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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
PUBLIC MEETING  
VANTAGE SPECIALTIES, INC. IN GURNEE

November 14, 2019  
6:30 p.m.  
College of Lake County  
19351 West Washington Street  
Auditorium  
Grayslake, Illinois

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Panel:

- Mr. James Lee Morgan, Meeting Moderator
- Mr. Brad Frost
- Mr. Christopher Romaine
- Mr. Daniel Rowell
- Mr. Kevin Mattison
- Mr. Steve King

Agency Attorney:

- Mr. Robb Lyman

1 MR. MORGAN: Good evening and welcome.

2 The purpose of this meeting is to obtain  
3 comments from as many of you as possible on the draft  
4 construction permit to bring the Vantage Specialties,  
5 Inc., facility located at 3938 Porett Drive in Gurnee  
6 into compliance with the requirements of Public Act  
7 101-0023 by placing a limit on the amount of ethylene  
8 oxide emitted.

9 I am Jim Morgan, and I will be the meeting  
10 moderator in this auditorium. To facilitate getting  
11 as many comments as possible, we also have a second  
12 smaller room, Conference Center A013, across the hall  
13 with a court reporter where Christine Zeivel will be  
14 the moderator.

15 As moderators, our responsibility is to  
16 assure that we receive everyone's comments in an  
17 orderly and respectful manner so that you all can  
18 hear and understand each comment and the court  
19 reporter can take them down accurately for subsequent  
20 review and response.

21 There will be simultaneous translation of  
22 each comment made into Spanish. If you have a  
23 headset, would you test it and make sure it's  
24 working, and if it's not, raise your hand and let us

1 know and we'll see if we can get that corrected.

2 We also have an Agency employee who will be  
3 available to translate comments made in Spanish into  
4 English in this room for the court reporter to take  
5 down. No translation services will be available in  
6 the second location.

7 With me on the stage or in the audience are  
8 Brad Frost, Chris Romaine, Daniel Rowell,  
9 Kevin Mattison, Dan Delgado, in the front row,  
10 Robb Layman and Steve King.

11 At the registration table are Maggie Lenkart  
12 and Veronica Tellez. Brad is with our Office of  
13 Community Relations and will be making a presentation  
14 regarding the proposed permit. Chris and Daniel are  
15 with the permits section and will be involved in the  
16 review and consideration of your comments and the  
17 final permit action. Steve is with the Air Quality  
18 Planning Section. Kevin is the Agency's emissions  
19 and monitoring expert, and he was and will be  
20 involved in the permit decision process. Dan is with  
21 the Field Operations Section and will be translating  
22 from Spanish to English as needed. If you wish to  
23 make your comments in Spanish when it is your turn,  
24 please speak -- please let us know and Dan will

1 assist you. Dan has a few introductory comments  
2 right now.

3 (Whereupon, Mr. Delgado made  
4 introductory comments in  
5 Spanish.)

6 MR. MORGAN: Thank you.

7 Our court reporter tonight is  
8 Erin Eckenstahler, and we appreciate her efforts. To  
9 make her job easier and to make sure we get a  
10 complete record of your comments, here are a few  
11 guidelines.

12 First to the speakers, I will call up the  
13 first three speakers and have you sit in designated  
14 seats in the front row. As each speaker finishes, I  
15 will announce the next speaker and then call the next  
16 person in line from the audience; that person should  
17 come forward and take the empty seat. Right now each  
18 speaker will have five minutes to speak. I will  
19 signal when you have one minute left, and I will  
20 inform you when your time is up. Because of the  
21 anticipated number of people who wish to speak, we  
22 will have a very limited ability to respond to  
23 questions. If you do have questions, those questions  
24 will be answered in the written response to comments.

1 If you have questions about matters seeking  
2 information necessary to formulate your comments,  
3 such as, where the emission limit in the draft permit  
4 is or what a term means or what are the monitoring  
5 requirements, we will try to answer them as time  
6 allows, but they too will be addressed in the  
7 response to comments.

8 When you speak, please repeat your name and  
9 spell your last name, and if you are speaking on  
10 behalf of any organization, please identify that  
11 organization. If you are reading from a written  
12 statement, you are welcome to leave a copy with me or  
13 with either of the ladies at the registration desk.  
14 When you speak, we ask that you speak clearly,  
15 deliberately, and into the microphone.

16 Now for the audience, it is not likely that  
17 everyone has the same opinion regarding the proposed  
18 permit. I ask that you be respectful of each  
19 speaker, keep conversations among yourselves to a  
20 minimum and not engage in any outbursts or make any  
21 comments while anyone is speaking. Comments made  
22 anywhere other than at a microphone will not be  
23 included in the transcript.

24 With those preliminary matters out of the

1 way, I will ask Mr. Frost to proceed with his  
2 presentation.

3 MR. FROST: Good evening and welcome to  
4 tonight's meeting.

5 I'm going to have a very short presentation  
6 that goes over the facility and the purpose of the  
7 meeting tonight, which is the draft construction  
8 permit for Vantage Specialties, and then as Jim had  
9 said, we'll proceed to the comments.

10 So, again, the purpose of the -- as Jim had  
11 said, the purpose of the meeting is for us to receive  
12 your comments on the draft construction permit. The  
13 construction permit is required under the recent  
14 legislation and so we typically, and in this case,  
15 knowing that there's significant public interest, we  
16 have meetings like this and have outreach such that  
17 you can provide your comments because your comments  
18 do improve our decision-making and our draft permits.

19 So Senate Bill 1854 was effective June 21,  
20 2019. And I guess I forgot to mention this. We do  
21 have, as you can see, the Spanish language is  
22 interpolated between the -- on the slides and offset  
23 so it's a little easier to read.

24 So the law became effective June 21, and it

1 requires within 180 days of the effective date that  
2 Vantage must have a permit from the Agency.

3 The law requires that the permit impose a  
4 site-specific annual cap on ethylene oxide emissions  
5 set to protect the public health; and the law  
6 requires that the permit include permit conditions  
7 granting the Agency the authority to reopen the  
8 permit if the Agency determines that the emissions of  
9 ethylene oxide from the non-negligible ethylene oxide  
10 emissions sources, of which Vantage is one, pose a  
11 risk to the public health.

12 And I'm sure this will come up when we -- we  
13 are not a public health agency, and we look to  
14 U.S. EPA for our rules and our standards and for  
15 those kinds of guide -- or for guidelines in looking  
16 at that, and so they typically use a number -- they  
17 do use a number of a hundred in a million, so that's  
18 the level that we're looking at when we look to that.  
19 And that will come up a little bit later in my  
20 slides.

21 So Vantage Specialties and their operations  
22 is -- Vantage is a chemical product manufacturer.  
23 They manufacture ingredients used in personal care,  
24 food and industrial products, and then ethylene oxide

1 is used as a raw material in certain of their  
2 operations.

3 The ethylene oxide is received in  
4 pressurized railcars, it's stored in pressurized  
5 storage tanks, and pumped to and used in sealed  
6 reactors. The ethylene oxide is almost entirely  
7 consumed in the process. So it's a raw material  
8 that's actually used in the reactions.

9 The remainder is vented to a scrubber and is  
10 followed by a dry bed absorption device, and that dry  
11 bed absorption device was installed in April '19 to  
12 further reduce emissions at the source.

13 So, obviously, between the things such as  
14 the railcar and the storage tanks and the reactors,  
15 there's piping for -- so it's for them loading and  
16 for the storage tanks and for the alkoxylation area,  
17 and it includes components such as pumps, pressure  
18 relief devices, valves, connectors and flares that  
19 can be sources of fugitive emissions of ethylene  
20 oxide.

21 The components containing ethylene oxide are  
22 subject to the requirements for periodic operational  
23 monitoring to identify leaks and requirements for  
24 timely repair.



1           And then since May of 2019 Vantage has  
2 implemented an enhanced leak detection and repair  
3 program, and that enhanced leak detection and repair  
4 program has more frequent monitoring and more  
5 stringent criterion for what a leaking component  
6 actually is.

7           The enhanced leak detection and repair  
8 program has served to further reduce fugitive  
9 emissions from Vantage.

10           So the draft construction permit, again, the  
11 draft construction permit is a requirement of the new  
12 law, and it requires a permit imposing an annual cap  
13 on ethylene oxide emissions from the facility, and  
14 the construction permit imposes an annual cap of  
15 emissions of ethylene oxide of 110 pounds. And no  
16 more than 60 of those 110 pounds may be from fugitive  
17 emissions.

18           The construction permit also embodies  
19 conditions addressing how compliance with the annual  
20 cap on ethylene oxide emissions is determined,  
21 including monitoring, recordkeeping, and reporting  
22 requirements.

23           Concentrations of ethylene oxide will be  
24 reduced below U.S. EPA's acceptable risk level.

1 Again, that's going back to their acceptable risk  
2 level of a hundred in a million.

3 And so, again, we welcome your comments. We  
4 have a comment period that remains open until  
5 November 29, and you should e-mail your comments to  
6 EPA.Vantage@illinois.gov.

7 So thank you for your participation tonight,  
8 and I'll turn it back over to Jim.

9 MR. MORGAN: Can you hear me?

10 All right. At this time I would like to  
11 call up Christy Diaz as our first speaker, followed  
12 by Diane Moeller and Dylan Burdette.

13 If Diane and Dylan would take the seats to  
14 Dan's right.

15 MS. DIAZ: Again, my name is Christy Diaz,  
16 D-I-A-Z.

17 This is a little different than the Medline  
18 permit hearing where you guys answered a bunch of  
19 questions, so I came with questions.

20 In Section 10A you talk about being able to  
21 reopen the permit if there's a health risk posed.  
22 Well, I think we all feel in this audience or at  
23 least most of us that ethylene oxide does pose a  
24 health risk to all of us. And so I'm just curious,

1 there wasn't something like that in the Medline  
2 permit, and so I was curious why. And also what does  
3 the Illinois EPA think of as a health risk if not  
4 cancer or an increased risk of cancer that we have  
5 with breathing ethylene oxide? And then the second  
6 to that is the reopening of the permit, what does  
7 that mean if you reopen the permit because you feel  
8 there is a health risk?

9 MR. FROST: So both of those two things are  
10 requirements of the new law, so that's why they're in  
11 the permit. And going -- again, both of those are  
12 requirements of the new law that was effective  
13 June 21, so that's why they're in there. And then  
14 when we look at the health risk, we're looking at the  
15 hundred in a million.

16 If U.S. EPA -- you know, when they do these  
17 kinds of screenings, if it's below a hundred in a  
18 million, they don't -- they stop. They don't look  
19 anymore.

20 MS. DIAZ: Okay. So with the new level, the  
21 new permit level of 110 pounds will be below that  
22 hundred in a million is what you're saying.

23 MR. FROST: Yes, that's what the model  
24 indicates, yes.

1 MS. DIAZ: And seeing that on the screen  
2 tonight that they have 180 days to get the permit,  
3 how long will they have to complete the necessary  
4 changes?

5 MR. FROST: So the permit is really to set  
6 the cap and to comply -- you know, is to add those --  
7 the re-opener that's required under the new law.  
8 They've already added in the dry bed scrubber.

9 MS. DIAZ: So they've done all the  
10 construction?

11 MR. ROMAINE: That's correct.

12 MS. DIAZ: Okay. All right. And in  
13 Section 15, there's some verbiage in here around  
14 emissions monitoring and when systems are down how  
15 they may -- I'm looking for the exact word in here.

16 Oh, if the -- if they stop operating, the  
17 emissions will be -- representative values will be  
18 allowed, and I'm just wondering how long -- like if a  
19 piece of monitoring equipment was down and they're  
20 going to use representative data, how long could that  
21 go on before they have to call it a deviation and,  
22 you know, report something in that quarterly report?

23 MR. FROST: So I think the -- and I'll let  
24 Chris expand if he feels necessary, but from our

1 standpoint is if it's down, that's a deviation.

2 MS. DIAZ: Okay. So if it's down, it's a  
3 deviation. They can use the representative data but  
4 they have to still -- it's a deviation if their  
5 equipment is down for any length of time or --  
6 because there was no time specified in here and  
7 that's what --

8 MR. ROMAINE: Outages of the monitoring  
9 equipment can occur for a variety of reasons and the  
10 devices, they have breakdowns. The response to that  
11 has to be evaluated on a case-by-case basis. If they  
12 have a pattern of monitoring breakdowns, if they  
13 don't fix the problems quickly, then it would be  
14 considered a failure to use good monitoring practice  
15 as is required by the permit, and we could pursue  
16 that. That would most likely be examined on a  
17 quarterly basis because then we would have a slug of  
18 data that says how often has it occurred, are they  
19 the same things occurring, do they get out on top of  
20 it, or was it something out of the blue where  
21 something -- you know, a circuit board broke up and  
22 they have to buy a new circuit board and there isn't  
23 one in stock in Illinois.

24 So it's a case-by-case decision. They are

1 subject to the general requirement, though, to use  
2 good monitoring practice. They have to have a good  
3 reason why they weren't using that monitoring device  
4 and they can't keep saying the dog ate my homework,  
5 the dog ate my homework, the dog ate my homework.  
6 You've got to deal with that dog.

7 MS. DIAZ: Okay. And I just have one last  
8 question. Regarding leaks, I didn't really see  
9 anything in here around -- like if they had a big  
10 leak, when would they report it? Because it all  
11 seemed like everything is in that quarterly report.  
12 And how would the public learn about that?

13 Because living where we do, all of us close  
14 to Medline, I'm three miles from Vantage, rather, and  
15 1.7 from Medline, so I'm concerned about if there  
16 were a leak, I'm concerned now with the limits that  
17 they've had and also in the future. There doesn't  
18 seem to be anything in the permit about reporting  
19 something immediately if something happens. It's all  
20 these quarterly reports. And by then, you know,  
21 we've all inhaled it. By the time they report it to  
22 you, we've all had, you know, an increased exposure,  
23 but it just feels like there should be some sort of  
24 notification when there's a major leak.

1 MR. ROMAINÉ: We accept the comment, and we  
2 do have a provision in the permit that requires them  
3 on a quarterly basis to say how they're doing with  
4 compliance with the annual cap, you know, if they're  
5 within the 25 percent of the first quarter, the  
6 50 percent, are they on track to comply. That was  
7 the thought of making sure that we would not be  
8 surprised at the end of the year and all of a sudden  
9 be informed that we had a big problem back in the  
10 first quarter and there's no way we could have been  
11 in compliance at the end of the year.

