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PUBLIC HEARING

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY HEARING

IN RE: PROPOSED ISSUANCE  
OF A CLEAN AIR ACT PERMIT  
PROGRAM PERMIT -  
AUTOMOTIVE ROBOTICS  
PROVING LAB IN EAST PEORIA

THE PUBLIC HEARING called for examination  
pursuant to the provisions of the Illinois  
Environmental Protection Agency as they apply to  
the taking of public hearings, taken before Kathy  
L. Johnson, C.S.R., a Notary Public in and for  
the County of Henry, State of Illinois, on June  
19th, 2013, at the hour of 7:00 p.m., at the Fon  
Du Lac Park District Administration Center, 201  
Veterans Drive, East Peoria, Illinois, 61611.

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A P P E A R A N C E S

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY  
BY: DEAN STUDER, Hearing Officer  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/558-8280

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY  
BY: JONATHAN SMITH, Permit Engineer  
1021 North Grand Avenue East  
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ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY  
BY: MICHAEL T. REED, Permit Engineer  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-2113

ALSO PRESENT:  
Brad Frost (IEPA)  
Melissa Benedict (IEPA)

MIDWEST LITIGATION SERVICES  
Kathy Johnson, Court Reporter  
711 North 11th Street  
St. Louis, Missouri 63101  
314-644-2191

1 (Hearing commenced at: 7:00 p.m.)

2 HEARING OFFICER: Okay. I've got two  
3 minutes after 7:00, so we're going to go ahead  
4 and begin. Good evening. My name is Dean  
5 Studer, and I'm the hearing officer for the  
6 Illinois Environmental Protection Agency. And  
7 I'm assuming that everyone can hear me okay?

8 (Audience responded yes.)

9 HEARING OFFICER: On behalf of  
10 Director Lisa Bonnett, I welcome you to tonight's  
11 hearing. My purpose tonight is to ensure that  
12 these proceedings run properly according to rules  
13 and are conducted in a fair but efficient manner.

14 Personally, I will not be responding  
15 to specific technical issues related to the  
16 permit, but will defer such issues to the  
17 technical staff here with me this evening.

18 However, I will attempt to keep the  
19 issues raised during this hearing to those that  
20 are relevant to this permit proceeding. This is  
21 an informational hearing before the Illinois EPA  
22 in the matter of an application for a Clean Air  
23 Act Permit Program, otherwise referred to as  
24 CAAPP, C-A-A-P-P, permit from Automotive Robotics

1 Proving Lab, ARPL, located at 5 Altorfer Lane in  
2 East Peoria. The CAAPP is the Illinois'  
3 operating permit program for major sources of  
4 emissions as required, excuse me, as required by  
5 Title V. That's Title V of the Federal Clean Air  
6 Act, CAA.

7 The conditions of the CAAPP permits  
8 are enforceable by the public as well as by USEPA  
9 and the Illinois EPA. In addition to  
10 implementing Title V of the CAA, CAAPP permits  
11 may contain conditions pursuant to Title I of the  
12 Federal Clean Air Act.

13 The draft CAAPP permit contains no  
14 newly established conditions pursuant to Title 1  
15 but sections 3.3, 3.4, and 4.1.2 contains such  
16 conditions that were established in previously  
17 issued permits. Section 3.4 in the draft permit  
18 contains conditions pursuant to Title I that are  
19 being revised.

20 The Illinois EPA has made a  
21 preliminary determination that the requested  
22 permit should be issued, and has prepared a draft  
23 permit for public review. The Illinois EPA is  
24 holding this hearing for the purpose of accepting

1 comments from the public on the proposed issuance  
2 of the CAAPP permit for this project prior to  
3 actually making full, actually making final  
4 decision on the applications. This public  
5 hearing is being held under the provisions of the  
6 Illinois EPA's procedures for permit and closure  
7 plan hearings, which can be found at 35 Illinois  
8 Administrative Code, part 166, sub part A.

9 Copies of the these procedures can be  
10 accessed on the website for the Illinois  
11 Pollution Control Board at [www.ipcb.state.il.us](http://www.ipcb.state.il.us),  
12 or, if you do not have access to the worldwide  
13 web, can be obtained from me upon request.

14 An informational public hearing means  
15 exactly that. It is an opportunity for you to  
16 provide information to the Illinois EPA  
17 concerning this permit. This is not a contested  
18 case hearing. I would like to explain how  
19 tonight's hearing is going to proceed.

20 First, I will have the Illinois EPA  
21 staff introduce themselves and identify their  
22 responsibilities within the agency in regards to  
23 this permitting action. Then Mr. Jonathan Smith  
24 and Mr. Michael Reed, permit engineers in the

1 Bureau of Air, will then make brief remarks  
2 regarding the CAAPP permit. This will be  
3 followed by additional instructions on how I will  
4 be taking oral comments during the hearing this  
5 evening, and then I will allow the public to  
6 begin providing comments. You are not required  
7 to provide your comments orally.

8           Written comments are given the same  
9 consideration and may be submitted to the  
10 Illinois EPA at any time during the comment  
11 period which runs through July 19th, 2013. All  
12 comments submitted by mail must be postmarked no  
13 later than July 19th, 2013.

14           Although we will continue to accept  
15 comments through that date, tonight is the only  
16 time that we will accept oral comments. The  
17 Illinois EPA would like to have a final decision  
18 in this matter as quickly as practical. However,  
19 the actual decision date will depend upon the  
20 number and nature of comments received as well as  
21 other factors.

22           Any person who wants to make oral  
23 comments may do so as long as the statements are  
24 relevant to the CAAPP permit, are under the

1 authority of the Illinois EPA, and time allows.  
2 If you have not completed a registration card at  
3 this point, please see either Melissa Benedict or  
4 Brad Frost in the registration area and they will  
5 provide you with the registration card. Please  
6 be sure to check the appropriate box on the card  
7 if you desire to make comments at the hearing  
8 this evening.

9           If you have lengthy comments please  
10 consider giving a synopsis of your comments  
11 during the hearing and submitting the comments in  
12 their entirety to me in writing before the end of  
13 the comment period, and I will ensure that they  
14 are included in the hearing record as an  
15 exhibit.

16           Please ensure that your comments are  
17 relevant to this proceeding. If your comments  
18 fall outside the scope of this hearing I may  
19 interrupt and ask that you proceed to your next  
20 relevant issue. ARPL is also free to respond to  
21 issues that are raised if willing to do so, but I  
22 am not in a position to require them to do so.

23           And ARPL is Automotive Robotics  
24 Proving Lab. You'll probably hear that acronym



1 quite a bit this evening. I will not allow  
2 speakers to argue or engage in prolonged dialogue  
3 with members of our panel. I also will not allow  
4 members of the public to address comments to  
5 other members of the public.

6 Comments from the public are to be  
7 addressed to the hearing panel and the court  
8 reporter so that an accurate representation of  
9 your comments can be made for the record.

10 For the purpose of allowing everyone  
11 to have a chance to comment, I will initially  
12 limit comments to eight minutes. In addition,  
13 I'd like to stress that we want to avoid  
14 unnecessary repetition. If anyone before you has  
15 already presented what is contained in your  
16 comments, please skip over those when you speak.

17 If someone speaking before you has  
18 already said what you desire to say you may pass  
19 when I call your name to come forward. Again, we  
20 are also accepting written comments which will  
21 become part of the official record in this  
22 matter, and all written comments will be  
23 considered.

24 All who legibly complete a

1 registration card or submit written comments in  
2 this matter during the comment period will be  
3 notified of the final decision in this matter and  
4 of the availability of the responsiveness  
5 summary.

6 In the responsiveness summary the  
7 Illinois EPA will respond to all significant  
8 issues that were raised at this hearing or  
9 submitted to me prior to the close of this  
10 comment period.

11 And, again, the record in this matter  
12 will close on October 19th, or excuse me, on  
13 July 19th, 2013. I will accept written comments  
14 as long as they are postmarked no later than  
15 July 19th, 2013. While the record is open, all  
16 relevant comments and documents and data will be  
17 placed into the hearing record as exhibits.

18 Please send all written documents to  
19 my attention. They should be mailed to Dean  
20 Studer, that's D-e-a-n. Last name is spelled  
21 S-t-u-d-e-r, Hearing Officer, Office of Community  
22 Relations, regarding Automotive Robotics Proving  
23 Labs, Illinois EPA, 1021 North Grand Avenue East,  
24 P.O. Box 19276, Springfield, Illinois,

1 62794-9276. The address is also given on the  
2 public notice for this hearing tonight. At this  
3 time, please silence all cell phones and pagers  
4 if you have not already done so. I will now have  
5 the Illinois EPA staff present tonight introduce  
6 themselves.

7           Following the introductions we'll  
8 proceed with the brief statements regarding the  
9 permit from Mr. Reed and Mr. Smith.

10           MR. REED: Good evening. My name is  
11 Michael Reed. That's M-i-c-h-a-e-l, R-e-e-d. I  
12 am the CAAPP, C-A-A-P-P, Unit Manager for the  
13 Illinois EPA Bureau of Air, Permit Section. The  
14 purpose of this hearing is to discuss the  
15 development of the initial Clean Air Act Permit  
16 Program permit for Automotive Robotics Proving  
17 Laboratory, an engine testing facility located  
18 here in East Peoria.

