.
21 Cumulative history is key, and the data should be
22 available to the county and the state, starting as
23 soon as possible.

24 I feel the power plant has the utmost

1 responsibility of informing the EPA and the public
2 exactly how it is affecting the air quality in Lake
3 County. Thank you.

4 HEARING OFFICER STUDER: Jae Pak, and he will
5 be followed by Marcia Douglas Morgan.

6 MR. PAK: Hi. My name is Jae Pak, a long-time
7 Waukegan -- P-a-k. Sorry. A long-time Waukegan
8 resident and proud immigrant from South Korea.

9 My family lived the American dream. I
10 graduated from Waukegan High School in 1977, then
11 attended U of I Champaign and MIT in Massachusetts
12 to study engineering; and after college, I served
13 the U.S. Navy as an engineering officer for five
14 years.

15 And then after that, I worked for Amoco
16 for ten yours. Since then, I performed many
17 contracting engineering jobs all around the world,
18 before retiring here back in my hometown of Waukegan
19 last year.

20 I want to start saying thank you for
21 giving us this forum to express our concerns about
22 the Town of Waukegan and the Clean Air Act permit
23 for the coal-burning power plant in our backyard. I
24 am here today to oppose this draft permit.

1 We in Waukegan have a proud history, once
2 the third largest city in Illinois. Waukegan was
3 home to many major industries, especially along the
4 Lake Michigan and now our busy booming downtown, but
5 much has changed nearly 40 years since I graduated
6 from Waukegan High.

7 Waukegan is not the same. If you go
8 downtown, there's many deserted streets, empty
9 streets, parking lots, vacant stores and offices.
10 And along the lakefront, abandoned plants and all
11 these things stemming from NRG power plant.

12 Coal-burning plants still putting out
13 pollutions just out one mile north of the waterfront
14 swimming beach.

15 Last year, I visited downtown First Bank
16 in Genesee and Water Street, and my dad worked
17 there, and right next to it there was the Sauter
18 Building, a 120-year-old building; and in this
19 spring, the building was demolished.

20 Now the only building in that block is the
21 First National Bank. That moment I realized that I
22 need to work on providing better opportunity, better
23 city for our Waukegan for our next generations, and
24 I need your help.

1 Waukegan's future depends upon
2 environment, clean environment, where our children
3 and families can thrive and business can grow. Why
4 anybody will want to move into Waukegan, if families
5 want to move into Waukegan, when Lake County
6 received another F from the American Lung
7 association for air quality in 2015, and the largest
8 source of air and water pollution is NRG coal-fired
9 generation unit right here in the Waukegan
10 lakefront.

11 NRG has installed minimal pollution
12 controls for sulfur dioxide, and does little to
13 nothing to control nitrous oxide and carbon dioxide,
14 and has been operating without proper permit for
15 nearly 10 years.

16 Why would families move to Waukegan, if
17 you approve the Clean Air Act permit that only meets
18 2006 standards, outdated standards? Our President
19 Obama calls out the time is now, to simply close
20 down these old coal-burning plants or make them meet
21 the highest environment standard.

22 As you know, Chicago closed down two coal
23 power plants last few years. We can do the same, or
24 make sure NRG meets the new standards with your

1 help.

2 I'm here today to make you -- I'm here
3 today to ask your help. Communities like Waukegan
4 should be protected to the fullest extent possible.
5 IEPA please go back to drawing new standard and new
6 permit to meet those highest standard. Thank you.

7 HEARING OFFICER STUDER: Thank you, Jae.
8 Marsha Douglas Morgan. Marsha is not here?

9 UNKNOWN SPEAKER: She's coming.

10 HEARING OFFICER STUDER: I'm sorry, and she
11 will be followed by Patrick O'Keefe.

12 MS. MORGAN: Hello. My name is Marsha Douglas
13 Morgan.

14 HEARING OFFICER STUDER: You're going to have
15 to speak into the mic.

16 MS. MORGAN: My name is Marsha Douglas Morgan.
17 I'm a resident of Waukegan since the late '90s. I
18 was born and raised in Highland Park. Highland Park
19 and Highwood typically have too much air pollution.
20 Up here in Waukegan, we have too much. Automobile
21 pollution stinks.

22 But, you know, the bus station on Sheridan
23 Road is close to that coal plant. That place has
24 too much air pollution that gets into the water,

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1 yeah. A lot of us get sick up here a lot in
2 Waukegan. Sometimes it's because of the stuff we
3 eat and drink, and I wonder sometimes is it Abbott
4 Laboratories dumping.

5 HEARING OFFICER STUDER: You're getting quiet
6 and drifting off. It's going to be hard for those
7 to hear. So you're going to have to speak into the
8 mic.

9 MS. MORGAN: Lots of times when we eat food and
10 drink beverages at home or in businesses, sometimes
11 it tastes terrible. We get ill-affected, and we
12 wonder if it's the water department, what they're
13 doing, what they're not doing. Is it Abbott
14 Laboratories? Who knows?

15 I don't know, maybe it relates to the coal
16 plant. Sometimes when I look out into the lake a
17 lot all summer long, I see different colors of
18 water, and I would think normally sand bars are up
19 close; but it's usually green and then another color
20 green, and then this gray, dark brown, and I wonder
21 -- I thought it was sand, a sand bar, but then Alex
22 told me about this place, and now I wonder if it's
23 coal going into the water somehow.

24 It should be checked, I would think. I

1 hope it would. Like I say, the main point is that
2 I'm opposed the permit as drafted. I implore IEPA
3 to go back and include critical air quality
4 standards since 2006 and proposed up-to-date
5 permits.

6 HEARING OFFICER STUDER: You're drifting away
7 from the mic.

8 MS. MORGAN: What?

9 HEARING OFFICER STUDER: You're drifting away
10 from the mic.

11 MS. MORGAN: The final permit should also
12 include the most stringent requirements for
13 monitoring and reporting of polluting emissions so
14 that Waukegan, and communities across the county,
15 are adequately protected from NRG Energy's harmful
16 pollution, whether it goes into the air, to the
17 water.

18 It's real important. We need to know
19 that. If lots of people go to the hospital sick, do
20 they contact the health department and then contact
21 basically the coal plant, if it's water or air, you
22 know? Protect human beings.

23 Anyway, my dad used to work for the water
24 plant in Fort Sheridan in 1960 before he passed

1 away. He was a water plant person. Anyhow.

2 HEARING OFFICER STUDER: Okay, you are starting
3 to really speak an indistinct tone that cannot be
4 picked up by the court reporter and probably not by
5 my own interpreters.

6 MS. MORGAN: Are my four minutes up?

7 MS. HAWKINS: You've got 30 seconds.

8 MS. MORGAN: You have an address where we can
9 write to you about stuff?

10 HEARING OFFICER STUDER: Yes, that's in the
11 hearing notice, and I announced it at the beginning.

12 MS. MORGAN: What?

13 HEARING OFFICER STUDER: I announced that in
14 the opening statement, and it's also in the hearing
15 notice, and I believe those are available at the
16 back table.

17 MS. MORGAN: Okay. I'll check back there,
18 because I didn't hear too well. Okay, thank you.

19 HEARING OFFICER STUDER: Thank you. Patrick
20 O'Keefe, and Mr. O'Keefe will be followed by Kathy
21 Colton.

22 MR. O'KEEFE: I thank you for letting me speak.
23 I'm Pat O'Keefe, O apostrophe K-e-e-f-e. I'm a
24 Waukegan resident. I'm a long-long Illinoisan, a

1 resident of Lake County since 1974, a resident of
2 Waukegan since 2002, and I'm speaking just as an
3 impacted resident and concerned citizen.

4 One of the impacts is I have been
5 diagnosed with a mild case of asthma. As a former
6 high school teacher in Lake County, I saw the impact
7 of more severe asthma in teenagers who suffered from
8 it.

9 Waukegan has a disproportionately high
10 number of children who suffer from asthma, which I
11 think is associated with polluters locally. I would
12 like to tell why I oppose this draft permit. I
13 believe that it will allow the power plant to
14 violate the Clean Air Act.

