



## I N D E X

1

2

3

## PROCEEDINGS

## PAGES

4

5

Hearing Officer's opening statement

3 - 5

6

7

BOA presentation by Mr. Romaine

5 - 7

8

9

BOA presentation by Mr. Patel

7 - 10

10

11

Applicant presentation by Mr. R. Trzupek 10 - 23

12

13

Questions/comments from public

24 - 101

14

15

Hearing Officer's Closure of Hearing

101 - 102

16

17

## EXHIBITS

18

19

Exhibit No. 1

23

20

21

Exhibit No. 2

24

22

23

24

1           HEARING OFFICER SELTZER: This is a hearing  
2           in the matter of the proposed issuance of the State  
3           Construction Permit for Power Energy Partners, LLC,  
4           in Crete, Illinois.

5           My name is Bill Seltzer. I'm an  
6           attorney for the Agency, the EPA. They asked me to  
7           be the hearing officer for this evening. The way  
8           we will proceed tonight is everybody that is here  
9           should have signed a registration card, and the  
10          card will indicate whether or not you want to ask  
11          questions or make a comment.

12          We will start off, I will have the  
13          members of the EPA that are here tonight introduce  
14          themselves. And then we will have members of the  
15          applicant that are present introduce themselves.  
16          The EPA will make a short statement. I understand  
17          the applicant wants to make a presentation, and  
18          then we will go to the audience.

19          We also have comment forms out there  
20          that can be filled out and sent in to me if anybody  
21          wishes to simply make a written comment. And  
22          before the evening is over, we will establish a  
23          final date for receiving comments.

24          Are there any questions up to this

1 point in time?

2 (No response.)

3 HEARING OFFICER SELTZER: I will ask that

4 members of the EPA introduce themselves.

5 MR. PATEL: My name is Manish Patel. I'm a

6 permit analyst in the Bureau of Air Permit Section.

7 MR. ROMAINE: My name is Chris Romaine.

8 I'm manager of the utility unit in the Air Permit

9 Section. Also with us at the registration table is

10 Brad Frost, the Community Relations Coordinator for

11 the Bureau of Air.

12 HEARING OFFICER SELTZER: Could the members

13 that are here that are associated with the

14 applicant please identify themselves.

15 MR. R. TRZUPEK: My name is Rich Trzupek.

16 I'm an air quality manager with Huff & Huff, lead

17 environmental consultant for the applicant.

18 MR. G. TRZUPEK: Gerry Trzupek. I'm a

19 senior scientist with Huff & Huff.

20 MR. NOVAK: Jim Novak with Huff & Huff,

21 senior environmental scientist.

22 HEARING OFFICER SELTZER: Thank you.

23 Anybody else here for the applicant this evening?

24 MR. MARIGNY: I'm Jolecia Marigny with

1 Energy Power Group in Houston, Texas.

2 HEARING OFFICER SELTZER: Anybody else?

3 MR. DAVIS: Christopher Davis. I'm vice  
4 president in project development for DTE Energy  
5 Services.

6 HEARING OFFICER SELTZER: Thank you. Is  
7 that it?

8 MS. MURFF-WASS: Carlyne Murff-Wass. I'm  
9 with Entergy. I'm the manager.

10 MS. PANCZAK: I'm Katie Panczak, Manager of  
11 Environmental Affairs with DTE Energy Services.

12 HEARING OFFICER SELTZER: Thank you. Is  
13 there anyone else?

14 MR. FEEHELEY: Winston Feeheley, manager,  
15 Entergy, governmental affairs.

16 HEARING OFFICER SELTZER: Is that it?

17 (No response.)

18 HEARING OFFICER SELTZER: The Agency will  
19 make a short presentation, and then we will go to  
20 the applicant.

21 MR. ROMAIN: I would just like to thank  
22 people for coming tonight. As you are aware, we  
23 are here tonight to discuss a draft permit for a  
24 proposed project. When we prepare a draft permit,

1       that means that we have completed our review. We  
2       believe it meets the standards for issuance of a  
3       permit, but that does not mean that a permit has  
4       been issued. Our Director has decided that all  
5       applications for peaker plants will be subject to  
6       public comment periods, and this hearing is part of  
7       that public comment period. So we look forward to  
8       hearing your comments tonight.

9               The comments that are most relevant to  
10       our process are comments that focus on air  
11       pollution issues. That's the subject of the  
12       permit. That's where our authority lies. That's  
13       what we are trying to focus on tonight. I'm sure  
14       there are other issues here that you might want to  
15       address. Whether those get addressed is really up  
16       to the applicant and the Hearing Officer's  
17       generosity, but certainly there are issues with  
18       regard to local siting and approvals that are not  
19       within our scope. Our scope is very narrow. So,  
20       again, comments that will influence here are ones  
21       that focus on air pollution.

22              The final point is that we will try  
23       our best to answer your questions tonight.  
24       However, if we don't, we will take it back to our

1 experts in Springfield. One of the important  
2 things about signing a registration card is that we  
3 will prepare a written responsiveness summary that  
4 lists the significant questions that we have heard  
5 tonight and provide a written response. A copy of  
6 that responsiveness summary will be sent to  
7 everybody who fills out a registration card.

8 With that, I would like to turn over  
9 the presentation over to Manish.

10 MR. PATEL: Good evening, ladies and  
11 gentlemen. I am Manish Patel. I am a permit  
12 engineer in the Bureau of Air. I would like to  
13 give you a brief description of the project.

14 Power Energy Partners has requested a  
15 construction permit for an electric generation  
16 facility, Crete Energy Park, in Crete. The project  
17 would be accessed from Burville Road, which is  
18 southeast of the village center of Crete.

19 The proposed facility is designed to  
20 function as a peaking power station. Peaker plants  
21 generate electricity in peak demand periods and at  
22 other times when other power plants are not  
23 available due to scheduled or unexpected outages.  
24 In Illinois, peak power demand occurs during

1 daylight hours on hot summer weekdays due to the  
2 power demand for air conditioning.

3 The facility would use gas turbines to  
4 generate up to 356 megawatts of electricity.  
5 Electrical generators on the shaft of the turbines  
6 would directly produce power. One of the  
7 advantages of a turbine, unlike a steam power  
8 plant, is that it can be quickly turned on or off  
9 in response to changing demand for power.

10 The facility will only burn natural  
11 gas, which is the cleanest commercially available  
12 fuel. Natural gas does not contain a significant  
13 amount of sulfur or ash as present in coal and oil.  
14 The pollutant of interest for burning natural gas  
15 is nitrogen oxides or NOx. NOx is formed when  
16 nitrogen and oxygen in the atmosphere combine  
17 during the high temperature of combustion.

18 Power Energy will install four General  
19 Electric turbines. NOx emissions from the turbines  
20 would be well-controlled. The maximum NOx  
21 emissions of the turbines are limited by use of  
22 low-NOx burners to no more than 9 parts per million  
23 when operated at normal rated capacity and 21 parts  
24 per million when operated in peak mode.



1                   The project is not considered a major  
2                   source because the permitted emissions of the  
3                   pollutants from this facility would be less than  
4                   the major source threshold. For projects that are  
5                   not major, an air quality study is not required by  
6                   applicable rules. However, Power Energy has  
7                   performed an air quality study to determine the air  
8                   quality impacts from the project for pollutants  
9                   other than ozone. The study indicates that air  
10                  quality would comply with ambient standards. With  
11                  respect to ozone, the facility should not have any  
12                  effect on local air quality as ozone forms  
13                  gradually as precursor compounds react. This  
14                  facility would be addressed as part of Illinois'  
15                  program to roll back NOx emissions from electric  
16                  utilities as needed to comply with the ozone  
17                  standard in the Chicago area and in areas downwind.

18                 In summary, the Illinois EPA has  
19                 reviewed the materials submitted by the Power  
20                 Energy and has determined that the application for  
21                 the project shows it will comply with applicable  
22                 state and federal standards. We have prepared a  
23                 draft of the construction permit that sets out the  
24                 conditions that we propose to place on the facility

1 to assure continuing compliance.

2 In closing, we welcome any comments or  
3 questions on our proposed action.

4 Before I hand over for presentation to  
5 the company, I would like to make an announcement  
6 about the application being considered as filed on  
7 October 10, 2000, in place of submitted, as  
8 mentioned in the draft, as December 17, 1999,  
9 because of significant changes in the application  
10 form that was previously submitted. Thank you.

11 HEARING OFFICER SELTZER: Thank you.

12 Does the applicant wish to make a  
13 presentation?

14 MR. R. TRZUPEK: Yes. Thank you.

15 I'm Rich Trzupek, air quality manager  
16 with Huff & Huff. We have been the lead consultant  
17 on environmental matters for the Partners, Entergy  
18 and DTE Energy Services. We'll take you through a  
19 little more of the project and give you a little  
20 bit of visuals and, hopefully, give you a better  
21 idea about what we are going to be building.

22 MR. R. TRZUPEK: Let's start with the first  
23 slide.

24 (Overhead presentation:)

1           MR. R. TRZUPEK: As Manish said, what we  
2       are building is a 356-megawatt simple cycle plant.  
3       And it's referred to, of course, in the permit as a  
4       peaking facility. But, as we will talk about,  
5       peaking is really a marketing term. And one of the  
6       things that's happened in Illinois, as more power  
7       plants have been built, is that we tend to refer to  
8       everything as a peaker; and that encompasses a wide  
9       range of technology on a big spectrum. I think  
10      it's important that we distinguish where in the  
11      spectrum a particular project lies especially in  
12      terms of its environmental effects.

13                 This is four 89-megawatt gas turbines.  
14      Dry-low NOx is the technology being used here to  
15      control pollutant. And there are different ones  
16      available. Basically for a simple cycle facility  
17      dry-low NOx means it's the best technology going.  
18      And the manufacturer that we are using, General  
19      Electric, has the best dry-low NOx system going.  
20      So you are seeing the most-advanced technology  
21      being put in this facility available in the market  
22      right now.

23                 There is really no impact on local  
24      residential from a facility like this. Emissions

1 from a gas turbine disperse through the atmosphere.  
2 And you need to distinguish between local effect  
3 and the large environmental effect. So the  
4 question that often comes up in these is what are  
5 we in a community going to see in terms of air  
6 emissions, and the answer is really nothing.  
7 Against the background, it's nothing you are ever  
8 going to see.

9           The effect on the big environment,  
10 which is important, is something that is going to  
11 be very positive because we are changing the way we  
12 are making power. We are using the cleanest fossil  
13 fuel available. On local economy, there is going  
14 to be added infrastructure to the industrial park,  
15 which will enable that park to expand, increase  
16 revenue for the Village, and of course construction  
17 jobs for the year it takes to construct the  
18 project.