12 MS. DIAZ: Okay. But it's all quarterly  
13 reporting is what you're saying?

14 MR. ROMAINÉ: For that. The deviations have  
15 to be reported with regard to monitoring.

16 I'm looking at Daniel.

17 Failure to do your quarterly reporting on  
18 time, and what was the other thing? Failure to  
19 calculate emissions on time?

20 MR. ROWELL: I believe so, yes.

21 MR. ROMAINÉ: Yes.

22 So if you're not doing your enhanced program  
23 or doing the emission calculation associated with  
24 that enhanced program, those are reportable

1 deviations that have to be reported immediately.

2 MS. DIAZ: Okay. All right. Thank you.

3 MR. MORGAN: Thank you.

4 We may have opportunity for speakers who  
5 have something additional to raise if their five  
6 minutes expire at the end, so we will check back at  
7 that time.

8 Right now Diane Moeller and  
9 Thomas Wieczorek.

10 And apologies in advance for getting the  
11 names wrong as I pronounce them.

12 MS. MOELLER: All right. My name is  
13 Diane Moeller, that's M-O-E-L-L-E-R.

14 I'm a licensed professional environmental  
15 engineer. I have education in industrial engineering  
16 controls, so I have a few questions.

17 First, I wanted to thank you for being here  
18 with us tonight to answer our questions.

19 My first question, as I searched for the  
20 permit application online, I found two permit  
21 violations from 2015 and 2016 from  
22 Vantage Specialties.

23 So, obviously, this permit is not going to  
24 say that they have to -- or that just putting the



1 permit in place doesn't mean that they're going to  
2 comply 100 percent. I would say that administrative  
3 controls are just as important as engineering  
4 controls. So I would encourage more stuff in the  
5 permit that stresses employee training and operation  
6 and maintenance, like SOPs, rather than just  
7 recordkeeping. Because if they don't -- if they  
8 don't do preventative maintenance, then they're going  
9 to violate the permit. I know that was one of the  
10 permit violations that I saw from one of the two,  
11 that they didn't do the regular maintenance on their  
12 rice engines.

13 So, anyway, that's one of them.

14 And then a couple other questions. This  
15 additional dry bed absorption, there are two trains.  
16 Are they in series or are they in parallel?

17 MR. ROMAINE: There are two pairs in  
18 parallel. Total four beds, two groups, two pairs.

19 MS. MOELLER: Okay. Because I was looking  
20 at the memorandum for Willowbrook and, you know, the  
21 other facility down there, and they put them in  
22 series so that they would increase the removal rate,  
23 removal efficiency. So I know that they have  
24 something in place but it 's something to consider in

1 the future for their construction. It would be a  
2 better system than what they have now.

3 And then I would also encourage more  
4 transparency in this process. I know that they have  
5 to do dispersion modeling to figure out what the cap  
6 is. I think talking about how 110 pounds like per  
7 year was decided would be really helpful versus just  
8 comments on the permit.

9 And, yes, that's all I have to say.

10 MR. FROST: Thank you for your comments.

11 MS. MOELLER: Yes.

12 MR. MORGAN: Next up is Dylan Burdette, and  
13 coming down is Melanie Brown.

14 MR. BURDETTE: Hi. It's Dr. Dylan Burdette,  
15 that's B-U-R-D-E-T-T-E.

16 Thank you for allowing me to speak tonight.

17 So I have a couple questions, slash,  
18 comments. The first one is regarding the  
19 DBA scrubber systems. So I'm wondering if there are,  
20 what are the anti-failure, anti-explosion  
21 technologies that are in place on those dry bed  
22 scrubbers outside of monitoring optimal parameters,  
23 like is there a shutdown or a cutoff point for any of  
24 those dry bed scrubbers?

1 I don't -- I didn't see them in the permit;  
2 that's why I'm asking.

3 MR. ROMAINE: There is not a provision. We  
4 have not addressed that. We can pursue that with  
5 Vantage if that is a concern after the stream has  
6 passed through the wet scrubbers.

7 MR. BURDETTE: Yes. Okay.

8 And then the next comment or question is  
9 that under the updated LDAR system, you know, you're  
10 going through -- you're going through their --  
11 they're going through, they're monitoring all these  
12 points where there's possible leaky components, and  
13 so I'm wondering if there is a time limit for after  
14 they've detected a leak for how soon that leak or  
15 that leaky part needs to be replaced. Is there a  
16 time limit in the permit?

17 MR. ROMAINE: There is not a time limit in  
18 the permit. That is an aspect of leak detection  
19 repair that is addressed in the applicable federal  
20 regulations, 40 CFR 60 VVa.

21 MR. BURDETTE: And then to kind of follow up  
22 on that, when you're actually monitoring for leaks of  
23 ethylene oxide, are they just doing kind of an inert  
24 gas as their control or are they assuming a

1 background level when they're monitoring near the  
2 equipment for leaks of ethylene oxide?

3 MR. ROMAINE: The monitoring can account for  
4 background level and look at the increase above the  
5 background level.

6 MR. BURDETTE: Okay. All right. Thank you.

7 MR. MORGAN: Next up, Melanie Brown. Coming  
8 down is Jolanta Pomiotlo.

9 Probably not even close.

10 MS. BROWN: Hi. I'm Melanie Brown. I  
11 haven't had a long chance to read this, but I had  
12 just a couple basic questions.

13 First, if they violate the amount that  
14 they're supposed to be emitting, what is the  
15 punishment?

16 MR. ROMAINE: That would be a matter to be  
17 decided on the context of enforcement, it would  
18 depend on the circumstances, and it would be, again,  
19 a case-by-case matter; if it's something that should  
20 have been prevented, if it's their fault, they should  
21 have been operating more carefully as was mentioned,  
22 they could have done more aggressive monitoring, be  
23 more aggressive in our response. If it's a violation  
24 that is a one-time occurrence, relatively small, we

1 might have a less aggressive response.

2 MS. BROWN: Can you give me a more general  
3 idea in terms of numbers?

4 I'm guessing it's a fee. I would like to  
5 know because I think it's going to make a huge  
6 difference to them in terms of whether they're  
7 careful or not. If you're just going to slap them on  
8 the wrist with a very minor fine, I don't think that  
9 they're going to have any sort of motivation to  
10 comply with this.

11 MR. ROMAINE: The Illinois EPA does not  
12 impose fines on air pollution violations. For air  
13 pollution violations, we have to refer the matter to  
14 the Attorney General. They work with us to assess  
15 and elect the penalty.

16 MS. BROWN: And that's always the way it is?  
17 There's no option for changing that?

18 MR. ROMAINE: There is no provision that I'm  
19 aware of that provides for the Illinois EPA to  
20 unilaterally assess penalty for an air pollution  
21 violation.

22 MS. BROWN: Is it the same way with other  
23 Class 1 carcinogens, like asbestos? You guys aren't  
24 able to impose fines if somebody breaks the law in

1 that way?

2 MR. ROMAINE: I'm not familiar with specific  
3 provisions for asbestos.

4 I guess I'm looking at you, Robb. Are you  
5 more familiar with some of those matters?

6 We have an attorney in the audience with us.

7 MR. LAYMAN: Thank you.

8 I'm one of the Agency attorneys. I've  
9 worked for the Agency since 1991.

10 For the court reporter, my name is  
11 Robb Layman, L-A-Y-M-A-N.

12 I started out as an enforcement attorney,  
13 slowly transitioned over the years to dealing mainly  
14 with permitting matters.

15 What you're asking for may be two things,  
16 possibly. One, the Agency typically doesn't have  
17 administrating order authority to impose penalties.  
18 There are provisions in the Environmental Protection  
19 Act that allow certain types of citations, if you  
20 will, to be issued against certain types of -- or for  
21 certain types of violations, open dumping, open  
22 burning, things of that nature, but by and large in  
23 this context, we don't have administrative order  
24 authority.

1 Chris was correct when he said that by and  
2 large if someone is deemed to be in violation, most  
3 everything the Agency deals with with this type of  
4 facility and other air emission sources is to go  
5 through a Section 31 process of giving them  
6 pre-enforcement notice, an opportunity for a meeting,  
7 possibly an opportunity to commit to a compliance  
8 commitment agreement to work the matter out. At the  
9 end of the day, the Agency can, nonetheless,  
10 regardless of what is dealt with, I guess, in that  
11 context, we could refer it if we chose to do so to  
12 the Attorney General's Office for several and/or  
13 criminal penalties, if need be.

14 Obviously, the focus of most types of  
15 situations where you've got a pattern of violations  
16 would be how are they going to address it, whether  
17 that -- whether those issues need to be dealt with by  
18 way of an injunction, if it's a matter of substantial  
19 urgency or endangerment. The Attorney General's  
20 Office or even a State's Attorney's Office could  
21 pursue the matter through a Section 43 injunction,  
22 which is a higher legal standard to have to meet,  
23 but, similarly, you could get results before a court  
24 much more quickly.

1 I suppose -- I don't know that I've left  
2 anything out. Do you have anything to follow up on?

3 MS. BROWN: Well, I'm not very happy that  
4 there aren't set up penalties or it just doesn't seem  
5 serious to me. If I were Vantage, I would not pay  
6 attention at all to this. So is there anything that  
7 I can do to object to this?

8 MR. LAYMAN: Well, I'm not quite sure what  
9 the basis of your objection is in the sense that  
10 there are civil penalties that would be available.  
11 There's nothing upfront.

12 MS. BROWN: It just seems like -- this is a  
13 Class 1 carcinogen. I'm guessing none of you live  
14 anywhere near these facilities, but for you to say --  
15 and I'm not blaming you in particular but for you as  
16 an agency to say, well, this is what you guys should  
17 be doing and if you don't, well, then we'll figure it  
18 out then and we're not quite sure what the penalty is  
19 and -- you're not taking this seriously.

20 This is a Class 1 carcinogen and a mutagen.  
21 It's next to our daycares, homes, and schools, and we  
22 have been left up here. You guys helped in  
23 Willowbrook right away. We've been left up here with  
24 no protection. And now if this is our protection,



1 this is not protection. There is no penalty here.

2 MR. LAYMAN: Maybe you misunderstood or  
3 maybe I didn't explain it well enough.

4 It's not as though there's unpredictability  
5 with respect to what a violator or a polluter could  
6 expect. There are maximum penalties, I want to say  
7 \$50,000 per day of violation for any type of matter,  
8 whether it stemmed from the permit or a requirement  
9 from the rule or from the statute, and then I think  
10 it's \$10,000 per day for continuing violation. There  
11 are provisions authorizing the Attorney General's  
12 Office and the State's Attorney's Office to recover  
13 attorney's fees in the event that there are repeated  
14 violations.

15 I might add that citizens can bring in their  
16 own suit if they had the wherewithal or if you had  
17 legal counsel to be able to do that to achieve the  
18 same results.

19 In fact, citizen suits under the state act  
20 much like I'm sure in other states are meant to  
21 assure that government prosecutorial authorities  
22 don't fall asleep on the job, that they do their job;  
23 if not, there's this mechanism for citizen suits to  
24 step in and to, you know, fill that void.

1 MS. BROWN: Okay. Well, on that issue, let  
2 me ask the question then.

3 We're pretty unhappy with the monitoring  
4 overall, because I think a lot of fugitive emissions  
5 are not going to be caught in this. If we as a  
6 group, as a community, end up investing in our own  
7 ambient air monitors and we find that it's violated  
8 or that we think that the levels are too elevated,  
9 are we able to sue?

10 MR. LAYMAN: You would be able to bring an  
11 action before the Pollution Control Board,  
12 enforcement action that would be brought pursuant to  
13 Section 31D of the act or you could file a civil suit  
14 as well before a circuit court under Section 42A, I  
15 believe.

16 Whether you could pursue injunctive relief  
17 in circuit court may be another question. There's  
18 Section 45B of the act that suggests that anyone  
19 adversely affected, in fact, by violation can sue for  
20 injunctive relief, but I believe there's an  
21 administrative -- I believe you have to exhaust your  
22 administrative remedies by going first to the board.  
23 But in any event, you could essentially recover the  
24 same types of penalties certainly as what the

1 government could with their own suit. What you will  
2 be getting into ultimately is whether your system of  
3 monitoring is going to be properly calibrated,  
4 properly set up and functioning sufficiently to be  
5 able to serve as the necessary evidence to  
6 demonstrate that violation of the act. But certainly  
7 in this context, you know, any credible evidence, any  
8 evidence that suggests that there's a violation of a  
9 permit would certainly be heard by the board, and you  
10 might have to address whatever issues would be  
11 brought up by the defendant or the respondent in that  
12 case, but that's certainly something that the act is  
13 contemplated and provides for.

14 MS. BROWN: Is there any possibility --

15 MR. MORGAN: With that, I think we'll have  
16 to move on to the next commenter. We can come back  
17 to you.

18 MS. BROWN: Okay. Well, I just have one  
19 final question. Is there any way you guys will  
20 consider doing ambient air testing on a regular  
21 basis?

22 MR. MORGAN: I think that's something we  
23 will respond in the comment period or the response to  
24 comments.

1 MS. BROWN: Okay. Thank you.

2 MR. MORGAN: Next up is Thomas Wieczorek and  
3 after that Celeste Flores is coming down.

4 MR. WIECZOREK: Good evening. Thank you for  
5 coming out to listen to our comments.

6 MR. MORGAN: Can we get your name?

7 MR. WIECZOREK: Oh, I'm sorry. Yes.  
8 Thomas Wieczorek, W-I-E-C-Z-O-R-E-K.

9 My comment is in regards to the cap on the  
10 fugitive emissions. If you can't answer this  
11 question now, a written response would be fine as to  
12 exactly how the 60 pound number came -- you know, was  
13 decided upon in terms of the fugitive emissions.

14 My other comment is also regarding the  
15 fugitive emissions, and I don't truly believe it's  
16 enforceable because you haven't put in enough  
17 stringent requirements for monitoring of the devices.  
18 My understanding of the permit is that a person just  
19 off the street without a scientific degree, is that  
20 someone is just going to each component, like a valve  
21 or a pump, with some sort of monitoring device that  
22 has a readout on it that tells them the concentration  
23 of ethylene oxide around the surface of that pump or  
24 that valve. If I'm wrong, please correct me. And

1 then they would write that number down on to a piece  
2 of paper, is that correct, or does it  
3 automatically -- do they hit record and then it  
4 records that number and automatically digitally  
5 records it so that number can't be changed or fudged  
6 if they're getting close to their cap?