15 The Illinois EPA, Environmental
16 Protection, needs, in my opinion, to environmentally
17 protect. That does not allow -- it doesn't make any
18 sense to allow not only excessive pollution,
19 mercury, and SO₂, and other pollutants, but a
20 reduction in the reporting by the plant operator to
21 report the amounts of pollution.

22 For a long time, Waukegan suffered before
23 the IEPA existed from environmental degradation, but
24 now we're in the area where the state and Federal

1 EPA are charged with protecting the environment and
2 protecting residents, not only myself, but all of
3 the residents and visitors here.

4 A clear meaning of the Clean Air Act and
5 of the Illinois legislation, I think dictates that a
6 stronger permit that really regulates. Of course
7 the plant operator doesn't want to be regulated and
8 negotiate, but we need a negotiator on behalf of the
9 people who live in Waukegan and elsewhere in Lake
10 County, and I appeal you to please step up and do a
11 good job for environmental protection in Illinois
12 and particularly in Waukegan.

13 Thanks very much.

14 HEARING OFFICER STUDER: Thank you. Kathy
15 Colton, and she'll be followed by Yurida, it looks
16 like Carbajal. We'll need an interpreter for the
17 following one. If you could go ahead, Cathy.

18 MS. COLTON: Good evening. My name is Kathy
19 Colton. That's K-a-t-h-y C-o-l-t-o-n. I'm a
20 long-time Waukegan resident, a professor at the lake
21 Shore Campus of the College of Lake County in
22 Waukegan, and a member of Clean Power Lake County.

23 I'm dismayed by our community's repeated
24 air quality grade of F from the American Lung

1 Association. I'm saddened and angry at how the
2 asthma rates that others had alluded to the before
3 me, and I'm appalled that NRG's coal power plant has
4 been running for more than a decade without an
5 operating permit, as required by the Federal Clean
6 Air Act.

7 Clearly given the poor quality of our air,
8 and the negative health effects that can be
9 attributed to it, we need to have a permit in place,
10 and it needs to be stronger than the draft that is
11 under consideration this evening.

12 I am here to ask the EPA to amend the
13 permit so that it includes the higher air quality
14 standards put in place since 2006, and to approve an
15 updated permit quickly so that the community will be
16 able to know the plant is engaging in the more
17 timely monitoring, recordkeeping and reporting
18 necessary to ensure that it stays within current
19 environmental law.

20 More than 62,000 people live within three
21 miles of the NRG plant. This includes myself, my
22 spouse, our adolescent, and many of my students and
23 their families.

24 It is not uncommon for me to hear from

1 students who need to miss class on a given day
2 because of their or child's respiratory illness. We
3 in Waukegan have been too long overburdened by
4 pollution from this coal plant and from the
5 Superfund sites in the area, and yet NRG's sulfur
6 dioxide controls installed are just the minimum
7 required.

8 The plant does not have top-quality
9 nitrogen oxide controls to lower ozone pollution or
10 the strongest controls to deal most effectively with
11 small particulates.

12 This community deserves better and an
13 important step in getting us there is an operating
14 permit that includes the most stringent requirements
15 possible under current law. Thank you.

16 (Whereupon, the following
17 speaker was translated through a
18 Spanish interpreter.)

19 MS. CARBAJAL: I am Yuridia Carbajal,
20 Y-u-r-i-d-i-a C-a-r-b-a-j-a-l. I go to Church at
21 Holy Trinity. I work for Father Gary Graf, and I'm
22 here for our children.

23 I am a leader in my community for over a
24 decade. I've also been treated with clean power.

1 I'm a contributor. Holy Trinity has over 7,000
2 church goers, and it has over 5,000 people that it
3 serves.

4 I'm here as a mother who wants to make
5 sure that she will leave a healthier planet for her
6 children. As a Catholic, I would like to share with
7 you what Pope Frances shared, and he indicated
8 regarding weather climate and the impact that it
9 will have on the perseverance of our future
10 generations.

11 This is a moral obligation. This planet
12 is suffering like child birth pains. Let's not
13 forget that we are ourselves are the earth. The
14 Pope also said that we have to stop the destruction
15 of our planet for our own sake.

16 It is everybody's home, and we have a
17 calling to protect it. There is no time to waste
18 when we see that the air and the water are being
19 poisoned. Our families' health is in the middle.

20 Many children in our community are
21 suffering asthma and many more ailments. On
22 April 24, 2010, my son, a newborn of only five weeks
23 old, he suffered a stroke. Like the case of my
24 little angel, now he is suffering. His physical

1 health is being impacted.

2 There is no money in the world that can
3 pay health. Why not improve the quality of water
4 and air for the sick ones, and for those who are not
5 that sick, and for those who are healthy, for that
6 matter.

7 It is time for Waukegan, Lake County and
8 our state to come together to bring our state to a
9 more modern state, and make sure that all our
10 communities have a shiny future.

11 The Illinois EPA has had a permit as of
12 2006. We know that sound laws have been passed as
13 of 2006. We want to make sure that those laws are
14 enforced in Waukegan.

15 This community is mostly Latin, low-income
16 community, a community of environmental justice;
17 however, Waukegan is a community that is suffering
18 because of an old and filthy coal power plant, and
19 with a permit that has no expiration date.

20 That is not fair. I ask that NRG, the
21 coal fuel power plant in Waukegan, will start
22 withdrawing and retiring and closing down. It is
23 time for that.

24 Thank you. If that can be done, thank

1 you.

2 HEARING OFFICER STUDER: Mary Fran Troha or
3 Troha. She'll be follow by Evan Craig.

4 Are you ready? Go ahead

5 MS. TROHA: I'm Mary Fran, M-a-r-y F-r-a-n,
6 Troha, T-r-o-h-a, from Waukegan. I represent Christ
7 Episcopal Church in the organization of Clean Power
8 Lake County and, of course, myself.

9 I would like to say that Lake County
10 residents play by the rules, and they want the best
11 for their health; but the NRG Waukegan plant has
12 been operating for nearly a decade without a proper
13 license to meet a 2006 standard.

14 It's time for the Illinois EPA to enforce
15 the Clean Air Act with an up-to-date permit with
16 clear strong limits on pollution that NRG smoke
17 stacks put out every day. I further urge that
18 operating permits be issued speedily and with the
19 utmost stringency for the state and federal laws
20 created since 2006, such as the multi-pollutant
21 standard, the Clean Air Interstate Rule, the Mercury
22 and Air Toxins Rule, and updates to the national
23 ambient air quality standards regarding a one-hour
24 limit for sulfur dioxide and nitrous oxide releases.

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1 Further, I request that the IEPA respond
2 to my request to issue to the general public,
3 through a press release to all Lake County media
4 outlets, the information that there are currently no
5 operating licenses issued for these aforementioned
6 standards, and those standards are yet to be imposed
7 on NRG.

8 I would like letters issued to all Lake
9 County mayors and Lake County elected officials
10 informing them of these standards, and that NRG is
11 not presently regulated by operating licenses for
12 these standards, and they release antitoxin output
13 from its Waukegan plant.

14 As a life-long resident of Waukegan, I
15 pray that the IEPA take very seriously the mandate
16 to provide our citizens with clean air to breathe.
17 Thank you.

18 HEARING OFFICER STUDER: Thank you. Evan
19 Craig, and Mr. Craig will be followed by Margaret,
20 it looks like Carrasco.

21 MR. CRAIG: Things that are right. The name is
22 Evan Craig, E-v-a-n C-r-a-i-g. I'm a Sierra Club
23 leader and volunteer, and I'm here on behalf of
24 2,000 members and more supporters throughout Lake

1 County, who are relying on the Illinois EPA to keep
2 our air safe.

3 I come here frequently to enjoy Illinois
4 Beach State Park. I was here a couple weekends ago
5 to clean up the beach, and it was great to get the
6 beach clean. The only thing we couldn't clean up
7 was the power plant at the north end of it, and
8 that's again why I'm here.

9 I have many friends. Many of them have
10 spoken tonight, many more who live here in the
11 shadow of NRG's coal-fired power plant.

12 Tonight I listened to your opening and
13 repeater remarks, and I looked at the documents that
14 you brought, like this one, and I'm convinced that
15 you and I came to different hearings.