19           This planned action would make certain  
20 proposed revisions to the CAAPP permit for this  
21 source. These revisions arise from comments  
22 received during a previous public comment period  
23 and public meeting. The ARPL initial CAAPP  
24 permit went to public notice between

1 November 8th, 2012, and December 8th, 2012.  
2 During the public comment period a public meeting  
3 was requested and held on November 29th of 2012.  
4 During the public meeting the Illinois EPA  
5 answered questions on the draft permit and made  
6 clarifications to some of the discussions in the  
7 Statement of Basis.

8 As a result of listening to the public  
9 concerns on the draft permit, the Illinois EPA is  
10 proposing some revisions. In addition, there  
11 were multiple requests to hold this public  
12 hearing on a revised draft of this permit.

13 The proposed revisions being  
14 undertaken in this permitting action have been  
15 discussed in this Statement of Basis for this  
16 revised draft permit and Response to Comments and  
17 are for purposes of this hearing, proposed  
18 revisions to periodic monitoring, fee limits and  
19 reporting requirements.

20 I will now turn over the discussion to  
21 Mr. Jonathan Smith, the permit engineer  
22 responsible for the drafting of the permit, for a  
23 brief summary of some of the more prominent  
24 changes to the permit, at which time the Hearing

1 Officer will then open the floor for comments  
2 from the audience.

3 MR. SMITH: Hello, and good evening,  
4 ladies and gentlemen, and thanks for coming. My  
5 name is Jonathan Smith. That's J-o-n-a-t-h-a-n,  
6 S-m-i-t-h, and I'm a Title V engineer at the  
7 Illinois EPA.

8 During the first public notice period  
9 the Illinois EPA received comments from over 50  
10 concerned citizens. I would like to focus on the  
11 changes being proposed to address these comments.

12 First, there has been concern from the  
13 public regarding calibration of fuel meters used.  
14 Since the majority of ARPL's compliance is based  
15 on fuel limits, test cells are operated using  
16 continuous fuel cell, fuel monitoring devices.

17 To ensure that these devices are  
18 working properly, the permit now would require  
19 annual calibrations as well as calibration after  
20 any maintenance, repair, or replacement work.  
21 This requirement can be found in the permit at  
22 Condition 3.4(b)(ii)(A).

23 Recordkeeping for calibrations, as  
24 well as for maintenance, repair, and replacement

1 of monitoring equipment has also been added at  
2 Condition 3.4(b)(ii)(D). In addition, an  
3 inspection requirement for instrumentation and  
4 cell integrity is being proposed at Condition  
5 4.1.2(g)(ii)(A).

6 Second, Permitted Emissions for Fees  
7 for sulfur dioxide generated some concern.  
8 Permitted Emissions for Fees can be found in  
9 Section 8.1 of the Permit. Actual emissions  
10 cannot exceed these permitted limits. There was  
11 concern that ARPL can just pay a larger fee in  
12 order to increase its emissions of sulfur dioxide  
13 at any time the source desires. This is not the  
14 case.

15 ARPL, as with any source, is subject  
16 to the requirements for Prevention of Significant  
17 Deterioration, or PSD, and New Source Review, or  
18 NSR. In addition, they are required by state law  
19 to not exceed 2000 parts per million, or ppm, of  
20 sulfur dioxide, as per 35 Illinois Administration  
21 Code 214.301.

22 Furthermore, Ultra Low Sulfur Diesel  
23 shall be the only liquid fuel used, as per  
24 revised CAAPP Permit Condition 4.1.2(f)(i)(B),

1 and Pipeline Quality Natural Gas shall be the  
2 only gas fuel used, as per revised CAAPP Permit  
3 Condition 4.1.2(f)(i)(C). For Ultra Low Sulfur  
4 Diesel, the sulfur content must not exceed 15  
5 parts per million, or ppm, as per the Federal  
6 definition found in the Code of Federal  
7 Regulations, 40 CFR 80.510(c).

8 Pipeline Quality Natural Gas is one of  
9 the cleanest fossil fuels available, less than  
10 five ppm, as hydrogen sulfide. Upon further  
11 discussion with ARPL, Permitted Emissions for  
12 Fees for sulfur dioxide have been reduced to  
13 1.5 tons per year.

14 The 30.7 tons per year of sulfur  
15 dioxide was calculated based on the old standard  
16 of 500 ppm sulfur content in diesel fuel, and the  
17 maximum amount of horsepower hours allowed by  
18 construction permits. This fee limit reflects a  
19 change from 500 ppm to the 15 ppm sulfur content  
20 requirement for Ultra Low Sulfur Diesel Fuel

21 Lastly, citizens were uneasy about  
22 engine testing without TIER controls. It is  
23 important to keep in mind that the Illinois EPA  
24 is not permitting the engines that are being

1 tested in the test cells. Rather, the Illinois  
2 EPA is permitting the test cells themselves.  
3 Therefore, the Illinois EPA does not have  
4 governing authority to mandate the TIER level of  
5 engine that can be tested in the cells.

6           However, upon review with the source,  
7 the number of engines tested with a particular  
8 TIER level emission control level removed has  
9 historically been less than one percent. Since  
10 ARPL's construction and startup, they have only  
11 tested one engine where the test protocol  
12 required the removal of TIER controls on the  
13 engine.

14           To maintain the source's ability to be  
15 competitive in the testing industry, this revised  
16 draft permit would require ARPL to keep detailed  
17 records any time a TIER control is removed from  
18 an engine, including results of the impact on  
19 emissions, as stated in the revised CAAPP permit  
20 at Condition 4.1.2(g)(ii)(B).

21           In addition, the Illinois EPA has  
22 added a reporting mechanism to handle testing of  
23 an engine with TIER level control removed. This  
24 reporting deadline has been established as within



1 five days of removing such control from the  
2 engine. The short reporting time and low  
3 threshold for reporting based on monthly limits  
4 provides for more efficient information exchange  
5 in the event of removing a TIER emission control  
6 from an engine.

7 This would allow the Illinois EPA to  
8 require prompt testing if it was determined that  
9 a significant impact would result.

10 HEARING OFFICER: Thank you, Jonathan.  
11 Thank you, Mike. Some here tonight may have  
12 attended the public meeting that was held last  
13 fall. I point out that tonight is a hearing,  
14 whereas the format for that particular gathering  
15 was a meeting. A hearing is a more structured  
16 format.

17 A hearing is primarily designed to  
18 facilitate the gathering of information by the  
19 Illinois EPA so that we can make a final decision  
20 in this permitting matter. The Illinois EPA will  
21 attempt to answer questions raised by the public  
22 tonight as time permits.

23 All significant issues will be  
24 addressed in writing in the responsiveness

1 summary, which is prepared when we take final  
2 action on this permitting action. While the  
3 issues raised tonight indeed may be heartfelt  
4 concerns to many in attendance, applause is not  
5 appropriate during the course of this hearing.  
6 On a similar note, booing, hissing and cheering  
7 are also not appropriate and will not be allowed  
8 this evening.

9           Secondly, I'm not going to allow  
10 statements to be made tonight that do not relate  
11 to the issues involved with this air permit.  
12 Statements and comments that are of a personal  
13 nature or reflect on the character or motive of a  
14 person or group of people are also not  
15 appropriate in this hearing.

16           If statements or comments begin to  
17 drift into this area I will interrupt the person  
18 speaking and ask that they proceed to their next  
19 relevant issue. As hearing officer I intend to  
20 treat everyone here tonight in a courteous,  
21 respectful and professional manner. I ask that  
22 members of the panel and the public do the same.

23           If the conduct of persons attending  
24 this hearing should become unruly, I am

1 authorized to adjourn this hearing if the actions  
2 warrant. In such a case, the Illinois EPA will  
3 still accept written comments through the close  
4 of the comment period.

5 Since we have a limited time in which  
6 to conduct this hearing the Illinois EPA staff  
7 members will be responding to issues primarily  
8 for clarification purposes. We will also attempt  
9 to answer questions the best that we can with the  
10 information that we have with us this evening.

11 We are here tonight to listen to  
12 environmental issues. You may disagree with or  
13 object to some of the statements and comments  
14 made tonight, but this is a public hearing and  
15 everyone has a right to express their comments on  
16 this matter.

17 Again, written comments are given the  
18 same consideration as oral comments received  
19 during the hearing and may be submitted to the  
20 Illinois EPA at any time within the comment  
21 period which runs through July 19th, 2013.

22 Although we will continue to accept  
23 comments through that date, tonight is the only  
24 time that we will accept oral comments. Again,

1 any person who wishes to make an oral comment may  
2 do so as long as the statements are relevant to  
3 the issues at hand and time allows.

4 If you have lengthy comments, please  
5 consider giving only a summary of those comments  
6 during this hearing and then submitting the  
7 comments in their entirety to me in writing  
8 before the close of the comment period. I will  
9 ensure that they are included in the hearing  
10 record as an exhibit.