7 MR. ROMAINE: That number is recorded. That  
8 number is not the emissions, though.

9 MR. WIECZOREK: Yes.

10 MR. ROMAINE: Those numbers have to be used  
11 with equations developed by U.S. EPA to calculate the  
12 emissions that are associated with those levels of  
13 measurements from a component.

14 MR. WIECZOREK: Okay. So it does have to be  
15 manually written down by an employee or it needs to  
16 be -- or is it automatically recorded by the device  
17 and it can't be changed or fudged in any way?

18 MR. MATTISON: It's not an employee. It's a  
19 third party consulting company that comes in and  
20 that's what they do for a living.

21 MR. WIECZOREK: Okay.

22 MR. MATTISON: So if they're violating or  
23 fudging data, that's a whole other issue of that. So  
24 it is a third party. It's not the actual company

1 doing it. It's a third party doing that testing.

2 MR. WIECZOREK: Okay. Thank you for  
3 answering that.

4 And then my last question is I am not -- I  
5 know they produce many different chemicals. I'm sure  
6 their processes or their setup of equipment is  
7 changing on a somewhat regular basis. If that's not  
8 true, correct me. But I see in the permit it says  
9 that every component in service at the time of the  
10 quarterly testing campaign needs to be monitored by  
11 this equipment and a reading needs to be made.

12 My concern is I'm not sure how often they  
13 switch up the processes or procedures that they use.  
14 But let's say they do their quarterly campaign on  
15 April 1 and then the next day they switch their  
16 process and they start using a component that was not  
17 monitored during that April 1 campaign and now it's  
18 time for their next quarterly campaign and they  
19 switch their process again before the next quarterly  
20 campaign, there's a potential for certain devices or  
21 certain pumps or valves to not be monitored. Maybe  
22 I'm not understanding the process they use there, but  
23 I don't see a provision that requires that every  
24 single thing be monitored.

1 MR. ROMAINE: That's a good point.  
2 Obviously, we don't want to force them to start using  
3 ethylene oxide if they're not otherwise using it, but  
4 I don't think we have contemplated the situation  
5 where they would go -- you know, and not be using it  
6 in such a way that they would not have monthly data  
7 for the components in ethylene oxide service.

8 Thank you very much.

9 MR. WIECZOREK: Okay. I would urge in my  
10 comments then that that needs to be added into the  
11 permit is that if a component was not tested in the  
12 previous quarterly round before they began using a  
13 new component in ethylene oxide service or within a  
14 certain time frame after putting it into service, it  
15 has to be monitored to be in compliance with their  
16 quarterly campaigns and included in the data.

17 Thank you.

18 MR. ROMAINE: Thank you.

19 MR. MORGAN: Jolanta.

20 Next up will be -- or third up will be  
21 Francesca Racette.

22 MS. POMIOTLO: Thank you for coming tonight.

23 My name is Jolanta Pomiotlo, and I'm one of  
24 the members of the Stop EtO in Lake County movement.

1           So, first of all, before I have any  
2 questions, I would like you to acknowledge is  
3 ethylene oxide a Class 1A carcinogen and mutagen?

4           MR. FROST: Yes, U.S. EPA classified it --

5           MS. POMIOTLO: Does the Illinois EPA feel  
6 the same way?

7           MR. FROST: We go by what the U.S. EPA  
8 classifies them as.

9           MS. POMIOTLO: Perfect.

10           At what quantity is EtO safe? Like, if I  
11 were to just breathe in some gas, what is the amount  
12 that's safe to breathe in?

13           MR. FROST: So when U.S. EPA looks at these  
14 things, they use a hundred in a million risk. So  
15 it's not a direct, you know, monitored value. You  
16 have to run it through calculations.

17           MS. POMIOTLO: Okay. So there is a school  
18 right next door to Vantage. It's called Spaulding  
19 Elementary School. My son attended that school.  
20 He's no longer there after I saw the air monitoring  
21 results in June.

22           So my question is the air monitoring results  
23 in June were still high, despite the additional  
24 emission controls that were put in place. What is it



1 about those controls that's not working?

2 MR. FROST: Well --

3 MS. POMIOTLO: Yes, there's a canister on  
4 Spaulding that was one-point something. There was a  
5 three-point something canister. Like, what's not  
6 working?

7 MR. FROST: So when we're talking about the  
8 risk, we're talking about long term, so 70-year  
9 lifetime risk. We're not talking about, you know,  
10 one or even several individual readings. You're  
11 talking about an average over a long period of time.  
12 And it's -- generally, my understanding is that the  
13 monitors around Vantage right now are generally down  
14 in what U.S. EPA, as they -- U.S. EPA has started  
15 looking around the country at, you know, what would  
16 be a background value for EtO and the average around  
17 the -- in the Vantage monitors is generally at  
18 that -- around that background value.

19 MS. POMIOTLO: And so long-term exposure,  
20 which is a really good point, because recently we  
21 found out that the former principal of Spaulding  
22 Elementary School has a very rare form of lymphoma,  
23 and he believes and his wife believes it was due to  
24 the fact of being in that area for many, many years.

1           We have children with leukemia, little  
2 three-year-olds, two-year-olds throughout Gurnee and  
3 Waukegan, and their moms feel it's caused because of  
4 EtO and they have also lived in the area for a while.

5           So, okay. About the permit. So why is  
6 there no air ambient requirements? Why isn't the EPA  
7 requiring air ambient -- it's one thing to monitor  
8 emissions at the stack. Why not monitor the air  
9 surrounding the facility?

10           MR. FROST: So, again, this permit, the  
11 reason for this permit is the new law. The new law  
12 establishes what needs to be in the permit, and so  
13 that's, you know, in general what's in the permit is  
14 a cap on emissions and then a re-opener clause and  
15 then there's the additional requirements that --

16           MS. POMIOTLO: The cap means nothing if you  
17 don't monitor the air, because how do we know they  
18 comply with it? It's one thing to self-report, but  
19 how do you know that they're actually complying with  
20 the permit and with the laws?

21           MR. FROST: So, in actuality, and it could  
22 be that my model -- you know, expand on this a little  
23 bit, but in general it's the source emissions. You  
24 take the source emissions and you do modeling. A

1 monitor is not going to tell you exactly what's  
2 happening or where those emissions are coming from.  
3 It's taking the emissions from the facility and  
4 running it through a model that will tell you what  
5 your values are.

6 MS. POMIOTLO: Okay. So we've been told  
7 that Vantage is a good corporate citizen, that they  
8 are complying proactively, installing scrubbers,  
9 et cetera, but they've had violations. I mean,  
10 recently in the past, you know, 2015, 2016. How do  
11 we trust that they're going to comply and not have  
12 violations with this permit?

13 MR. FROST: So a permit, that's -- again,  
14 the purpose of a permit is to set up the  
15 legal language, the legal construct so that our  
16 inspectors can go out and if there are -- you know,  
17 the permit, if there are violations, it's of the  
18 permit. It gives us legal requirements.

19 I don't know if Chris has anything.

20 MS. POMIOTLO: Okay. So we had  
21 representatives from the ATSDR here at the town hall  
22 recently on October 2, and we pointblank asked them  
23 if you -- and these are the health experts -- if you  
24 have -- would you allow your family and your kids

1 living next to one of these facilities, and they both  
2 said no. And these are the health experts.

3 Now, the EPA and the Illinois EPA could have  
4 a different story. They're just managing risk. But  
5 for a family with little kids, with kindergarteners  
6 right next door, like half a mile away, that's just  
7 not acceptable.

8 And, finally, the explosion risk, which  
9 Dylan touched upon earlier. We had a huge explosion,  
10 as you guys are aware because the Illinois EPA has  
11 taken action against AB Silicones. Who is to say  
12 something like that doesn't happen at Vantage? Like,  
13 what are we doing to prevent a disaster of that  
14 proportion, because ethylene oxide is incredibly  
15 explosive, just like hydrogen was in AB Silicones,  
16 and that happened at 9:00 o'clock at night. If that  
17 happened during the day when there's school buses --  
18 there's a school. Sunset is a road that school buses  
19 pass. If that exploded at 2:00 p.m., the casualties  
20 would have been unfathomable. As a parent, I cannot  
21 have my child attend that school, and he's not at the  
22 school anymore.

23 Thank you.

24 MR. MORGAN: A quick reminder. Anything you

1 shout out from the audience, even if you're shouting,  
2 it won't show up in the record. So if you want to  
3 speak, please turn in the card. We'll bring you up  
4 to the podium.

5 Next, Celeste Flores. Coming down is  
6 Meghan Hassett.

7 THE INTERPRETER: She's saying good evening.

8 MS. FLORES: Good evening.

9 THE INTERPRETER: F-L-O-R-E-S, Flores is her  
10 last name.

11 MS. FLORES: I'm a resident of Gurnee. I  
12 was born in this area. I'm here representing  
13 Clean Power Lake County. These two organizations are  
14 there to better air quality and the environment. I'm  
15 here to ask two questions, one to the Agency and one  
16 towards the permit.

17 THE INTERPRETER: She understands that  
18 there's 110 pounds that can be released by the  
19 facility. She wants to know outside of the fugitive  
20 emissions, how are they going to monitor the rest?

21 MR. ROMAINE: The other emissions are stack  
22 emissions coming from processed equipment.

23 Okay. You don't have a headset on.

24 THE INTERPRETER: She's talking to me.

1 MR. ROMAINÉ: So the stack has a control  
2 system, a series of a wet scrubber followed by the  
3 dry bed absorber. A continuous emission monitor is  
4 required on that vent. Those emissions will be  
5 measured normally by that condition, a continuous  
6 emission monitoring system. In case of any upset  
7 outage of that system, we would be relying on the  
8 operational monitoring systems for the controlled  
9 devices to determine emissions.

10 MS. FLORES: There won't be any additional  
11 monitors than what they have right now?

12 MR. ROMAINÉ: In fact, they do not currently  
13 have continuous emission monitoring. That is a thing  
14 that they have to install.

15 THE INTERPRETER: The second question is for  
16 the Agency. She wants to know why in Waukegan they  
17 weren't given more of an advanced notice about  
18 meetings like this for Medline. They only gave three  
19 days warning or advanced --

20 MR. ROMAINÉ: Three or 13?

21 THE INTERPRETER: Three.

22 She's saying she thinks it was three.

23 MR. FROST: No, it was 13.

24 MS. FLORES: Who makes the decision of

1 giving the advanced notices?

2 MR. FROST: Generally, that comes out of my  
3 office.

4 THE INTERPRETER: So she would like to know  
5 if for next time there will be more of an advanced  
6 notice.

7 MR. FROST: We try to give as much advanced  
8 notice as we -- as the circumstances allow for.

9 MR. MORGAN: And with that, we'll go on to  
10 the next commenter.

11 With that, we'll go on to the next  
12 commenter.

13 THE INTERPRETER: She said thank you for  
14 coming here and we'll see how the permit is given.

15 MR. FROST: Thank you.

16 MR. MORGAN: Francesca, and coming down is  
17 Tea Tanaka.

18 Meghan Hassett.

19 MS. HASSETT: My name is Meghan Hassett,  
20 H-A-S-S-E-T-T. I am the midwest campaign coordinator  
21 with the Union of Concerned Scientists. So I've been  
22 here working with Celeste and Clean Power Lake County  
23 on their work elevating this issue of carcinogenic  
24 ethylene oxide emissions.

1 I first wanted to start -- the first thing I  
2 noticed about this hearing was the information page  
3 on ethylene oxide on your website didn't actually  
4 mention the word carcinogenic anywhere in its  
5 description of ethylene oxide. It talked about how  
6 it was used and why it was needed and it talked about  
7 the update of the U.S. EPA, of the IRIS status, but  
8 it did not talk about the fact that it was, you know,  
9 dangerous and risky for public health and a  
10 carcinogen.

11 So I think, similar to what other people  
12 commented earlier, since you agree with the U.S. EPA  
13 that it is a carcinogen, being very clear about that  
14 on your website when you're talking about hearings  
15 for ethylene oxide I think will make the issue much  
16 more transparent for people.

17 So one thing I wanted to highlight here was  
18 some of the work that Union of Concerned Scientists  
19 did recently in partnership with folks in the  
20 community here, especially Diana Burdette of  
21 Clean Power Lake County. We put out a report,  
22 Abandoned Science, Broken Promises that details the  
23 ways that some of the federal administration's  
24 attacks on science and environmental standards just



1 proportionally impact communities of color and lower  
2 income areas. I think these disparities are  
3 important to highlight in light of this ethylene  
4 oxide issue and it featured Lake County as one of the  
5 communities we profiled.

6 So I think in light of some of the setbacks  
7 on our federal administration and their inability to  
8 protect us from issues like this, it's really  
9 important that the Illinois EPA and state agencies  
10 really hear out community concerns and prioritize  
11 health over profit.

12 We believe that until the permit is  
13 finalized, I understand the construction is completed  
14 now, but until the permit is finalized I don't think  
15 we should be operating a facility that releases  
16 ethylene oxide into the community until we know  
17 exactly, you know, how much and until those caps are  
18 in place and being used to continue operating Vantage  
19 while still figuring out how to reduce those  
20 emissions and what those look like in compliance with  
21 new state laws. I think this entire community that  
22 already faces myriad pollution burden is further at  
23 risk.

24 So, yeah, I think the Illinois EPA did the

1 right thing monitoring the air quality and banning  
2 facilities like Sterigenics from operating with  
3 ethylene oxide levels that were too high and you must  
4 extend the same caution and respect to communities of  
5 color in Lake County, around Medline and Vantage  
6 instead of contributing further to environmental  
7 racism. So we need to monitor the air quality and  
8 shut down the operations until we can ensure people  
9 are protected. It was the right thing to do in  
10 Willowbrook, and it's the right thing to do in  
11 Gurnee.

12 And I just wanted to highlight some of the  
13 research that we have in our report. And I can give  
14 you a copy, too, because it profiles this exact issue  
15 in Lake County.

16 But we all know that, you know, air  
17 pollution is a serious public threat and especially  
18 ethylene oxide being so dangerous to this community  
19 in terms of the cancer risk it causes.