19           Why do you have this plant and other  
20 plants like it coming into Illinois? And the focus  
21 really is the peak period of demand during the day.  
22 And you understand that if you look at a curve of  
23 demand versus time on a hot summer day, it shoots  
24 up at about 7 o'clock in the morning and then

1 shoots down quickly at about 8, 9 o'clock at night.  
2 That ability to meet peak demand versus the  
3 supplies available in the last ten years got  
4 narrower and narrower. And you see the extreme of  
5 that situation in California right now. You need  
6 to have a nice cushion between supply and demand.

7 Meeting the period of peak demand most  
8 efficiently means you should have something that  
9 can come on quickly when peak demands hits and come  
10 off quickly when peak demand hits. What we have  
11 seen in the past, the way utilities have addressed  
12 this issue is to keep fossil burning plants on hot  
13 standby for a long period of time running, emitting  
14 for really for no good reason just so they could  
15 hit that peak demand period. The nice thing about  
16 a gas turbine is it can hit the peak demand when  
17 it's there and go off when it's not.

18 Crete is a good place to put it  
19 because of the two factors that can come in. They  
20 have a lot of electric transmission capacity, high-  
21 voltage lines nearby, and a major pipeline nearby.  
22 Fuel and a place to put the power. And of course,  
23 you have deregulation, which allowed the Illinois  
24 power market to restructure.

1                   We have four turbines. They are  
2           natural gas fired. There is no fuel oil backup.  
3           So the emissions from the cleanest fuel available  
4           is the only emissions you are going to see. There  
5           are no cooling towers. There is no steam  
6           generation. So the groundwater impact from this  
7           project is minimal. And the sound abatement  
8           package is the most advanced sound abatement  
9           package available.

10                   This project did not go through what  
11           is a formal environmental process called a BACT  
12           analysis, which is "are you using best available  
13           control technology." However, these turbines meet  
14           the definition of best available control technology  
15           for simple cycle turbines. 9 ppm is what has been  
16           determined by the state to be BACT. And though we  
17           didn't ask for that formal determination, we didn't  
18           need to meet it, it's something we nevertheless  
19           meet.

20                   And the project follows all the  
21           recommendations that the Illinois Pollution Control  
22           Board made this December. They made a number of  
23           recommendations about the way these projects should  
24           be permitted. And as we will see, this project

1 meets those recommendations.

2                   Where it's going to be located, Manish  
3 described it off of Burville Road southeast of the  
4 town center on about a 30-acre parcel.

5                   What a turbine looks like. This is a  
6 turbine. You have an air inlet here that sends the  
7 filtering system. You have the actual combustion  
8 turbine in this area. Power is generated. Power  
9 generation system in this area, which takes it out  
10 to the grid. And then the stack and all of this  
11 section through the power, the turbine itself, and  
12 all through the stack is a sound abatement package.

13                   One misnomer that people use with a  
14 gas turbine is to call it a jet engine. And that's  
15 sort of like calling your lawn mower engine the  
16 same as your automobile engine. Yes, they are both  
17 internal combustion engines; but the technology  
18 within them is quite different. You can't make  
19 that fly. Because it's a stationary frame turbine,  
20 it means you can do a lot more sound abatementwise  
21 than you could with any jet engine.

22                   We did some plan views for you to see  
23 what the visual impact would be like. This is one  
24 that we worked up looking south from Burville, and

1       that's the units through there.

2                       Next one. Looking east from Main  
3       Street, that's the units over there by the high  
4       power lines.

5                       And then looking north from State, and  
6       we got the units there.

7                       What we have done so far -- And not  
8       everybody is familiar with the extensive permit  
9       process that you have to go through in Illinois.  
10      It doesn't encompass just air quality. Storm water  
11      construction permits have been done, threatened  
12      endangered species reviewed. There are no  
13      threatened endangered species in that area. That's  
14      been approved. Historical review, no historical  
15      sites in that area. That's been approved. The air  
16      quality permit obviously has gone to notice. We  
17      have got our meeting, and the permit should be  
18      final next month. Construction is expected to  
19      start this spring, and the project completed by  
20      next spring.

21                      Environmental quality effects. I  
22      think it's important to realize that when people  
23      look at an isolated project they consider it in an  
24      additive sense, that we are adding emissions to the



1       atmosphere. But the real question is what's  
2       happening in the entire power structure. Power is  
3       the biggest industrial source of emissions. And  
4       switching to better, cleaner sources of power means  
5       that in the whole the environment gets cleaner; and  
6       that's been a continuing process. We have seen  
7       coal get cleaner and cleaner. We have seen oil get  
8       cleaner and cleaner. And we have seen gas emerge  
9       in the recent years as the cleanest fuel available.

10               So this project allows us to continue  
11       growth, to continue to meet increasing demand, and  
12       to meet the important goal of reducing NOx  
13       emissions, the single pollutant that's most related  
14       to smog creation.

15               As Manish described, other pollutant  
16       emissions are considered negligible for natural  
17       gas, which makes sense if you think about burning  
18       natural gas in your home. You don't worry about  
19       particulate emissions. You don't think about  
20       volatile organic emissions.

21               There is no toxic heavy metals  
22       associated with that emission stream.

23               The water and solid waste impact is no  
24       more than any other light- to mid-size industrial

1 project.

2 We talked about the importance of that  
3 quick startup and shutdown to do the job that it's  
4 meant to do in peak demand.

5 The sound control package, for those  
6 of you, which is probably most of you, who haven't  
7 been in a gas turbine facility, it's something  
8 phenomenal. I think the prototypical story we have  
9 with this particular turbine package is people  
10 going to a site using exactly the same turbines and  
11 talking to neighbors. Has this site been a  
12 problem? Have you had noise complaints? And the  
13 neighbors saying, no, it never runs. And of  
14 course, the trick is it was running all the time.  
15 You couldn't hear it. And that's a tribute to the  
16 type of sound abatement that you can get with a  
17 stationary frame turbine.

18 The NOx emissions as they replace coal  
19 for doing this peaking job are at least 85 percent,  
20 usually much more than the best available coal  
21 equivalent. We have done the modeling. Air  
22 qualitywise, there is no significant impact on air  
23 quality. And that modeling demonstration is a very  
24 intense exercise. It takes a long time going

1 through more permutations than you can count. You  
2 look at the worst case emissions. And for these  
3 facilities worst case emissions means you look at  
4 the coldest weather possible, because that's how  
5 you get the most air through a turbine and,  
6 therefore, the most emissions.

7 Now, in fact, you run them most of the  
8 time, the great majority of the time, in the  
9 hottest weather possible. So these worst case  
10 emissions mean nothing, but that's what you model  
11 to. You look at the worst case weather. You look  
12 at other large local sources have to be added into  
13 the equation, and you look at a number of different  
14 ways of operating including startup, shutdowns,  
15 different loads. And you look at all that and you  
16 have to prove that in any of these combinations and  
17 permutations that you are not going to violate what  
18 Illinois considers, what USEPA considers, to be  
19 clean air quality. These are also being built in  
20 the context of new NOx regulations going in in 2004  
21 in Illinois, which effectively requires to reduce  
22 NOx by over 100,000 tons a year. A big number.  
23 Most of that is going to come through new controls  
24 on coal plants. And a lot of that is going to come

1 from the fact that during the summer months this  
2 peak demand is going to be met by gas, not by coal  
3 on hot standby.

4 Ensuring compliance. What happens  
5 when the permit is granted? What assurance does  
6 the community and the state have that a facility  
7 like this is going to continue to run in compliance  
8 and meet these type standards as assumed? There is  
9 a whole bunch of ways. EPA certainly doesn't go  
10 away once the project is completed. Emissions  
11 testing is required immediately upon issuance of  
12 the permit and every five years thereafter. That  
13 emission testing establishes how the turbine has to  
14 run in order to meet the air quality standards set  
15 for it. And then all of those parameters, those  
16 operational parameters that equate to that level,  
17 have to be monitored all the time by the source.

18 There are a number of records and  
19 reports that have to be filed in order to prove  
20 that it's meeting those emissions levels. The size  
21 of the permit, there is an acid rain program and  
22 the NOx program we talked about they have to  
23 participate in with more requirements. There are  
24 EPA inspections on at least an annual basis. And

1 finally, there is another permit that's required  
2 once the facility gets running, Title V Operating  
3 Permit, which has further requirements. So they  
4 are among the most watched sources of any type in  
5 the state.

6 We mentioned the Illinois Pollution  
7 Control Board recommendations. I have summarized  
8 the main conclusions here. There are more there.  
9 You can certainly read through and ask us  
10 questions. But here is the main, the main  
11 conclusions that they made. They said that all the  
12 units should meet a BACT requirement whether or not  
13 the regs technically said they had to. We meet  
14 that target. They said that you should model for  
15 all sources. We have done that and all the  
16 permutations we talked about.

17 They said for combined cycle units,  
18 not the technology that we're employing, these are  
19 units that use large amounts of steam, that we  
20 should really look at water use. We are not using  
21 combined cycle. We are not using anywhere near  
22 that kind of water. There is very low water use in  
23 simple cycle plants.

24 They said you should consider sound

1       and that all facilities should meet the very strict  
2       noise criteria established by the State of  
3       Illinois. We do that. We have met those  
4       standards. We prove we meet those standards.

5               They say there should be a public  
6       hearing for each turbine project. Before they came  
7       out with that recommendation, we volunteered for  
8       this public hearing. So everything that the state  
9       control board said should be done when looking at  
10      these projects we have done.

11             What's going to happen when the plant  
12      is built? It's going to be very similar to any  
13      other industrial facility. You are going to have  
14      some traffic increases during construction, both  
15      with workers and with equipment coming to the site.  
16      You are going to have noise, dust and water runoff  
17      at the site. Those are strictly regulated through  
18      the storm water management program so that they are  
19      kept on site so that the effects on local  
20      communities is minimal just like with any  
21      construction project. And we are responsible for  
22      making sure they are in compliance with those  
23      standards. Really no significant impact on the  
24      community or local residents, especially for the

1 location of this project.

2 And I think that's it for us. I would  
3 like to enter into the record a copy of the  
4 presentation. We also have a letter of endorsement  
5 from the Southland Chamber of Commerce which, to  
6 summarize, says that assuming that the Village of  
7 Crete finds this project consistent with its goals  
8 Southland Chamber of Commerce certainly supports  
9 this project as well.

10 Could we go off the record for a  
11 minute.

12 (Discussion outside the record.)

13 HEARING OFFICER SELTZER: So you have  
14 copies, hard copies of the overhead?

15 MR. R. TRZUPEK: Yes.

16 HEARING OFFICER SELTZER: Do you have  
17 additional copies that the audience can look at or  
18 just have one copy?

19 MR. R. TRZUPEK: We have a few. I don't  
20 know that we have enough for everyone.

21 HEARING OFFICER SELTZER: I will take a  
22 copy and give it to the court reporter and ask that  
23 she mark this as Exhibit 1.