16 You came to a hearing to serve the company
17 indicated on the front of this Basis Report that
18 hasn't been operating this coal plant for almost two
19 years, and I came to a hearing to find out whether
20 the Illinois Environmental Protection Agency is
21 protecting and supporting my right to know whether
22 the air that I and my friends breathe is poisoned by
23 this NRG plant.

24 You seem to have come to serve Midwest

1 Generation and to announce what they told you to do.
2 So I came originally to ask this question: If I
3 feel that my health is impacted by pollution from
4 this plant, will the reporting, recordkeeping and
5 monitoring that you've agreed to with this company
6 be available to me and actionable on a timeline that
7 allows me to protect health?

8 How long will it cost for me to protect or
9 to even benefit on my right to know? And further,
10 to take advantage of Title 5, which I noticed you
11 can't didn't manage to say, and participate in
12 enforcement of the pollution control laws of this
13 country. Thank you.

14 HEARING OFFICER STUDER: Margaret is coming to
15 the microphone. She'll be followed by Kelly
16 Nichols.

17 MS. CARRASCO: Yes, good evening. My name is
18 Margaret Carrasco, C-a-r-r-a-s-c-o. I'm a life-long
19 resident of Waukegan, and I'm here as a Latina, as a
20 business woman, as a soccer coach and on behalf of
21 1,000 soccer players in Waukegan; and also as a
22 person involved in the community for years, soon to
23 also open several new businesses in downtown
24 Waukegan, including a TV station, radio station that

1 will be aired in 47 different states and three
2 different countries in English and Spanish bringing
3 over 500 new jobs to Waukegan, good-paying jobs that
4 won't pollute our air.

5 I graduated from Loyola Law School and
6 been involved in federal lawsuits, including -- all
7 of them including a violation of civil rights for
8 minorities.

9 And as a Latina, I ask why would the EPA
10 ignore the adverse public health harms to so many
11 low-income residents, minorities, children, senior
12 citizens. Waukegan, which the racial makeup is
13 approximately 90 percent minority, and especially
14 when there is so many benefits of cleaner air.

15 Waukegan, which is an environmental
16 justice community, deserves to be protected.
17 Waukegan -- not only Waukegan, but all communities
18 deserve clean air.

19 And despite all the monies involved, and
20 we are aware of all those unscrupulous organizations
21 that politicians are receiving money from Midwest
22 Generation Company, let it be known, gentlemen, that
23 Waukegan's air and our health of our residents is
24 not for sale.

1 For these reasons, the Illinois EPA should
2 scrap this draft permit. Waukegan residents, we're
3 ready to do what we need to do, just like in
4 Chicago, to have our clean air, and I have a
5 question for you.

6 I ask has the EPA received any letter in
7 support or against this issue from our mayor of
8 Waukegan, Mayor Motley? What is his stance on this?
9 Because you know what, Waukegan residents, we want
10 to know. Thank you.

11 HEARING OFFICER STUDER: Thank you. Next will
12 be followed by it looks like Carolyn Rivers.

13 MS. NICHORS: Hi. Name is Kelly Nichols. I'll
14 spell it for you. It's K-e-l-l-y N-i-c-h-o-l-s.

15 I'm a member of Mom's Clean Air Force.
16 We're a community of more than half a million mom's
17 nationwide. We're fighting for clean air and a safe
18 climate for our kids.

19 Here in Illinois, we have over 20,000
20 members. I have three-and-a-half year old twins,
21 and I live in Highland Park, Illinois, not far from
22 Waukegan. Air pollution clearly isn't contained or
23 restricted to a certain area.

24 So as a resident of Lake County, I wanted

1 to speak out not only for our membership in this
2 area, but for my own family and my own children.
3 I'm here on behalf of our 2400 Lake County members
4 to tell you how concerned they are about this coal
5 plant and its continuing health effects.

6 For our membership, and others with asthma
7 and respiratory illnesses, especially children,
8 every hour and minute of exposure to these noxious
9 chemicals makes a difference.

10 In 2014, the pediatric asthma survey by
11 the Lake County Health Department showed over
12 30 percent of children surveyed were diagnosed with
13 asthma, or worded as asthmatic symptoms in Waukegan
14 and Zion. That is over three times the national
15 average for a child with asthma.

16 Asthma isn't just an inconvenient illness.
17 It means missed school days for children, missed
18 work days for parents, higher hospital and
19 doctor costs, and economic repercussions that expand
20 into the entire household.

21 To add to that, as it's been mentioned,
22 Waukegan is a community that has been
23 disproportionately burdened with pollution. That is
24 unacceptable, and in my opinion it's exacerbated by

1 the lack of modern pollution controls that this
2 plant should have.

3 They only have the bear minimum. This
4 permit, in its current form, is unacceptable as
5 drafted. It's outdated, and it fails to set strong
6 enough requirements for monitoring to adequately
7 protect our communities.

8 It is as simple as this: Cleaner air
9 means a healthier community and more prosperous
10 future for everyone in it. It seems there should be
11 no question about providing a permit for this plant
12 that requires it to function in a way that is the
13 least damaging to the community around it.

14 I implore the IEPA to go back and include
15 critical air quality standards since 2006 and
16 promptly issue an up-to-date current.

17 Thank you for your time and attention.

18 HEARING OFFICER STUDER: Thank you. Followed
19 by Barbara Klipp, and Carolyn Rivers is first. And
20 Barbara, you will follow her. I'm sorry for the
21 confusion there.

22 MS. RIVERS: Hi. My name is Carolyn Rivers. I
23 didn't write out anything, but I did want to follow
24 a lot of these great people who came here and spoke.

1 This is my six-year-old grandson who can't ride his
2 bike.

3 HEARING OFFICER STUDER: Let me interrupt you
4 for a second. Rivers is spelled just as it sounds,
5 R-i-v-e-r-s.

6 MS. RIVERS: That's right. This is my six-year
7 old grandson. He's six. He's six. As a
8 second-grade teacher came up here and said they had
9 poor air quality. This is what he needed.

10 He could not ride his bicycle. He could
11 not play with his friends. His air and his health
12 is not for sale. I have two grandchildren and I,
13 myself, use an inhaler. Our health is not for sale.

14 This is very serious for us. I don't want
15 to bury him. He hasn't even begun his life. He's a
16 very intelligent little kid. See his face?
17 Beautiful little boy. We really need to do
18 something about this.

19 To see a little six-year-old child to sit
20 there and explain to him why he needs this, what it
21 does to him long term, the hyperness that it causes,
22 because we refuse to do something about our air.

23 I implore you to look this over and just
24 do what is right by our community. I'm a life-long

1 resident, born here, raised here. This is a bit
2 much. Thank you.

3 HEARING OFFICER STUDER: Thank you. Barbara
4 Klipp. As she's coming to the microphone, she will
5 be followed by it looks like Douglas Ower.

6 MS. KLIPP: My name is Barbara Klipp,
7 K-l-i-p-p. I've been a resident of Grayslake and
8 Lake County for 24 years, and I am representing
9 myself as a resident of Lake County and someone with
10 respiratory issues, as well as the mother of a child
11 with asthma, and also speaking on behalf of Midwest
12 Sustainability Group, formerly Incinerator for Lake
13 County.

14 I'm grateful to the EPA and the important
15 work you do. You are the firewall between we the
16 people and the polluters. I, along with all of my
17 colleagues who advocate for healthy communities and
18 environmental protection, have supported, and
19 continue to support, more continuance funding for
20 your agency.

21 That said, I believe that your efforts,
22 with respect to this facility, and this permit in
23 particular, have fallen far short of the mark. I
24 realize that IEPA has a funding shortfall that

1 leaves you unable to stay current with permit
2 renewals, but taking nine years to get to a renewal
3 of an operating permit for an old dirty coal plant,
4 which is by far the major polluter in a county that
5 has very poor air quality, and a county that has
6 also a higher-than-normal pediatric asthma rate, is
7 unacceptable and unfair to the people of the
8 surrounding community and to the people in the
9 surrounding air shed.

10 The fact that this has taken so long to
11 get to the operating permit renewal is bad enough,
12 but then to use the permit draft from nine years
13 ago, without bringing the permit up to date with
14 respect to current regulations, seems
15 unconscionable.

16 Given the backlog of permit renewals, when
17 will the next opportunity be to bring these permits
18 up to date with clean air regulations? At this
19 pace, it could be another decade before you are able
20 to just bring the permit 10 years in the future up
21 to today's standards.