11 Please keep your comments relevant to  
12 the issue at hand. If your comments fall outside  
13 the scope of this hearing I may ask you to  
14 proceed to your next issue. For the purpose of  
15 allowing everyone to have a chance to comment and  
16 to ensure that we conduct this hearing in a  
17 timely fashion, I will be imposing a time limit  
18 of eight minutes per speaker.

19 If everyone has had an opportunity to  
20 speak and time still allows, I may allow those  
21 who initially did not desire to speak to do so.  
22 If time still allows I may allow a short period  
23 of time for those that have additional comments  
24 to also speak. In the event that we cannot

1 accommodate everyone who wishes to make comments  
2 this evening, you are asked to submit your  
3 comments to us in writing. Again, written  
4 comments are given the same weight as comments  
5 made orally during this hearing.

6           Again, I stress we want to avoid  
7 unnecessary repetition. Once a point is made it  
8 makes no difference if the point is made once or  
9 whether it is made 99 times; it will only be  
10 considered, it will only be reflected once in the  
11 responsiveness summary but it will be considered  
12 by the Illinois EPA.

13           The final decision of the Illinois EPA  
14 will not be based upon how many people support or  
15 oppose the issuance of this permit, but rather  
16 upon the record and whether the facility will  
17 comply with applicable laws, regulations, and  
18 requirements for permit issuance.

19           We have a court reporter here tonight  
20 who is taking a record of these proceedings for  
21 the purpose of us compiling the administrative  
22 record. Therefore, for her benefit, please keep  
23 the general background noise in the room to a  
24 minimum so that she can hear everything that is

1 said. The Illinois EPA will post the transcript  
2 of this hearing on our webpage in the same  
3 general place where the hearing notice, Statement  
4 of Basis, and draft permit have been posted.

5 It is my desire to have this posted in  
6 about two to two and a half weeks following the  
7 close of this hearing, but the actual date will  
8 depend on when I get the transcript from the  
9 court reporter.

10 When it is your turn to speak I will  
11 call your name to come forward. Please come  
12 forward to the microphone here in the middle  
13 right in front of the hearing panel. For the  
14 record, you should state your name, and if  
15 applicable any governmental body, organization or  
16 association that you represent.

17 If you are not representing a  
18 governmental body, an organization, or an  
19 association, you may simply indicate that you are  
20 a concerned citizen, a local resident, or a  
21 member of the public. For the benefit of the  
22 court reporter I ask you that you spell your last  
23 name.

24 If there are alternate spellings for

1 your first name, you may also spell your first  
2 name. Once you spell your name I will start  
3 timing you and you will have eight minutes to  
4 complete your comments. I ask that while you are  
5 speaking that you direct your attention to the  
6 hearing panel and to the court reporter to ensure  
7 that an accurate record of your comments can be  
8 made.

9 Prolonged dialogue with members of the  
10 hearing panel or with others here in attendance  
11 will not be permitted. Comments directed to the  
12 audience are also not allowed. Again, I remind  
13 everyone that the focus of this hearing is the  
14 environmental issues associated with the CAAPP  
15 permit.

16 Are there any questions regarding the  
17 procedures that will be used for conducting the  
18 hearing this evening? Okay. Let the record  
19 indicate that no one raised their hand.

20 MS. HUGGINS: I would like to comment.

21 HEARING OFFICER: Oh, we do have a  
22 question.

23 MS. HUGGINS: Yes. Is it a question  
24 or statement I'd like to offer you?

1 HEARING OFFICER: Okay. You need to  
2 come forward to the mike so that we can make  
3 sure that --

4 MS. HUGGINS: It has to do with the  
5 procedure or it's just a statement on why I'm,  
6 what I'm concerned about?

7 HEARING OFFICER: Is that on?

8 MS. HUGGINS: It's on. Yes, I can  
9 hear it.

10 HEARING OFFICER: Okay. Okay. What  
11 was your question again?

12 MS. HUGGINS: I'd like to know whether  
13 this has to do with the procedure that, my  
14 statement, or whether it's a statement that I  
15 have pertaining to the hearing, the air quality?

16 HEARING OFFICER: I still --

17 MS. HUGGINS: Was this statement that  
18 we're supposed to give now only to, to,  
19 addressing the procedure?

20 HEARING OFFICER: Yes.

21 MS. HUGGINS: Oh. It wasn't  
22 addressing the questions on air quality?

23 HEARING OFFICER: Correct.

24 MS. HUGGINS: Okay. Do I wait for



1 that?

2 HEARING OFFICER: Yes. If you filled  
3 out a registration card --

4 MS. HUGGINS: Thank you.

5 HEARING OFFICER: -- and say you want  
6 to comment, I will call your name and you will be  
7 called forward --

8 MS. HUGGINS: Thank you.

9 HEARING OFFICER: -- to come forward.  
10 I'm sorry, I could have answered that from your  
11 seat. I apologize --

12 MS. HUGGINS: Okay.

13 HEARING OFFICER: -- for having you  
14 come forward. Okay. I'll call people forward in  
15 the order in which they had registered. And the  
16 first person is Jack Huggins. While he's coming  
17 up, was there anyone else that had a question on  
18 procedures this evening?

19 MR. REED: If you need to, Jack, you  
20 can take that out of the --

21 MR. HUGGINS: I don't want to hold it,  
22 I need to hold this.

23 MR. FROST: I'll adjust it.

24 HEARING OFFICER: Yeah, we'll let

1 him --

2 MR. HUGGINS: All right. Thank you.

3 I'd like to start with a general comment.

4 HEARING OFFICER: Okay. If you would  
5 state your name and spell your last name --

6 MR. HUGGINS: Oh.

7 HEARING OFFICER: -- for the record.

8 MR. HUGGINS: My name is Jack Huggins,  
9 H-u-g-g-i-n-s, and I'm a concerned citizen. As  
10 was mentioned, we had 50 people at the  
11 preliminary hearing and many of them sent letters  
12 to the IEPA concerning this. No one received a  
13 response, and it kind of deadened the enthusiasm.

14 And although you address many of those  
15 questions in the Statement of Basis, you did not  
16 let the individuals know that the Statement of  
17 Basis was available until the public notice for  
18 hearing came out, and so I think a lot of people  
19 just became disillusioned. And that's just a  
20 general comment.

21 On the Statement of Basis, there are  
22 two HAP things that I'm not sure I understand.  
23 One is on page 31 of the Statement which says  
24 they will be limited to five tons per year HAP.

1 And then one is on page 33 where there's a  
2 25 tons per year combined HAP limit. And I guess  
3 I just don't understand how we limit them to five  
4 tons a year HAP and then a combined HAP of  
5 25 tons per year.

6 MR. REED: Did you say page 31, Jack?

7 MR. HUGGINS: Page 31, Article 6,  
8 question six. Under the answer, the very end of  
9 the answer it says five tons per year HAP is what  
10 they're allowed. And then on page 33 it says up  
11 to, your answer, up to 25 tons per year combined  
12 HAP limits.

13 MR. SMITH: Jack, the question on page  
14 31, part six, the five that they're asking what,  
15 what their limit, their limit is for HAP.

16 MR. HUGGINS: Right.

17 MR. SMITH: And that's the five tons  
18 per year. The answer to the question on page 33,  
19 number 12, they wanted to know if ARPL's a major  
20 contributor for HAPS. The description for a  
21 major source for HAPS is ten tons per year of  
22 individual HAP, and 25 tons per year combined  
23 HAP. If they pass that limit they are now  
24 considered major.

1 MR. HUGGINS: Okay. But their permit  
2 specifically limits them to five tons per year.

3 MR. SMITH: You are correct.

4 MR. HUGGINS: Thank you.

5 MR. SMITH: That means that they are  
6 not major for HAP.

7 MR. HUGGINS: Okay. Thank you.

8 MR. SMITH: Okay.

9 HEARING OFFICER: Thank you, Mr.  
10 Huggins. Bruce Thiemann.

11 MR. THIEMANN: Good evening. My name  
12 is Bruce Thiemann. I'm a resident of East Peoria  
13 at 1523 Fon Du Lac Drive, and the last name is  
14 T-h-i-e-m-a-n-n. A preliminary question is, does  
15 the Illinois Environmental Protection Agency have  
16 jurisdiction over noise pollution?

17 MR. SMITH: No, we do not. That is a  
18 local --

19 HEARING OFFICER: We'll get your  
20 response.

21 MR. REED: The Illinois Environmental  
22 Protection Act has noise statutes in it --

23 MR. THIEMANN: Yes.

24 MR. REED: -- which is I'm sure what

1 you're referring to. The State of Illinois has  
2 delegated I believe those statutes to the local  
3 communities to enforce and regulate, and so we do  
4 not have that authorization as a state. Those  
5 have been given to the local communities for  
6 noise.

7 MR. THIEMANN: I knew you probably  
8 weren't ready to talk about noise pollution, and  
9 it may be that that's an irrelevant subject  
10 according to the meeting criteria. Is that  
11 correct?