20 I actually was at a yoga studio last night  
21 cleaning up the studio and was talking to a friend of  
22 mine there and her mother grew up here and her mother  
23 and five of her friends have all had non-Hodgkin's  
24 lymphoma and found out just, you know, recently that

1 after hearing some of the talk about ethylene oxide  
2 that this was something that could have been tied to  
3 just where they lived and where they spent their  
4 lives.

5 So there's a lot of, you know, unanswered  
6 questions and folks who are still learning about why  
7 they're getting these kinds of cancers. But this is,  
8 you know, real life and it goes beyond, you know,  
9 Gurnee. Like, I'm hearing about it, you know,  
10 people's parents who live in Chicago. This is really  
11 a huge issue.

12 So I just wanted to highlight that some of  
13 the work in Willowbrook that happened on behalf of  
14 the community, they ran a successful campaign to shut  
15 down the plant emitting unsafe levels of ethylene  
16 oxide, which resulted in a 90 percent drop in  
17 ethylene oxide levels. And high-ranking EPA  
18 officials met with community members. They created a  
19 website to address residents' concerns. But the  
20 federal EPA has paid far less attention to  
21 communities like this one here in Lake County, in  
22 some cases not visiting communities and not informing  
23 residents of their exposure. So I think that's  
24 really why there's a gap here that we need to be

1 filling with the Illinois EPA, taking special care of  
2 communities that are already facing other sources of  
3 pollution beyond just ethylene oxide, because I think  
4 this is just really compounding existing health  
5 issues that are also being burdened in other ways.

6 So that is all I had to say, but thank you  
7 so much.

8 MR. MORGAN: Thank you.

9 Tea Tanaka followed by Soh Tanaka and then  
10 Lynn Marie Florian.

11 MS. TANAKA: Hello. Good evening. My name  
12 is Tea Tanaka. I'm one of the members of Stop EtO in  
13 Lake County.

14 Stop EtO in Lake County sponsored a bill,  
15 House bill 3888 that I'm sure every one of you knows  
16 about. This bill was supposed to protect us, and it  
17 didn't pass. It passed through the House. It didn't  
18 make it to the Senate. It got killed in the  
19 executive committee yesterday. And your boss was  
20 there yesterday, and, obviously, he wasn't called but  
21 I do remember hearing during the House hearing that  
22 he was asked -- this is John Kim, by the way, the  
23 executive director of the Illinois EPA. He was asked  
24 do you support this bill. When somebody is asked

1 that, the answer is a yes or no question -- a yes or  
2 no answer. And what he said is if this bill passes,  
3 then we will enforce it, which is a very nice way of  
4 saying, no, we don't support it. We are very upset  
5 about that answer. So that's one strike.

6 The previous strike before that was for  
7 1854; 1854, which is the same legislature that you  
8 are enforcing with this permit right now. The reason  
9 why 1854 doesn't have air monitoring in it is because  
10 your boss didn't allow it. We are very upset about  
11 that, too.

12 We're very upset about the fact that you  
13 don't say that this gas is a carcinogen in your  
14 permit. You don't say that this gas is a Class 1  
15 carcinogen on the website. You are minimizing the  
16 risk of this carcinogen. You don't do that for  
17 asbestos. Asbestos is a Class 1 carcinogen, too.  
18 You also need 70 years for asbestos risks, right?  
19 You do. You don't get that -- you don't get cancer  
20 from asbestos with just one time of being in touch  
21 with it.

22 Why are we minimizing the risks from EtO?  
23 And why is this Agency doing it? We are very upset  
24 with you. And not just you, you, the Lake County

1 Health Department. Medline asked the Lake County  
2 Health Department to say that there is no cancer,  
3 that cancer is not the number one killer in  
4 Lake County. And what did they do? They jumped.

5 When the industry says jump, you agencies  
6 say how high and you jump. That's absolutely  
7 unacceptable.

8 You're supposed to protect us. This bill  
9 and this permit has no monitoring that we can rely  
10 on. Why are we relying on self-reporting? We  
11 shouldn't.

12 You know that these facilities have had  
13 plenty of mischievements before and they've gotten  
14 nothing. They've gotten a slap on the wrist, if  
15 that. How is that working for us? It isn't.

16 A mom with a three-year-old with cancer is  
17 not going to be satisfied when you tell them, oh, you  
18 need 70 years in that school to get cancer. No.  
19 Their risk is much higher as babies, as  
20 three-year-olds. And that principal at Spaulding  
21 school, the very rare type of lymphoma that he has,  
22 only one in 3.4 million men get that type of  
23 lymphoma. And that type of lymphoma, long name, I'm  
24 not going to pronounce it, that type of lymphoma is

1 exactly connected to ethylene oxide. If you go to  
2 PubMed, you will see studies done that link that type  
3 of lymphoma, non-Hodgkin's lymphoma, exactly to that  
4 type of cancer -- to that gas. We know this gas  
5 gives people cancer. Why are you minimizing the  
6 risks? Why? I don't get it. I don't get it. Just  
7 because you don't live in this community doesn't mean  
8 you can't protect us or you shouldn't protect us.  
9 This is why we pay you.

10 Thank you.

11 MR. MORGAN: Soh Tanaka followed by  
12 Lynn Marie Florian.

13 Oh, I'm sorry. Are you Francesca? I'm  
14 sorry.

15 MS. RACETTE: Hi. I'm Francesca Racette,  
16 and I have a question. I understand I think it was  
17 like back in 2014 or 2016 Vantage reported a  
18 violation of the emission and submitted it to the  
19 Illinois EPA but it got lost in your paperwork. Do  
20 you guys recall that? I remember reading it  
21 somewhere, that something wasn't reported. It was  
22 submitted but you guys didn't include it in the  
23 report because someone in your agency forgot to  
24 include it.

1 (Whereupon, comments were made  
2 from attendees of the public  
3 meeting.)

4 MS. RACETTE: They're helping me out here.  
5 So what was it called?

6 (Whereupon, comments were made  
7 from attendees of the public  
8 meeting.)

9 MS. RACETTE: The NATA map. So you guys got  
10 information but you lost it, which is a little  
11 concerning to me because what happens if Vantage has  
12 violations and they submit it to you and you guys  
13 lose it? Like, how do you lose it?

14 MR. FROST: I believe that what you're  
15 addressing, I'm not entirely sure, but what I believe  
16 what you're addressing isn't something where we lost  
17 data. It was coded -- instead of being coded as --

18 MS. RACETTE: It wasn't included. I don't  
19 care if you lost it. I care that you didn't include  
20 it or that you didn't make it public.

21 MR. FROST: You're comparing it to losing a  
22 deviation report. The data wasn't lost.

23 MS. RACETTE: But it wasn't reported so it  
24 was lost to me because I couldn't see it, right?



1 MR. FROST: I'm just saying a deviation --

2 MS. RACETTE: That's unacceptable.

3 MR. FROST: A deviation report is something  
4 different.

5 MS. RACETTE: Well, all I know is that there  
6 was a violation. I don't know all of your verbiage.

7 MR. FROST: What you're referring to, it  
8 wasn't a violation. It was an annual emission  
9 report. It was a number on an annual emission  
10 report.

11 MS. RACETTE: Okay. That was over the  
12 allowable amount.

13 (Whereupon, comments were made  
14 from attendees of the public  
15 meeting.)

16 MR. FROST: That's what I thought she was  
17 referring to, and it's not that we lost anything. It  
18 was that the number wasn't coded correctly into  
19 the --

20 (Whereupon, comments were made  
21 from attendees of the public  
22 meeting.)

23 MR. MORGAN: Excuse me. One person at a  
24 time at the microphone. So your question is?

1 MS. RACETTE: My question is how do you not  
2 code it correctly so that we don't know it? I mean,  
3 to me that's -- it's unacceptable. I mean, I guess  
4 I'm not understanding how you --

5 MR. FROST: I think we can address it in  
6 more detail -- because I'm not entirely familiar with  
7 all of the details of it, but I think it was coded as  
8 a zero instead of a not reportable, that they didn't  
9 have to report it and instead it was coded as a zero.  
10 I think it was a discrepancy along those lines. It  
11 wasn't a discrepancy in the data was lost or the  
12 report was lost or anything of that nature.

13 MS. RACETTE: Okay. And then the other  
14 question I have --

15 MR. FROST: But we'll answer that. I'll get  
16 the details on that and we'll answer it in detail in  
17 the response in a summary.

18 MS. RACETTE: So then there's going to be a  
19 quarterly report available you guys are saying with  
20 this permit, and how do we get that information? Do  
21 we have to look it up?

22 MR. FROST: So, in general, all of the data  
23 that is received by the Agency or generated by the  
24 Agency is available through Freedom of Information

1 Act requests.

2 MS. RACETTE: So we have to look it up?

3 MR. FROST: Yes. I mean --

4 MS. RACETTE: Okay. And how easy is that  
5 because I'm not --

6 MR. FROST: It's generally a pretty  
7 streamlined easy process.

8 MS. RACETTE: And then so what is the lag  
9 time from when the information is submitted to when  
10 we can pull it up?

11 MR. FROST: As soon as we receive it and  
12 it's screened by our FOIA unit.

13 MS. RACETTE: So what if they delay turning  
14 in the information?

15 MR. FROST: It's a violation. That's what  
16 Chris was talking about earlier about timely  
17 submission of --

18 MS. RACETTE: But, again, then is there a  
19 penalty or is this one of those nebulous, you know,  
20 case by case --

21 MR. FROST: Again, with all of these things,  
22 as Robb described, it depends on the nature of  
23 what -- the extremity of our response is whether --  
24 you know, whether it's something that would

1 ultimately end up as an enforcement at the  
2 Attorney General's Office or whether it's something  
3 that can be rectified through a compliance commitment  
4 agreement or, you know, other action. It depends on  
5 the nature of the violation.

6 MS. RACETTE: Okay. I guess I just want to  
7 say, and maybe I'm erroneously speaking on behalf of  
8 my community here, but this is a little unsettling  
9 because it feels like there's just a whole lot of  
10 room for shenanigans.

11 MR. MORGAN: Thank you. It's time for our  
12 next comment.

13 Mr. Tanaka.

14 MR. TANAKA: Hi. My name is Soh Tanaka. I  
15 apologize ahead of time. I came a little bit late,  
16 so I hope I'm not repeating the same question. If  
17 I'm repeating the same question, just say it was  
18 answered already.

19 Regarding the notice that she just  
20 mentioned, I guess we can do the FOIA and get the  
21 information, but is anything -- is it illegal for you  
22 to post it on the website, IEPA website?

23 MR. FROST: If there's certain information  
24 of a consistent nature that you're looking for and it

1 will help speed up the process, we can consider that,  
2 but I think that that's something that we can have a  
3 conversation about.

4 MR. TANAKA: Yes. Obviously, this is  
5 something that the community cares a lot about, and  
6 it would help if the amount is posted on the IEPA  
7 website without doing FOIA.

8 MR. FROST: Again, I would like to have -- I  
9 would like to have a separate conversation about what  
10 specific documents you're interested in.

11 MR. TANAKA: Everything.

12 MR. FROST: See, that's where -- we receive  
13 a lot of information, and it all has to be processed  
14 by our filer room, you know, to make sure it comports  
15 with FOIA. Because if we post something up, it has  
16 to comport with, you know, the Open Records  
17 requirements and then, yes, there are things that we  
18 post up on the website. But we can have a further  
19 discussion about, you know, what you would like.

20 MR. TANAKA: These quarterly reports, for  
21 example.

22 MR. FROST: We can discuss that.

23 MR. TANAKA: Yes. And the continuous  
24 monitoring system, and I've never seen it so I'm just

1 picturing some kind of device attached to the stack  
2 and it's just measuring the amount of ethylene oxide  
3 coming out from the stack. Is that correct?

4 MR. MATTISON: Correct. That is correct.

5 MR. TANAKA: Okay. So the monitor is  
6 measuring and then I don't know how many hours  
7 Vantage operates but let's say they operate 20 hours.  
8 So when you look at the number at the end of the day,  
9 does it show every minute of the ethylene oxide  
10 amount or is it every hour or is it just total of  
11 the -- at the end of the day? So it just shows like,  
12 okay, today, you know, Vantage emitted one pound, or  
13 how does it work? Can I see like -- how does the  
14 monitoring work?

15 MR. MATTISON: So the monitoring system  
16 records and documents on a continuous basis, and I  
17 believe the permit does require a summation into  
18 hourly data.

19 MR. ROMAINE: Yes.

20 MR. MATTISON: And then the three-hour  
21 averages of that data. So all that data is  
22 continually monitored and recorded, not only in, you  
23 know, the concentration and parts per billion but as  
24 well as a flow rate and then you take those two

1 values and then you can calculate a pounds per hour.

2 MR. TANAKA: Okay. So what is the limit of  
3 the monitoring system? I'm guessing, you know, if  
4 it's an extremely low amount of ethylene oxide coming  
5 out, there will be a point where the monitoring  
6 device cannot monitor it.

7 MR. MATTISON: Okay. In the permit we set a  
8 value of a method detection of like 20 parts per  
9 billion to that, that they have to accurately  
10 quantify to that level.

11 MR. TANAKA: Okay. So the device will be  
12 able to capture 20 parts per billion every, what,  
13 every minute? Every hour?

14 MR. MATTISON: It's a continuous monitoring  
15 system. So I'm not sure if the frequency of that is  
16 every minute, every 30 seconds, but it's measuring  
17 that concentration with the detection of at least  
18 20 parts per billion.

19 MR. TANAKA: Okay. So can anybody calculate  
20 what's 20 parts per billion in terms of pounds of  
21 ethylene oxide?

22 MR. MATTISON: You need to know that flow  
23 rate at the time as well to calculate that.

24 MR. TANAKA: Okay.

1 MR. MATTISON: So, you know, if you had a  
2 general flow rate that you want to calculate into,  
3 you would then apply that.

4 MR. TANAKA: So this is just an extreme  
5 example, but so the monitoring device can detect up  
6 to 20 and higher and, you know, 19.08 cannot detect.  
7 I'm just making it a little simple. You know,  
8 Vantage emits 19 parts per billion every second of  
9 it, you know. So the monitoring device shows zero  
10 because they cannot capture it but when you add up  
11 all those numbers it's going to become a huge number.  
12 So, in theory, is that possible.

13 MR. MATTISON: So, number one, if it reads  
14 below, you set it at 20. You don't say it's zero.  
15 So 20 is it all the time.