22 That said, I oppose this permit, and I ask
23 that you issue a new one that is strong and
24 incorporates up-to-date standards that adequately

1 protect our communities and our health.

2 I always hold other levels of government
3 up to the standards of the great work that EPA
4 generally does, with respect to sincere efforts to
5 engage the public.

6 However, as someone who has been in many
7 EPA hearings, I would like to comment that it's not
8 acceptable to be having tonight's hearing up in Zion
9 and not in Waukegan, where it would have been more
10 accessible to the people in the impacted community,
11 which as you well know is an environmental justice
12 community.

13 As such, considerable effort should have
14 been made, and you should go the extra mile, to
15 engage the community and make it as easy as possible
16 for them to participate and determine their fate.

17 Lake County Board Chairman Lawler offered
18 to help facilitate securing a location in Waukegan,
19 but that was not accepted by your staff, and I would
20 like to know why you have chosen this location and
21 not a location closer to the impacted community?

22 Lastly, I would like to comment that as a
23 person with adult onset asthma, and the mother of a
24 child with asthma, I implore you to insist that the

1 NRG coal plant operate within its operating permits
2 which are up to date, in their criterion and to
3 enforce those permits. Permits that are not
4 enforced are rendered meaningless.

5 Last summer, after two ozone alert days in
6 a row, I had to rush my child to the ER and stand by
7 as she struggled to breathe. That is an experience
8 that I wouldn't wish on anyone.

9 Now I have to limit her outdoor play on
10 many summer days, when my county has an ozone alert;
11 and I would argue that being able to play outside on
12 a beautiful summer day is her birth right, as well
13 as the birth right of all the children in the area
14 within the NRG Waukegan coal plant air shed. Thank
15 you.

16 HEARING OFFICER STUDER: Thank you. Douglas
17 Ower. He'll be followed by Mary Matthews.

18 MR. OWER: Hi. My name is Douglas Ower,
19 O-w-e-r. I'm a life-long Zion resident and a member
20 of Clean Power Lake County and Sierra Club.

21 I have lived and worked most of my life
22 only a few miles away from this plant, and I have
23 many family members that even live closer. I'm
24 really concerned about the outgrowing that Lake

1 County has, as well as the high asthma rates, and we
2 need the most stringent --

3 HEARING OFFICER STUDER: You're going to have
4 to speak a little closer into the mic, I think. You
5 can raise that, if that would help you.

6 MR. OWER: We need the most stringent possible
7 regulations for this plant. One thing, this permit
8 was actually applied for in 1995.

9 So it was 2006. It was supposed to have
10 been implemented so 1995. It was 20 year ago that
11 this plan was applied for. I can't believe 20 years
12 later and an operating permit is not in place, and I
13 oppose this as drafted.

14 This permit is weaker than it was, and it
15 needs to have current standards included. Since we
16 have had to wait since 2006, it should have the
17 absolute most recent standards included.

18 At the beginning of the meeting, it was
19 mentioned that, for example, the boiler startup time
20 was increased. That was from 6 hours to 20 hours,
21 and 23 hours for unit 8.

22 Now you said that was because of Midwest
23 Generation, but was that independently verified, or
24 is it just what they said? So I think that should

1 be, you know, do we know? Why does it need to go
2 triple the time?

3 Opacity of -- immediate reporting for
4 opacity over 30 percent was changed from 5- to
5 6-minute periods and two hours of eight 6-minute
6 periods. That is quite an increase in timing.

7 On opacity observation testing was changed
8 from annually to every three years. Annually is not
9 that often. Why is it moved to three years? This
10 plan allows for alternative fuel, such as tires to
11 be burned. Tires have additional toxins.

12 Is Midwest Generation burning tires; and
13 if they are not, why not take it out of the plan?
14 If they are burning tires, what additional controls
15 are in place to handle the additional toxins?

16 The SO2 controls were recently put in were
17 not the highest quality that meet the highest
18 standards. Do we know what percentage of reduction
19 there is on SO2? Is reporting available yet for
20 that?

21 So, for the most part, what I would like
22 to see is that this permit be as strong as possible,
23 include current standards, and this permit needs to
24 be issued as promptly as possible and implemented

1 immediately, because we've waited way too long for
2 this. Thank you.

3 HEARING OFFICER STUDER: Thank you. Mary
4 Matthews, and she'll be followed by Dave Wilms.

5 MS. MATHEWS: Good evening. I am Mary
6 Matthews, M-a-t-h-e-w-s, speaking on behalf of the
7 League of Woman Voters, the Lake County Chapter.
8 The league is a national nonpartisan political
9 organization that encourages informed and active
10 participation in our community.

11 We work to increase the understanding of
12 major public policy issues, and influence public
13 policy through education and advocacy, which is why
14 I'm here.

15 The league has been at the forefront of
16 efforts to protect air quality, and for decades this
17 work has been effective for regulatory programs.
18 Since 1971, the league has pressed for full
19 implementation of the Clean Air Act of 1970 and for
20 strengthening amendments.

21 Additionally, the league will oppose the
22 continued extension for deadlines for meeting
23 ambient air quality standards. The league pushed
24 for the passage of 1990 Clean Air Act amendment.

1 This included legislation mandating major reductions
2 in sulfur and nitrogen oxide emissions through the
3 use of best available technology and energy
4 efficiency.

5 Prior to the 1990 Clean Air Act amendments
6 was the Title 5 operating permit program. The
7 program required all large sources of air pollution
8 to obtain a federally-required permit that applies
9 to the day-to-day operation of the facility.

10 The purpose was to increase facility
11 compliance with air quality standards. The Waukegan
12 Generating Station has been operating without such a
13 permit. Now the IEPA issues a Title 5 permit with
14 2006 standards.

15 This is unacceptable. The permit should
16 be up to date, and it includes air quality standards
17 since 2006. The League of Women Voters requests
18 that the IEPA stay strong and unambiguous to control
19 requirements in its permit for the Waukegan station.

20 The permit must include strict
21 requirements for monitoring, inspections, and
22 periodic reports to assure the public that the
23 facility is in compliance. The permit must provide
24 public and government regulators, with the ability

1 to enforce the permit through the courts with
2 substantial fines for noncompliance.

3 The permit must be understandable by the
4 public, and the permit fee should cover all
5 reasonable direct and indirect costs of the
6 permitting program.

7 As a Chicago metropolitan region, the
8 State of Illinois has federal air quality standards
9 for harmful ozone and particulate matter pollution.
10 It is imperative the polluting coal plants in the
11 area comply with the Clean Air Act, with the added
12 impact of climate change, air pollution must be
13 limited. Thank you.

14 HEARING OFFICER STUDER: Thank you. Dave
15 Wilms, and Mr. Wilms will be followed by Faith
16 Bugel.

17 MR. WILMS: Hi. My name is Dave Wilms,
18 D-a-v-i-d W-i-l-m-s. I am a retired EPA
19 environmental science teacher at Stevenson High
20 School. I've also started a new company, for the
21 record, that installs large-scale photovoltaic
22 systems.

23 We have almost a megawatt on some schools
24 here in Lake County. As the NRG plant cannot meet

1 the 2006 requirements that exist today, they should
2 not be allowed to pass their cost onto the people,
3 while they continue to operate and make a profit.

4 These costs include medical costs, as
5 we've heard tonight, costs for mercury pollution.
6 If we look at the last four years, the amount of
7 mercury that was released into the Great Lakes, if
8 we look at that same amount for the next six years,
9 they would add 930 pounds of mercury into Lake
10 Michigan.

11 And I have kids, and they want to go
12 fishing. It is not healthy for them to eat the
13 fish, et cetera. We also see they would be able to
14 continue to produce the acid rain, increased costs
15 from floods and draughts and forest fires.

16 Recently the EPA has issued the clean
17 power plant to reduce carbon dioxide and other
18 greenhouse gases. The EPA needs to be applauded for
19 this plan. It will reduce energy costs eventually
20 and also reduce the future cost in future
21 generations.

22 In this next six years, we're going to see
23 about -- in the last four years, we've seen
24 15,000,000 tons of CO2 going into the air. In the

1 next six years, we will see if that trend continues
2 to 23,000,000 tons of CO2. That is
3 46 billion pounds of CO2.

