

Report of Proceedings - January 20, 2015

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2 STATE OF ILLINOIS

3 ENVIRONMENTAL PROTECTION AGENCY

4 PUBLIC INFORMATIONAL HEARING

5 IN RE: )

6 APPLICATION FOR )

7 AIR POLLUTION CONTROL PERMIT, )

8 WINNEBAGO RECLAMATION SERVICES)

9 Report of proceedings had at the  
10 public hearing in the above-entitled cause before  
11 the Illinois Environmental Protection Agency,  
12 commencing at 7:00 p.m. on the 20th day of January,  
13 A.D., 2015.

14 PANEL MEMBERS:

15 MR. DEAN STUDER

16 Hearing Officer/Right-to-Know Coordinator  
17 Office of Community Relations

18 MR. KUNJ PATEL

19 Permit Engineer, Bureau of Air

20 MR. CHRISTOPHER P. ROMAINÉ

21 Construction Permits Unit Manager

22 Permit Section, Bureau of Air

23 On behalf of the Illinois

24 Environmental Protection Agency.

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## 1 I N D E X

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3 Hearing Officer Studer..... 4

4 Permit Engineer Kunj Patel..... 9

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## 6 P U B L I C C O M M E N T

7 Thomas Lamb..... 15

8 Diane Swiderski..... 16

9 Kristin Baisch-Ricker..... 21

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

12                   This is an informational hearing  
13 before the Illinois EPA in the matter of an air  
14 pollution control construction permit for Winnebago  
15 Reclamation Services for a new waste disposal area.  
16 The permit would address -- the permit would address  
17 this new disposal area which would be located west  
18 of the existing disposal area at the Winnebago  
19 Landfill and is referenced as the West Expansion  
20 Unit. The permit would also address the gas  
21 collection and control system that would be  
22 installed to control landfill gas generated by this  
23 new disposal area. The Illinois EPA has reviewed  
24 the permit application and has made a preliminary

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1 determination that a permit can be issued. A draft  
2 permit was prepared and posted on the Illinois EPA  
3 website on the December 4th, 2014. The official  
4 public notice comment period commenced with the  
5 publication of the notice of the comment period and  
6 public hearing in the Rockford Register Star on  
7 December 6, 2014.

8                   The Illinois EPA is holding this  
9 hearing for the purpose of accepting comments from  
10 the public on the proposed issuance of the air  
11 pollution control construction permit for this  
12 project prior to making a final determination on the  
13 application. This public hearing is being held  
14 under the provisions of the Illinois EPA's procedure  
15 for permit and closure plan hearings, which could 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](http://www.ipcb.state.il.us), or, if you do  
20 not have easy access from the Internet, copies can  
21 be obtained from me on request.

22                   An informational public hearing means  
23 exactly that. It is an opportunity for you to  
24 provide information to the Illinois EPA concerning

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1 this permit. This is not a contested case hearing.

2 I would like to explain how tonight's  
3 hearing is going to proceed. First I will have the  
4 Illinois EPA staff person introduce himself and  
5 identify his responsibilities within the agency in  
6 regards to this permitting action. Then Kunj Patel,  
7 the permit writer, will make opening remarks  
8 regarding the project and draft permit. I will then  
9 give some details on how comments will be taken.  
10 And this will be followed by comments from the  
11 public.

12 You are not required to provide your  
13 comments orally. Written comments are given the  
14 same consideration and may be submitted to the  
15 Illinois EPA at any time during the comment period,  
16 which runs through February 19, 2015. All comments  
17 submitted by mail must be postmarked no later than  
18 February 19, 2015. Although we will continue to  
19 accept comments through that date, tonight is the  
20 only time that we will accept oral comments.

21 The decision date in this matter will  
22 depend upon the number and nature of comments  
23 received, as well as other factors.

24 Any person who wants to make an oral

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1 comment may do so as long as they have registered  
2 that the comments are relevant to the draft permit  
3 and time allows. If you have not completed a  
4 registration card at this point, please see either  
5 Jillian Hawkins or Brad Frost in the registration  
6 area and either of them can provide you with a  
7 registration card. Please be sure to check the  
8 appropriate box in the card if you decided to make  
9 comments at the hearing this evening. If you have  
10 lengthy comments, it may be helpful to submit them  
11 to me in writing before the end of the comment  
12 period, and I will insure that they are included in  
13 the hearing record as an exhibit.