24 (Document marked as Exhibit No. 1

1                   for identification as of 1/23/01.)

2                   HEARING OFFICER SELTZER: Is the letter  
3 included in here? It is not. Do you have the  
4 letter also?

5                   MR. R. TRZUPEK: We do. This is a copy.

6                   HEARING OFFICER SELTZER: This is a letter  
7 dated January 23, 2000, directed to Brad Frost,  
8 signed by Cindy Doorn. Mark that as Exhibit 2.

9                   (Document marked as Exhibit No. 2

10                  for identification as of 1/23/01.)

11                  HEARING OFFICER SELTZER: Before we go any  
12 further, I will just indicate that I understand the  
13 Village of Crete asked us to explain that, in fact,  
14 the Village had no say so as to where this hearing  
15 would be held. I guess there has been some  
16 criticism that the Village didn't hold the hearing  
17 in the Village of Crete. The Agency basically  
18 looked around to find the most available place. We  
19 called the school district, and this is the  
20 building and the place that they recommended. So  
21 that's why the hearing is being held here.

22                  Before we go any further, I will ask  
23 are there any questions up to this point in time?

24                  Yes, sir.



1           MR. GAINES: Just so I understand,  
2           tonight's hearing is only about air quality; right?

3           HEARING OFFICER SELTZER: Yes.

4           MR. GAINES: So other questions would  
5           really be a waste of time?

6           FEMALE VOICE: No.

7           MR. GAINES: Wait, wait, wait. Will there  
8           be another time to raise the questions?

9           FEMALE VOICE: No. This is it.

10          MR. GAINES: I'm just asking.

11          HEARING OFFICER SELTZER: Questions such as  
12          what?

13          MR. GAINES: Water quality, night lighting,  
14          dust during construction, etcetera. Just other  
15          general concerns.

16          HEARING OFFICER SELTZER: The only concerns  
17          that are pertinent to tonight's hearing are the air  
18          concerns, the emissions concerns, and the  
19          applicable regulations, because that's all the  
20          Agency will look at.

21          MR. GAINES: That's what I heard, yes.

22                        So everything else is really  
23          immaterial?

24          FEMALE VOICE: No. We want to --

1           HEARING OFFICER SELTZER: I'm not saying  
2       it's immaterial.

3           FEMALE VOICE: No.

4           MR. GAINES: I'm on your side. I'm just  
5       trying to get clarity.

6           HEARING OFFICER SELTZER: Hold it. Hold  
7       it. Please.

8           MR. GAINES: I'm not upset.

9           HEARING OFFICER SELTZER: Would you let him  
10      speak? We will speak one at a time.

11                  I'm sorry, sir.

12           MR. GAINES: Excuse me. I'm not angry, nor  
13      am I against the project necessarily. Okay?

14           HEARING OFFICER SELTZER: Okay.

15           MR. GAINES: I'm just trying to gather  
16      information.

17           HEARING OFFICER SELTZER: Okay. You should  
18      just understand that in order to issue or not issue  
19      this permit the only thing that we look at are the  
20      applicable regulations.

21           MR. GAINES: And air quality?

22           HEARING OFFICER SELTZER: There may be  
23      other issues, but they won't be wrapped up into  
24      this permit hearing.

1           MR. GAINES: This purpose tonight is for  
2           air quality. That's what I heard. That's all I'm  
3           asking.

4           HEARING OFFICER SELTZER: Yes.

5           MR. GAINES: So if I'm concerned about  
6           night lighting over there, when do I raise that  
7           concern? Maybe you don't have an answer for that.

8           HEARING OFFICER SELTZER: I don't have an  
9           answer to that.

10          MR. GAINES: Okay. I will have to pursue  
11          that other places. That's what I want to know.  
12          Thank you.

13          HEARING OFFICER SELTZER: We will go to the  
14          cards now. Susan Zingle.

15          MS. ZINGLE: I guess my first question is  
16          actually for the IEPA. Rich mentioned the Illinois  
17          Pollution Control Board standards. Those standards  
18          were recommendations only. And they ask that the  
19          IEPA file for a rule making. I was wondering when  
20          the IEPA was going to do so.

21          MR. ROMAIN: We are still evaluating.

22          MS. ZINGLE: I didn't say if. I said when.

23          MR. ROMAIN: We are still evaluating how  
24          to proceed. And I'm not sure -- I know we haven't

1 set a timetable at this point.

2 One of the curious things I think is  
3 that the Board recommended there be a further rule  
4 making to address the issue of best available  
5 control technology. That isn't necessarily the  
6 quickest way to resolve that issue. So I think  
7 that's one of the things that we are considering  
8 from the fact there might be another way to achieve  
9 that objective.

10 MS. ZINGLE: Within the application and the  
11 modeling, how tall are the smoke stacks going to  
12 be?

13 MR. R. TRZUPEK: About 60 feet.

14 MS. ZINGLE: And is there just one for each  
15 turbine? We don't have --

16 HEARING OFFICER SELTZER: Can everybody in  
17 the back hear?

18 MS. ZINGLE: You brought up in your  
19 presentation some of the local benefits. So I will  
20 go ahead and ask you some questions. Are the  
21 turbines taxed as real property? Are they included  
22 in your assessed evaluation, or will they be  
23 personal property?

24 MR. R. TRZUPEK: The business question I

1 think I'm going to tag off to the partners.

2 MR. DAVIS: Christopher Davis with DTE.

3 And the answer to the question is the gas turbines  
4 are considered personal property.

5 MS. ZINGLE: And in fact, how many  
6 employees will be at the site after construction is  
7 over full or part time?

8 MR. DAVIS: Approximately five or six.

9 MS. ZINGLE: And is that full or part time?

10 MR. DAVIS: No. It's what we call  
11 full-time equivalence. It's the equivalent of  
12 full-time people, but it may be more in the summer  
13 and less in the winter.

14 MR. GAINES: Could I ask, could I add to  
15 your question?

16 HEARING OFFICER SELTZER: Just a minute.  
17 No. Sir, you will have your turn.

18 MR. GAINES: Sorry. No, I didn't mean --

19 MS. ZINGLE: Mr. Trzupek also said that  
20 they met the Illinois Pollution Control Board  
21 recommendations. Part of those recommendations are  
22 for noise. So I would like to know have you  
23 actually modeled the noise impacts of your plant on  
24 the neighborhood?

1 MR. R. TRZUPEK: We have.

2 MS. ZINGLE: But you did not show them here  
3 this evening?

4 MR. R. TRZUPEK: We did not.

5 MS. ZINGLE: Where is the nearest  
6 residential property, whether in the village or in  
7 unincorporated areas?

8 MR. R. TRZUPEK: A quarter mile.

9 MR. DAVIS: Quarter mile.

10 FEMALE VOICE: Excuse me. That's wrong.

11 HEARING OFFICER SELTZER: Just a minute.  
12 Now let's go off the record.

13 (Discussion outside the record.)

14 MS. ZINGLE: So you modeled the noise. Are  
15 copies of that noise study available for people to  
16 see either through the Village or from your  
17 company?

18 MR. R. TRZUPEK: The modeling study has not  
19 been finalized. So at this point the answer to  
20 that is no.

21 MS. ZINGLE: Have you also modeled the  
22 underlying ambient or background noise so people  
23 can see what impact this has, the difference?

24 MR. R. TRZUPEK: I think we would have to

1 defer that to our noise consultants, and I can't  
2 answer that one for you.

3 MS. ZINGLE: And how much water will your  
4 plant use?

5 MR. DAVIS: Approximately 125 gallons per  
6 minute during operation.

7 MS. ZINGLE: And where will you get the  
8 water?

9 MR. DAVIS: The water will be taken in the  
10 village municipal system which will be supplemented  
11 by a well that the project will drill and convey to  
12 the Village.

13 MS. ZINGLE: And what aquifer will that  
14 well tap?

15 MR. DAVIS: I'll have to get you an answer  
16 on that. I don't have -- I don't have that at my  
17 fingertips.

18 MS. ZINGLE: Okay. I noticed -- Back to  
19 the IEPA. As I was going through the permit, I  
20 didn't see a time frame in this permit for when  
21 they must start construction before the permit  
22 expires. How long is the permit valid?

23 MR. ROMAINE: The permit is valid for one  
24 year before beginning construction. That's one of

1 the standard conditions for regular state operating  
2 permits. If this were a PSD permit, there would be  
3 a further provision allowing an 18-month period to  
4 start construction.

5 MS. ZINGLE: As we get into the body of the  
6 permit on page 2, I see some new things in here, a  
7 new definition for peak mode in paragraph "c."  
8 Specifically, "...Peak mode means gas turbine  
9 operation above the normal rated capacity of the  
10 turbine," along with the commensurate increase in  
11 the output.

12 I have never seen that in any permit  
13 before, and I was wondering what triggered it here  
14 as opposed to the ones in other cities. And I  
15 don't know who I'm addressing that question to.

16 MR. ROMAINE: Well, I think we eventually  
17 end up here. But it is found in this permit  
18 because it's a feature of the turbines that was  
19 identified in the application by the applicant, and  
20 they requested special consideration for that mode  
21 of operation.

22 If you would like to follow up on  
23 that.

24 MR. R. TRZUPEK: I think Chris has



1 summarized it. It's an ability to get a little  
2 extra power out of the turbine that you pay a  
3 maintenance price for. It can be a costly thing to  
4 the source, but it enables you to get a little  
5 extra power out of the turbine.

6 MS. ZINGLE: You also get significantly  
7 more than double the pollution out of the turbine?

8 MR. R. TRZUPEK: Correct.

9 MS. ZINGLE: Do you get twice the power?

10 MR. R. TRZUPEK: You do not get twice the  
11 power.

12 MS. ZINGLE: So you make it essentially  
13 less efficient for a little bit more power. More  
14 dirty, less efficient, a little bit more power.

15 MR. R. TRZUPEK: Correct. And I think the  
16 economic drivers -- people have considered asking  
17 for peak mode of commission before, but we are the  
18 first to do that -- is that if you -- The  
19 economics don't make sense to run it that hard and  
20 pay for that maintenance unless the cost of power  
21 is so great. Now the only time the cost of power  
22 is going to be that great is if there is  
23 essentially a power emergency. So that's when you  
24 employ peak mode when the numbers got up high

1 enough that you would be willing to pay the cost of  
2 what it's going to cost the turbine.

3 MS. ZINGLE: Later down that same page on  
4 paragraph "e," the NOx permitted is 220 tons of  
5 emissions per year. And yet in the body of the  
6 application the most I saw from the company was  
7 163 tons per year. I was wondering why the IEPA  
8 increased that one element and not the others.