4 Now that's the teacher in me. Each square
5 inch of a year's atmosphere weighs 15 pounds. So if
6 we take that, the permit will allow for three
7 billion square inches of the earth's atmosphere to
8 be completely converted to CO2, if we just made a
9 call from the surface to space.

10 Although the permit was only the last six
11 years, that CO2 is going to last over 100 years.
12 Your current EPA administrator, Dean McCarthy, in a
13 webinar attended by myself last week, said we were
14 the first generation to know about climate change
15 and the last generation to do something about it.

16 This plant is outdated. It's pollution
17 control systems are outdated and fossil fuel will
18 soon be also outdated, and we have economical
19 alternatives available today. The sooner we move to
20 those, the better we will all be in our future
21 generations. Thank you.

22 HEARING OFFICER STUDER: The next will be Faith
23 Bugel, and next will be Lindsay Burin.

24 MS. BUGEL: Good evening. My name is Faith

1 Bugel, F-a-i-t-h B-u-g-e-l, and I am representing
2 the Sierra Club here tonight.

3 I have to start out by saying that I'm
4 very troubled, Hearing Officer Studer, by your
5 directions tonight. I'm very troubled that you are
6 discouraging members of the public from speaking, if
7 they were going to be repetitious.

8 There are maybe 150 members of the public
9 that have shown up here tonight because they have
10 concerns. They want to be heard. They want IEPA to
11 hear their concerns in the same fair and appropriate
12 manner that it hears industry concerns.

13 I expect that it took IEPA hours and
14 hours, if not days and days, to meet with Midwest
15 Generation and hear Midwest Generation's concerns,
16 those that were resolved in this permit that we're
17 here for tonight.

18 You have given the people here four
19 minutes. Each person here four minutes is all they
20 were asking for, but you have discouraged them from
21 even using their four minutes, if they were going to
22 be repetitious.

23 HEARING OFFICER STUDER: At the beginning, I
24 said the applause was not appropriate during this

1 hearing. Please continue.

2 MS. BUGEL: That's the members of the public
3 actually just trying to be heard and to repeat my
4 concerns.

5 So I would encourage the members of the
6 public actually to take their four minutes, even if
7 they're going to be repetitious. They have taken
8 the time to be here after work, in the evening.

9 They are not paid to be here. This is not
10 part of their job. They are taking time away from
11 their family and their personal lives. There is
12 even a mother here who was rocking her baby to
13 sleep, just so she could be here and be heard by
14 IEPA here tonight.

15 This is a public hearing. The public
16 deserves their four minutes, even if they are going
17 to be repetitious. I also am now going to repeat
18 myself. 12 years ago I argued that this permit
19 should have a compliance schedule for opacity
20 violations. Several years later, I repeated that
21 argument when the permit was up for a draft again.

22 In 2008, I argued that same issue to the
23 Seventh Circuit Court of Appeals, and I lost. Here
24 in 2015, I'm here to make the same argument again,

1 but I'm not insane. Insanity is doing the same
2 thing over and over again, but expecting a different
3 result.

4 I'm not insane. Things have changed. The
5 USEPA has issued a notice of violation to Midwest
6 Generation for those opacity violations. The
7 Attorney General of this state and the Department of
8 Justice have brought an enforcement action for those
9 very same violations.

10 Now my question is will IEPA follow
11 federal law and include a compliance schedule for
12 opacity violations in this permit?

13 In 2003, we had 18 months of data that
14 showed that the Waukegan plant exceeded their
15 opacity limits nearly 500 times, 300 of those the
16 company even agreed were not exempt.

17 If you do the math, 12 years at the same
18 rate would mean that there are now 4,000 opacity
19 violations at that Waukegan plant, 2400 that the
20 company would not be able to claim are exempt.

21 So tonight, part of your directions
22 indicate that the permit will be issued, if the
23 record shows that the facility will comply with the
24 applicable laws, regulations and requirements. It

1 won't.

2 The record shows that. We have 12 years
3 of self-reported violations that show that the
4 company is not complying with state regulations. We
5 have a notice of violations from the Federal
6 Government saying that the company has not complied
7 with regulations. We have a state and federal
8 enforcement action.

9 MS. HAWKINS: Time.

10 MS. BUGEL: That says the company is not
11 complying with state regulations. There have been
12 two cases that said once you have an enforcement
13 action, once you have a notice of violation, you
14 have to include a compliance schedule.

15 So it is not just the environmental groups
16 here claiming that the record shows opacity
17 violations. We have a state and federal enforcement
18 action.

19 So I ask now that IEPA has a record of
20 those violations, will it include a compliance
21 schedule? Thank you.

22 HEARING OFFICER STUDER: Thank you. Lindsay
23 Dubin.

24 MS. DUBIN: Hi. My name is Lindsay Dubin.

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1 It's spelled L-i-n-d-s-a-y. Last name is D-u-b-i-n,
2 and I'm attorney at the Environmental Law and Policy
3 Center.

4 So I just wanted to draw your attention to
5 a few of the many, many, many inadequacies in the
6 updated permit, and there are a lot of these
7 standards have been weakened to the benefit of
8 Midwest Generation.

9 These standards include testing standards,
10 inspection standards, evaluation standards,
11 recordkeeping processes, reporting processing and
12 oversight for coal handling, coal processing and fly
13 ash handling equipment.

14 All these lead to more dangerous operating
15 conditions. So to start out, for these weakened
16 testing, inspection, and evaluation standards, I
17 wanted to draw your attention to condition 7.1.7AI.

18 This increases the length of time
19 following effectiveness of the permit for Midwest
20 Gen must conduct it's PM conditions measurements.

21 Next step is condition 7.1.7A2, which
22 increases the trigger for PM emissions testing and
23 operating at higher loads. Next is 7.1.07BI of the
24 previous permit required PM and CO testing be

1 conducted at maximum operating loads. Now they only
2 need to be conducted at 90 percent of the operating
3 load.

4 Condition 7.1.7BIIIIB let's Midwest
5 Generation determine compliance about using the
6 average of three valid test rounds when calculating
7 measurements of CO and PM emissions. This makes it
8 so they can hide spikes and exceedance type of
9 emissions because they are averaged out.

10 Next 7.2.7AIA3B, 7.3.7AIA through B and
11 then 7.4.7AIA through B. This increases the lax in
12 time between opacity observation conducted under
13 reference method nine from the previous permit.
14 Condition 7.1.6 reduces the nature and frequency of
15 combustion evaluations.

16 And now moving on to recordkeeping
17 inadequacy, condition 7.1.9CIII, Midwest Generation
18 must keep records of certain information when
19 opacity exceeds 30 percent during three-hour
20 block-averaging periods, but the applicable PM limit
21 should be based on hourly averaging per 35 Illinois
22 Administrative Code Section 212.202.

23 Now reporting inadequacy condition
24 7.1-10-2BIVA4, Midwest Generation no longer must

1 include a quarterly -- in its quarterly operating
2 reports the percent opacity for each 6-minute
3 period, during increases in opacity. Now instead it
4 relies on a 3-hour averaging calculation.

5 Condition 7.1.10-3AI, increases the length
6 of time during opacity exceedances before Midwest
7 Generation must report the exceedances. It used to
8 have to be 30 minutes, now it's 48 minutes on an
9 increase of 18 minutes of time when an exceedance is
10 happening.

11 Condition 7.1.12A2E, Midwest Generation no
12 longer needs to provide IEPA with 15-days notice
13 before changing their procedures associated with 35
14 Illinois Administrative Code Section 212.123B.

15 Now finally, inadequacy pertaining to
16 oversight for coal handling, coal processing and fly
17 ash handling equipment. Condition 7.2.2, 7.3.2 and
18 7.4.2 eliminate a lot of the equipment subject to
19 regulation pertaining to either emission.

20 Condition 7.2.8A, 7.3.8A and 7.4.8A no
21 longer requires inspections by people not involved
22 in the day-to-day operations. This means that
23 inspections are being conducted by folks that have a
24 self-interest in passing these inspections.

1 And then finally, condition 7.4.3BIII,
2 7.4.11C and condition 5.24, when you read them
3 together, they no longer give the public the right
4 to comment on Midwest Generation's fly ash
5 contingency plan.