14 Please keep your comments relevant to  
15 the draft permit. If your comments fall outside of  
16 the scope of this hearing, I may ask you to proceed  
17 to the next relevant issue.

18 In addition, I would like to stress  
19 we want to avoid unnecessary repetition. If anyone  
20 before you has already presented comments that are  
21 contained in your comments, please skip over those  
22 issues when you speak. Once a point is made, it  
23 makes no difference if the point is made once or  
24 whether it is made 99 times; it will be considered

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1 on its merit and will be reflected only once in the  
2 responsive summary. The final decision of the  
3 Illinois EPA will not be based on how many people  
4 support or oppose issuance of this permit, but  
5 rather upon the record and whether the facility will  
6 comply with applicable laws, regulations and  
7 requirements for permit issuance.

8 Illinois EPA staff will attempt to  
9 respond during this hearing to the issues raised  
10 tonight, but I will not allow the speakers to argue  
11 or engage in a prolonged dialogue with our panel or  
12 with any other person present this evening.  
13 Responses made by the Illinois EPA staff during this  
14 hearing will be finalized and provided in a more  
15 formal manner in the written responsiveness summary  
16 which will be made available at the time that a  
17 final decision is reached in this matter.

18 All who complete a registration card  
19 or submit written comments in this matter will be  
20 notified of the final decision of this matter and of  
21 the availability of the responsiveness summary. In  
22 the responsiveness summary, the Illinois EPA will  
23 respond to all significant issues that were raised  
24 at this hearing or submitted to me in writing prior

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1 to the close of the comment period. Again, the  
2 written record in this matter will close on  
3 February 19, 2015. I will accept comments as long  
4 as they are postmarked by that date.

5                   While the record is open, all  
6 relevant comments, documents, and data will be  
7 placed into the hearing record as an exhibit.  
8 Please send all written documents to my attention.  
9 You can send them to Dean Studer, Hearing Officer,  
10 Office of Community Relations regarding Winnebago  
11 landfill, Illinois EPA, 1021 North Grand Avenue  
12 East, P.O. Box 19276, Springfield, Illinois  
13 62794-9276. This address is also given on the  
14 public notice for the hearing tonight.

15                   We have a court reporter here who is  
16 taking a record of this hearing for the purposes of  
17 our administrative record. Once I receive the final  
18 transcript from the court reporter, I will have it  
19 posted on the Agency's webpage in the same general  
20 area where the hearing notice and other documents in  
21 this proceeding have been posted. For the benefit  
22 of the court reporter, please keep the general  
23 background noise in the room to a minimum so she can  
24 hear everything said. Also, please silence all cell

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1 phones and pagers at this time if you have not  
2 already done so.

3 I will now ask Illinois EPA staff to  
4 introduce himself and briefly explain his role in  
5 this permit application. And this will be filed by  
6 Kunj Patel making a short opening statement.

7 MR. ROMAIN: Good evening. My name is  
8 Chris Romaine. I am manager of the construction  
9 area of the air permit section.

10 MR. PATEL: Good evening, Ladies and  
11 Gentlemen. Welcome to this evening's hearing. My  
12 name is Kunj Patel. I am a permit engineer with the  
13 Bureau of Air. And I work with Chris. I will give  
14 you a brief description of the application and the  
15 proposed draft permit for new waste disposal area of  
16 the Winnebago Landfill, which is the subject of  
17 tonight's hearing.

18 As Mr. Studer has explained,  
19 Winnebago Reclamation Services has submitted an  
20 application to the Illinois EPA, Bureau of Air, for  
21 an air pollution construction permit for a new waste  
22 disposal area, the West Expansion Unit. This new  
23 waste disposal area is already permitted by the  
24 Illinois EPA, Bureau of Land, and will be located

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1 west of the existing waste disposal areas at this  
2 landfill. The requested permit from the Bureau of  
3 Air would address the collection and control of the  
4 landfill gas generated from the new disposal area.