12 HEARING OFFICER: It's not something  
13 that is specific to the permit and it's a --

14 MR. REED: Yeah, but we would listen  
15 to --

16 MR. THIEMANN: All right. Okay.

17 MR. REED: We would listen to those  
18 concerns and do our best to answer your  
19 questions.

20 MR. THIEMANN: And I didn't mean to  
21 throw you on that. I just, I understood that the  
22 Environmental Protection Agency of Illinois  
23 governed noise pollution in some fashion.  
24 There's a statutory underpinning for it. I

1 didn't know if they had delegated it out or not.  
2 I know the Attorney General of Illinois has  
3 brought actions under the Illinois Environmental  
4 Protection Agency statutes for noise pollution  
5 against people around the State of Illinois for  
6 noise pollution, but it's probably a completely  
7 different division or part of the statute that  
8 you guys deal with.

9 HEARING OFFICER: Actually, it's the,  
10 under Illinois pollution, under Illinois  
11 Pollution Control Board rights --

12 MR. THIEMANN: Okay.

13 HEARING OFFICER: -- and there's  
14 provisions in that. There's also provisions in  
15 the Environmental Protection Act that deal with  
16 noise. In the statute, in the Environmental  
17 Protection Act it refers back to Board  
18 regulations, and so that's where the --

19 MR. THIEMANN: Good.

20 HEARING OFFICER: -- the, with the  
21 associated, or what the, you know, enforcement  
22 case involves. And of course the Attorney  
23 General's Office does have the authority to  
24 enforce all statutes and regulations within the

1 state, so they're within their authority to do so  
2 and they do from time to time do that.

3 MR. THIEMANN: Very good. I, first I  
4 want to say that I'm very pleased with the added  
5 levels of protection and monitoring and controls,  
6 and like Mr. Huggins I wrote a letter after the  
7 last hearing asking how those might be addressed.

8 The first information I'm getting on  
9 it is tonight in looking at the draft permit, and  
10 that's probably on me because I didn't bother to  
11 come over and look at it before tonight or I  
12 would have seen that.

13 In regard to the periodic monitoring,  
14 since the applicant has a history, as stated in  
15 the draft permit, of noncompliance, it looks like  
16 maybe five times in the last three years, would  
17 it be appropriate to ask for non-scheduled  
18 periodic monitoring, where instead of the  
19 applicant knowing that the monitoring was going  
20 to take place weeks or days or a month in  
21 advance, that all of a sudden instead of that,  
22 that there would be a surprise, unscheduled  
23 monitoring so that if the applicant were not  
24 performing under the requirements of the permit,

1 the draft requirements that seem to make it a  
2 little more rigorous, that the applicant wouldn't  
3 have a chance to hide that noncompliance?

4 MR. SMITH: Okay. I think what you're  
5 referring to is periodic inspections --

6 MR. THIEMANN: Yes.

7 MR. SMITH: -- by the Illinois EPA?

8 MR. THIEMANN: Yes.

9 MR. SMITH: And actually our field  
10 operating department, or unit, takes care of  
11 that. And from what I know, they actually do  
12 surprise inspections.

13 MR. THIEMANN: Oh, good. Good. Okay.

14 MR. SMITH: And that, yeah.

15 MR. THIEMANN: And I wouldn't even  
16 bring it up if there wasn't this historical  
17 noncompliance section that, it indicates over the  
18 last three years it looks like five different  
19 violations if I'm reading that correctly. 3.5 on  
20 paragraph --

21 MR. SMITH: Yeah. They, they're, in  
22 the historical noncompliance in 3.5 in the  
23 Statement of Basis is what he's referring to.

24 MR. THIEMANN: Yep.



1 MR. SMITH: There it's different  
2 violations that have been captured, it's not the  
3 same violation. If you can see that, I don't  
4 know if you have that with you.

5 MR. THIEMANN: Right. I just think --

6 MR. SMITH: Okay.

7 MR. THIEMANN: -- that would form a  
8 basis for a non-scheduled, you know, like we were  
9 talking about, kind of a surprise visit.

10 MR. SMITH: It may very well, and it  
11 may be that this was from a surprise visit. I do  
12 not know. But they do periodic inspections and  
13 they do have surprise visits.

14 MR. THIEMANN: Is it known whether the  
15 low sulfur fuel, which I understand is going to  
16 be the required fuel to be used now, has that  
17 been started to be used or will it start in the  
18 future?

19 The reason is, I drive by every day a  
20 couple of times a day because it's on my way back  
21 and forth to work, and a lot of mornings and  
22 evenings there's a notable blackish, yellowish,  
23 brownish emission that comes out of the top of  
24 the large tall muffler type smokestacks that are

1 attached to the top of the building, and you can  
2 see it for the first couple of feet as it comes  
3 out of the stacks.

4 And it may be that that won't be  
5 what's going to be emitted after the permit  
6 starts. I just wondered if, or is that what  
7 we'll expect to have, to continue to see even  
8 after the --

9 MR. SMITH: Your concern is for the  
10 ultra low sulfur diesel or for the emissions  
11 coming out of that stack?

12 MR. THIEMANN: I just assumed that one  
13 was connected with the other. If you used, I'm  
14 thinking of diesel buses, you know, that kind of  
15 black that comes out.

16 MR. SMITH: Usually the black that you  
17 get from a diesel bus or that plume of smoke,  
18 that's particulate that you're seeing.

19 MR. THIEMANN: Oh, okay. Go ahead.

20 MR. SMITH: Other pollutants such as  
21 NOx, CO2 typically do not have a visible  
22 emission.

23 MR. THIEMANN: Oh. And I understand  
24 the lack of ability to govern the type of engine

1 that's tested, and that was the other point I  
2 made in the letter, whether or not it was going  
3 to be required to be TIER four certified engines.  
4 I understand the applicant has said 99 percent of  
5 the engines will be TIER four. There may be a  
6 non-TIER four occasionally, and they will report  
7 it if it happens. So that seems to be --

8 MR. SMITH: The 99 percent is for  
9 without emissions controls. We have, which would  
10 be a non-TIER four engine technically. We have  
11 no control over the TIER. Part of that is  
12 because if they want to test say a grandfathered  
13 engine there are no rules to test engines that  
14 have already been produced.

15 If they were required to test say a  
16 TIER three engine then we cannot limit them to do  
17 that. And also if they, if they up the level, if  
18 they go to TIER five, if I, if it says in the  
19 permit TIER four they are now limited only to  
20 that specific thing.

21 MR. THIEMANN: Oh. And I think the  
22 philosophy of that is similar to what a lot of us  
23 in the room would subscribe to. That is, we're  
24 interested in what comes out more than what goes

1 in. And I appreciate that it's going to be  
2 cleaner fuel going in, and that will make it  
3 cleaner emissions coming out, but the real  
4 interest is what comes out because that's what  
5 affects the community.

6 And so, I'm down to my last point here  
7 which is the noise that comes out. I like  
8 business, I like employment, I like profit. I  
9 represent lots of businessmen. I like to see the  
10 community thrive.

11 But if a business has to make a lot of  
12 noise and can't make a profit any other way, then  
13 I think the suitable place for it is a place  
14 where the noise is not going to be a constant  
15 nuisance, a constant droning ever present  
16 24 hours a day almost.

17 It used to be that the neighborhood  
18 was quiet a little bit certain times of the week  
19 when the traffic was less, certain times of the  
20 week when other noises, not lawn mowing was  
21 taking place and things like that. Now it is  
22 never ever quiet again.

23 There may be a few hours a week where  
24 they turn the engines off, but there's always

1 this baseline now of this low droning noise. And  
2 it's not as bad in the winter because your house  
3 is shut up, but in the summertime when you open  
4 the windows back up there it is.

5 And I live, you know, the place I live  
6 is not as close as some of my other neighbors,  
7 and my hearing isn't as good as some of my other  
8 neighbors, but I still hear it a lot and it  
9 bothers me. So thank you for having the public  
10 hearing and thank you for allowing me to make my  
11 comments.

12 HEARING OFFICER: Thank you, Mr.  
13 Thiemann. The next person is Tim, I believe it's  
14 Church.

15 MR. CHURCH: I live at 900 Fon Du Lac  
16 Drive. I'm a concerned citizen. My initial  
17 question is --

18 HEARING OFFICER: Can you spell your  
19 last name?

20 MR. CHURCH: Yeah, it's Church,  
21 C-h-u-r-c-h, like you go to church service.

22 HEARING OFFICER: Thank you.

23 MR. CHURCH: My first question is,  
24 does the applicant need to be in good standing

1 with the various authorities in the State of  
2 Illinois, both the EPA and the Secretary of  
3 State, in terms of their corporate standing?

4 MR. REED: Are you referring to like  
5 being up-to-date on tax payments and things of  
6 that nature as far as corporate, or are you  
7 talking about violations?

8 MR. CHURCH: I'm talking about any,  
9 any regulatory agency within the State of  
10 Illinois, is the applicant in conformity with,  
11 whether it be their filings with the Secretary of  
12 State or the Department of Revenue, and does that  
13 have any applicability to their ability to get  
14 this permit?