9 MR. ROMAIN: This was done following  
10 discussions with the applicant in terms of  
11 explaining how the permit would be drafted in terms  
12 of limitation and how to address the peaking mode.  
13 In terms of addressing peaking mode, we have to  
14 account for full operation at 800 hours per year at  
15 that peaking mode operation. You also have to  
16 consider start-up emissions with the increased  
17 emissions at that level.

18 MS. ZINGLE: But that was already included  
19 in the application I thought.

20 MR. ROMAIN: Is that correct?

21 MR. PATEL: Yes.

22 MS. ZINGLE: Yes, it is. I have it.

23 MR. ROMAIN: And then the final point that  
24 Manish is pointing out to me, it relates to the

1       commitment made on carbon monoxide. For the  
2       original application the carbon monoxide was  
3       constraining emissions. And if, in fact, carbon  
4       monoxides form better, which has been our expense  
5       based on testing data --

6               MS. ZINGLE: No. The version of the  
7       application that I'm looking at -- forgive me while  
8       I dig -- it is an application dated -- received  
9       December 11. The letter is also dated December 11.  
10      And -- Oh, I take that back. Where is the first  
11      page? It's dated November 30. It is 1.67  
12      determination of potential emissions, four simple  
13      cycle combustion turbines, NOx, 163 tons;  
14      particulate matter, 45; carbon monoxide 239; VOM,  
15      8.1; SO2, 2.6.

16             MR. ROMAINE: In terms of further  
17      discussions, there is a supplement to the  
18      application dated December 11, 2000, where they  
19      request an annual NOx emission of 220 tons per  
20      year. And it explains this change is requested as  
21      a conservative approach to the requested CO annual  
22      emission limit.

23             MS. OWEN: Would you repeat the date on the  
24      letter, please.

1 MR. ROMAIN: December 11.

2 MS. ZINGLE: I didn't get that letter in my  
3 FOIA.

4 MS. OWEN: I didn't either.

5 MR. ROMAIN: And we received a copy of  
6 that by fax on the 11th.

7 MS. ZINGLE: Oh, now we have fun. On  
8 page 3 of the permit, paragraph B, talking about  
9 startup emissions, "...startup shall be assumed to  
10 be 125, 400 and 250 percent higher..." I find it  
11 absolutely unacceptable that the IEPA is assuming  
12 standards within a permit without testing or proof  
13 from the manufacturer or some other element to  
14 actually identify what those startup emissions are.  
15 And really, that is the comment. You can't say  
16 assumed. If it runs higher or lower, there is no  
17 way to catch it. It could put them over the top  
18 and make them PSD. So --

19 MR. ROMAIN: I think we have a problem  
20 with drafting. The intent there is to make clear  
21 that this is a high level assumption that is to be  
22 made even if emissions are actually less.

23 MS. ZINGLE: Not from the information we  
24 have seen in other permits.

1           MR. ROMAIN: And the permit -- Let me  
2           just check to make sure.

3           MR. R. TRZUPEK: If I can contribute. If  
4           you look, Susan, at 11c, IV, you will see that the  
5           test plan specifically provides for testing the  
6           emissions during startup mode.

7           MS. ZINGLE: Yes, they do. But you have  
8           already got the permit that assumes what these are.  
9           So I want to see -- This is directed to them. I  
10          want to see startup addressed clearly and  
11          separately and distinctly in the permit. No  
12          assume.

13          Later down that same page 3,  
14          paragraph 4a, you have allowed them 30 percent  
15          opacity. And yet in the application they claim to  
16          be able to meet 20 percent opacity. So I was  
17          wondering what the reason for the increase was.

18          MR. ROMAIN: The condition cites the  
19          applicable regulation. The applicable regulation  
20          allows 30 percent opacity from a process emission  
21          source.

22          MS. ZINGLE: That's a state regulation.  
23          What about the federal?

24          MR. ROMAIN: There is no federal

1 limitation on opacity.

2 MS. ZINGLE: I'll go back to the  
3 application and find the comment.

4 On that same page, more fun. A, "The  
5 permittee shall manage the operation of the  
6 turbines to minimize multiple startups of a turbine  
7 in a single day, unless startup is tripped off, and  
8 to provide adequate time to follow the procedures  
9 for normal startup of the turbines, except for  
10 requests for immediate delivery of power as would  
11 result from unexpected loss of a transmission line  
12 or other generating capacity."

13 So I guess my question is who makes  
14 those requests for immediate delivery of power?  
15 Who makes the determination that, in fact, this  
16 provision kicks in? Is it the ICC? Is it the ISO?  
17 Is it FERC? Is it you? Is it -- How does this  
18 work?

19 MR. ROMAIN: This determination or this  
20 request for power would be made by the person  
21 purchasing power from the facility.

22 MS. ZINGLE: So it could be ComEd? It  
23 could be the City of San Francisco? It could be  
24 somebody in Florida?

1           MR. ROMAIN: That may be stretching things  
2           to say it would be somebody that far away.

3           MS. ZINGLE: It could be Ohio? It could be  
4           Wisconsin? It could be Indiana?

5           MR. ROMAIN: It could be any company that  
6           is relying on this company as their source of  
7           emergency power.

8           MS. ZINGLE: And so a power crisis  
9           theoretically anywhere in the United States could  
10          cause this plant and every other permit that you  
11          have written this way to trigger production and the  
12          corresponding pollution here in Illinois?

13          MR. ROMAIN: No.

14          MS. ZINGLE: Okay. Explain to me why not.

15          MR. ROMAIN: The ability of power plants  
16          to supply power beyond the region is not something  
17          that's been well established.

18          MS. ZINGLE: Well, even within the region.  
19          We heard testimony at the Pollution Control Board  
20          that, in fact, power is bought and sold at least as  
21          far away as Tennessee and the Carolinas. So I  
22          agree that New York and Florida and California are  
23          exaggerations. But in fact, certainly outside of  
24          the immediate geographic area and outside the

1 state.

2 MR. ROMAIN: That is possible, yes.

3 MS. ZINGLE: And to the extent that you put  
4 this same provision in other permits, and I don't  
5 see it in other permits, in fact, Illinois could  
6 become both the power generating capital and the  
7 pollution capital for the United States or a larger  
8 area.

9 MR. ROMAIN: You are jumping I guess  
10 issues.

11 MS. ZINGLE: Yes.

12 MR. ROMAIN: What's the role of this  
13 facility, who it will serve, is one question.  
14 Certainly this provision does allow for an  
15 expedited process to turn on the turbine when there  
16 is an emergency request for power.

17 MS. ZINGLE: So the power, obviously, may  
18 not be here in the state, it could be anywhere.  
19 And I guess I find that unusually generous.

20 MR. ROMAIN: I accept that as a comment.

21 MS. ZINGLE: Given the fact that your  
22 responsibility is Illinois air quality.

23 MR. ROMAIN: I accept that as a comment  
24 then.



1 MS. ZINGLE: Well, the comment is please  
2 take that out.

3 On page 6, paragraph 11a, you talk  
4 about an independent testing service. I was also  
5 curious if and where you are going to measure  
6 hazardous pollutants. Are they just assumed to be  
7 a function of some of the others?

8 MR. ROMAINE: It is certainly acceptable to  
9 assume that hazardous air pollutants are a function  
10 of the others. There are USEPA emission factors  
11 that allow emissions of hazardous air pollutants to  
12 be determined from information on emissions of  
13 volatile organic material. However, if a decision  
14 is made to use the method 18, which allows  
15 speciated test results, then we do specifically ask  
16 for measurements to be conducted for hazardous air  
17 pollutants.

18 MS. ZINGLE: And bear with me a moment  
19 while I go through the rest of my notes.

20 Oh, in the application dated  
21 October 10, the applicant explained that Power  
22 Energy is requesting permission to operate a  
23 turbine up to 2250 annual hours of which up to 200  
24 hours per year may be peak load operation. And the

1       worst case scenario consists of the following:  
2       250 base load hours, 200 peak load hours, and 200  
3       starts per turbine per year, which indicates that  
4       they very easily could be running the plant far  
5       more than just the summer peak operating season  
6       that was indicated.

7               I was also wondering, thinking back on  
8       the startups, why then since they are so willing to  
9       offer a number don't you limit the number of  
10      startups to something less than 200 or at least cap  
11      it at the 200?

12             MR. ROMAIN: I will accept that as a  
13      comment.

14             MS. ZINGLE: Well, I ask you why.

15             MR. ROMAIN: Given the nature of these  
16      facilities as an emergency power supplier, we  
17      certainly expect that the startups will be well  
18      below 200 hours per year. On the other hand, if  
19      there were some extraordinary circumstance  
20      whereby -- some reason, I'm not sure what it would  
21      be -- there would be the need to use this plant  
22      more than 200 days per year, we don't necessarily  
23      want to hamstring its operation if it can  
24      successfully operate as a minor source as allowed

1 by this permit.

2 MS. ZINGLE: Okay. I'm not sure I agree,  
3 but your comment is noted. And again you  
4 referenced emergency needs. And again emergency  
5 would be dictated by the company with whom they  
6 have the contract and not by the ICC or an  
7 independent service organization?

8 MR. ROMAIN: Well, certainly the ICC does  
9 not declare emergencies. Presently emergencies are  
10 declared by the -- what is the current -- the grid.  
11 And they could be declared in the future by the  
12 independent system operator, but it is also as  
13 likely that a supplier of power who loses a  
14 generating plant could call in a plant like this  
15 facility directly without having to go through an  
16 intermediary and get more direct response.

17 MS. ZINGLE: What other large sources were  
18 considered in the air modeling? I noticed the  
19 reference to Constellation Energy, but I believe  
20 there are other large manufacturing plants as well  
21 as other power plants in the area.

22 MR. ROMAIN: I think you can answer.  
23 Constellation was the plant?

24 MR. PATEL: Right.

1           MR. ROMAIN: Yes. When our modelers  
2       reviewed the inventory, they believed that the only  
3       large plant in this vicinity that needed to be  
4       addressed was the proposed -- or the Constellation  
5       facility under development.

6           MS. ZINGLE: That's all I have right now.  
7       Thank you.

8           HEARING OFFICER SELTZER: Next is Verena  
9       Owen.

10          MS. OWEN: Yes. Thank you. My name is  
11       Verena Owen. I'm on the board of Illinois Citizens  
12       Power Coalition. The power coalition is an  
13       umbrella group for 15 some community groups united  
14       to take the peaker power plant problem in Illinois  
15       out of our back yards and make it an issue.

16          Since I introduced myself, I would  
17       like to know who you guys are, who are Power Energy  
18       Partners? Who are your parent companies?

19          MR. DAVIS: This is Christopher Davis, DTE.  
20       Power Energy Partners is the joint venture of MCN  
21       Energy Group in Detroit, Michigan, DTE Energy  
22       Services in Ann Arbor, Michigan, and the Entergy  
23       Power Group out of the Woodlands, Texas.