16 MR. TANAKA: Right, but --

17 MR. MATTISON: So if you take 20 -- so,  
18 obviously, you know, I don't know the exact flow  
19 rates off the top of my head, but when the modeling  
20 was done, they use a value and then calculated that  
21 value to make sure that it was a measurable value for  
22 us.

23 MR. TANAKA: Okay. And if it's always 20,  
24 when you add up everything is it going to be less



1 than 60 pounds a year?

2 MR. MATTISON: Well, 60 pounds is a fugitive  
3 value.

4 MR. TANAKA: I'm sorry, 50 pounds a year.  
5 The stack limit is 50, right, or was it 60?

6 MR. MATTISON: The fugitive limit is 60.  
7 The overall is 110.

8 MR. TANAKA: So the stack can have up to  
9 50, am I correct, or 110 minus 60?

10 MR. MATTISON: There is no stack limit.  
11 It's 110 for the facility for the year.

12 MR. TANAKA: Okay.

13 MR. MATTISON: But we put a limit on  
14 fugitives of 60.

15 MR. MORGAN: I'm sorry. Time is up. We  
16 need to move on.

17 MR. TANAKA: I'm sorry. I just have a quick  
18 question.

19 When does this 110 kick in?

20 MR. ROMAINE: Yes.

21 MR. FROST: It's when the permit takes  
22 effect.

23 MR. TANAKA: Which is?

24 MR. FROST: Whenever the permit is issued.

1 MR. TANAKA: Is that the December 21?

2 MR. ROMAINE: December 21.

3 MR. TANAKA: Okay. All right. Thank you.

4 MR. MORGAN: Next up, Lynn Marie Florian.  
5 After that, Diana Burdette and then Jacklyn Walton.

6 MS. FLORIAN: Hello. I'm Lynn Florian,  
7 F-L-O-R-I-A-N. Thank you for coming to address our  
8 concerns about this permit.

9 My first question is you mentioned earlier  
10 that they don't currently have any monitoring on the  
11 stack; is that correct?

12 MR. ROMAINE: Yes.

13 MS. FLORIAN: So how do we know how much  
14 they've been emitting? We just take their word for  
15 it?

16 MR. ROMAINE: We will have to reconstruct  
17 the data until they get the monitoring in place. So  
18 we will have operational data for the control device,  
19 operational data for the amount of product they're  
20 making, and using that data we reconstruct what the  
21 emissions were after they install the monitoring  
22 system.

23 So the monitoring system would say, okay, if  
24 you're operating at this level of protection, the

1 scrubber was doing this, the dry bed was new, the  
2 pound per hour, the fraction of the pound per hour  
3 was such and such.

4 MS. FLORIAN: So you'll go backwards and  
5 create the data?

6 MR. ROMAINE: Right.

7 MS. FLORIAN: Okay. So leak-free technology  
8 is not new. Why does this permit not specify that  
9 leak-free pumps be used in the effective components?

10 MR. ROMAINE: The simple answer is it's not  
11 a requirement of the new law.

12 MS. FLORIAN: So you weren't instructed to  
13 put that in the permit.

14 MR. ROMAINE: That's correct.

15 MS. FLORIAN: So that's something we need to  
16 go back to our legislators with and make sure it's in  
17 the next law.

18 MR. ROMAINE: Yes, and I guess that's  
19 perhaps a simplistic answer I gave. If they  
20 determine that they will have to replace some pumps  
21 with leak-free pump designs to meet the cap of  
22 60 pounds per hour, that would be something that they  
23 would have to consider doing.

24 MS. FLORIAN: 60 pounds an hour?

1           MR. ROMAINÉ: Per year. Per year. I  
2 apologize.

3           MS. FLORIAN: That scared me.

4           So in your presentation, Mr. Frost, in about  
5 the second or third slide, you talked about the  
6 fugitive emissions going down. How are we going to  
7 know that they went down?

8           MR. ROMAINÉ: That will be shown by the  
9 calculations that result from the monitoring, the  
10 concentrations that are monitored on components, the  
11 individual campaigns to monitor components. So they  
12 monitor, they carry out the leak detection program,  
13 the go-around components, what was the level of the  
14 ethylene oxide at the surface of the flange or  
15 connector, what was it at the stem of the pump, for  
16 the valve, and then using an equation you can convert  
17 that number or actually the change in number, so what  
18 was it before, what was it now, into an emission rate  
19 for the period of time from the current campaign to  
20 the previous campaign.

21           MS. FLORIAN: So kind of the same thing you  
22 were talking about with the stack then, you're going  
23 to work backwards and kind of figure out --

24           MR. ROMAINÉ: Working as we go. That's much

1 simpler because they are already implementing the  
2 enhanced monitoring program and they've been doing  
3 those calculations since May.

4 MS. FLORIAN: Okay. And I forget your name,  
5 but this question is for you.

6 You said that in order to get redress,  
7 whatever word you want to use, from the company, we  
8 have to prove that we've been harmed by them. How do  
9 we prove that we've been harmed?

10 I mean, I know someone mentioned that  
11 certain cancers have been linked to EtO, but we don't  
12 have any real proof that when someone is sick that  
13 it's necessarily because of EtO. So how do we prove  
14 we've been harmed?

15 MR. LAYMAN: Well, you'll prove a violation.  
16 What you may be thinking of is what I said with  
17 respect to the need to be adversely impacted or  
18 adversely affected in fact; that's for injunctive  
19 relief. And so that doesn't necessarily come into  
20 play if you're bringing an action that's designed to  
21 just recover civil penalties, in which case you would  
22 identify in your complaint what the nature of the  
23 violation is, in other words, what's the requirement  
24 of the permit or the underlying rule or statute and

1 then you would just show whatever your evidence is,  
2 whether it's monitoring data, self-reporting, you  
3 know, anything that we relied upon and submit that as  
4 part of the case, and the respondent or the defendant  
5 would have the opportunity to attempt to rebut that  
6 by showing that they were justified or what have you.

7 The thing I said about the injunction works  
8 a little bit differently, and that's an area you  
9 would have to show the necessary elements of  
10 injunction but there you would, under Section 45B of  
11 the act, you would have to allege that you're a  
12 member of the community, that you were adversely  
13 affected by whatever the nature of the violation is  
14 in order to try to get an injunction, if you will, or  
15 to get that activity prohibited or to cease.

16 MS. FLORIAN: All right. Thank you. So I  
17 have one more minute left.

18 My last question is about -- and I don't  
19 know if you addressed this. What about the employees  
20 of these places? Is there anything in this permit to  
21 protect or assess the damage possibly to the  
22 employees?

23 MR. FROST: So, in general, we deal with  
24 emissions from a facility and when it comes to

1 employees from a facility, it is OSHA. Although, I  
2 will say I believe the -- did the modeling take  
3 into -- the modeling took into account employees at  
4 the facility.

5 MS. FLORIAN: Thank you.

6 MR. MORGAN: Diana Burdette. Next up,  
7 Jacklyn Walton and then Sarah Crawford.

8 MS. BURDETTE: Diana Burdette,  
9 B-U-R-D-E-T-T-E.

10 I'm fully aware that as an agency you come  
11 in and you enforce that which you have been  
12 legislatively told to enforce and that you have  
13 limitations as well to that legislation.

14 Now, to the permit. You don't address  
15 leaks. If there is a leak, is that calculated into  
16 the 110 pounds that you're supposed to -- that  
17 they're supposed to be regulated to emit, or is that  
18 treated independently?

19 MR. ROMAINE: That's absolutely part of the  
20 110 pounds and as has been mentioned, there is a  
21 sub-limit that says the total emissions from leaking  
22 components cannot exceed 60 pounds per year.

23 MS. BURDETTE: Okay. So if there is a leak  
24 of, say, 10,000, are they shut down for the year?

1 MR. ROMAIN: No. First of all, I don't  
2 know what the leak of 10,000 means.

3 MS. BURDETTE: 10,000 pounds.

4 You laugh as if it would not happen, but  
5 it's happened in other areas. So, Delaware, let me  
6 point that out, Texas, let me point that out. It has  
7 happened, and we are experiencing chemical  
8 emergencies in this county, so please don't laugh at  
9 me because you are being condescending and rude.

10 MR. ROMAIN: We are talking about two  
11 different things. I'm afraid I'm answering to the  
12 best of my ability.

13 We are talking about emissions that based on  
14 their standard procedures are designed to keep  
15 routine leaks, total emissions to below 60 pounds per  
16 year. If we have a failure of the magnitude that  
17 we're talking about, the permit does not address it.

18 MS. BURDETTE: Okay. So I suggest that you  
19 do write something in to address it. We would like  
20 to see it as a community that has to deal with  
21 multiple burdens. We would like to see emergencies  
22 written in because they're actually happening to us.  
23 It's our day today.

24 Lastly, you were talking about a pattern



1 being established for infractions. Now, you won't  
2 actually have a response to these infractions unless  
3 there's a pattern established, correct?

4 You specifically, Chris.

5 MR. ROMAIN: The pattern of the infractions  
6 could affect the response. There could be a response  
7 for a single infraction. Obviously, a pattern for  
8 infractions is a much more serious situation than a  
9 one-time occurrence that there's a corrective that  
10 takes care of it.

11 MS. BURDETTE: Great.

12 So my question regarding that is will you  
13 have a pattern established every quarter? Will you  
14 be looking at patterns that are established every  
15 quarter or will it take longer than a quarter? Will  
16 it take a year, five years? How long?

17 MR. ROMAIN: I think I have to return to a  
18 case-by-case basis. If there are large incidents  
19 that occur in a quarterly basis, that would certainly  
20 be an adequate time frame to show a pattern of poor  
21 behavior. If isn't as large a problem, then there  
22 might have to be a longer period of time.

23 MS. BURDETTE: Okay. What is going to be  
24 considered a longer period of time?

1           Less ambiguity is what I'm asking for.

2           MR. FROST: Okay. Let me also state the  
3 people we have here are permit section staff, not our  
4 compliance staff. So they don't make those  
5 decisions. Our compliance staff does. And so I'm  
6 not sure that, you know, we have a better answer for  
7 you tonight.

8           MS. BURDETTE: Okay.

9           MR. FROST: Okay.

10          MS. BURDETTE: I would like it, though, if  
11 you can send it to me. You have my e-mail, Brad.

12          MR. FROST: Yes. We're taking all comments  
13 down.

14          MS. BURDETTE: Great.

15          MR. MORGAN: Jacklyn Walton followed by  
16 Sarah Crawford and then Tatyana Santa Maria.

17          MS. WALTON: Hi. My name is Jacklyn Walton,  
18 W-A-L-T-O-N. I'm a Gurnee resident for a couple more  
19 months because we are moving, expecting a child in  
20 March, and this is terrifying.

21          Chris Romaine, you replied to Ms. Flores  
22 earlier this evening that there is currently no  
23 continuous emission monitoring system. You said they  
24 have to install it. My question is when exactly do

1 they have to install this?

2 MR. ROMAINE: That is something that we're  
3 still working on when that equipment will be  
4 available.

5 Do you have any further details on that?

6 MR. MATTISON: Sometime in December is  
7 expected.

8 MS. WALTON: After three years of knowing  
9 this is a Class 1 carcinogen, you have the monitoring  
10 system. Brad and Chris confirmed the construction is  
11 done. My question is why do we have to wait another  
12 month, another week, another day for this monitoring  
13 system? Why is it taking this long?

14 MR. MATTISON: The manufacturer wasn't able  
15 to supply it.

16 MS. WALTON: I have a couple questions  
17 for -- I'm sorry. I forget your name.

18 MR. LAYMAN: That's all right.

19 MS. WALTON: For the lawyer.

20 You mentioned, and maybe this was covered in  
21 the previous speaker, you mentioned the citizen  
22 needing -- I'm sorry, does the citizen report or suit  
23 result in multiple individual lawsuits or class  
24 action?

1 MR. LAYMAN: I don't believe there's a  
2 formal recognition for a class action under the  
3 Environmental Protection Act. I'm looking at Jim  
4 because he --

5 MR. MORGAN: That's correct. A number of  
6 people can join in a lawsuit and they don't have to  
7 demonstrate class action status.

8 MS. WALTON: And is there a grace period  
9 versus -- to file a complaint or a suit?

10 MR. LAYMAN: And by grace period you mean  
11 like a 60-day pre-notice filing requirement?

12 MS. WALTON: I mean based on the violations  
13 from 2015 and 2016 from Vantage and your --

14 MR. LAYMAN: No, I don't believe there's any  
15 kind of grace period.

16 MS. WALTON: Statute of limitations.

17 MR. LAYMAN: For what?

18 MS. WALTON: For filing a suit. So there  
19 were violations in 2015 and 2016 is my understanding.  
20 Is there --

21 MR. LAYMAN: You would have to serve notice  
22 for a state action under the Environmental Protection  
23 Act, whether it's filed before a circuit court or  
24 pollution control board, you would have to serve

1 notice of your complaint to the defendant or the  
2 respondent. The agency is the one that has to  
3 undergo through the pre-enforcement notice  
4 requirements, but I don't believe a citizen suit does  
5 for civil penalty.

6 Is that your understanding as well?

7 MR. MORGAN: That's correct. And I think  
8 what you may be getting at is what we call a statute  
9 of limitations.

10 MS. WALTON: Correct.

11 MR. MORGAN: Which sets a limit on how long  
12 you can wait to file a lawsuit. Currently there's  
13 case law that says there's no statute of limitation  
14 to enforce provisions of the Environmental Protection  
15 Act.

16 MR. LAYMAN: Right. So you can go back a  
17 period of time for that for the basis for a  
18 violation.

19 MS. WALTON: Okay. Thank you.

20 If I have more time, another question would  
21 be for the employees that are working within the  
22 walls of the sterilization and manufacturing  
23 facilities, what equipment are they provided to  
24 protect them from the fugitive emissions for the

1 daily exposure?

2 MR. FROST: Again, that's really a function  
3 of OSHA, not of the Illinois EPA.

4 MS. WALTON: Okay. Thank you.

5 I also want to mention that at the previous  
6 meeting on October 2 multiple times it was mentioned  
7 that there were important factors and you deferred to  
8 the U.S. EPA. What are the chances of the U.S. EPA  
9 representative coming to these meetings or compliance  
10 staff being here in order to answer our questions?