15 MR. REED: The Statement of Basis  
16 actually does address what we have to agree --

17 MR. CHURCH: Yes, I read that.

18 MR. REED: -- and what we have to do  
19 to make sure that the source is in compliance.  
20 And if they're not in compliance then they have  
21 to provide us with a compliance schedule that  
22 gives us specific milestones that tells us when  
23 they're going to be in compliance.

24 MR. CHURCH: But the way I --

1 MR. REED: It's an enforceable  
2 schedule in itself.

3 HEARING OFFICER: But I think his  
4 question has more to do with being in compliance  
5 with what regulations --

6 MR. CHURCH: Correct. My  
7 understanding is, I read your document here  
8 tonight to indicate that they're in compliance  
9 with the submission of their fees and other  
10 things related to the EPA.

11 My question is, as it relates to other  
12 regulatory agencies, do you take into account  
13 their standing, whether it be with respect to the  
14 Department of Revenue or the Secretary of State  
15 and whether they're in good standing with those  
16 agencies?

17 MR. REED: No, we do not. As long as  
18 they meet the requirements that the Illinois  
19 Environmental Protection Act requires us to  
20 achieve for issuance of a permit, that is all we  
21 have to do.

22 MR. CHURCH: Okay. I would make the  
23 suggestion as a concerned citizen that those  
24 other factors should be something that's looked

1 at as to whether they're a good corporate  
2 citizen.

3 HEARING OFFICER: One of the things I  
4 will say is that the way Illinois is set up we  
5 don't have the legal authority to enforce other  
6 Departments' regulations.

7 MR. CHURCH: I understand.

8 HEARING OFFICER: So, you know, you  
9 can make the suggestion but the issue is if we  
10 have no legal authority to do it we can't really  
11 legally do that.

12 MR. CHURCH: Okay. My other question  
13 relates to air quality. My understanding by  
14 reading your document here tonight is that the  
15 testing station, the closest one may be located  
16 within 15 miles of East Peoria.

17 As anyone who lives in East Peoria  
18 that lives by this particular facility would tell  
19 you, to have a facility 15 miles away is not  
20 reflective of the impact that this facility has  
21 on our community. The City of East Peoria has  
22 invested millions of dollars in the levy  
23 district.

24 I think Mr. Livingston here tonight is



1 representing the City of East Peoria, and I guess  
2 I still struggle as a private citizen to  
3 understand why the State of Illinois would not  
4 have an ambient air quality station located  
5 towards the center of our community here in East  
6 Peoria.

7           We have two facilities that I believe are  
8 subject to permitting by the Illinois EPA within  
9 a quarter or a half mile of this levy district,  
10 and we're being told here tonight that 15 miles  
11 is good enough to do the quality, air quality  
12 testing. And I find that hard to believe and not  
13 something that I really am supportive of, so I  
14 guess I would ask you to reconsider that.

15           And I read the statistics tonight  
16 suggesting what our air quality statistics are.  
17 I would believe, not, I'm not a technical  
18 scientist here tonight, but if you did a testing  
19 much closer to those facilities the air quality  
20 would not be as good as those statistics show, so  
21 I would ask for a response to that, please.

22           MR. REED: Yes. That's a good  
23 question, and we currently right now as an agency  
24 have a document that's out for public notice and

1 comment right now. It's called the Illinois  
2 Ambient Air Quality Networking Plan for 2014.

3 MR. CHURCH: Right.

4 MR. REED: All right. That plan, that  
5 plan actually would address where the State of  
6 Illinois decides to place monitors and what they  
7 will monitor for, and the public has the  
8 opportunity to make the type of comments that  
9 you're making tonight on that plan.

10 And that's something that we can't  
11 address with the permit, but it certainly can be  
12 addressed by our Ambient Quality Monitoring  
13 Network Group, and I can give you the website  
14 where you can find this plan.

15 MR. CHURCH: Yes, I saw this website.  
16 I guess my final question is, why is it  
17 inappropriate, and you as a representative of the  
18 State of Illinois, to take that information back?  
19 I realize that may not be part of the record for  
20 this permit and it may not be the subject of your  
21 decision on this permit, but why can't you take  
22 that information back in consideration of this  
23 general plan and incorporate it?

24 MR. REED: Oh, we have taken the

1 information back to our folks, and what they tell  
2 us is that you need to provide a comment on this  
3 document, just like you're doing tonight on the  
4 permit.

5 MR. CHURCH: Yeah. I guess all I'm  
6 suggesting to you is it's another hurdle we as  
7 private citizens face when we're dealing with a  
8 State of Illinois body trying to get our comments  
9 addressed, and it would seem like these would  
10 have relevant, there would be an interaction  
11 between these two processes and it wouldn't be a  
12 lot to ask for you guys to carry these comments  
13 back without having to spend --

14 HEARING OFFICER: These comments are  
15 carried back, but quite frankly when a document  
16 that Mr. Reed referred to is set out for public  
17 comment it's anticipated to get public comment on  
18 those. And since we're internal there's a  
19 different, I don't want to say a different level  
20 of scrutiny paid to those comments, but it just  
21 reinforces what you're saying if in addition to  
22 our comments internally that there's comments  
23 that come from the outside.

24 MR. CHURCH: I appreciate that. I

1 just, I would ask you to carry those comments  
2 internally. Thank you. One of the other items,  
3 my third point, is there's mention made of a  
4 limitation based on the amount of fuel usage that  
5 APRL can use in an annual year.

6 Is that something that you guys limit  
7 or is it only limited based on these CAAPP  
8 limitations in terms of the amount of pollutants,  
9 or can you limit the amount of fuel usage that  
10 they use in a year?

11 MR. SMITH: Those limits were  
12 established in a construction permit, and we  
13 carry those over into this operating permit.

14 MR. CHURCH: But I guess my question  
15 is, isn't that impacted by the amount of  
16 limitations that you put on the amount of  
17 pollutants that they are allowed pursuant to this  
18 permit?

19 MR. SMITH: Yeah.

20 MR. CHURCH: I guess my question is,  
21 then why isn't it appropriate to consider a lower  
22 limitation as to the amount of fuel that can be  
23 pumped through this facility?

24 MR. SMITH: Well, we have to allow the

1 facility flexibility in operating their business,  
2 and this was the limit that was established that  
3 sets the current standards, or sets the current  
4 limits for the pollutants as they are already in  
5 this operating, this revised CAAPP draft.

6 MR. CHURCH: Okay. Thank you. The  
7 fourth question I ask, I would be interested in  
8 the EPA's comments related to what commentary or  
9 other requests that the City of East Peoria has  
10 made with respect to this CAAPP permit as a  
11 result of the last hearing.

12 Have they made any request to make any  
13 further limitations to the amount of pollutants  
14 or other limits that are being placed on the  
15 applicant?

16 MR. SMITH: Who did you say asked?

17 MR. CHURCH: The City of East Peoria,  
18 have they asked for any additional limitations?

19 MR. SMITH: I don't think we  
20 received --

21 MR. REED: We didn't receive any  
22 comments.

23 MR. FROST: I would have to go back  
24 and look. I don't believe that we did.

1 HEARING OFFICER: For the record,  
2 that's Brad Frost, F-r-o-s-t.

3 MR. SMITH: I personally did not see  
4 any comments from the City of East Peoria.

5 MR. CHURCH: Okay.

6 MR. SMITH: I saw comments from the  
7 concerned citizens and the public and from the  
8 USEPA.

9 MR. CHURCH: Okay.

10 MR. SMITH: And I made changes to the  
11 permit and answered a responsiveness summary for  
12 the questions.

13 MR. CHURCH: Okay. Just for the  
14 record, I would express my disappointment with  
15 the City not making comments and making  
16 suggestions to improve this permit for the  
17 betterment of its citizens.

18 Point number five, as Mr. Thiemann  
19 indicated, there's indications for the record  
20 that this specific applicant has been  
21 non-compliant a number of times. What is the  
22 standard or threshold for the State of Illinois  
23 to issue a permit based on noncompliance in these  
24 circumstances? What is the threshold? Is it

1 based on a facts and circumstances basis, or is  
2 there a numerical basis by which you would not  
3 issue the permit based on the fact that it's been  
4 in noncompliance in the past?

5 MR. SMITH: Okay. I think to clarify,  
6 I don't think it's in the interest of the public  
7 to deny a permit based on noncompliance. That  
8 further -- sorry.

9 MR. REED: Let me, sorry.

10 MR. CHURCH: That's okay.

11 MR. REED: I wanted to go through a  
12 little bit of the noncompliance with you, kind of  
13 explain what you see in the Statement of Basis --

14 MR. CHURCH: Sure.

15 MR. REED: -- Because there are six  
16 items listed. Three of them are what we consider  
17 high priority violations.

18 MR. CHURCH: Okay.

19 MR. REED: One would be the violation  
20 of its fuel type, usage limits. So in other  
21 words, they went above their volume of fuel oil  
22 or natural gas that they were allowed to burn in  
23 the construction permit. Another one is they  
24 exceeded their monthly operating hours. And the

1 third one is they failed to report those  
2 deviations from the construction permit. All  
3 three of those violations were corrected prior to  
4 this permitting action, and so that was done  
5 through a modification to their construction  
6 permit to increase those limits and that is a  
7 whole separate process than the permitting action  
8 that we take here in the operating permit.