5           The landfill gas generated by large  
6 municipal waste landfills, like Winnebago Landfill,  
7 is routinely collected by the gas wells that are  
8 drilled through the cover material placed on top of  
9 the waste. The gas that is collected from the wells  
10 is then ducted to a control system. Flares are  
11 routinely used to control the collective landfill  
12 gas because the gas is combustible, with about half  
13 the fuel value of natural gas. The combustion of  
14 the landfill gas destroys organic compounds in the  
15 gas. Combustion converts the sulfur in the gas,  
16 which is present as hydrogen sulfide, to less  
17 noxious sulfur dioxide.

18           As described in the application,  
19 Winnebago Services would control the landfill gas  
20 collected from this new disposal area by installing  
21 a new flare adjacent to this disposal area and a  
22 sulfur removal system to lower the sulfur content of  
23 the collective landfill gas prior to being flared.

24           The Illinois EPA has reviewed this

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1 application and made a preliminary determination  
2 that the application meets the applicable  
3 requirement. In particular, the sulfur removal  
4 system would keep the sulfur dioxide emissions from  
5 this West Expansion Unit below the level at which  
6 emissions would be considered significant under the  
7 federal rules for prevention of significant  
8 deterioration, which is under 40 CFR 52.21.

9 Winnebago Services has also proposed  
10 an enhanced program to collect the landfill gas from  
11 the West Expansion Unit. This program would include  
12 use of temporary horizontal gas collectors, early  
13 installation of permanent gas collection wells, and  
14 accelerated installation of final cover material.  
15 These measures will act to improve the effectiveness  
16 of the gas collection system. Accordingly, the  
17 Illinois EPA has prepared a draft of air pollution  
18 control construction permit that it would propose to  
19 issue for the West Expansion Unit.

20 The draft permit that the Illinois  
21 EPA has prepared would also require enhanced  
22 monitoring for the level of methane measured at the  
23 at the surface of the landfill, based on the rules  
24 adopted by the California Air Resources Board for

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1 control of methane emissions from municipal waste  
2 landfills. Methane is a major constituent of  
3 landfill gas. The level of methane at the surface  
4 of a landfill is an indicator of effectiveness of  
5 the gas collection system.

6                   These monitoring requirements would  
7 be more stringent than the applicable requirements  
8 in the current federal New Source Performance  
9 Standards for the municipal solid waste landfills,  
10 under 40 CFR 60 Subpart www.

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

14                   HEARING OFFICER STUDER: Thank you, Kunj.  
15 I didn't ask, can everyone in back hear me? Okay.

16                   While the issues raised tonight may  
17 be heartfelt concerns to many of us in attendance,  
18 applause is not appropriate during the course of  
19 this hearing. Booing, hissing, jeering, and other  
20 responses are not appropriate and will not be  
21 allowed this evening.

22                   Secondly, I am not going to allow  
23 statements to be made tonight that do not relate to  
24 the issues involved with the air permit. Statements

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1 and comments that are of a personal nature or  
2 reflect on the character or motive of a person or a  
3 group of people are not appropriate in this hearing.  
4 If statements or comments begin to drift into this  
5 area or begin to drift away from issues involved  
6 with this permit, I may interrupt the person  
7 speaking and ask that they proceed to their next  
8 relevant issue. As hearing officer I intend to  
9 treat everyone here tonight in a respectful and  
10 professional manner. I ask that members of the  
11 panel and public do the same. If the conduct of  
12 persons attending this hearing should become unruly,  
13 I am authorized to adjourn this hearing should  
14 actions warrant. In such a case, the Illinois EPA  
15 would still accept written comments through the  
16 close of the comment period, which is February 19,  
17 2015.

18 We are here tonight to listen to  
19 environmental issues associated with the air permit.  
20 You may disagree with or object to some of the  
21 statements and comments made tonight, but this is a  
22 public hearing and everyone has a right to express  
23 their comments on this manner.

24 Again, written comments are given the

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1 same consideration as oral comments received during  
2 this hearing and may be submitted to the Illinois  
3 EPA at any time within the public comment period.  
4 However, tonight is the only time that we will  
5 accept oral comments.