11 MR. FROST: So, obviously, we as the  
12 Illinois EPA are here to discuss -- we have a permit  
13 transaction. We come out to discuss the permit  
14 transaction. Any request to the U.S. EPA certainly  
15 we can transmit that to them, but I think, you know,  
16 in a lot of cases it's more effective -- it can be  
17 just as effective for you to contact them directly to  
18 ask, but we'll pass along to them that the request  
19 was made.

20 MS. WALTON: Thank you for your time.

21 MR. MORGAN: Next up is Sarah Crawford,  
22 followed by Tatyana.

23 MS. CRAWFORD: Hello. My name is  
24 Sarah Crawford, C-R-A-W-F-O-R-D.

1 I just have a few questions but one comment.  
2 I live one mile from Vantage and two miles from  
3 Medline growing up. I have a twin brother who was at  
4 30 years old diagnosed with follicular lymphoma,  
5 which is one of the cancers that is caused by  
6 breathing in ethylene oxide. He was a healthy male  
7 and the doctors at Mayo said they didn't understand  
8 why he was getting this cancer at 30 years old. It's  
9 a cancer that you get when you're a 70-year-old man.  
10 And to me that just speaks volumes of what's going on  
11 in Gurnee and Waukegan, and we do have cancer here  
12 because of ethylene oxide.

13 My one question is did any of you guys fill  
14 out witness slips to support HB 3888? And hopefully  
15 the answer is yes.

16 MR. FROST: We are employees of the Illinois  
17 Environmental Protection Agency. We do not -- none  
18 of the people here set policy for the Agency nor do  
19 we get involved in legislation.

20 MS. CRAWFORD: Right. So just even as a --  
21 I mean, I understand the job that you have, but even  
22 just as a person, a human being, you could have  
23 filled it out as a resident of Illinois, any  
24 residents of Illinois.

1 MR. FROST: And, in fact, that might have  
2 been considered a conflict of interest. It's not  
3 something that I've pursued with our ethics officer  
4 or anything of that nature. We're employees of  
5 Illinois EPA, and we don't get involved in those  
6 kinds of policy decisions.

7 MS. CRAWFORD: Okay. My next question is  
8 can the Illinois EPA ask the U.S. EPA to update the  
9 NATA map that will reflect Vantage's numbers on that  
10 since it's missing?

11 MR. FROST: Whether we -- your question is  
12 whether we can request it. I assume we could but  
13 that's -- whether they would or they wouldn't,  
14 it's --

15 MS. CRAWFORD: Well, can John Kim ask being  
16 the director?

17 MR. FROST: I will take that under  
18 advisement. All of this -- everything that's  
19 reported at this meeting will be reported back to  
20 John.

21 MS. CRAWFORD: Excellent. Thank you.

22 And then my next question is, and I didn't  
23 get a chance to review the permit fully, but are  
24 there any types of audits where you guys physically



1 come to Vantage, you know, Chris and Kevin who are  
2 the experts, is there anything in the bill that --  
3 or, I'm sorry, in the permit that asks you guys to  
4 come and audit Vantage yourself?

5 MR. FROST: There's nothing necessarily in  
6 the new law, but we have inspectors. Dan is one of  
7 our inspectors. And we also have stack testing.  
8 Kevin is our stack tester. And they go to the  
9 facilities.

10 MS. CRAWFORD: And is that in the permit?

11 MR. FROST: No, that's just part of our  
12 normal operations.

13 MS. CRAWFORD: And how often do you guys  
14 perform the audits, Kevin?

15 MR. MATTISON: So I do stack testing, so,  
16 you know, we go out and look at stack tests.

17 MS. CRAWFORD: Right.

18 MR. MATTISON: So are you talking about  
19 audits or are you talking about inspections of the  
20 facility to ensure that there's --

21 MS. CRAWFORD: I guess I'm confusing that  
22 word as the same. So you're saying it's two  
23 different things?

24 MR. MATTISON: Two different things.

1 MS. CRAWFORD: Okay. So maybe explain it,  
2 please.

3 MR. MATTISON: So Dan would do the field  
4 operations, so he would actually go and do field  
5 inspections at the facility to ensure they're  
6 complying with all the confines of the permit, where  
7 I would get involved where the stack test is  
8 occurring or certifying the monitoring system. I  
9 would be going out there and ensuring that it's done  
10 correctly, which I was just out there May 21, 22  
11 during their stack test of that new system.

12 MS. CRAWFORD: Okay. And so how often do  
13 you do the inspections and how often does Dan do the  
14 audits?

15 MR. MATTISON: Well, for my inspections,  
16 it's all dependent on how often they're actually  
17 required to do the actual stack test and then Dan is  
18 on a periodic basis.

19 MS. CRAWFORD: Okay. So I know we kind of  
20 touched on this earlier, but I know that Vantage had  
21 put in all of their additional measures in April and  
22 then we had our testing in June and there were those  
23 high tests of 3.6 and 1.28 and I know you were trying  
24 to say that the background level -- most of the

1 testing was in accordance with background level, but  
2 then how do you explain those high tests, the 3's and  
3 the 1's? I mean, that's not coming from nothing.  
4 That's coming from Vantage.

5 MR. FROST: You know, what I was saying is  
6 that when you look at -- when you look at a chronic  
7 exposure, you look at long-term average. You don't  
8 look at a single --

9 MS. CRAWFORD: But just because we only  
10 captured that three days out of the 30-day testing  
11 that did it once every three days and we didn't have  
12 canisters all around Vantage. We only had them in  
13 four spots where the wind wasn't even blowing.  
14 That's not a true reflection of the testing. So  
15 because there was high readings we know, the citizens  
16 know that it's there and you can't deny that.

17 MR. FROST: Let me have Steve address that.

18 MR. KING: Oh, sure.

19 You know, one thing about the 24-hour  
20 sampling is that you can't just take a single number  
21 and say, oh, this is my risk in a million. You have  
22 to look at a lot of numbers and average them over a  
23 lot of samples to get a number that you can actually  
24 equate to a lifetime risk. So a single high number

1 doesn't tell you a lot except maybe you argue it's a  
2 high number.

3 MS. CRAWFORD: But it tells you it's there.  
4 It tells you it's there, sir. You can't -- I know  
5 you're talking about averages, but it tells you that  
6 it's there. It tells you that it's in our air and we  
7 are breathing it and I cannot just say that that  
8 doesn't count; that those high readings, oh, those  
9 don't really count; no, you're fine, you're totally  
10 fine, your children, your two precious daughters are  
11 totally fine.

12 MR. KING: So there were a total of about I  
13 believe 30 sampling 24-hour periods for all of the  
14 Vantage monitors around Vantage, and it averages  
15 .4 micrograms per cubic meter, which is pretty much  
16 what we're seeing nationwide.

17 MS. CRAWFORD: And do you believe that there  
18 was enough canisters around Vantage? There was only  
19 four.

20 MR. KING: Well, the canisters in and of  
21 themselves were sited to try to catch where we would  
22 consider the air is of maximum impact. Now, as I  
23 understand it, they're doing some more sampling to  
24 include monitors to the northwest.

1 MS. CRAWFORD: Correct.

2 MR. KING: And, you know, what we saw when  
3 you look at historical wind roses is that the impacts  
4 are generally over a course of five years of  
5 meteorology, and typical of the Chicago area, is that  
6 you will see the higher impacts where the wind is  
7 predominant, which winds are out of the southwest so  
8 they would be to the northeast of the plant and not  
9 necessarily to the northwest or west or south.

10 MR. MORGAN: At this time, we have to move  
11 on to another commenter, please.

12 MS. CRAWFORD: Thank you, sir. Thank you,  
13 everyone.

14 MR. MORGAN: Tatyana, and Verena is next up.

15 MS. SANTA MARIA: Hello. My name is  
16 Tatyana Santa Maria, and Sarah actually asked my  
17 question, but I would like to reenforce this request.

18 If there is data and you didn't lose it  
19 about the numbers and emissions from that NATA map,  
20 can you please include this or request your director,  
21 John Kim, to include this NATA map. And how long  
22 should he wait for this official transparent public  
23 information? How long do you think it will take to  
24 show up on the map?

1 MR. FROST: Again, that's not our map.

2 MS. SANTA MARIA: I understand.

3 MR. FROST: We don't generate that map.

4 They typically only do it once every three --

5 MS. SANTA MARIA: Four years.

6 MR. KING: I think it's four years.

7 MS. SANTA MARIA: Yes, it's four years.

8 MR. FROST: So we have no control over that.

9 MS. SANTA MARIA: Can you help us, though?

10 MR. FROST: As I said, I mean, there's -- we  
11 can communicate that to U.S. EPA, but we don't  
12 control what they do.

13 MS. SANTA MARIA: Please communicate that.  
14 Again, how can we find out if it was communicated?

15 MR. FROST: You have my number.

16 MS. SANTA MARIA: So when should I call you?

17 MR. FROST: Get in touch with me and we can  
18 talk about it.

19 MS. SANTA MARIA: Well, I can call you  
20 tomorrow. But when should I call you to get the  
21 answers so you can have some information for me?

22 MR. FROST: Well, I'll have to take -- I'll  
23 have to take that back and talk to people.

24 MS. SANTA MARIA: Thank you, because I'm

1 very concerned about that. 2014 when Vantage had  
2 more emissions than Sterigenics and Medline together  
3 during this year, and this particular year is hidden.  
4 It's not on the map. We're very concerned.

5 Thank you.

6 MR. MORGAN: Verena Ower, and after that  
7 Travis Haley and then Douglas Ower.

8 MS. OWER: My name is Verena Ower, that's  
9 V-E-R-E-N-A, O-W-E-R. Thank you for being here  
10 tonight. I have a few questions, a little bit about  
11 the process.

12 So the company applied for this permit, sent  
13 in an application?

14 MR. FROST: Yes.

15 MS. OWER: Did you have any questions for  
16 them or was it just accepted as is?

17 MR. ROMAINE: We had a number of questions  
18 with regard to the air quality dispersion model that  
19 was conducted and they went through several  
20 iterations of that dispersion model until we were  
21 satisfied that it was appropriate.

22 MS. OWER: So I assume that the company has  
23 signed off on this draft permit.

24 MR. ROMAINE: Yes. Preliminary discussions,

1 they don't have any -- well, they have concerns that  
2 it's a tight permit, but beyond that, they understand  
3 that's what they have to live with.

4 MS. OWER: Okay. Thank you.

5 Nothing in the monitoring, recordkeeping,  
6 and reporting requirements excite me, nothing. I  
7 don't know how many times we have to make that  
8 argument. It is well within your authority to  
9 require enhanced monitoring and recordkeeping for  
10 overburdened communities. This is just basic. Do  
11 better. I know you can. I know you have the  
12 authority. Please flex your discretion right and  
13 muscles for this case. We are frankly tired of  
14 coming and telling you every time we see you. Just  
15 do it.

16 So, Mr. Mattison, the stack canister was to  
17 get the baseline for the samples. Is that why you  
18 did stack testing at the facility?

19 MR. MATTISON: The stack testing at the  
20 facility in May was to test the new control system  
21 that they put on; that's what the purpose of that  
22 test was for, to validate the construction of that  
23 system was working.

24 MS. OWER: Great. So that was their first



1 stack test ever or was a stack test done before that?

2 MR. MATTISON: They've had previous stack  
3 tests done before.

4 MS. OWER: Okay. Thank you.

5 So, in general, facilities of that size, how  
6 often do they get inspected by the EPA? You said --  
7 I forgot the word that you used, but I want some  
8 frequency. How often do facilities of this size  
9 generally get inspected?

10 MR. ROMAINE: Historically, Vantage has not  
11 been inspected that frequently. It is not a large  
12 emitter in the scope of things. Obviously, given the  
13 new developments with regard to the amount of  
14 ethylene oxide and its toxicity or risk posed as a  
15 carcinogen, the frequency is going to be greatly  
16 increased.

17 I'm hoping that it's something that will be  
18 on a routine schedule for -- am I saying too much to  
19 say annual, Dan?

20 MR. DELGADO: It could be.

21 MR. ROMAINE: Yes. And I would further  
22 suggest that certainly for the first couple of years  
23 under the new permit, it would certainly be on an  
24 annual basis.

1 Write that down.

2 MS. OWER: Going back to monitoring and  
3 recordkeeping and reporting, they do self-monitoring,  
4 self-reporting, and they report to you. So for the  
5 public, what does it take to get those reports? Do  
6 we have to constantly file FOIA requests to find out?  
7 And can you think of a better way to let the public  
8 know what has been reported from the facility?

9 MR. FROST: Again, as I had mentioned  
10 before, if there's specific things you would like to  
11 see, we can have a discussion about making those more  
12 readily available than through a FOIA request,  
13 although, I will say that FOIAs are not particularly  
14 onerous when it comes to retrieving data and make  
15 sure that -- you know, we have it so it's a simple  
16 form online and that goes directly to our records  
17 unit.

18 MS. OWER: There's no informal way for IEPA  
19 to share information that they receive from Vantage  
20 with the public, the mayor, the Lake County Health  
21 Department?

22 MR. FROST: We cannot informally share any  
23 data. We are subject to Open Records.

24 It's Open Records?

1 MS. OWER: Yes, it is.

2 MR. FROST: It's just sticking in my head  
3 differently.

4 But we're subject to the Open Records Act.  
5 Now, after something is properly screened, can we  
6 share it in a manner where someone doesn't have to  
7 submit a request to the Agency --

8 MS. OWER: What exactly do you expect to  
9 be in some report that is -- that is CBI business  
10 information?

11 MR. FROST: I'm not saying that there is,  
12 but that doesn't mean that it doesn't still have to  
13 go through our records unit.

14 MS. OWER: Okay. But once you're done with  
15 that, maybe a little creative thinking on how that  
16 can be shared without us constantly having to send a  
17 Freedom of Information Act --

18 MR. FROST: Obviously, our records unit has  
19 many more staff dedicated to providing records to the  
20 public than any other section of our agency, but I am  
21 willing to -- I am willing to have a conversation  
22 about what types of records, you know, could be  
23 posted on the web or otherwise.

24 MS. OWER: Okay. That's a start.

1 MR. FROST: I'm just telling you our records  
2 unit has staff that are dedicated to processing those  
3 kind of requests and they turn them around.

4 MR. MORGAN: And that's time for our next  
5 comment.

6 MS. OWER: Just one last comment or  
7 question. Do you have the authority to shut down a  
8 facility that poses an imminent danger to the public  
9 health?