9 MR. CHURCH: Okay.

10 MR. REED: The other three are  
11 basically just operating-type reporting functions  
12 where they failed to submit an annual emission  
13 report where the corrective action is just send  
14 us the report for that year that they failed to  
15 submit.

16 So, anyway, we would consider this to  
17 be a high priority violator. And had those  
18 emission limitations not been corrected at the  
19 time of this permit action it would have  
20 triggered a compliance schedule where they would  
21 have had to have told us how they are going to  
22 come into compliance so that we could put that in  
23 the permit as an enforceable condition to ensure  
24 that they do come into compliance. So the



1 threshold really is they either are in compliance  
2 or they're not in compliance.

3 MR. CHURCH: Okay. But their past  
4 history of noncompliance prior to rectification  
5 of that has no impact on the granting of the  
6 permit, is that what you're saying?

7 MR. REED: That is correct.

8 MR. CHURCH: So you can have someone  
9 who's had major violations in the past, as long  
10 as they've rectified them they would still be  
11 given a clean bill of health on their new  
12 application; is that correct?

13 MR. REED: Each application that comes  
14 in has to be treated separately and has a  
15 different permitting action, yes.

16 MR. CHURCH: I guess I find that  
17 somewhat disappointing because the fact that you  
18 commit a violation and then correct it doesn't  
19 seem to penalize you in any way. So I guess I, I  
20 understand as part of this process you have no  
21 discretion on that point.

22 But I think that, again, I would like  
23 to make that point to you that I think that would  
24 be something that I think you need to seriously

1 consider changing.

2 HEARING OFFICER: We've gone a lot  
3 longer than eight minutes.

4 MR. CHURCH: Okay.

5 MR. REED: I'd just like to point out  
6 though that there is an enforcement action  
7 separate and apart from the permitting action  
8 that takes place --

9 MR. CHURCH: Yes.

10 MR. REED: -- that do assess monetary  
11 penalties.

12 MR. CHURCH: Okay.

13 MR. REED: So there is a penalty  
14 function within the agency, it's just not within  
15 the permitting.

16 HEARING OFFICER: What I'll do is if  
17 you have any other questions --

18 MR. CHURCH: I have --

19 HEARING OFFICER: -- with the  
20 compliance we'll finish up this section, and then  
21 I will keep your card up here and I will bring  
22 you back for additional questions.

23 MR. CHURCH: I have just one other  
24 question.

1 HEARING OFFICER: Okay. Go ahead and  
2 ask it.

3 MR. CHURCH: My only other question is  
4 similar to my question about the City of East  
5 Peoria. Has, has Caterpillar or any other  
6 potential customer of this facility provided any  
7 comments with respect to this particular permit?

8 MR. REED: I'm not aware of any other  
9 sources.

10 MR. SMITH: I'm not aware of anything.

11 MR. CHURCH: Okay. Thank you.

12 HEARING OFFICER: Thank you, Mr.  
13 Church. Gary Church would be the next person.

14 MR. GARY CHURCH: I'll pass on this  
15 one.

16 HEARING OFFICER: Okay. Thank you,  
17 Mr. Church. Barb Church.

18 MS. CHURCH: It's Barbara Church,  
19 C-h-u-r-c-h, and we live at 434 Fon Du Lac Drive  
20 in East Peoria. And I wrote a letter after our  
21 last meeting. I've actually written three  
22 letters.

23 I wrote a letter at the construction  
24 phase, a letter at the addition of the test cells

1 that we just went through last, in November, and  
2 now of course the permitting of the emissions.  
3 And I guess I heard Jonathan's explanation of all  
4 the changes that were made, but I just wanted to  
5 clarify.

6 First of all, they're going to be  
7 using just ultra low sulfur diesel and natural  
8 gas, right?

9 MR. SMITH: Ultra low sulfur diesel.  
10 It's 15 parts per million, and that is different  
11 from the old low sulfur diesel which was 500  
12 parts per million, so we've gone from 500 to 15.

13 MS. CHURCH: Okay.

14 MR. SMITH: And then they're only  
15 allowed to use pipeline quality natural gas. And  
16 then, there is a difference in the natural gas, I  
17 think it's landfill gas.

18 MR. REED: Well, there's, there's  
19 natural gas that comes straight from the well  
20 head which has not been cleaned up.

21 MS. SMITH: He's explaining natural  
22 gas straight from the well head which has not  
23 been cleaned. This has been cleaned --

24 MS. CHURCH: Okay.

1 MR. SMITH: -- and they're required by  
2 law to have it at a certain level. And going in,  
3 we calculated it five parts, five parts per  
4 million or under.

5 MS. CHURCH: Okay. And the other  
6 thing was my question, well, we didn't think they  
7 should be given the status of a major emitter,  
8 and they are not being given that status, is that  
9 correct?

10 MR. SMITH: The status of whether or  
11 not some, well, they are a major source but we do  
12 not, we do not control whether they are major. I  
13 mean, they are major because of their level of  
14 emissions. They're not major, you know, we  
15 don't, I don't know how to say that. I know what  
16 you're trying to say.

17 MR. REED: They are a major source and  
18 they hold the most stringent level of permit that  
19 the State of Illinois would issue to a source,  
20 which is for major sources.

21 MS. CHURCH: Okay. So they're, but  
22 they're not called a major emitter because of the  
23 level of the sulfur dioxide?

24 MR. REED: Well, we don't really have

1 that terminology per se.

2 MS. CHURCH: Okay.

3 MR. REED: I mean, if they're a major  
4 source and if you're a major source you have  
5 emissions that are greater than --

6 MS. CHURCH: What's acceptable?

7 MR. REED: -- the permitted threshold  
8 levels which requires this type of permit.

9 MS. CHURCH: Okay.

10 HEARING OFFICER: Thank you, Miss  
11 Church. Marilyn, is it Leyland?

12 MS. LEYLAND: Good enough.

13 HEARING OFFICER: I'm sorry if I  
14 mispronounced it.

15 MS. LELAND: It's Marilyn Leyland  
16 spelled M-a-r-i-l-y-n, L-e-y-l-a-n-d, concerned  
17 citizen living on Fon Du Lac Drive. You're here  
18 to discuss environmental issues, particularly  
19 things moving through the air. It was the sound  
20 waves moving through the air that first literally  
21 woke us up to this activity by ARPL.

22 Your paper in here documents the  
23 growth in the operation. I mean, it's been  
24 dramatic from 2010 to '11 and new construction in

1 '12, so I'm very, very glad to see that as they  
2 ramp up that you clamp down a bit on what is  
3 actually permitted, going into the purer fuels  
4 and all of that. My continuing concern is that  
5 the ambient air quality be checked at locations  
6 that are downwind of this facility so that you're  
7 really getting true readings on them.

8           And I can see where people would say  
9 well, it's fine to put it out 15 miles away or,  
10 you know, blame it on other businesses, that kind  
11 of thing, but I think that with the way they are  
12 ramping up you need to keep on them, and that is  
13 my concern. I appreciate your being here, and  
14 that concludes it.

15           HEARING OFFICER: Thank you. We  
16 appreciate your comments, Miss Leyland. Carol  
17 Huggins.

18           MS. HUGGINS: Yes. Finally. Thank  
19 you. I'm sorry. Thank you very much, I  
20 appreciate it. Okay. I have a statement and I  
21 have a question.

22           HEARING OFFICER: Did you get the last  
23 name. H-u --

24           MS. HUGGINS: H-u-g-g-i-n-s. Carol.

1 H-u-g-g-i-n-s. I'm at 1101 Fon Du Lac Drive in  
2 East Peoria. Okay. Formerly, and this was  
3 several years ago, I was the spokesman for the  
4 Fon Du Lac Area Homeowners Association. People  
5 start calling me when they have a problem.

6 Okay. I would like to make a  
7 statement, is that correct, and then I can ask a  
8 question?

9 HEARING OFFICER: Yes.

10 MS. HUGGINS: Thank you so much. I am  
11 seriously concerned with our neighborhood and  
12 town air quality, especially having experienced  
13 evenings when I had walked in the south end of  
14 Fon Du Lac Drive and the air made my eyes water  
15 and burn, my nasal passages become inflamed, my  
16 head hurt and I had to pull my scarf off to cover  
17 my breathing as my lungs felt like they were  
18 being smothered and poisoned.

19 As a nurse, a retired nurse, I know  
20 the taste of the air was bitter, sharp and  
21 metallic, indeed a poison. My husband, an  
22 alchemy engineer, researched those Caterpillar  
23 diesel engines that the EPA has grandfathered in.  
24 They are outlawed to be used in the continental



1 United States by the Federal EPA. Thus,  
2 Caterpillar's venture with ARPL, so as not to  
3 lose money from their mistake of overproduction,  
4 is to test and run those illegal engines here in  
5 East Peoria neighborhoods, then sell them to  
6 third world developing countries.