6 Now I know this was a long list, but it's
7 actually not even close to how many regulations have
8 been downgraded from the last permit to this permit.
9 So thank you for your time.

10 HEARING OFFICER STUDER: Thank you. Thank you.
11 Susan -- is it Figueroa? It looks look
12 F-i-g-u-e-r-o-a is the last name. Susan, she's not
13 here. Okay. Alex Morgan? Dominisha, it looks like
14 Blake? She left.

15 UNKNOWN SPEAKER: She might be in the other
16 room. They went to get her.

17 HEARING OFFICER STUDER: That concludes those
18 that have registered to speak. Following her coming
19 up to the microphone, and I will allow her to speak,
20 then I will ask if there is anyone in the room that
21 has not spoken that would like to make a comment on
22 the record.

23 MS. BLAKE: Sorry. Hi. My name is Dominsha,
24 Blake, and this is my son Jordan Blake.

1 D-o-m-i-n-i-s-h-a, Blake, B-l-a-k-e.

2 I am born and raised in Waukegan, and I
3 shouldn't have to sit inside the house and wonder
4 whether it's safe to take my child outside to play
5 or not.

6 Like thousands of people in Waukegan, I
7 have asthma. My asthma has always held me back
8 through all my childhood, and it was worse when I
9 got to 20.

10 I live right up the street from the coal
11 plant. It's the largest source of air pollution in
12 my community, and I know it's impacting the air I
13 breathe.

14 I want my son to have clean air so that he
15 can have the opportunities that I didn't have. It's
16 time to put people before profit. I cannot believe
17 that this plant did not have the required permit for
18 its air pollution. This puts many lives in
19 jeopardy.

20 I ask that you issue a stronger up-to-date
21 permit to protect our family and our community.
22 Thank you.

23 HEARING OFFICER STUDER: Thank you. As I said,
24 did you have a comment you wanted to make, if

1 there's someone in the room who has not?

2 MS. SLOTNIK: I filled out one of those cards.

3 HEARING OFFICER STUDER: Then I'll let you go
4 next, sir.

5 MS. SLOTNIK: My name is Deborah,
6 D-e-b-o-r-a-h.

7 HEARING OFFICER STUDER: You are going to have
8 to step up to the mic and speak into it.

9 MS. SLOTNIK: Deborah, D-e-b-o-r-a-h, Slotnik
10 is S-l-o-t-n-i-k.

11 I'm a resident of Waukegan. I just want
12 to say my family moved here in '66, and I graduated
13 from high school and went to University of Illinois
14 for five years, and worked in Chicago for five
15 years.

16 So I've come here on weekends and visit,
17 and then I moved to another state, and now I've
18 moved back here for two years. And I'm shocked to
19 learn about this, and I don't think the public
20 should have to be explaining all the violations, and
21 I took many courses on environmental issues.

22 When I moved back here, I kept asking
23 people, "What are those tall smoke stacks?" I see
24 smoke coming out of it all day and at night, and

1 it's a heavy, dense smoke. And most other places
2 that have enacted laws don't have this white smoke
3 pouring out.

4 So it's obviously working at night and
5 during the day. So I want the city of Waukegan to
6 grow economically, and I just want to say that I'm
7 shocked to learn that this is going on right here,
8 and I hope to live here for many more yours. That's
9 all.

10 HEARING OFFICER STUDER: Thank you. Sir, if
11 you would come forward to the microphone and state
12 your name and spell your last name, for the record.

13 MR. TOLEDO: David Toledo. David, D-a-v-i-d.
14 Toledo, T-o-l-e-d-o.

15 I was born in Chicago, and I was raised
16 here in Waukegan. I studied sustainable community
17 development and minored in sociology, social
18 justice.

19 You know, we have used the proposed
20 operating permit, and we have used the word
21 complied. Just as we had said, NRG has already
22 showed it's not complying.

23 I am just one individual representing the
24 76 percent of Latino and African-American residents

1 here in Waukegan. This is a class. This is a race.
2 This is an environmental issue.

3 So those three things are all connected
4 looking at inequality, just how as our country has
5 risen, and this is just a continuing issue of many
6 things.

7 We have talked about asthma issues, and my
8 whole entire family suffers from and it still
9 continues here. I have heard people say, you know,
10 "I have a harder time breathing at night."
11 Obviously because there is a lot going on in this
12 town because of the class, the race and the
13 environmental issues.

14 Because we are minorities, so we are
15 allowed to be used by NRG to just abuse our race,
16 and this is a public health issue.

17 I'm also disappointed the USEPA community
18 engagement plan for Waukegan fails to inform the
19 community of these environmental issues and just
20 issues overall in our community.

21 We need to start thinking generations
22 ahead, not just a few years ahead, because your
23 grandchildren, you are residents here, you are
24 working for the IEPA, and I care for the

1 environment.

2 HEARING OFFICER STUDER: Can you slow down just
3 a little bit so the interpreters can keep up?

4 MR. TOLEDO: So we care for the environment.
5 Mother Earth needs us. We are here to protect them.
6 We will not thrive if we don't comply with Mother
7 Nature.

8 We need to make sure that environmental
9 issues are taken into consideration. By allowing
10 NRG to continue, this just informs that we are not
11 caring for the future. We need to make sure we have
12 clean air.

13 There is plenty of examples that have
14 showed sustainability and thriving. Why are we
15 complying for profit when it should be, you know,
16 for people? We need to make sure that we are taking
17 care of the environment.

18 I have been raised here in Waukegan. I
19 had studied sustainability, and I am seeing here
20 that by allowing NRG to move forward, it's not
21 helping everyone. It's not helping anyone or
22 everyone.

23 We're hurting ourselves by continuing to
24 hurt the environment and just temporary issues here

1 that have already been issues in the past. So
2 please take action to actually think ahead, think
3 several generations ahead and not just for profit or
4 anything that might just be short term. Thank you.

5 HEARING OFFICER STUDER: Thank you. If you
6 come forward to the mic and state your name and
7 spell your last name.

8 MS. PARRA: Good evening. My name is Bella
9 Parra, P-a-r-r-a. Empathy: Understanding and fully
10 comprehending other's feelings. Please have empathy
11 of what I'm about to say. My name is Bella Parra
12 and my mother is --

13 HEARING OFFICER STUDER: You're going to have
14 to go slower so the court reporter can record what
15 you're saying.

16 THE WITNESS: My mother's name is Barbara
17 Klipp, and she's an environmentalist. I live in
18 Great Lakes, Illinois, and attend Freemont Middle
19 School.

20 I'm 11 years old, and will be 12 in 11
21 days. I already know what I want to be, a vet. I
22 have four animals at home, and hope to have plenty
23 more in the future.

24 Seeing dogs suffer makes me want to help

1 them. So I've got to know science and math a lot.
2 Science is about 75 percent of what is based on the
3 environment. In considering my mom is an
4 environmentalist, I go to meetings and I learn
5 things.

6 The coal plant makes me think of who it
7 hurts. I have asthma, and because of ozone alerts,
8 I end up in the hospital because I can't breathe.

9 Last summer, I was in the hospital almost
10 five times because I couldn't breathe. Can you
11 imagine it's not a pleasant feeling, and the coal
12 plant just makes that worse.

13 More ozone alert days, more hospital
14 visits and no more dogs. I told you how much
15 animals mean to me. There are thousands of animals
16 and different species that live next to the coal
17 plant on Lake Michigan, and they should be protected
18 from the air pollution, just like me.

19 We need to do a better job of protecting
20 our environment. Please do your job and protect the
21 air we breathe. Thank you.

22 HEARING OFFICER STUDER: Thank you.

23 MS. JONES: Good evening. My name is Jasmine
24 Jones, spelled J-o-n-e-s. I am a life-long Waukegan

1 resident, and I'm here on behalf of my husband and
2 my daughter. My husband was born with asthma;
3 however, he grew out of it, and we purchased our
4 first home in downtown Waukegan in June of 2010.

5 Since then, my husband and my daughter
6 have been treated at Vista East Hospital a total of
7 12 times combined, to have breathing treatments just
8 so they can control their asthma that was never an
9 issue until we purchased our home.