10 MR. LAYMAN: Not without going to court  
11 first. Actually, I take that back. We have the  
12 ability to seek a -- through the Attorney General's  
13 Office an immediate injunction for purposes of  
14 Section 43A of the act. We, likewise, have the  
15 authority, as was exercised in Sterigenics under  
16 Section 34, I believe, to seal a facility based on  
17 that -- I think that legal standard that you just  
18 mentioned.

19 MS. OWER: Okay. That will do it.

20 Thank you.

21 MR. MORGAN: Travis Haley and then Douglas.

22 MR. HALEY: Thank you. My name is  
23 Travis Haley. I reside over at the Village of  
24 Grayslake, and I've been a lifelong resident here in

1 Lake County for 35 years.

2 I can only go by simply saying this. I'm  
3 not a scientist. I'm not an expert on EtO as you  
4 guys are here, but I see the numbers. And for the  
5 past five or six years, these companies have been  
6 violating the EPA laws. They just have been.

7 And I want to commend the Stop EtO folks  
8 that have been the frontline to doing this. These  
9 are not extremists or environment -- excuse me,  
10 environmental extremists. These are folks that have  
11 been living here in the community for many years that  
12 have had children go to school, pay their taxes and  
13 everything else. They've been working nonstop. And  
14 I might add when they've done their own independent  
15 testing, they did this out of their own pocket and  
16 donations from other people. Think about that.  
17 That's how serious they take this.

18 And I just wish that you guys will take a  
19 very close eye on this before you keep moving forward  
20 on this and please look at it. My only real wish  
21 right now is that we were over at the Warren Township  
22 High School to get a more view of the EtO problem  
23 that we're seeing here instead of here at CLC.

24 That's really all I've got to say at this

1 point.

2 MR. MORGAN: Douglas and then  
3 Jaime Rukstales.

4 MR. OWER: Good evening. My name is  
5 Douglas Ower, O-W-E-R.

6 I had a question about this 110 pounds. How  
7 did that number get arrived at?

8 MR. FROST: So, in general, it's a work  
9 backwards kind of situation, and I can have our  
10 modeling guys --

11 MR. OWER: So some form of modeling,  
12 basically? It's not the law. It's just modeling?

13 MR. FROST: Yes, it's modeling.

14 MR. OWER: And then is it anticipated to  
15 keep the surrounding air below the national EPA  
16 standards for EtO?

17 MR. FROST: Yes. And, again, it's not a  
18 standard the EPA has. It's a risk level which they  
19 tend to look at and then keeping that within a, you  
20 know, somewhat -- you know, below that such that, you  
21 know, it's, you know, below that level.

22 MR. OWER: Okay. So 110 pounds is supposed  
23 to keep you below a certain level?

24 MR. FROST: Yes, below that U.S. EPA risk

1 level.

2 MR. OWER: Okay. Is there some sort of  
3 safety factor in that?

4 MR. FROST: Generally -- that's where I was  
5 kind of stumbling around a little bit. But they  
6 generally -- we also take out of that, you know,  
7 there's a national level that's already -- you know,  
8 this 30 parts per billion. So we already take that  
9 out, you know, because that's potentially already out  
10 there.

11 MR. OWER: Okay. And then once this permit  
12 is put in place, will you be testing then to make  
13 sure that 110 pounds keeps you below those levels?

14 MR. FROST: So I think that that's where the  
15 sims and the reporting requirements and those  
16 things -- do you want to expand on that a little bit?

17 MR. ROMAINE: That is already demonstrated  
18 by the dispersion modeling. People have mentioned  
19 the difficulty with having number of canister  
20 monitors in different areas, different locations.  
21 The dispersion modeling does a much more effective  
22 job in addressing long-term exposure or  
23 concentrations due to emissions at a facility than  
24 would be addressed through ambient monitoring.

1 MR. OWER: Okay. So you're saying you've  
2 already tested the model?

3 MR. ROMAINE: Well, the models are generally  
4 certified U.S. EPA models and designed to be  
5 conservative. If anything, the dispersion modelings  
6 act to overpredict concentrations of emissions --  
7 from emissions.

8 MR. OWER: Okay. So it's the U.S. EPA that  
9 created the model then?

10 MR. ROMAINE: I'm not sure if they created  
11 the model or they approved the model.

12 MR. KING: It's a standard EPA approved  
13 model. The company has to submit a modeling  
14 demonstration to us and then we review it, make sure  
15 they did it right, audit it, and we make sure that  
16 what they're showing is accurate and that we're  
17 seeing that it's below EPA's actionable risk level  
18 and what we're seeing is what they've submitted is  
19 that it is.

20 MR. OWER: So the confidence is high that  
21 that all -- 110 pounds will keep you at that level.

22 MR. KING: Yes.

23 MR. OWER: That level that's been  
24 determined.



1           Okay. Just the last point I want to make is  
2 sites like this, I mean, you should have a searchable  
3 database. I don't know why these reports aren't  
4 available. So if you've got a facility that has to  
5 report quarterly on what the results are, we should  
6 be able to go search that.

7           I mean, the NRC, for example, has a massive  
8 database that anyone can go to. I can -- you know,  
9 I'm involved with the Zion nuclear plant. You know,  
10 I can go there and see every single report there is  
11 for the Zion nuclear plant. So why can't you have a  
12 searchable database? We shouldn't have to do a FOIA.  
13 We should just be able to go look and get the data.

14           MR. FROST: So we are in the process of  
15 putting more and more of our data online. We have a  
16 DocuWare tool. If you go to the front page of our  
17 website, there's a DocuWare. But we just haven't  
18 gotten to the point where everything that comes into  
19 the Agency is getting -- is yet getting into  
20 DocuWare. We're moving that way.

21           MR. OWER: Okay. So the goal is to get it  
22 so it can be searchable.

23           MR. FROST: Yes. I think from the  
24 standpoint of we receive -- we used to be I think the

1 top recipient of FOIA requests of any state agency or  
2 one of the top ones, and so we have been moving over  
3 the years to get more and more of that so that it's  
4 online, it's searchable, you know, after it goes  
5 through the screening process and then gets on to the  
6 website. So we're moving that way. We're just not  
7 all the way there yet.

8 MR. OWER: Okay. Yes, because you really  
9 shouldn't have to FOIA every quarter to get this  
10 data.

11 So, all right. Thank you.

12 MR. MORGAN: Jaime.

13 MS. RUKSTALES: Hello. My name is  
14 Jaime Rukstales. I've been in the Waukegan and  
15 Gurnee area all of my life. I moved to the wonderful  
16 Village of Gurnee in 2000, so I've lived there for  
17 19 years and prior to that in Waukegan.

18 I was frankly shocked at the town hall  
19 meeting to find out that my leadership in my county,  
20 in my village, and in my surrounding areas and even  
21 at the state and federal levels were not going to be  
22 able to protect me. And I quickly reflected that my  
23 whole family was in the zone, and they still are  
24 there today.

1 I quickly recognized that EtO exposure  
2 caused my grandmother's multiple myeloma, painful  
3 bone tumor that we suffered with for ten years. She  
4 worked for the State of Illinois. She had to leave  
5 her job that she loved because she could no longer  
6 open the door at the Ann M. Kiley Center. I took  
7 care of her and my grandfather all of that time. I  
8 deferred my wishes, my desires for my career. My  
9 grandmother lost her career. So if we're talking  
10 about lost jobs and impact to these companies, let us  
11 also recognize there are lost families not only in  
12 economic cost but also the strife that we have to go  
13 through. And now knowing that I moved my brother and  
14 his family into that home, devastating.

15 My niece turns three this weekend. Is she  
16 going to get leukemia? My aunt two blocks away from  
17 that has multiple myeloma, my grandmother's sister.  
18 She took a walk every day, she was a healthy person,  
19 in Greenbelt Forest Preserve. They're worried of  
20 people losing their jobs, too, but I say what's  
21 happening here? Let 's talk about it. Let's  
22 understand.

23 I just -- frankly, I need more confidence in  
24 my leadership, in my cities, in my village. I need

1 more confidence in my Illinois EPA. I need more  
2 confidence that someone out there that is smarter  
3 than me is going to figure out these numbers. And  
4 I'm looking at you guys. I know you can do that.

5 I teach children the violin. I look at them  
6 every day and they tell me where they go to school.  
7 What do you think that feels like? Just imagine  
8 yourself for a second if both of these companies, the  
9 double dose that we have in Lake County, would be  
10 moving within a mile of your home. Just imagine.

11 My question about the permit overall really  
12 has to do with a larger question. What was it about  
13 the Sterigenics facility that allowed that facility  
14 to be sealed and in Lake County we had similar  
15 violations and emissions that would warrant that as  
16 well; what was different about Lake County?

17 MR. FROST: Well, first, I can't say that I  
18 was part of the discussions of, you know, why, you  
19 know, that was sealed. But, in general, my  
20 understanding is there were certain levels that were  
21 on an order of magnitude higher than anything that  
22 we're seeing here. And then, you know, here we also  
23 have the new laws which are further controlling the  
24 facilities.

1 MS. RUKSTALES: So, when I think about the  
2 current legislation, I don't see the proper  
3 protections in place. And I want you to look at me  
4 and know that my entire life has been spent taking  
5 care of people that have had cancer and the  
6 organizations I've been a part of, not only those  
7 types of things. And I myself am suffering as well,  
8 and I'm not going to share that publically here  
9 today, but I want you to look at us and I want you to  
10 think about us. How much longer can we suffer in  
11 Lake County?

12 MR. MORGAN: That concludes the original  
13 round of folks who had comments.

14 We have a second comment card from  
15 Ms. Tanaka. If there is someone else who would like  
16 to augment their earlier comments, could I ask you to  
17 sit in those chairs over to the left, and we'll call  
18 you up after Ms. Tanaka.

19 You can go first.

20 MS. TANAKA: Okay. Thank you.

21 Again, Tanaka, T-A-N-A-K-A.

22 I have a question for you, Steve. So  
23 earlier you were talking about averages of the  
24 canister data, and I don't believe that that's a good

1 thing to do, averaging this data. The reason why is  
2 because where the wind is blowing is -- if you have a  
3 canister towards the wind's direction, then that's  
4 where you are basing your emission source.

5 Averaging them with the other canisters that  
6 are not on the wind path is basically reducing your  
7 average, and that's not correct. That can't be. You  
8 cannot be averaging the number of canisters.

9 If you have 100 canisters away, for  
10 instance, from the wind's direction and you have a  
11 10 microgram per meter cubic canister, you can't say,  
12 well, technically it's 0.1 because I'm dividing  
13 everything by 100.

14 MR. KING: Yes, I agree with that. You can  
15 certainly not take an average of the group. You can  
16 say what was the average of this particular monitor.  
17 True.

18 MS. TANAKA: Okay. So that's a good point  
19 then, right? We shouldn't be averaging.

20 The second point is the data that was  
21 collected by Lake County Health Department in the  
22 month of June, 40 percent of that data had canisters  
23 that registered ND. ND means non-detect. There are  
24 two ways -- one second.

1           There are two ways that you can have an ND.  
2   One, there is no EtO to be detected. Two, the  
3   canister didn't work.

4           The LOQ, limit of detection, limit of  
5   quantification for the canister, I believe was 0.07.  
6   We did our own testing to see if we would get  
7   40 percent of our canisters as ND's, and we tested  
8   30 canisters. None of them were ND's.

9           We believe that the data you got in June was  
10   either altered or something happened to it.  
11   40 percent ND's is not correct. So that's one point.

12           And the second point is back in the day  
13   before we got the promise that we were going to get  
14   independent air testing we made the specific request  
15   for independent testing. What ended up happening is  
16   this independent testing that came, that 40 percent  
17   was unusable because of ND data then was supplemented  
18   with data that the companies themselves had tested.  
19   All of a sudden from roughly a hundred data points  
20   that Lake County collected there was another extra  
21   hundred data points from the companies themselves.  
22   So now only 50 percent of the data that was submitted  
23   to the agencies was truly independent. And out of  
24   that 50 percent, 40 percent is ND's.

1           So that comes to my other question. How do  
2 we trust that you as an agency, Lake County Health  
3 Department as an agency, the data that we are getting  
4 right now, how do we trust that that data is kosher?

5           MR. FROST: So, first of all, when it comes  
6 to the permitting and the data that's required to be  
7 reported in the permitting, that is -- if it's not --  
8 if it's incorrectly reported, that's serious. I  
9 mean, that goes to what we're talking about as being  
10 a very serious violation if they're incorrectly  
11 reporting something.

12           MS. TANAKA: But who would be held  
13 accountable? Mark Pfister?

14           I'm sorry. Mark Pfister -- when  
15 Representative Rita Mayfield was on the House floor  
16 defending ferociously House bill 3888 for us and got  
17 it passed, Mark Pfister was asked by the companies,  
18 Medline, can you please say that Lake County doesn't  
19 have a health -- a cancer issue, that the number one  
20 cause of death in Lake County is not cancer. And  
21 Mark Pfister went before every Senator, he made sure  
22 every Senator knew that this wasn't -- cancer wasn't  
23 a big deal in Lake County, when, in fact, the data  
24 says exactly that. For every single year from 2008



1 to 2018 cancer is the biggest -- number one biggest  
2 killer in Lake County. Car accidents is number two.

3 So why do we have these faulty data and  
4 these questionable motives that what people are  
5 doing? How can we trust you? How can we trust you?

6 MR. FROST: Well, first of all, we are  
7 not -- you're talking about the County Health  
8 Department and --

9 MS. TANAKA: And the EPA. You guys work  
10 like this. You work like this.

11 MR. FROST: No.

12 MS. TANAKA: Yes, you do.

13 MR. MORGAN: Well, that is all the time we  
14 have for this round.

15 Ms. Brown.

16 MR. FROST: Let me just say when I was  
17 talking about the -- I was talking about the permit  
18 recording. What you're talking about is the canister  
19 monitoring, which was -- is being done by the County.  
20 We're not the same agency and we --

21 MS. TANAKA: You're not the same, but you're  
22 acting pretty similarly. You're covering for  
23 industry.

24 MR. ROMAINE: Let me just jump in.

1           You raise interesting questions about the  
2   ambient monitoring that was conducted. When it comes  
3   to ambient monitoring for ethylene oxide, we would  
4   look to U.S. EPA because they have much more  
5   experience than the Illinois EPA in the monitoring of  
6   ethylene oxide.