6                   Members of the public will be allowed  
7 nine minutes per speaker. If everyone has had an  
8 opportunity to speak and time allows, I may allow  
9 those who initially did not want to speak to do so.

10                   When it is your turn to speak, I will  
11 call your name. Please come forward to the  
12 microphone in the middle and state your name and any  
13 governmental body, organizations or association that  
14 you represent. If you are not representing a  
15 governmental body, an organization, or an  
16 association, you may simply indicate that you are a  
17 concerned citizen or a member of the public.

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

24                   I ask that while you are speaking

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1 that you direct your attention to the hearing panel  
2 and to the court reporter to ensure that an accurate  
3 record of your comments is made. Prolonged dialogue  
4 with members of the hearing panel or others here in  
5 attendance tonight will not be permitted. Comments  
6 directed to the public are also not allowed.

7 Again, I remind everyone that the  
8 focus of this hearing is the environmental issues  
9 associated with the air pollution control  
10 construction permit for the expansion unit.

11 Are there any questions regarding the  
12 procedures that will be used regarding the  
13 conducting of the hearing this evening?

14 No. Okay.

15 With that said, the first speaker is  
16 Thomas Lamb. If Mr. Lamb would come forward to the  
17 mic.

18 MR. THOMAS LAMB: There's a big question  
19 in my mind -- oh, Thomas Lamb, L-A-M-B, as in sheep.  
20 New Milford resident.

21 Reading through your material --

22 HEARING OFFICER STUDER: Can you spell --  
23 okay. It's Thomas Lamb, normal spelling? You said  
24 that.

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1 MR. TOM GROENINGER: Like a sheep.

2 HEARING OFFICER STUDER: Go ahead.

3 MR. THOMAS LAMB: Reading through your  
4 material, I find I have to do research because I  
5 don't understand some of these chemical symbols,  
6 et cetera. While I do have questions on them, I'm  
7 not intelligent enough right at this moment to ask  
8 the questions I should be asking. So that's it.

9 HEARING OFFICER STUDER: Thank you,  
10 Mr. Lamb.

11 Diane, is it Swiderski?

12 MS. DIANE SWIDERSKI: You did well.

13 Hi. Diane Swiderski,  
14 S-W-I-D-E-R-S-K-I.

15 I am --

16 HEARING OFFICER STUDER: Your back is to  
17 the people, so I am going to ask that you try to  
18 speak into the microphone and that way --

19 MS. DIANE SWIDERSKI: Okay. I am puzzled  
20 as to where exactly this new proposed site is.

21 MR. PATEL: It is west of the -- west of  
22 the existing north landfill and south landfill.

23 MS. DIANE SWIDERSKI: So will it be closer  
24 to Baxter Road, further away from Baxter Road? So

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1 west means it is going to be closer to 251?

2 MR. PATEL: Tom?

3 MR. VARSHO: The West Expansion Unit will  
4 be adjacent to 251 further south of Baxter.  
5 Essentially it will be at the intersection of 251  
6 and Edson Road.

7 MS. DIANE SWIDERSKI: I'm not sure where  
8 Edson Road is.

9 MR. VARSHO: Did you see county line?  
10 Does that help you out?

11 MR. THOMAS LAMB: Across the street from  
12 Penn (phonetic) Station.

13 MS. DIANE SWIDERSKI: Oh, okay.

14 And how big compared to what they  
15 have already will this be?

16 MR. PATEL: The capacity of this West  
17 Expansion Unit would be approximately about 8.3  
18 million cubic yards at least.

19 MS. DIANE SWIDERSKI: Is that a half,  
20 mile, quarter mile? Are you taking into  
21 consideration the depth of it?

22 MR. PATEL: We are basically permitting  
23 based on capacity of how much waste they can deposit  
24 into that.

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1 MS. DIANE SWIDERSKI: How many acres? I  
2 am just trying to put it into a context that I could  
3 understand.