7 Doesn't Caterpillar care about  
8 American citizens and the neighborhood and  
9 children in their own back yard? Do I  
10 understand, this is my question. Do I understand  
11 that the EPA will be installing a pollution and  
12 particulate monitor? Where would that monitor be  
13 placed? How often will it operate and be read?

14 Also, just an added comment, I  
15 recently heard a broadcast, a public broadcast,  
16 about an air pollution monitor now in the process  
17 of being built to be sold within the next year  
18 that will be compatible with the collective  
19 finances of a neighborhood like mine.

20 Would we need a permit from the EPA to  
21 install one of these if we obtained one and they  
22 were available? So those are my questions.

23 MR. SMITH: Okay. To answer the first  
24 part of your question where will the monitor be

1 placed, we already have monitors in place.

2 That's part of the Air Quality Group. And like  
3 my supervisor Mike Reed had said, they're  
4 currently taking comments on the current plan.

5 MS. HUGGINS: Are those being placed  
6 in East Peoria?

7 MR. SMITH: We don't know the process  
8 that they go through.

9 MS. HUGGINS: Okay. But are they  
10 going to be placed on the East Peoria side of the  
11 river?

12 MR. SMITH: Again, we don't know.  
13 It's the Air Quality people are the ones that  
14 come up with that plan.

15 MS. HUGGINS: Do they realize that all  
16 the pollution collectively from all of the  
17 industries across the river doesn't go to that  
18 side of the river, even though they're over  
19 there? Because of the unique way that the  
20 geographical hills are made in this downdraft of  
21 the river all the air comes over here.

22 Now, that's why Peoria has such great  
23 air, because it comes over here. I think that  
24 they should be aware of that, that there is a

1 strong downdraft, and we've been told this by  
2 people who know about these things, nature  
3 conservationists and so on. So I just thought I  
4 would mention that.

5 And also, if we were to obtain that,  
6 one of these monitors I heard about, which I'm  
7 going to do research on, would we need a permit  
8 to place them or can we just get one and place  
9 it?

10 MR. SMITH: I do not think you need a  
11 permit from the Illinois EPA.

12 MS. HUGGINS: Okay.

13 MR. SMITH: You may need a local  
14 permit.

15 MS. HUGGINS: Yes. Okay. I wonder if  
16 you answered all my questions. Okay. How often  
17 would those monitors be read?

18 MR. SMITH: Again, I do not --

19 MS. HUGGINS: Okay.

20 MR. SMITH: It's an Air Quality --

21 MS. HUGGINS: All right. Who would,  
22 who would I find that information out from?

23 MR. FROST: Brad Frost again. The  
24 manager of our Air Quality monitoring unit, his

1 name is Ernie Kierbach, K-i-e-r-b-a-c-h. I don't  
2 have his phone number right off the top of my  
3 head, but our general phone number is  
4 217-782-2113. As Mike has said on a couple of  
5 occasions, he is taking comments right now for  
6 the 2014 plan.

7 Also, as Jonathan has said, the vast  
8 majority of the monitors within that plant are  
9 already in place. The very few monitors, new  
10 monitors going in, can be lead monitors and  
11 things like that in locations in the state where  
12 we have concerns about where, you know, about  
13 those pollutants.

14 MS. HUGGINS: All right.

15 MR. FROST: Now, the monitor, the  
16 monitors that we put out there, and this is, this  
17 is, I'm talking very generally. Really you need  
18 to talk to Ernie about it. This is a permit  
19 hearing and we didn't, we don't bring monitoring  
20 staff to our permit hearings, they're about the  
21 permits, so really you need to talk to Ernie.

22 But a very general statement is that  
23 we put our monitors in the areas where we think  
24 we're going to get maximum impact. So our

1 monitor in Pekin is in Pekin because of the  
2 amount of emissions from the facilities in the  
3 area. It would be reading, it would have better,  
4 it would be showing better air quality if you put  
5 it here. We put it there because we believe that  
6 that's where it's going to get the maximum  
7 impact.

8 MS. HUGGINS: Okay. Could I please  
9 have that number again? That phone number?

10 MR. FROST: 217 --

11 MS. HUGGINS: 217.

12 MR. FROST: 782-2113. That's our  
13 general number. Or if you want to call me  
14 directly my phone number's in the notice;  
15 however, I can give it to you. And it's  
16 217-782-7027. And I can get you Ernie's phone  
17 number, or his email.

18 All Illinois personnel, their email is  
19 their first name dot their last name at Illinois  
20 dot gov. So it's Earnest dot Kierbach at  
21 Illinois dot gov.

22 MS. HUGGINS: Okay. Thank you.

23 MR. FROST: Sure.

24 MS. HUGGINS: I think I just wanted to

1 explain my passion about this. I had, from the  
2 noise pollution I had a serious fall from sleep  
3 deprivation that put me in the hospital for four  
4 weeks. I have an operation on my face. Thank  
5 you.

6 HEARING OFFICER: Thank you, Miss  
7 Huggins. Okay. That concludes those that had  
8 registered and indicated they wanted to speak.  
9 Is there anyone in the room that has not spoken  
10 that would like to ask questions or make comments  
11 while the record is open here this evening?

12 Okay. Is there anyone that has made  
13 comments already that has any additional  
14 questions or comments that they would like to  
15 make before I adjourn the hearing?

16 MS. CHURCH: I just have, Brad, you  
17 said the monitoring --

18 HEARING OFFICER: You're going to have  
19 to come forward to the mic so we can have a  
20 record.

21 MS. CHURCH: The monitoring system  
22 that we have right now is in Pekin? That's the  
23 closest that --

24 MR. FROST: I would have to look at

1 the thing --

2 MS. CHURCH: Okay.

3 MR. FROST: -- but I believe that  
4 that's probably the closest. So maybe, there may  
5 be some in Peoria. I would have to look, I would  
6 have to look at our, Mike probably has our --

7 MR. REED: Which pollutant are you  
8 asking?

9 MR. FROST: Yes, there's different  
10 monitors for different pollutants.

11 MS. CHURCH: Well, I know there's a  
12 testing facility out in Mossville for  
13 Caterpillar.

14 MR. FROST: Okay.

15 MS. CHURCH: Is there a testing  
16 facility for the things that we're talking about?

17 MR. FROST: Because these are permits  
18 and this is a permit hearing, maybe after the  
19 hearing we can sit down with the Air Quality  
20 report and we can go through it all. But, I  
21 mean, we don't put monitoring, our monitors  
22 aren't located to be facility-specific. We're  
23 not, we don't say boy, we want to find out how  
24 many emissions that facility has.

1 MS. CHURCH: Right.

2 MR. FROST: We're going to monitor off  
3 site. What we do is we make them do either  
4 testing or if it's a large enough facility  
5 continuous emission monitoring or something on  
6 the stack so that we know exactly what their  
7 emissions are. Or the USEPA has a calculations  
8 range.

9 But we want to know exactly what their  
10 emissions are. And then from, what our monitors  
11 are for is to find out what is the ambient air  
12 quality. It's not what is this facility doing.  
13 It's what's the ambient air quality, where do we  
14 have good ambient air quality. Where do, you  
15 know, where's our background ambient air quality,  
16 where do we have good ambient air quality, and  
17 then where do we have problems.

18 MS. CHURCH: Yeah. I just find it  
19 hard to believe that Caterpillar is so large in  
20 this area. So not, not, not --

21 MR. FROST: We don't do it for  
22 specific facilities.

23 MS. CHURCH: Not company specific, but  
24 let's talk, you've got 300,000 people living in



1 this area. What's the air quality for those  
2 people living in the area? I just find it hard  
3 to believe that, you know --

4 MR. FROST: And Peoria --

5 MS. CHURCH: -- there's one in Pekin,  
6 there's not one in Peoria.

7 MR. FROST: Well, Pekin has some  
8 facilities that have some very large emissions.

9 MS. CHURCH: I know, but you just said  
10 you don't do it for particular places.

11 MR. FROST: And we don't.

12 MS. CHURCH: I mean --

13 MR. FROST: Yeah, we don't. We don't,  
14 we don't do it for specific facilities, but we do  
15 locate our monitors where our modeling shows that  
16 there's going to be the maximum impact, you know.  
17 We're trying to find those areas. We don't want  
18 to, like I say, I mean this isn't my specialty.

19 MS. CHURCH: Yeah. No, I was just  
20 saying, you know, you do have, I mean, we're not,  
21 we're not Chicago by any means, but we do have  
22 300,000 people and we have lots of businesses now  
23 that are going to be located in East Peoria that  
24 we were concerned about. How is this going to,

1 you're going to give them the permit, but if  
2 nobody's monitoring it --

3 MR. SMITH: Mrs. Church?

4 MS. CHURCH: Yes.

5 MR. SMITH: On your concern with the  
6 air quality, that was one of the questions that  
7 was, that was addressed.

8 MS. CHURCH: Okay.

9 MR. SMITH: And I actually put it into  
10 the Statement of Basis. It's on page 32,  
11 question number ten.

12 MS. CHURCH: Okay.

13 MR. SMITH: If you'd like, I can read  
14 it.

15 THE WITNESS: No, you don't have to.  
16 I mean, we just got that when we walked in so  
17 we --

18 MR. SMITH: Okay. Yeah, I mentioned,  
19 I mentioned the air. I actually looked, there's  
20 a, this book here is the Annual Air Quality  
21 Report for 2011. That was the latest edition I  
22 could find, and I actually commented on the air  
23 quality in the area.