10 I am asking you today to please be in
11 compliance; and at this point, I feel like it's
12 inhumane. As a mother, I've watched my daughter
13 gasp for air plenty of times.

14 She's waking me up in the middle of the
15 night. Her lips are blue, and we've got to drive
16 with two smaller children in the car to the
17 hospital, just to make sure that she's okay.

18 I've watched my husband lie on the floor
19 on his back with his arms over his head, just trying
20 to catch his breath. I am asking you, and I'm
21 begging you, to please come into compliance and have
22 respect for the people in our community, especially
23 mine. Thank you.

24 HEARING OFFICER STUDER: Thank you. Is there

1 anyone else in the room that has not spoken this
2 evening that would like to make a comment on the
3 record?

4 MS. MARTINEZ-JEFFERS: Good afternoon, or
5 evening. My name is Patricia Martinez-Jeffers.
6 That is Patricia, M-a-r-t-i-n-e-z hyphen
7 J-e-f-f-e-r-s.

8 I represent the local media. I am a
9 program director for EBN, which is a local radio
10 station. I interviewed Alex Morgan. I interviewed
11 quite a few people regarding this.

12 I'm here as a representative of the media,
13 but also as a mother, and also as a health advocate.
14 In my program, you always hear me talk about health.
15 So this is quite disturbing to me, I have to say.

16 I've been controlling my, how should I put
17 this, my anger, but the sense that all three of you
18 and the whole EPA thing know about this. This is
19 not anything new.

20 We're all here. We are all like parents.
21 We're all repeating the same thing in the sense of
22 information that you already know. When will the
23 assault stop?

24 Our food is assaulted by GMOs and

1 chemicals. Our water is assaulted by fluoride. It
2 is not necessary, which causes fluorosis, which is a
3 very dangerous disease.

4 Our air is also contaminated. When does
5 it stop? Gentlemen, that is my question. First of
6 all, lack of information. Had it not been for Alex
7 coming on my air waves, and us informing the public,
8 do you not send out information to the local media?

9 Is there no open communication? Had it
10 not been for this wonderful attorney, that I think
11 I'm going to interview her as well and her friend
12 here, both of them who are really putting out some
13 facts.

14 This is not fantasy. This is not a game.
15 We're talking about our children's health. As a
16 health advocate, and also a vegetarian, I am
17 probably one of the few parents that actually do
18 things that are to prevent my children from getting
19 sick from the mercury contamination, which is a
20 heavy metal that causes brain damage.

21 Let's not talk about what it can cause to
22 your lung and health. What I do as a mother, I have
23 my children before school take Omega 3. Certainly
24 not fish from Lake Michigan, absolutely not. You

1 know, we eat extremely healthy. We eat organic as
2 much possible.

3 All of this is also an expense that I
4 think for once a corporation will think of its
5 community and not its bottom dollar and lining the
6 pockets of certain politicians and organizations. I
7 think we would see a difference.

8 Do any of your gentlemen live in area? Do
9 you have children? Do you have grandchildren?
10 That's my question. This is about consciousness.
11 This is about a moral consciousness that I strongly
12 feel that the corporations do not take into account,
13 the agencies, because this is strictly about
14 politics.

15 That is exactly what this is, and it's
16 also about keeping people ignorant, not providing
17 the information that they truly need to know, until
18 we have wonderful people that all came here to speak
19 and share those concerns. There is a saying in
20 Spanish (whereupon, the speaker spoke in Spanish
21 that could not be transcribed), which means this
22 seems to me what the cat covers up.

23 That is exactly what it is. I'm here.
24 I'm upset. I was not even going to speak. Why?

1 Because I have one of these in front of my face
2 seven hours every day, because I do two radio
3 programs every day. I thought let's give somebody
4 else an opportunity.

5 You know what, I'm feeling the anger
6 inside of me. And I want to say, with all due
7 respect, I don't really think you deserve the
8 respect, due to the fact -- first of all, what I'm
9 hearing about the permit is unbelievable,
10 considering a permit that's not even up to date,
11 allowing a plant to be functioning for so many
12 years.

13 Gentlemen, you were children once. You
14 have children. Do you live locally? Do any of you
15 here live locally? Are you a Waukegan resident?
16 Are you Lake County residents?

17 I would say there is no answer to that
18 because you're not answering questions tonight. So,
19 therefore, I will leave a card. You are more than
20 welcome -- I invite you openly in public to come to
21 both radio stations that I am involved with to speak
22 of this in a more open forum and to inform the
23 minority community.

24 Because you know what, it's the minority

1 community where many times are used as guinea pigs
2 in many levels, to vaccination, to the mercury
3 levels in air, to the GMO, to the contamination and
4 insecticides and everything else that is in our
5 food.

6 I think it is about time to have an open
7 book here. If you are not going to do anything,
8 just say it. It's just really that simple. Thank
9 you.

10 HEARING OFFICER STUDER: Is there anyone else
11 that has not made a comment? Sir, if you would come
12 forward.

13 MR. HAVITO: Good evening, everybody. My name
14 is Fernando Havito. It's spelled H-a-v-i-t-o.

15 I am 23 years a resident of Waukegan, and
16 before coming here and becoming a resident, I've
17 been living in other countries in the world, like in
18 Africa, Central America and Asia and Pacific as a
19 former world food program officer.

20 Well, my practice was mostly in the
21 environment in connection with health. I have
22 witnessed a lot of devastating impact of poor
23 environmental planning, but developing countries is
24 different from United States.

1 When I came here, I said I'm in a very
2 beautiful environment, even here in Waukegan; but
3 when I saw that coal plant smoking, and when I bring
4 my grandchildren in the restaurant, I'm not sure how
5 this can impact myself directly.

6 But when my two grandkids get the asthma,
7 all I can say is, "Oh, even here in Waukegan, our
8 environment is not safe." So my daughter told me
9 that. The doctor said we have to live in another
10 place where there is cleaner air.

11 Fortunately, my daughter has a very good
12 assignment, and she was sent -- her husband and my
13 daughter get a job in Florida, where they were
14 assigned in a beautiful place over there.

15 I suddenly find that when I visit them, my
16 two grandkids with asthma was getting very, very
17 healthy; and then my son-in-law and my daughter keep
18 on telling me, "When are you going to Florida?"

19 Oh, my God, I say, "I cannot leave
20 Waukegan, because I have my job here," and it seems
21 to me the environment is good.

22 So when I retired, one week -- one year
23 ago from Abbot Laboratory, where I worked as a lab
24 tech for 33 years, and I work double time as a

1 public school teacher in Waukegan High School in
2 North Chicago High School, I said, "It seems to me
3 that I love Waukegan, and this will become a
4 retirement place."

5 But every time I see that coal plant and
6 the big plant is smoking, I said -- I check always
7 my doctor, "How is my health?" And he said, "Good.
8 You are immune to those air water pollution impact
9 because you have been living in many places where
10 you get some immunity."

11 I should say I'm just lucky. I am not
12 like my grandchildren who were born here in
13 Waukegan. So I should say there is always a good
14 luck in United States, and I trust America, even
15 whatever they say America isn't that, I have been
16 living it.

17 I still find this place the best place to
18 live in the world, and I'm still going to use
19 Waukegan as my retirement age, retirement place,
20 because I have my house already.

21 Okay, thank you very much, and thank you
22 for giving me the opportunity.

23 HEARING OFFICER STUDER: Thank you. Is there
24 anyone else that has not made a comment on the

1 record that would like to do so?

2 MR. JEFFERS: My name is Robert Jeffers,
3 J-e-f-f-e-r-s. I'm born and raised in Waukegan.
4 Born in St. Theresa Hospital in 1948, and the
5 lakefront was there for us to use as a kid.

6 We go to the lakefront now, and you can't
7 fish in it. You can't swim in it. They have all
8 kinds of warnings against it. They closed the Zion
9 plant because it was unsafe, reopened the coal
10 plant.

11 The coal plant is operating for 20 years
12 without a permit. It's just unbelievable that we
13 residents that live here, have to put up with this,
14 because it seems like it's just about corporate.
15 It's about profit.

16 It's not about keeping our kids safe,
17 keeping our air safe. It's just like the one person
18 that said, you know, this is Mother Earth. We have
19 take care of it. If we don't take care of it, who
20 is going to?