4 HEARING OFFICER STUDER: One of the  
5 reasons why it's so difficult for that is because  
6 those are actually questions that are more involved  
7 with the land permit issue and this is the air  
8 permit, so that it's --

9 MS. DIANE SWIDERSKI: Yeah, I'm just  
10 trying to --

11 HEARING OFFICER STUDER: I understand.  
12 We're trying to get responses for you.

13 MR. ROMAIN: It's about 60 acres.

14 MS. DIANE SWIDERSKI: And it's pretty much  
15 behind, I am thinking of Baxter Road, it's -- I  
16 understand now. Okay.

17 That I believe was all the questions  
18 I have. The flares will be back in that area?

19 MR. ROMAIN: Yes.

20 MS. DIANE SWIDERSKI: How many of them do  
21 you think?

22 MR. ROMAIN: The initial plan is one  
23 flare, but there's also a provision for a second  
24 flare if it's needed as a backup.

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1 MS. DIANE SWIDERSKI: I have been  
2 wondering, too, is there any plans to capture of  
3 this methane to recycle it and to --

4 MR. ROMAIN: At this time Winnebago  
5 Services has not proposed any plans for productive  
6 use of the gas. They simply flare it at this point.  
7 If Winnebago Services decided to go in and recover  
8 the gas for use as fuel, that would have to be  
9 separately permitted, assuming that they would have  
10 a gas engine facility similar to the existing gas  
11 engine facility that's associated with our existing  
12 operations.

13 MS. DIANE SWIDERSKI: And what are the  
14 health concerns that we might have regarding this?

15 MR. ROMAIN: This facility has to operate  
16 in accordance with federal regulations that, I think  
17 the main concern is the fact the proper control of  
18 the landfill gas to prevent the nuisance conditions.

19 MS. DIANE SWIDERSKI: All right. That's a  
20 huge concern, too. Yeah. All right. And I assume  
21 they're going to take the steps to alleviate that?

22 MR. ROMAIN: Yes. This is a more  
23 rigorous permit than the permits that were  
24 previously issued for the existing disposal units.

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1 It reflects new developments in continuing  
2 improvements in steps that can be taken to collect  
3 landfill gas.

4 MS. DIANE SWIDERSKI: Are they going to  
5 retroact, retrofit some of these older flares to  
6 these new standards?

7 MR. ROMAIN: Not so much the flare but  
8 the gas collection system, the system that you use  
9 to make sure that the gas that is generated by the  
10 landfill actually gets to the flare system rather  
11 than escaping directly to the atmosphere.

12 I'll make a very general statement  
13 here that Winnebago Services is in the process of  
14 making improvement to the gas collection control  
15 system. We have an ongoing enforcement action that  
16 we hope to resolve at least at the Illinois EPA  
17 shortly that would require some of those measures  
18 that are now being required at this new unit to be  
19 also used at the existing unit.

20 Do the representatives of Winnebago  
21 Services want to add to that at all?

22 MR. HILBERT: I would concur that the  
23 enhancements in the controls and the hose permit are  
24 identical to what we would be required to do under

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1 the agency's enforcement action.

2 MR. ROMAIN: Obviously that is not a  
3 resolved enforcement action. When it is resolved we  
4 would have to lodge a consent decree and go to the,  
5 I guess the Winnebago County Circuit Court, it would  
6 be available for people to look at.

7 MS. DIANE SWIDERSKI: Okay. I think that  
8 does it for me. Thank you very much.

9 HEARING OFFICER STUDER: Thank you.  
10 Kristin Baisch-Ricker?

11 MS. KRISTIN BAISCH RICKER: Hi. My name  
12 is Kristin, K-R-I-S-T-I-N. Middle initial K. Last  
13 name is Baisch-Ricker. B as in Boston, A-I-S-C-H,  
14 hyphen Ricker. I am a concerned citizen.

15 If I comment tonight, does that  
16 prevent me from written comment later?

17 HEARING OFFICER STUDER: No. You can make  
18 oral comments and submit written comments. You can  
19 provide a summary of your comments and supply the  
20 comments either now or at any time during the  
21 comment period.

22 MS. KRISTIN BAISCH RICKER: Thank you.

23 Is there a device that could be used  
24 off site in real time that would show the amount of

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1 heat generated and/or particulate matter generated  
2 from these?