24          MS. OWEN: Are you in any way connected

1 with Detroit Edison?

2 MR. DAVIS: DTE Energy Services is an  
3 affiliate of Detroit Edison, but it's a separate  
4 company.

5 MS. OWEN: Was MCN not lately bought by  
6 Detroit Edison?

7 MR. DAVIS: MCN Energy Group and DTE  
8 Energy, the parent company, are going to merge  
9 sometime in 2001.

10 MS. OWEN: What gas company are you going  
11 to get your gas from here? I'm not familiar.  
12 There seems to be lots of pipelines going through  
13 here. Do you know who your supplier is going to  
14 be?

15 MR. DAVIS: The source of the natural gas  
16 has not been determined yet. There are many  
17 suppliers in the marketplace. There is Canadian  
18 suppliers. There are suppliers in the Gulf coast.  
19 There are also suppliers in Michigan as well as  
20 other regions in the country, but no decision has  
21 been made as to a supplier.

22 MS. OWEN: Don't you have to be fairly  
23 close? I mean part of the presentation was you are  
24 close to gas lines. So I would think that your

1 choices are limited by available gas pipelines.

2 Are all these people you just mentioned?

3 MR. DAVIS: The gas in today's legal  
4 structure is governed by the Federal Energy  
5 Regulatory Commission. Interstate pipelines do not  
6 market gas, they only deliver gas. So they run a  
7 delivery service, a transport service. The project  
8 will procure its end gas from suppliers and then  
9 have it delivered to the site through the  
10 interstate pipelines.

11 MS. OWEN: I see. It's like a highway.

12 MR. DAVIS: Yes.

13 MS. OWEN: This is from your letter dated  
14 November 30 to the IEPA.

15 On page 1, it says "Items addressed in  
16 this packet are as follows: Manufacturer's data to  
17 back up the peak and base load emission rate and  
18 conditions. Data is derived for location at the  
19 centrally equivalent elevations."

20 Then later in the package there seems  
21 to be a data sheet from DTE Energy from the Holland  
22 plant. Is that what you rely on to come to your  
23 emissions calculations? Is this the data sheet you  
24 guys used?

1           MR. DAVIS: That is the preliminary data  
2           sheet. And Holland, Michigan, is on the west coast  
3           of Michigan, Lake Michigan -- Excuse me. It's on  
4           the east coast of Lake Michigan on the western  
5           boundary of the western edge of the state of  
6           Michigan.

7           MS. OWEN: And the EPA did not have a  
8           problem of you using this as a preliminary --

9           MR. R. TRZUPEK: No, they did not.

10          MR. ROMAIN: No. We didn't.

11          MS. OWEN: Point No. 4, which amused me,  
12          says "Device startup data based on startup date  
13          permitted for the Carlton plant which utilizes the  
14          state model for the proposed..." Did you base your  
15          startup emission rates on the Carlton emissions for  
16          startup?

17          MR. R. TRZUPEK: That's correct. And it  
18          also -- We reference Carlton as something that had  
19          already been established in the records, but it was  
20          also based on data that had been independently  
21          established by ourselves and GE.

22          MS. OWEN: Then I don't understand your  
23          answer. Did you base startup on the Carlton permit  
24          or not?

1           MR. R. TRZUPEK: We based the startup  
2           emission rates that we asked for on the Carlton  
3           permit. The actual startup emissions based from  
4           what we know from our own data and GE is going to  
5           be lower than what we have asked for.

6           MS. OWEN: Okay. But what you submitted to  
7           the EPA was based on the Carlton permit?

8           MR. R. TRZUPEK: That's correct.

9           MS. OWEN: I didn't bring the Carlton  
10          permit. I'm painfully familiar with the Carlton  
11          permit.

12          This is to Manish Patel from the  
13          startup plant. There is no date on this letter.  
14          June 5. I would like to -- You guys can have --  
15          I didn't bring a copy. You just have to believe  
16          me. It says GE frame 7 EA gas turbines, which you  
17          guys are using. NOx average emission rate during  
18          gas turbine startup is 57.3 pounds per hour.

19          How does that compare to your 40  
20          pounds?

21          MR. R. TRZUPEK: I would have to look at my  
22          own copy of the Carlton permit to tell you that.  
23          And that's something we could get back to you.

24          MS. OWEN: I also brought another permit



1       that uses EA emissions. This is from Flora,  
2       Illinois. Total startup emissions -- And by the  
3       way, this says, "IEPA turbine CO emission rate,  
4       4 PG 741 gas turbine provided by Elwood Energy."  
5       It says, "IEPA turbine CO emission." And it comes  
6       in at 322.359 pounds. That is a lot higher than  
7       what is in your permit.

8               MR. R. TRZUPEK: For which facility?

9               MS. OWEN: Carbon monoxide startup  
10       emissions.

11              MR. R. TRZUPEK: And what model turbine?  
12       What's the facility, though?

13              MS. OWEN: This is for Flora, and it is  
14       actually based on the Elwood permit.

15              MR. R. TRZUPEK: And the Elwood permit was  
16       GE 7 FA's.

17              MS. OWEN: No. The EA's.

18              MR. R. TRZUPEK: No. Actually I did all  
19       the Elwood permitting, they are FA's.

20              MS. OWEN: It says GE 7 EA CO rate. Fine,  
21       you can argue that with me later. Maybe it's a  
22       typo.

23              HEARING OFFICER SELTZER: Miss Owen, what  
24       are you reading from?

1 MS. OWEN: Yes. This is Emissions  
2 Calculations CO during startup from the MEP Flora  
3 Power, L.L.C. And this is apparently a sheet that  
4 was given to them or they used data from the IEPA.

5 Sorry. I have to look through the  
6 paperwork. I have a question to the EPA, please,  
7 about this. May I? This is one of my favorite  
8 responsiveness summaries from Carlton. The  
9 question was "The multiplier factors being used to  
10 account for higher emissions during startup  
11 emissions of the proposed turbines are lower than  
12 the ones used in the permits for other peaking  
13 facilities."

14 The answer is, "It is appropriate to  
15 use this project specific data that had startup  
16 factors for this facility as the emissions data for  
17 these turbines during normal operations is also  
18 different from the data for the models of turbines  
19 being used by other new peaking facilities."

20 We asked this question before, and you  
21 told us it was inappropriate to use any other  
22 startup from any other facility for startup  
23 emissions for a facility. Yet, you let them do  
24 this. And you even provide startup emissions to

1 other facilities now.

2 Oh, let's go on. In your  
3 presentation, you said that the peak demand is  
4 usually between like 7 o'clock in the morning or  
5 like 7:00 at night or 6:00 at night or something  
6 like that. It's about, what, ten hours about?

7 MR. R. TRZUPEK: Correct.

8 MS. OWEN: In your permit you asked for  
9 2250 hours a year of operation, is that correct?

10 MR. R. TRZUPEK: Correct.

11 MS. OWEN: If you divide this by ten hours,  
12 that is 225 days. Now, usually from what I  
13 understand those peakers don't run on the weekend.  
14 If you divide 225 days by five workdays, you are  
15 looking at 45 weeks of operation.

16 MR. R. TRZUPEK: Actually a year is 8 --

17 MS. OWEN: -- 52.

18 MR. R. TRZUPEK: A year is 8760 hours.

19 MS. OWEN: That's correct. But you run --  
20 I'm not talking about the hours. I'm talking about  
21 the days, the weeks.

22 MR. R. TRZUPEK: The days.

23 MS. OWEN: Yes.

24 MR. R. TRZUPEK: And when I said that peak

1       hours are 7:00 to 7:00, 10 to 12 hours, that's  
2       typical. You certainly have days from what we have  
3       seen from other plants operating now where it can  
4       go longer, 16. We have certainly seen times --  
5       And Elwood is probably a real good example since  
6       you are probably familiar with that one where  
7       ComEd -- I'm sorry -- Midwest Generation has  
8       actually taken down coal plants for maintenance and  
9       ComEd has run in the winter, which I think has been  
10      good for everybody. So we applied for a number of  
11      hours appropriate to the control technology we are  
12      using.

13             MS. OWEN: But you are not only in the  
14      summer when the temperatures are high. I mean if  
15      you can -- 45 weeks is pretty much all year-round.

16             MR. R. TRZUPEK: Again, if you look at the  
17      records of the plants that are actually running, I  
18      think it's pretty typical that everyone applies for  
19      a nice cushion of hours. Every one has been  
20      running somewhat less, but --

21             MS. OWEN: Well, thank you. Well, I will  
22      get to that in a minute. Thank you. I was just  
23      making sure that I had my numbers right.

24             MR. R. TRZUPEK: Yes.

1 MS. OWEN: What is the average temperature  
2 in Illinois?

3 MR. R. TRZUPEK: I would have to defer on  
4 that.

5 MR. ROMAIN: It's roughly 50.

6 MS. OWEN: Yet they get a permit for  
7 59 degrees. While the average temperature is  
8 actually lower, and I just proved that they  
9 technically can run all year round. If you give  
10 them a permit for 59 when you know the average  
11 temperature is 50 degrees, and they run 45 weeks  
12 out of 52 in the year, that is wrong.

13 MR. ROMAIN: I don't follow the math  
14 particularly. It's the complexity of dealing with  
15 turbine emissions that vary based on ambient  
16 temperature. And you are dealing with a plant that  
17 operates as you have been --

18 MS. OWEN: This was a preliminary comment.  
19 I will get back to you about that.

20 MR. ROMAIN: Well, operates primarily  
21 during the summer months but certainly has the  
22 ability to operate year round. Certainly if there  
23 are other demands --

24 MS. OWEN: 45 weeks is not primarily summer

1 months. Even if they run 12 hours a day, we are  
2 still looking at 35 weeks. That is just not all  
3 summer months.

4 MR. ROMAIN: This plant is certainly being  
5 permitted so it has a lot of capability. That's  
6 correct.

7 MS. OWEN: That's right. So don't tell me  
8 they run in the summer months.

9 MR. ROMAIN: Excuse me. I have to object  
10 to that. Based on historical operation of peaking  
11 facilities, the majority of their operation is  
12 during summer months. This plant certainly has the  
13 capability to operate outside of summer months.

14 MS. OWEN: That's correct. Thank you. I  
15 will get back to this in a minute. But on page II,  
16 2-2, the heat content based on new heat value in  
17 this application is 900 Btu. I ask you to remember  
18 that number because I'm going to use it in a  
19 minute.

20 Which brings me to the permit. I  
21 would like to know what experience the EPA actually  
22 has with these new peakers. And I'm not talking  
23 about the old peakers that were built to support  
24 the grid but owned by utilities. I mean about the

1 new merchant ones. How many Title V permits have  
2 you issued for those yet?