7           I'm not sure the extent to which U.S. EPA  
8   was involved in any of the ambient monitoring that  
9   was conducted for Lake County.

10          MS. TANAKA: I don't think that they did,  
11   other than give them a -- where the wind is blowing,  
12   I don't think that they did.

13          MR. ROMAINE: When it comes to ambient  
14   monitoring for criteria like ozone and particulate  
15   matter 2.5 and SO<sub>2</sub>, U.S. EPA is very particular about  
16   the type of monitoring instruments, the quality  
17   control procedures that are used, the quality  
18   assurance procedures that are used.

19          MS. TANAKA: We used exactly the same lab,  
20   exactly the same lab that Lake County Health  
21   Department used. Same canisters.

22          MR. ROMAINE: Did U.S. EPA inspect that lab  
23   and conduct quality control assurance audits?

24          I don't know.

1 MR. TANAKA: Hey, if it was good for  
2 Lake County Health Department, it was good for us.

3 MR. ROMAINE: I don't know. I would agree  
4 with you certainly the number of no data seems high.  
5 I absolutely agree with you.

6 MS. TANAKA: It does. It's very suspicious.

7 Oh, by the way, Larry Mackey, please ask  
8 Mark Pfister to resign. Thank you. And you too,  
9 actually.

10 Thanks.

11 MR. MORGAN: Ms. Brown.

12 MS. BROWN: Yes, I have a couple of  
13 questions for you, Mr. Frost, about your comments  
14 about how it takes 70 years of exposure to get  
15 cancer. Does EtO cause childhood --

16 MR. FROST: That wasn't my comment. I said  
17 when you look at a chronic exposure, you typically  
18 look at 70 years. There's certainly people that get  
19 cancer before they're 70 years old.

20 MS. BROWN: How much EtO does one need to  
21 breathe in order to get cancer?

22 MR. FROST: I am not a public health  
23 official. No one here at the Illinois EPA is a  
24 public health official. We don't do --

1 MS. BROWN: Well, is it a mutagen?

2 MR. FROST: That's what the U.S. EPA tells  
3 us.

4 MS. BROWN: So with a mutagen, really you  
5 only need one molecule. It's kind of like Russian  
6 roulette. I could breathe it my whole life and never  
7 have anything happen, or I could breathe it and  
8 happened to be the unlucky one that the bullet was in  
9 the chamber. Is that true? Is that how mutagens  
10 work?

11 MR. FROST: Again, none of us are public  
12 health officials. We don't -- we're not  
13 epidemiologists. We're not toxicologists. We're not  
14 the public health officials. We are -- at the  
15 Illinois EPA, we take the laws and we apply them, and  
16 in this case, we're applying them to a permit and  
17 we're using the -- we're using tools that were  
18 developed by U.S. EPA and then laws that were passed  
19 at the state level. We're not public health  
20 officials, and I'm not telling you anything about  
21 anyone's individual health.

22 MS. BROWN: Okay. Because you were making  
23 statements before.

24 MR. FROST: No, all I said was when you look

1 at a risk, a chronic risk, that is typically you're  
2 looking at a 70-year average. That's all I was  
3 saying about that.

4 MS. BROWN: Well, okay. I just wanted to  
5 point out that, like, in my neighborhood I'm right  
6 between the two plants, we have six extremely young  
7 little kids who are all battling leukemia. And what  
8 that involves is maybe you die, maybe you survive.  
9 If you survive -- for example, a boy we know Samuel  
10 who is three, he gets to go through chemotherapy for  
11 three and a half years. Childhood leukemia is, in my  
12 opinion, far worse than adult cancer. And I'm  
13 surprised that we have an agency called Environmental  
14 Protection Agency that isn't involved in protecting  
15 us from things like Class 1 carcinogens.

16 I can't believe that none of you here feel  
17 that this is wrong. I'm sure that some of you must  
18 deep down inside think like, holy crap, why are they  
19 letting them emit a Class 1 carcinogen right next to  
20 schools, homes, and daycares.

21 And I just -- I'm going to ask you if you  
22 could possibly try looking inside yourselves and do  
23 something for us. If you guys lived where we lived,  
24 if you guys saw these little kids suffering, I don't

1 believe that you would all sit there and talk about  
2 how we can't really get the fugitive emissions and  
3 we're not going to do air monitoring and this average  
4 and that average.

5 This is serious. These companies should be  
6 just shut down. We know it's a Class 1 carcinogen.  
7 I know in ten years they're going to be gone. How  
8 many kids have to die before our government gets  
9 their act together and takes care of this? Please  
10 help us.

11 MR. MORGAN: Moeller, Diane Moeller.

12 MS. MOELLER: So, again, my name is  
13 Diane Moeller, M-O-E-L-L-E-R.

14 I was just wondering if you guys knew the  
15 emissions before the permit, like how much they would  
16 emit last year on an annual pound basis?

17 MR. ROMAINE: I don't have that number with  
18 me.

19 MR. FROST: We can get it.

20 MS. MOELLER: Okay. I was just going to say  
21 I know the Stop EtO website said it was over 90,000  
22 for both Medline and Vantage. So with this permit in  
23 place, if they followed it, that would be a  
24 98.8 percent reduction in emissions.

1 I also had a question about the --

2 MR. FROST: I think we were going to say the  
3 same thing. Go ahead.

4 MR. ROMAINE: I think that information is,  
5 in fact, outdated information.

6 MS. MOELLER: Okay.

7 MR. ROMAINE: Both Vantage and I believe  
8 Medline have looked more carefully at their emission  
9 information and realized that they have been overly  
10 conservative in reporting emissions and, in fact --

11 (Whereupon, comments were made  
12 from attendees of the public  
13 meeting.)

14 MR. ROMAINE: That's right. That's exactly  
15 what it means. And when you're reporting emissions,  
16 it's much better to overstate what you tell us rather  
17 than to understate. And when somebody runs into a  
18 problem like these plants have done, the first thing  
19 you do is look at it and say have I been excessively  
20 conservative, how realistic are these numbers, and  
21 they realized that they've been extremely  
22 conservative in terms of overstating emissions.

23 (Whereupon, comments were made  
24 from attendees of the public

1 meeting.)

2 MR. MORGAN: I'm sorry. We can't take  
3 comments like that. If you want to make a comment,  
4 please come up front and we'll get you at the  
5 microphone to make those comments.

6 MS. MOELLER: I had another question about  
7 the dispersion modeling. Looking at ethylene oxide,  
8 it has a very short half-life, anywhere from a few  
9 hours to 15 days depending on environmental  
10 conditions.

11 MR. ROMAINE: I think the information we're  
12 aware of suggests it has a moderate half-life and can  
13 be in the atmosphere for 50 to 100 days. It depends  
14 on how hot it is, how cold, whether there's a lot of  
15 ozone. It sticks around, unfortunately.

16 MS. MOELLER: Okay. I was looking at  
17 different peer-reviewed research. I don't know.

18 But my question was does the dispersion  
19 model take into account the environmental fate and  
20 decay rate of the contaminant?

21 MR. ROMAINE: I think the simple answer is  
22 it doesn't have to because it's looking at maximum  
23 concentrations close to the facility and those sorts  
24 of chemical reactions and phenomenon that result in a



1 decay in the atmosphere aren't relevant in that short  
2 area that you're examining for the maximum  
3 concentrations.

4 MS. MOELLER: Okay. So a follow-up question  
5 then, so these -- does the dispersion model only  
6 account for a certain radius then?

7 MR. KING: Well, the first thing is you want  
8 to make sure you capture the maximum, and, of course,  
9 legislation is requiring out to one kilometer where  
10 we put the receptors in, and we're certainly making  
11 sure that the maximum is captured and because these  
12 stacks are so low, the impacts are -- maximum impact  
13 is very close.

14 MS. MOELLER: Okay. So it would be almost  
15 negligent past one kilometer?

16 MR. KING: Oh, yes. Yes.

17 MS. MOELLER: Okay. All right. Thanks.  
18 That's it.

19 MR. MORGAN: And would you state your name  
20 and spell your last name.

21 MR. SERENBETZ: Sure. Jim Serenbetz,  
22 S-E-R-E-N-B-E-T-Z.

23 I think somebody mentioned that Vantage  
24 doesn't do their own monitoring; that is a third

1 party. Do you know who that third party company is?

2 MR. MATTISON: I do not know the name of  
3 that third party company.

4 MR. SERENBETZ: It probably would be a good  
5 idea, wouldn't it?

6 The other question I have is so based on  
7 that do you audit what they come up with? I mean,  
8 how is that -- how is there a check and balance if  
9 Vantage hires a company to monitor it and then  
10 reports it through a third party, where you guys  
11 apparently don't know who that third party is? So if  
12 we're taking the word of a second party -- just a  
13 question. It's not a --

14 MR. ROMAINE: I don't know. Does U.S. EPA  
15 routinely do audits of these third parties, Kevin?

16 MR. MATTISON: I don't know. I don't know.

17 MR. SERENBETZ: That's a big gap.

18 MR. ROMAINE: Yes, thank you. That's a good  
19 comment.

20 MR. SERENBETZ: The second -- I have two  
21 more questions. One question has to do with the  
22 permit.

23 So I think it's obvious or it's becoming  
24 more obvious as these communities start learning more

1 and more about EtO that we don't want these companies  
2 in the area if they can't perform as they say they  
3 will, right. So it's up to you guys to monitor that.  
4 But there's a lot of, shall we say -- people don't  
5 believe, okay. We see too much of this going on  
6 where a company says they'll live up to something and  
7 then don't. Hence, we have this monitoring which has  
8 gaps in it, right.

9 So what I'm curious about is I think I heard  
10 the date of November 29 is when the permit  
11 potentially could be approved. Is that true?

12 MR. FROST: I think we're -- so the 29th is  
13 when comments -- the comment period ends then we are  
14 going to have to review all those comments and --

15 MR. SERENBETZ: Okay. So that's where I was  
16 going with this. So we can comment on what the terms  
17 of the permit is. So the permit could potentially be  
18 changed?

19 MR. FROST: Absolutely.

20 MR. SERENBETZ: Okay. Great.

21 And then maybe this is a question for the  
22 lawyer. I don't know how we would go about this, but  
23 if we don't want these companies or we want these  
24 companies sealed, what kind of action can we take?

1 Does it have to be something through the mayors of  
2 Gurnee or Grayslake or Waukegan or whatever?

3 (Whereupon, comments were made  
4 from attendees of the public  
5 meeting.)

6 MR. SERENBETZ: What does that mean?

7 MR. MORGAN: Okay. Again, comments shouted  
8 from the audience won't show up in the record.

9 MR. SERENBETZ: I'm sorry. I caused that.  
10 Okay. Those were the three questions I had.  
11 Thank you.

12 MR. MORGAN: Jolanta.

13 MS. POMIOTLO: Thank you for sticking around  
14 and allowing us to add additional questions, and we  
15 appreciate it.

16 My question was about the audits. Are they  
17 surprise audits or are they scheduled?

18 MR. FROST: They can be either depending on  
19 the circumstances.

20 MS. POMIOTLO: So you do both?

21 MR. FROST: Yes.

22 MS. POMIOTLO: So in the last year how many  
23 surprise audits has Vantage had?

24 MR. ROMAINE: As I said, we have not been

1 inspecting them regularly. We have had none in the  
2 last several years I'm sad to admit.

3 MS. POMIOTLO: Really? Okay. So let the  
4 record show in the last several years there was no  
5 surprise audits on Vantage Specialties Chemicals.

6 Okay. So as you guys know, yesterday at the  
7 executive committee, the Senate executive committee,  
8 they basically killed House bill 3888, which was  
9 supposed to put more stringent controls around  
10 ethylene oxide. And I just want everyone to know  
11 here that this movement is not going away. We are  
12 going to be back in the spring session starting in  
13 January and we're going to be fighting for additional  
14 legislation. So we are hoping that the Illinois EPA  
15 can support that, but we're by no means defeated  
16 because of yesterday just so everybody knows. We're  
17 not going away because we are in the right and we are  
18 parents and we care about our community and we care  
19 about our children.

20 I also wanted to point out Lake County is a  
21 number one tourist destination in the state of  
22 Illinois. We have millions of visitors visiting  
23 daily, visiting to come to Great America, to go to  
24 Great Wolf Lodge, to come to Gurnee Mills for

1 shopping. It is immoral to invite millions of people  
2 from Illinois to come to a polluted city where the  
3 air is infused with a known carcinogen and a mutagen.  
4 It's immoral. It's jeopardizing other businesses in  
5 this area, and we should not be putting any tourist  
6 in danger. So think about that when you're issuing  
7 permits.

8           And 40 percent non-detect, I do want to  
9 comment on that. So both Vantage and Medline did  
10 their own testing. They sent it to the lab. The  
11 Lake County Health Department did their testing.  
12 They sent it to the lab. Lake County Health  
13 Department's was 40 percent ND's. The results from  
14 Vantage and from Medline did not have 40 percent  
15 ND's. I just want that to be clear, because I don't  
16 know if that was that clear. And like Tea said, we  
17 had canisters on the ground and we used the same  
18 exact facility or the same exact lab for testing. So  
19 fully independent, we outsourced it, and it was  
20 concerning.

21           And thank you for coming.

22           MR. MORGAN: Ms. Flores.

23           MS. FLORES: So I just wanted to thank you  
24 guys. I know we asked for you guys to put stuff more

1 on social media, and I saw that this event was  
2 created on the Illinois EPA Facebook page. Taking it  
3 a step further, you know, happy to talk to whoever I  
4 need to about having information bilingual, just a  
5 request. But I appreciate that the Illinois EPA is  
6 starting to post stuff on social media for people to  
7 also get information.

8 MR. FROST: I think that we do have the vast  
9 majority of the material in bilingual.

10 MS. FLORES: So I'm just talking about the  
11 Facebook website, web page. I don't know what to  
12 call it.

13 MR. FROST: Oh, okay.

14 MS. FLORES: The Illinois EPA has a Facebook  
15 page and it's been creating events, and, you know, if  
16 you can add the information in Spanish.

17 MR. FROST: All right.

18 MR. MORGAN: Well, thank you very much.  
19 That concludes our public comment tonight.

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1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF L A K E )

4

5

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

14

15

16

ERIN K. ECKENSTHALER, CSR —

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