3 MR. ROMAIN: In what sense are you asking  
4 the question about heat? Are you talking about heat  
5 generated by the flare?

6 MS. KRISTIN BAISCH RICKER: That and/or  
7 the air quality for that day or that I'm thinking of  
8 particular weather conditions such as fog or misty  
9 rain that particulate matter seems to be condensed?

10 MR. ROMAIN: The State of Illinois does  
11 operate ambient monitoring network. The ambient  
12 monitors though in the Rockford area are located in  
13 the more populated areas and to the north of  
14 Rockford is a better location to generally measure  
15 air quality in the Rockford area.

16 MS. KRISTIN BAISCH RICKER: Could one  
17 possibly considered for the southern part where this  
18 is really a concern?

19 MR. ROMAIN: It could be considered, but  
20 given the current resources constraints, I don't  
21 think it's a very realistic consideration.

22 MS. KRISTIN BAISCH RICKER: Could the  
23 current two burners -- maybe you reflected to  
24 something of this, maybe not; the current two

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1 burners that are in operation right now, could they  
2 be upgraded to maybe abide by the same new rules for  
3 this construction or once they're constructed they  
4 follow with those permit rules?

5 MR. ROMAIN: Again, we're not talking  
6 about upgrading the burners. The flare at the West  
7 Expansion Unit would be a similar design to the  
8 flares at the existing waste disposal area. It's  
9 the measures that are taken to collect the landfill  
10 gas that are more rigorous or would be more rigorous  
11 pursuant to the draft permit.

12 MS. KRISTIN BAISCH RICKER: Okay. I live  
13 very close to the western boundary on 8078 Living  
14 Woods Drive, Rockford 61109. And I have experienced  
15 numerous occasions of particulate matter, whether it  
16 be daytime/evening, metallic sulfuric taste in the  
17 air, and a definite metal odor with the current two  
18 burners. There was, it seemed to me, maybe I'm  
19 wrong, but that there were two burners burning until  
20 about September of 2012. And then it went down to  
21 one burner for about two years. And now recently  
22 another burner has been generated probably since  
23 sometime last summer, the summer of 2014. Are my  
24 observations correct?

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1           MR. ROMAINÉ: I think your observations  
2 are correct in general.

3           There were two burners there during  
4 that time, but they were also operating a gas engine  
5 facility with a number of engines; that facility is  
6 no longer in operation. So there's a need to send  
7 more of the collected landfill gas to flares.

8           MS. KRISTIN BAISCH RICKER: Thank you for  
9 explaining that, because I was unaware of those  
10 facts until now. Thank you.

11          MR. ROMAINÉ: You're welcome.

12          MS. KRISTIN BAISCH RICKER: I think I will  
13 finish the rest as written comments. Thank you.

14          HEARING OFFICER STUDER: Thank you.

15               Is there anyone here tonight that has  
16 comments that they would like to make on the record?

17               Okay. I remind everyone, comment  
18 period is open until the 19th of February.

19               This will go down as one of our  
20 shorter hearings. I do appreciate and thank you for  
21 coming out this evening. And again, I remind  
22 everyone the comment period is open until the 19th  
23 of February. And we will accept written comments as  
24 long as they are postmarked by that date.

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1 I also remind people that the  
2 comments should be directed to me. Sending them to  
3 other places may delay them getting put in the  
4 record. So I would again ask that comments be sent  
5 to my attention on the address given on the hearing  
6 notice for this evening. And I thank you for your  
7 attendance.

8 And this hearing is adjourned.

9 WHICH WERE ALL THE PROCEEDINGS HAD

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## 1 REPORTER CERTIFICATE

2 Jennifer A. Lang, C.S.R., being first  
3 duly sworn says that she is a court reporter doing  
4 business in the State of Illinois; and that she  
5 reported in shorthand the proceedings of said  
6 hearing, and that the foregoing is a true and  
7 correct transcript of her shorthand notes so taken  
8 as aforesaid, and contains the proceedings given at  
9 said hearing.

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Certified Shorthand Reporter

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	16:2	12:13;13:12	23:13	closer (2)
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