3 MR. ROMAIN: None.

4 MS. OWEN: So what is your experience? Why  
5 do you have expectations that you can't back up?

6 MR. ROMAIN: We have experience with the  
7 new peaker plants that have operated in the years  
8 '98, '99, and 2000.

9 MS. OWEN: But none of them have Title V  
10 permits.

11 MR. ROMAIN: That doesn't mean that we  
12 don't have emission data available for them if they  
13 haven't completed performance testing and that we  
14 don't have emission test results from their  
15 operation. Emission data comes when facilities  
16 begin operation. A Title V permit is not  
17 indication that a facility has passed any major  
18 threshold in its life.

19 MS. OWEN: So how many were running last  
20 year? Ballpark figure.

21 MR. ROMAIN: Rocky Road. Elwood.

22 MS. OWEN: East Dundee.

23 MR. ROMAIN: Tilton. Reliant Segal.  
24 Ameron, Pinckneyville. Ameron, Gibson City.

1 MS. OWEN: No. Six. Well, let's say six.  
2 That's a nice round number.

3 MR. ROMAIN: That's a nice round number,  
4 sure.

5 MS. OWEN: That is actually less than ten  
6 percent of what is either in the stage of being  
7 permitted or will be permitted or has applied for  
8 permit. I don't know the newest number. I have  
9 67. And I think your expectation might change  
10 because you have so many and the market is  
11 competitive.

12 MR. ROMAIN: The number again we are  
13 confusing peaker plants with combined cycle plants.

14 MS. OWEN: No. I do not. I'm sorry. I  
15 don't confuse them.

16 MR. ROMAIN: I have never stated yet that  
17 we have emission data yet for combined cycle plants  
18 because none of those are operating. The numbers  
19 for peaker plants using simple cycle technology is  
20 smaller. With the type plants that have dropped  
21 out that have withdrawn their applications or  
22 terminated --

23 MS. OWEN: In the 67, 10 of them are  
24 combined cycle. So we are still looking at --



1 MR. ROMAIN: And 11 plants have dropped  
2 out.

3 MS. OWEN: Good.

4 MR. ROMAIN: Which gets us down to 40, 48.

5 MS. OWEN: They were not included. They  
6 were not included. I read your spreadsheet. They  
7 were not included. On the spreadsheet, they are  
8 not included.

9 MS. ZINGLE: 11 dropped out of the total of  
10 78 to get you to the 67.

11 MS. OWEN: They are not on the 67.

12 MS. ZINGLE: I didn't bring them.

13 MS. OWEN: I didn't bring any of the --

14 HEARING OFFICER SELTZER: Please.

15 MR. ROMAIN: We can go over the data. I  
16 don't --

17 MS. OWEN: That's fine.

18 On the permit, first page, 1b, da, da,  
19 da, da, da, "...except as allowed by 40 CFR  
20 60.332(f)." Now, that's the ice bound rule.

21 MR. ROMAIN: That doesn't need to be in  
22 there.

23 MS. OWEN: Thank you. Would you please  
24 take it out.

1                   I have a question to the gentleman who  
2           answered the water question before. When you said  
3           120 -- Who answered that? When you said 125  
4           gallons a minute, is that per turbine or per  
5           facility?

6                   MR. DAVIS: Christopher Davis from DTE.  
7           It's for the facility with all machines running.  
8           All four machines, a total of 125 gallons, during  
9           the time when the plant is running.

10                  MS. OWEN: Okay. So that's roughly, what,  
11           15, 16 million gallons?

12                  MR. DAVIS: No. With the 2000 hours --

13                  MS. OWEN: No, it isn't. It's 67 million  
14           gallons, right?

15                  MR. DAVIS: No. It's 125, 1,000 hours  
16           would be 125,000 gallons. 2,000 hours would mean  
17           250,000 gallons per year.

18                  MS. OWEN: Thank you. On page 2 under  
19           1d, ii, other than NOx, is there any other  
20           emissions that get elevated in peak mode?

21                  MR. R. TRZUPEK: The answer to that is no.

22                  MS. OWEN: I kind of missed a load  
23           discussion under the hourly emissions. In other  
24           permits you were rather specific about what load,

1 not the peak load but the low load. There was a  
2 limit on this. I believe Lockport was at 60. You  
3 didn't think it was necessary?

4 MR. ROMAIN: No. This facility has to  
5 meet these limits across the entire load range.

6 MS. OWEN: However, you tell them on page 3  
7 that they should minimize operations of turbines  
8 below 60 percent load and shall not operate  
9 turbines below such lower loads at which emissions  
10 testing conducted in accordance with condition 11B  
11 has demonstrated compliance.

12 MR. ROMAIN: That's correct. We have  
13 retained that feature.

14 MS. OWEN: 6A I just wonder if it's a typo  
15 or what that means if it isn't. It says, "The  
16 Illinois EPA upon request of the permittee may  
17 extend this period if additional time is needed to  
18 complete startup or perform emission testing."  
19 Don't you mean shakedown?

20 MR. ROMAIN: It should be shakedown.

21 MS. OWEN: Otherwise it makes no sense.  
22 Are you going to change this? Otherwise I need to  
23 ask you questions about it.

24 MR. ROMAIN: It should be shakedown.

1 MS. OWEN: Page 6. You list a whole bunch  
2 of USEPA reference test methods for opacity, carbon  
3 monoxide, and so on. Yet you don't require them to  
4 test for gas flow, new gas weight or moisture.

5 MR. ROMAIN: That's correct. Those are  
6 things that are built into the other test methods.

7 MS. OWEN: They are built into what?

8 MR. ROMAIN: The other test -- They are  
9 part of the standard protocols. We could list  
10 them, we could not list them. I think in terms of  
11 simplifying the permit, we took them out.

12 MS. OWEN: No. Don't make it simple for  
13 them. I would like to have it spelled out what  
14 they are supposed to do so they can come in and  
15 argue later.

16 I have a question under -- I don't  
17 even know what number -- 11b, ii, C, "The NOx  
18 emissions shall be determined at four points in the  
19 normal operating range of the gas turbines..."  
20 What do you consider the normal operating range for  
21 these turbines between? Give me four points here.

22 MR. ROMAIN: It further specifies  
23 "including the minimum point in the range and the  
24 peak load."

1           MS. OWEN: Right, and so on. So minimum  
2 point peak load. You have to have some idea of  
3 what you are looking at when you ask them for four  
4 points. Are we looking at 50 percent load and 100  
5 and 1 and 2 in the middle? Or are we looking at  
6 90, 93, 95, and 100?

7           MR. ROMAINE: If they define the normal  
8 operating range as between 90 and 100, you would be  
9 talking about 90, 92 and a half -- Well, 93.3,  
10 96.6. If they define the normal operating range as  
11 between 60 percent and 100 percent, you would be  
12 talking about 60 percent is the bottom and 100  
13 percent --

14          MS. OWEN: I'm asking the one person then,  
15 what is the normal operating range for these  
16 turbines?

17          MR. R. TRZUPEK: 60 to 100 percent.  
18 Normally operates at base load is where they are  
19 most efficient. Testing programs for us and most  
20 of their operators would be 50 to 100 percent load.  
21 And we would have the addition of peak load  
22 testing.

23          MS. OWEN: The peak of 100 and whatever.

24                 I think Susan asked that question, I'm

1 not sure. Never mind then.

2 I have to ask a dumb question, I'm  
3 sorry. Temperature is so important when it comes  
4 to emissions. Would you explain to me at what  
5 temperatures these emissions are set? Are they  
6 supposed to comply with all emission limits at any  
7 temperature, at 59 degrees? How do the  
8 temperatures that are important fit into this  
9 permit?

10 MR. ROMAIN: They are to comply with the  
11 emission limits at whatever temperature they are  
12 operating.

13 MS. OWEN: Okay. Good.

14 MR. ROMAIN: And if there are situations  
15 where turbines have significantly different  
16 emission characteristics at lower temperatures as  
17 compared to other more typical temperatures, 59 to  
18 95, the permit would specifically set alternative  
19 emission limitations that would be applicable when  
20 operating at those lower temperatures.

21 MS. OWEN: Does it say this in there?

22 MR. ROMAIN: No. So there are no other  
23 alternative limits.

24 MS. OWEN: Okay. Thanks. That's all for

1       now.

2               HEARING OFFICER SELTZER: Next is Katherine  
3       Kemp.

4               MS. KEMP: I'm Katherine Kemp. You said on  
5       the computer modeling you used the proximity of the  
6       name -- What was the name of the plant?

7               MR. PATEL: Constellation Power.

8               MS. KEMP: And that is where?

9               MR. PATEL: In University Park.

10              MS. KEMP: In University Park. When you do  
11      computer modeling, how many miles of a region do  
12      you have to take in?

13              MR. ROMAIN: It's a determination that is  
14      actually made by the modeler depending upon the  
15      modeled impact of the source that you are  
16      investigating. So the higher the impact of that  
17      source, the bigger area, it has a significant  
18      impact, the broader the region you have to look at  
19      to see what other sources might be interacting with  
20      the proposed source.

21              MS. KEMP: I don't think -- I don't feel  
22      like my question has been answered.

23              MR. ROMAIN: Well, it can be very small,  
24      it can be very big depending on how large the

1 impact of the proposed source is.

2 MS. KEMP: How do you measure how large the  
3 impact of the source is going to be?

4 MR. ROMAIN: You model the proposed source  
5 by itself to see what its impact would be.

6 MS. KEMP: And you determine what -- What  
7 has been determined about this plant, that it is  
8 only going to impact to University Park?

9 MR. ROMAIN: When that was reviewed by our  
10 modeling group, they determined that the only other  
11 source that they believed was appropriate to  
12 specifically evaluate would be Constellation Power.  
13 One of the other things that also goes into the air  
14 quality evaluation is consideration of background  
15 air quality values as determined from monitoring.  
16 So other smaller sources are considered in reaching  
17 a conclusion that the facility won't threaten the  
18 air quality standard, but they are not addressed in  
19 an evaluation by doing actual modeling. They are  
20 addressed by picking monitor data out of a  
21 representative monitoring site.

22 MS. KEMP: I think there is something wrong  
23 with me. I'm not understanding your answer. Can  
24 you simplify it or put it in laymen's terms?



1           MR. ROMAIN: The purpose of modeling is to  
2           evaluate sources that haven't been built yet but  
3           evaluate changes in emissions that aren't in place  
4           yet. Obviously, the most authoritative way to  
5           evaluate emissions is with an ambient monitor. You  
6           actually go out and measure the air quality levels  
7           in an area.