21 And I realize is this just a forum.
22 Everything has already been said, but it does
23 irritate us. The residents here of Waukegan, if
24 someone hadn't notified me that this was evening

1 happening, I wouldn't have even have known.

2 It's just sad that we continue to allow
3 this to happen. So I implore the EPA to relook at
4 this plant. If this plant isn't necessary, close
5 it.

6 If it is necessary, put the controls in it
7 that are going to keep our air clean. That's all we
8 ask. We ask if you want to operate the plant,
9 operate it cleanly.

10 If you can't fix it, because it's an old
11 plant, that plant has been there ever since I was a
12 kid, so it's a pretty old plant, that doesn't mean
13 it can't be fixed.

14 I'm an engineer by trade. Everything can
15 be fixed, so fix it. Fix it or close it. It's that
16 simple. Thank you.

17 HEARING OFFICER STUDER: Thank you. Yes? Have
18 you spoken already?

19 MS. KINDER: No.

20 HEARING OFFICER STUDER: If you haven't, come
21 forward.

22 MS. KINDER: And I'll be brief.

23 HEARING OFFICER STUDER: You're certainly
24 welcome. This is a public forum.

1 MS. KINDER: Thank you. My name is Katherine,
2 K-a-t-h-e-r-i-n-e, Kinder, K-i-n-d-e-r, and I'm a
3 resident of Grayslake, which is up the road; and
4 being a Grayslake resident, I am affected by this as
5 well. It is far reaching is my point.

6 I also would like to say I was born in
7 Hammond, Indiana, around U.S. Steel, DuPont, all
8 these other big lakefront facilities.

9 I grew up with a lot of pollution; and
10 interestingly, we used to laugh when we would smell
11 some of the horrible smells coming from of them. We
12 used to laugh at this, and now it's not funny. That
13 was as a kid traveling.

14 I come out here from the city. We moved
15 up to the city. Then two-and-a-half years ago moved
16 out here to Lake County of which I love. I have
17 relatives out here, and I moved out here thinking,
18 you know, wide-open spaces, clean air, and it's just
19 not true.

20 The harsh reality is the lake is not what
21 it should be, and I'm very concerned, not only with
22 the air quality, but the water quality. Even if
23 there's never a day where we could swim in the lake,
24 we can use it for better purposes than just riding

1 in boats. It just is mind boggling to me.

2 I will be 60 this November, and I'm just
3 thinking, like, this is not right. I moved from and
4 grew up in such a polluted area, and now I come out
5 here thinking I'm going to be in the green,
6 less-polluted environment.

7 And I was shocked when I first came out to
8 the lakefront out here and got on the Metra to go
9 for a job interview, and I thought, "Oh, I'll be
10 having lunch on the lake."

11 My reality was shattered, or what I
12 thought was going to be reality. So I just want to
13 say please take this seriously. This is not
14 progress.

15 Jobs, we do need jobs, but we need to work
16 in balance with the manufacturing community. There
17 is residents. Everybody isn't going to move away.
18 So we have to work together, and there is better
19 ways for the environment, for our health, than this
20 business as usual. Thank you.

21 HEARING OFFICER STUDER: Thank you.

22 MR. VARGAS: Good evening, gentlemen. My name
23 is Jose Vargas. That's V-a-r-g-a-s, and I'm new to
24 the Waukegan area.

1 I was born in Texas, raised in Palatine,
2 and I lived in Aurora for 17 years, but I've
3 relocated to Waukegan.

4 And on behalf of the citizens, the
5 concerned citizens, and those affected from Lake
6 County, and all the citizens of Waukegan, I'm going
7 to challenge each one of you gentlemen to take this
8 lady up on her offer and show up at her radio
9 station.

10 HEARING OFFICER STUDER: Thank you.

11 MR. VARGAS: Thank you.

12 HEARING OFFICER STUDER: Is there anyone else
13 in the room that has not spoken this evening that
14 wants to make a comment on the record?

15 Let the record indicate that no one has
16 raised their hand. I had said at the beginning if
17 there was time left over, that I would allow those
18 that had already spoken, and still had additional
19 items that they wanted to say, I would afford them
20 that opportunity, and I will now do that.

21 Are there people in the room, and I'm
22 going to ask that you to raise your hands, because
23 what I'll do on this point is I make a count, and
24 then I give a time for summary comments to be made,

1 before I adjourn the hearing.

2 So are there people that have already
3 spoken that would like to make an additional 60
4 seconds? There's one, two. Okay, we have two
5 people. If the first person would come forward, and
6 then we'll go to number two. We'll give you 60
7 seconds to summarize?

8 MR. O'KEEFE: Okay, this is Pat O'Keefe again.
9 I just want to say that this is not an issue about
10 general, you know, let's make a great world and all
11 that.

12 It's a matter of law and expecting a
13 business that operates in Illinois to operate
14 according to the laws of Illinois; but the IEPA has
15 to make sure that happens, or come as close as
16 possible for that to happen.

17 So this is about a draft permit that is
18 not making that happen, and I appeal to you to make
19 it happen, or come as close as possible to reducing
20 the massive pollution that this plant is causing and
21 causing severe health impairment to thousands and
22 thousands of people. Thanks very much.

23 HEARING OFFICER STUDER: Thank you.

24 MR. WILMS: Again, my name is Dave Wilms again.

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1 I'm not one just to say close the plant, because I
2 don't like the plant. I think what we have to do is
3 move forward using our wrinkled brains. We have
4 solutions.

5 The United States makes more packs,
6 including removable orders, than we have in this
7 country by about five times.

8 If we close our daily plants that are
9 polluting the world, making Waukegan suffer, the
10 sooner we do this, as the demand for electricity
11 goes up, and costs go up, then people are going to
12 be more energy efficient, and also the normal
13 energy, which isn't getting very much subsidies at
14 all, and doesn't need them, as long as the power
15 plants have to pay for the medical costs for the
16 problems that they created.

17 What we need to do is think about the
18 future, of our own economy and realize we can solve
19 those problems. Instead of having the power plant
20 pollute the air, we could put turbines offshore.

21 All the existing infrastructure could be
22 used for clean air energy, with minimal costs, and
23 the payback will be much more easily seen.

24 So I just wish the EPA good luck with a

1 clean power plant. I think it's a good program. We
2 are the first generation to know that we have a
3 problem. We are the last generation to be in a
4 position to solve this problem.

5 Our wrinkled brains put us into this
6 situation, and our thinking will get us out, but we
7 all have to work together. Thank you.

8 HEARING OFFICER STUDER: Thank you. Is there
9 anyone else who has made a comment that would like
10 60 seconds to summarize? Okay, I appreciate your
11 patience. I'm sorry.

12 MS. KISZKAN: My name is Kiszkan. I'm not from
13 this neighborhood. K-i-s-z-k-a-n. I'm from
14 Michigan, but I'm listening to all of these
15 comments, and it just breaks my heart.

16 You people from EPA, I hope you have a
17 conscience. I hope you do, because what you are
18 doing, in my eyes, you are the murders, because you
19 do not keep after that coal plant that should follow
20 the prudence.

21 You are not doing what you're supposed to
22 be doing. Do you have any conscious? I hope you
23 answer God with this. That's all I have to say.

24 HEARING OFFICER STUDER: Thank you for those

1 that mind the mic. I appreciate that. Is there
2 anyone else that would like to make a comment for
3 the record this evening?

4 Okay, I remind everyone we are going to be
5 accepting written comments in this matter through
6 October 5th, and the address was given earlier. It
7 will be in the transcript, and it's also in the
8 notice for hearing for this.

9 I appreciate your patience, and I
10 appreciate your open and honest comments this
11 evening. Thank you, and this hearing is adjourned.

12 (WHICH WERE ALL THE PROCEEDINGS HAD.)

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1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF C O O K)

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4 PAMELA A. MARZULLO, C.S.R., being first duly sworn,
5 says that she is a court reporter doing business in the city
6 of Chicago; that she reported in shorthand the proceedings
7 had at the Proceedings of said cause; that the foregoing is
8 a true and correct transcript of her shorthand notes, so
9 taken as aforesaid, and contains all the proceedings of said
10 meeting.

11

PAMELA A. MARZULLO
License No. 084-001624

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