24 MS. CHURCH: Okay. But, and that's

1 from tests right here, not tests from Pekin or  
2 these other facilities?

3 MR. REED: What he gave you in the  
4 Statement of Basis was the location of the actual  
5 monitor.

6 MS. CHURCH: Okay.

7 MR. REED: And so I just kind of  
8 quickly went through the report, and it looks  
9 like Peoria has a PM 2.5 monitor, a CO monitor,  
10 carbon monoxide, and a sulfur dioxide monitor,  
11 and possibly an ozone. And Pekin has a sulfur  
12 dioxide monitor; and then Mapleton and  
13 Bartonville both have lead monitors.

14 MS. CHURCH: Okay. So Peoria doesn't  
15 have a monitor?

16 MR. REED: Correct.

17 MS. CHURCH: Okay.

18 HEARING OFFICER: Mr. Tim Church, did  
19 you have a --

20 MR. CHURCH: Yes. I had a question  
21 about the timing of this hearing. Is there some  
22 reason this hearing could not take place a couple  
23 months ago? Is there a reason why it was, why it  
24 took place in June as opposed to April or May?

1 HEARING OFFICER: I got the request  
2 and I'm required to give 45 days' notice before a  
3 hearing.

4 MR. CHURCH: Okay. When was that  
5 request received?

6 HEARING OFFICER: I don't know, I'd  
7 have to look. I opened, I opened a file on this  
8 clear back in January of 2013, on January 31st is  
9 when I opened it. I got the request for  
10 availability and from staff, it looks like eight  
11 weeks ago. So the answer to your question is  
12 that's when I got the --

13 MR. CHURCH: Okay. I guess I, as you  
14 may have when you attended the previous  
15 hearing --

16 HEARING OFFICER: I was not at the  
17 previous meeting.

18 MR. CHURCH: At the previous hearing  
19 we had a lot of other concerned citizens, and we  
20 had a lot of concerned students at the East  
21 Peoria High School. I think the attendance here  
22 tonight is not reflective of the interest in the  
23 issue, and I just want to make a point that it  
24 seems to me that this hearing, it's taken a long

1 time to get to this point. And I recognize that  
2 it's a serious issue, so I'm not faulting you for  
3 that, but I just want to understand why it didn't  
4 take place sooner so.

5 HEARING OFFICER: Am I correct in  
6 stating that a big factor in this was going  
7 through all the comments that were raised at the  
8 public meeting?

9 MR. REED: That's what I was just  
10 going to say.

11 HEARING OFFICER: And then  
12 readdressing and having to re-public notice that  
13 permit.

14 MR. CHURCH: Okay.

15 HEARING OFFICER: I mean, a hearing is  
16 not something we take lightly because a hearing  
17 literally, it, you know, it's not a, it's an  
18 expensive proposition as far as expenditure of  
19 resources goes, and we don't hold them unless  
20 it's necessary to hold them, and so that's why  
21 that permit was, and quite frankly, when we held  
22 the public meeting the hope was that we wouldn't  
23 have to spend money to have to hold a hearing.

24 We're part of the State of Illinois,

1 and as everyone's aware the State's kind of real  
2 tight on finances right now, and that's what we  
3 were hoping to avoid. It just didn't pan out  
4 that way.

5 MR. CHURCH: Okay. Thank you.

6 MR. REED: I would just like to  
7 address though, we have very specific procedures  
8 we have to follow that are in the Statutes and  
9 the regulations, and so one, after the public  
10 meeting we had to gather all the comments from  
11 the folks that wanted to comment. And then we  
12 had to go through and read all those.

13 And I believe there are, Jonathan,  
14 correct me if I'm wrong, we had over a hundred  
15 pages or so --

16 MR. SMITH: Right.

17 MR. REED: -- you know, to read and  
18 try and digest. And then we have to figure out,  
19 okay, where can we make improvements so, you  
20 know, that we're authorized to do in the permit  
21 to try and address some of those comments. And  
22 that takes some time, so back and forth between  
23 myself and the engineer.

24 And then we also have USEPA

1 conversation that we have to go through as well  
2 to, you know, to get their input on some of the  
3 things to make sure we're following the right  
4 procedures. Once we get that done, when there is  
5 a hearing request we also have to get  
6 authorization from the Director, so we have to  
7 put together a memo explaining all comments that  
8 we received, the level of severity of the  
9 comments, and what our recommendation is to hold  
10 them.

11 MR. CHURCH: Okay.

12 MR. REED: And then she has to, he or  
13 she has to respond, you know, approving to allow  
14 a public hearing. And then once all that's done,  
15 like Dean was saying, the law requires us to  
16 notice in a newspaper for 45 days before we can  
17 even hold the hearing.

18 So we do try to make that as efficient  
19 as possible by actually public noticing the  
20 hearing on the exact same day as we start the  
21 public comment period so we don't have to wait  
22 for a hearing to --

23 MR. CHURCH: Okay.

24 MR. REED: Okay? So I just want to

1 try to explain. Some of the procedural stuff is  
2 what creates some of the delay.

3 MR. FROST: Let me, let me add one  
4 more thing to what Dean said. It's not, the  
5 reason we held the meeting wasn't just the cost.  
6 Another factor in holding the meeting instead of  
7 a hearing is because of the time issue.

8 We can do a meeting quickly and we  
9 could get your input, and that input affected the  
10 permit. But then additional comments during the  
11 comment period asked for the hearing and that  
12 becomes a much lengthier process.

13 MR. CHURCH: Yes, and I appreciate all  
14 the work that you put into it. It's not, I'm not  
15 suggesting that there hasn't been. I appreciate  
16 all the work that you've done. All I was  
17 suggesting is that we have, I think the comment  
18 was made earlier that we had a number of  
19 concerned citizens and I think there's a, the  
20 attendance tonight is not reflective of the  
21 interest in the issue, so I appreciate your time.  
22 Thank you.

23 HEARING OFFICER: Thank you, Mr.  
24 Church. If there's no further questions I



1 remind -- go ahead.

2 MR. HUGGINS: Yeah. I would like,  
3 it's not a question, it's a comment. A comment  
4 that several of us had -- again, it's Jack  
5 Huggins. It's a comment that several of us have  
6 had relative to the air monitoring. And I read  
7 your Section 10. I don't believe it because the  
8 readings are taken in Peoria, they're not taken  
9 in East Peoria.

10 And the geography of the region is a  
11 much different area than Peoria has. And now  
12 with the levy district, which has outdoor  
13 restaurants, they're going to be looking at the  
14 stacks of ARPL and they're going to be seeing  
15 this opaque material coming out of the stacks.

16 The issue is going to be on us to  
17 prove the air is good, not to prove it's bad, and  
18 I don't think we can prove it's good. And so I  
19 think as you devise a siting plan you ought to  
20 think about siting so you can prove it's good.  
21 This, paragraph 10 does not prove it's good. It  
22 says where you measured in Peoria it was okay.  
23 That was my comment.

24 HEARING OFFICER: Mike, do you know

1 how long the comment period is open yet on the  
2 ambient air monitoring?

3 MR. REED: Oh, yeah. It's, June 28th  
4 is when it ends --

5 HEARING OFFICER: So that's --

6 MR. REED: -- so there's only a little  
7 bit of time left.

8 HEARING OFFICER: I want to point that  
9 out because this record is open longer than that  
10 one and I don't want people to submit comments  
11 late to that if they want to do so. I do  
12 encourage everyone here, if you want to file  
13 written comments, to do so. Our website will  
14 also have that information on it also, I believe.

15 MR. FROST: What, the monitoring plan?

16 HEARING OFFICER: Yeah.

17 MR. FROST: Yeah, it's on there.

18 MR. REED: If anybody wants the  
19 website, the one that has the amounts, I have it  
20 here. I can give it to you after the hearing.

21 HEARING OFFICER: Again, I remind  
22 everyone that the hearing record in this  
23 proceeding will be open through July 19th of  
24 2013, and I thank you for your attendance and

1 your interest in this. And, like I said, the  
2 record is open until the 19th of July. I thank  
3 you, and this hearing is adjourned.

4

5 (Hearing concluded at: 8:20 p.m.)

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CERTIFICATE OF REPORTER

I, Kathy L. Johnson, a Certified Court Reporter within and for the State of Illinois, DO HEREBY CERTIFY that the testimony off all witnesses in the foregoing hearing were duly sworn to testify to the truth and nothing but the truth; that the testimony of said witnesses was taken by stenographic means by me to the best of my ability and thereafter reduced to print under my direction.

I further certify that I am neither attorney nor counsel for, nor related, nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in this action.

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Kathy Johnson  
Lic. No.: 084-003071

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