8           MS. KEMP: But that hasn't been done.

9           MR. ROMAIN: We used a representative  
10          model, a monitoring set.

11          MS. KEMP: What do you mean another model?  
12          Nobody went out and measured anything.

13          MR. ROMAIN: The particular contaminate  
14          where there is significant impact is particulate  
15          matter. And the nearest particulate matter PAMS  
16          site that was used was Midlothian, which was  
17          believed to be a comparable or more heavily laden  
18          site than Crete.

19          MS. KEMP: So the people who live in Crete  
20          were told that their air is comparable to  
21          Midlothian and they should trust that that is going  
22          to be adequate for their purposes?

23          MR. ROMAIN: Right. Then on top of that  
24          you evaluate what the impacts are of sources that

1       have not yet been built or operating that aren't  
2       being represented in that monitoring.

3               MS. KEMP: Well, you said you only used,  
4       concluded to use the one, but there are more that  
5       are coming.

6               MR. ROMAIN: And those sites would then  
7       have to evaluate the combined impact of --

8               MS. KEMP: The existing one.

9               MR. ROMAIN: This project, the  
10       Constellation project.

11              MS. KEMP: But this one doesn't have to  
12       include the ones that are coming?

13              MR. ROMAIN: It can't evaluate things that  
14       are further down --

15              MR. KEMP: I'm still not understanding  
16       because we know there is a lot of industry in  
17       Chicago Heights which doesn't seem very far away.  
18       Yet you said you only used this one plant in  
19       University Park. I'm not understanding how those  
20       determinations are made.

21              MR. ROMAIN: It's looking at the levels of  
22       impact from the sources, how big the emissions are  
23       and how likely an impact --

24              MS. KEMP: What about the tire burner in

1 Ford Heights?

2 MR. ROMAIN: That doesn't have significant  
3 impacts. We have done specific modeling for that.

4 MS. KEMP: Yeah, right. I want to say one  
5 more thing for the people here who might have never  
6 sat in a permitting process. When they tell you  
7 not to worry, these guys, that the Illinois EPA is  
8 watching out for you, there were over 600  
9 violations to the permit at Ford Heights in the  
10 first four months of operation. Nothing has been  
11 done about it.

12 You know, two children in this area  
13 died of asthma this fall. Two. This is heart  
14 breaking to those of us who live here. You can  
15 talk about the economic advantages. We are talking  
16 about our children and their health.

17 MR. ROMAIN: It is certainly heart  
18 breaking when children die of asthma. But again we  
19 are linking different things. To say that we are  
20 not doing anything about the situation at the Ford  
21 Heights tire burner is certainly incorrect.

22 MS. KEMP: I don't --

23 MR. ROMAIN: We may not be doing as much  
24 as you would like. I don't think we are doing as

1 much as I would like.

2 MS. KEMP: What are you doing?

3 HEARING OFFICER SELTZER: Okay. Stop. No.

4 Too far off subject.

5 MS. KEMP: It's not off subject. It's a

6 few miles away.

7 HEARING OFFICER SELTZER: Are you done,

8 ma'am?

9 MS. KEMP: I'm finished. You better

10 believe I'm done.

11 HEARING OFFICER SELTZER: Let's take a

12 five-minute recess, ten-minute recess.

13 (Discussion outside the record.)

14 HEARING OFFICER SELTZER: Next is Robert

15 Gaines.

16 MR. GAINES: I really don't have too many

17 questions here because I don't want to be

18 irrelevant. And as I stated earlier, I guess this

19 is really only pertaining to air quality. Right?

20 So to ask questions about taxes and lighting and

21 everything else would -- I'm seriously asking a

22 serious question.

23 HEARING OFFICER SELTZER: They are not the

24 regulations that the Agency is by statute mandated

1 to look at in making its determination, correct.

2 MR. ROMAIN: I would certainly recommend  
3 that you talk to the representatives of the  
4 applicant during the break.

5 MR. GAINES: I would like the opportunity  
6 publicly to ask these questions sometime. And  
7 maybe at a village board meeting would be the  
8 place.

9 HEARING OFFICER SELTZER: Frankly, I don't  
10 know what their local siting ordinances are.

11 MR. GAINES: Well, they are just common-  
12 sensical questions.

13 HEARING OFFICER SELTZER: I can't respond  
14 to that.

15 Let me ask a question.

16 MR. GAINES: Sure.

17 HEARING OFFICER SELTZER: How long is it  
18 going to take you to make these comments that are  
19 irrelevant to the questions?

20 MR. GAINES: Less time than it did my  
21 colleagues. I have no criticism.

22 MR. ROMAIN: Give me an idea of how long  
23 you are talking about.

24 MR. GAINES: Couple minutes.

1           HEARING OFFICER SELTZER: Couple minutes,  
2       go ahead.

3           MR. GAINES: Just a couple of things. One  
4       is an air quality I guess statement that I would  
5       like entered into the record and that simply is  
6       that I just think it needs to be noted that the EPA  
7       increased tenfold the amount of nitrous oxide that  
8       is allowed in the air in the Chicago metropolitan  
9       area from 25 tons to 250 tons in the mid 1990s. Is  
10      that not correct? I just say that's a point of  
11      record.

12          MS. ZINGLE: Yes.

13          MR. GAINES: So we are now at the high  
14      side. To go from 25 tons to 250 tons is  
15      significant. And just statement of fact that we  
16      all need to be aware of if you are, indeed,  
17      concerned about air quality.

18                 I had some questions about the water,  
19      but I believe the plant uses very little water. My  
20      own math tells me -- Your books states -- What I  
21      didn't like about it it states minimal, 100 gallons  
22      a minute, which means nothing. But I think I hear  
23      you saying the maximum is 125 gallons a minute.

24          MR. DAVIS: Yes.

1           MR. GAINES: Which is maybe 160, 70,000  
2           gallons a day I get, which is little use. I don't  
3           think that's a problem for us at all. Because it's  
4           not water -- It's air cooled, etcetera. Well,  
5           Will County has a hundred million gallons of  
6           subsurface water available on a daily basis. I  
7           mean I think it's a fair statement that water is  
8           not a problem, and I think I hear that over here.

9           MR. DAVIS: Yes.

10          MR. GAINES: And that's just kind of a  
11          figure that I came up with there.

12                 One of my considerations, of course,  
13          is what is it going to do for the Village of Crete  
14          as far as tax income comes? And I have asked that  
15          question. We had a nice discussion here on the  
16          side. And they don't want to give out a figure,  
17          which I understand, I can appreciate that point of  
18          view. And depending on the assessed, equalized  
19          assessed evaluation, then we have to make a  
20          determination whether that's good for the Village  
21          of Crete or not. We have to have energy somewhere.  
22          I understand that.

23                 In fact, you know, if the power plant  
24          doesn't go there, then it has to go somewhere else.

1       Although we do have some people in the audience  
2       tonight who are neighbors. Jackie right here. And  
3       anyone else? And I would just speak on their  
4       behalf, and they haven't asked me to. But again,  
5       I'm Robert Gaines, I live in the Village of Crete.  
6       And I have been personally impacted by development,  
7       by industrial development. Okay? It personally  
8       impacted me in a negative fashion. And so I can  
9       speak with some authenticity here. I now have  
10      noise I didn't have before. I now have night  
11      lighting I didn't have before. I got that night  
12      lighting decreased through my own efforts, not the  
13      efforts of the Village of Crete, nobody went to bat  
14      for me but me. That's not a complaint, but you  
15      have to fight your own battles. But I got that  
16      lighting decreased because it first shown on my  
17      land. It's now shown on theirs. But these things  
18      need to be resolved ahead of time.

19               And if, indeed, commercial industrial  
20      development is good, and which I think it has its  
21      good points, if it negatively impacts a neighbor,  
22      and I don't speak for myself, I'm done and I do not  
23      complain. But I think we need to consider  
24      compensation for those neighbors. If this plant is



1       profitable, it is so good, then perhaps those who  
2       live closest and are going to be affected by any  
3       type of noise -- okay? -- by any type of night  
4       lighting, by any type of air pollution, maybe then,  
5       you know, eminent domain is for the common good of  
6       all, then maybe an industrial development should  
7       compensate those few people who are negatively  
8       impacted.

9                     It just to me has some logic to it,  
10       and I offer it as something to think about I had  
11       the opportunity to visit the plant in Indiana,  
12       Indianapolis, last summer. I don't like the looks  
13       of it, you know, but that comes with it. I'm  
14       concerned about the height of the air stacks. I  
15       don't think that's good.

16                    I visited four or five neighbors to  
17       ask about the plant. And I speak with all candor.  
18       If it had run, I didn't hear it run. Okay. So I  
19       don't know that it ran or not. One neighbor  
20       said -- I had a hard time finding neighbors. He  
21       said he didn't think it had run because he didn't  
22       hear it. I talked to the employees there, which  
23       were about three in numbers, and they said it  
24       hadn't run but maybe it has run since. But just a

1 point of interest.

2 I have checked this out. The backup  
3 power is going to be natural gas I believe, right?

4 MR. DAVIS: The only source of energy is  
5 natural gas.

6 MR. GAINES: My concern is it would be  
7 diesel, something that would pollute. So that's  
8 real good for the plant.

9 And my only final question is is  
10 what -- Two things. One thing I would like to  
11 know the assessed evaluation. I don't know why we  
12 can't come up with an estimate on that because if  
13 I'm going to build the house I know the estimate,  
14 but I understand you may not be able to give that.

15 And you know, another reason we do  
16 this is for jobs. Okay. I saw three or four  
17 people working there. But again, that could be for  
18 an eight-hour shift. That could come out to nine  
19 or twelve I guess if they work around the clock.

20 Over here we mentioned five people,  
21 okay, full-time jobs. In your book you have a  
22 yearly salary of 500,000. Is that 100,000 salary  
23 per person? So is there a -- I'm sure that salary  
24 is not that high. What am I missing?

1           MR. DAVIS: That is the cost of salary,  
2           taxes, wages, benefits.

3           MR. GAINES: So maybe that statement is  
4           just slightly misleading. I thought that statement  
5           said that -- "Creates permanent employment of  
6           500,000 a year" doesn't talk about taxes and what  
7           other things, but just point of information. Maybe  
8           that figure needs to be audited so it's just  
9           accurate. If it's five jobs and \$30,000 a year  
10          job, ought to be 150,000. That's all I'm saying.  
11          So that, indeed, it's inaccurate. Because I don't  
12          think jobwise it's going to be significant to our  
13          community. I certainly could stand to be  
14          corrected, but it's four or five jobs at 30,  
15          35,000. That's really not significant for us.

16                 And then the other thing was the  
17          construction dust. I picked that up in  
18          Indianapolis. And speaking for these people  
19          here -- And this I got from the guy at the plant.  
20          This was not a neighbor. The guy, he said make  
21          sure that the people building the plant -- Dust  
22          was horrendous during construction for the  
23          neighbors. And whether they have to water down the  
24          gravel, whatever you have to do, we have to be

1 concerned about that so that they aren't constantly  
2 with the dust during that nine, twelve month  
3 construction period. And it ends, of course, I  
4 understand.

5 And that's the extent of my comments,  
6 and thank you for listening.

7 HEARING OFFICER SELTZER: You bet. Thank  
8 you.

9 Next is Jacquelyn Amadi.

10 MS. AMADI: Jacquelyn Amadi. I'm one of  
11 the neighbors who will be impacted, and I live  
12 within 1,000 feet of your site. There is a  
13 neighbor in back of me who lives within about 500  
14 feet and one to the side who is again within about  
15 1,000. You may have missed us when you were  
16 looking at the site.

17 The questions I came here with have  
18 either been answered or are considered irrelevant  
19 here. But I do have one. If the plant exceeds the  
20 standards of the EPA or violates any of the  
21 agreements, what are the penalties?

22 MR. ROMAINE: It's subject to an  
23 enforcement action. The level of the penalties  
24 could vary depending on the nature of the

1 violation. The greatest penalty could be \$50,000  
2 for the violation and up to \$10,000 a day. That  
3 would be rather high I would expect for something  
4 of this sort. So that is certainly a possibility.

5 MS. AMADI: And the cost of the electricity  
6 being produced?

7 MR. ROMAINE: That's a good point. One of  
8 the purposes of any penalty is to recoup any profit  
9 for noncompliant operation. So that's part of the  
10 penalty policy. So if they have enjoyed economic  
11 benefit from operating out of compliance, one of  
12 the things the penalty would be designed to do is  
13 extract that benefit from noncompliant operation.

14 I guess the other thing is that I  
15 consider that something that's based on testing to  
16 date for these new turbines. General Electric has  
17 done very well in meeting the guarantees that it's  
18 provided to its customers. I wouldn't say it's  
19 been perfect. There have been some what I would  
20 say is tuning problems that they are trying to push  
21 the technology, certainly getting down to 9 ppm as  
22 with these turbines is not something that you  
23 necessarily achieve overnight with a new turbine.  
24 And that's something that in the shakedown phase

1       there may, in fact, be some adjustments. And  
2       hopefully GE is learning from some of their other  
3       new sites so that you folks get the most advanced  
4       7 EA machines off the assembly lines.

5                     Do you want to further comment on that  
6       I think warning for the performance of these  
7       things?

8                     MR. R. TRZUPEK: I think that's accurate.  
9       It's a finely, very finely balanced machine. There  
10      is a tuning phase when they are constructed. But  
11      as Chris said, as we said during the presentation,  
12      GE is really state-of-the-art and best performing  
13      turbine available today.

14                    MS. AMADI: Okay.

15                    HEARING OFFICER SELTZER: Let me add  
16      something to what has been said. Typically when  
17      there is a violation the Agency does not  
18      automatically file what is called an enforcement  
19      case. The Agency generally will contact the  
20      alleged violator and try, number one, to bring them  
21      into compliance. Then at that point there may or  
22      may not be a case that's sent out for enforcement.  
23      If an enforcement action is brought, it's brought  
24      by the Attorney General's office on our

1 recommendation.

2 And the cases usually are brought  
3 before the Illinois Pollution Control Board. If it  
4 goes that far, if there is an enforcement case, the  
5 amount of the penalty is set by the trier of the  
6 fact. And that's the Pollution Control Board in  
7 most cases. And if someone cared to take the time  
8 to go through some of the Pollution Control Board  
9 orders, you get a good feel for the type of fines  
10 that are really assessed.

11 MS. AMADI: I wanted to know who was  
12 monitoring. There are other things, too, such as  
13 sound and -- sound, candle power, etcetera, around  
14 the plant. Would the village be monitoring this  
15 or --

16 HEARING OFFICER SELTZER: The village can  
17 monitor if they have an ordinance. The village can  
18 monitor to apply the state standard. The EPA has I  
19 think one -- at the most three, between one and  
20 three employees that do our noise violation work  
21 statewide, so --

22 MS. AMADI: Yes. When I asked at the  
23 village last year, I was told it would be monitored  
24 on a complaint basis.

1           HEARING OFFICER SELTZER: That's probably  
2 true.

3           MS. AMADI: Well, yes. I understand, too,  
4 you are going to --

5           MR. ROMAIN: I guess one of the things  
6 that could be developed in advance is an agreement  
7 that there would, in fact, be noise measurements  
8 conducted as part of the initial startup and  
9 shakedown facility to verify compliance with noise  
10 standards. But again, that's something that's  
11 outside of our permitting process.

12          MS. AMADI: But that is a way to do it  
13 because I say since I live fairly close to it.

14          MR. ROMAIN: Some of the proposed plants  
15 have worked out with their host communities  
16 agreements whereby as part of the initial startup  
17 and operation there is, in fact, a verification  
18 with the noise standard.

19          MS. AMADI: Okay. And I understand there  
20 is in the works a berm to go around this plant. On  
21 one of your proposal or publicity sheets that I saw  
22 the other day, you were talking of the 10-foot berm  
23 to the west of the plant. Or we are talking about  
24 maybe resiting it depending on --



1           MR. DAVIS: The berm is anticipated to be  
2           on the west face of the plant. And I do not have  
3           the drawing in front of me. We can get you that  
4           information. My recollection is it's 25 feet in  
5           elevation.

6           MS. AMADI: 25, okay.

7           MR. DAVIS: Yes.

8           MS. AMADI: The primary winds there are  
9           westerly and from the south. So if the berm is on  
10          the west, sound would be carried more -- Sound  
11          would be carried more to the east. Why not berms  
12          to the east and to the north where there are more  
13          houses? Or is that a siting decision that the  
14          village would have to deal with?

15          MR. DAVIS: Well, that really would be the  
16          result of a detailed -- or the completion of the  
17          noise analysis. The analysis today shows that we  
18          will be in compliance with the noise requirements,  
19          the state requirements.

20          MS. AMADI: Which are --

21          MR. DAVIS: I'm sorry, I can't quote them  
22          chapter and verse. There is a series of different  
23          octaves of the noise you have limitations on. And  
24          we have modeled all of those octaves and have

1       determined that we will be in compliance with the  
2       state requirements.

3               MS. AMADI: Yes. Thank you. That's all.

4               HEARING OFFICER SELTZER: Thank you.

5               Marianne Engel.

6               MS. ENGEL: I'm Marianne Engel. Actually  
7       most of my questions have been answered, too. But  
8       if I may be allowed an irrelevant comment or two,  
9       not lengthy.

10              HEARING OFFICER SELTZER: Go ahead.

11              MS. ENGEL: One is really almost an aside.  
12      When you responded before that there were -- or it  
13      was you, I guess, sir, three people that are  
14      available in the whole state of Illinois?

15              HEARING OFFICER SELTZER: I'm not sure how  
16      many. There are between one or three people that  
17      we have that work in that program.

18              MS. ENGEL: My first comment is that that  
19      is one of things that would need to be increased.

20              HEARING OFFICER SELTZER: The Agency would  
21      like to increase if they got the money to do it.

22              MS. ENGEL: The other question is also an  
23      observation. I hear the discussion that the  
24      potential use of water is not considered

1       significant.  However, it seems to me that by the  
2       time you have added, whether it's 50 or 67, however  
3       many of these peaker plants around the state and  
4       many of them in this area --  What aquifer are they  
5       drawing on?  And is that not, indeed, going to mean  
6       something for all of us in terms of use of water?  
7       Maybe as you say over here that it's not an  
8       inordinate amount and it's done with a very  
9       effective kind of piece of equipment, a GE turbine  
10      and so on, however the long-term use of the water  
11      to me is something that needs to be considered.  We  
12      will all lose if the aquifers are drained that much  
13      more quickly.  Thank you.

14               HEARING OFFICER SELTZER:  Thank you.

15               I don't have any more cards that were  
16      signed by individuals that wanted to ask questions  
17      or make comments.  So I will just ask generally is  
18      there anybody out there that would like to add by  
19      asking questions or making comments?

20               MS. STAFFORD:  Jean Stafford.  Something  
21      was said about testing the emissions every five  
22      years?  I mean shouldn't you test the emissions  
23      regularly?  That struck me that --

24               MR. ROMAIN:  For something of this sort,

1       that would, in fact, be our normal practice. Our  
2       expectation is that very shortly this facility  
3       will, in fact, have to have continuous emission  
4       monitors for NOx as part of the NOx SIP call.

5               MS. STAFFORD: How do you get that into the  
6       contract?

7               MR. ROMAIN: If the company would like to  
8       do it immediately, that would be fine. But  
9       otherwise we would wait until it's required as part  
10      of the NOx SIP call.

11              MS. STAFFORD: Why can't you do it now?

12              MR. ROMAIN: The emissions of this type of  
13      facility at 9 ppm don't warrant putting in that  
14      level --

15              MS. STAFFORD: Shouldn't you put a safety  
16      factor in there?

17              MR. ROMAIN: The emissions are so far  
18      below.

19              MS. STAFFORD: We are talking about the  
20      future. We are getting more polluted every time we  
21      turn around.

22              MR. ROMAIN: The emissions of this machine  
23      are, compared to other machines, very clean.

24              MS. STAFFORD: I'm not just talking about

1       this one. I'm talking about in general in the  
2       area, everything that's going into this, and the  
3       machines add more to it.

4               MR. ROMAIN: That's discussing the issue  
5       of ambient monitoring. And there are ambient  
6       monitors throughout the state that do monitor for  
7       NOx. We have a number in the Chicago area. There  
8       aren't any in this area, but there are located in  
9       places that are upwind or downwind like Northbrook.

10              MS. STAFFORD: What are they? I mean I  
11       don't know.

12              MR. ROMAIN: I can show you a copy of the  
13       annual air quality report after the break. But we  
14       have --

15              MS. STAFFORD: I'm worried about the air  
16       quality here.

17              MR. ROMAIN: That's where the combination  
18       of monitoring from existing sites and the modeling  
19       demonstrates that the air quality in this area will  
20       not be significantly affected by this facility.

21              MS. STAFFORD: Today.

22              MR. ROMAIN: Today.

23              MS. STAFFORD: There is tomorrow we are  
24       talking about, too.

1           MR. ROMAIN: When each of these facilities  
2 goes through the permitting process, if it's issued  
3 a permit, there will be modeling that confirms that  
4 the plant will not threaten compliance with the  
5 ambient air quality standards.

6           MS. STAFFORD: The plant. But what  
7 about -- I'm talking about not only that plant but  
8 the future of things to come.

9           MR. ROMAIN: But for the future plants,  
10 those will have to go through a similar process of  
11 permitting.

12          MS. STAFFORD: Oh, all right.

13                   (Discussion outside the record.)

14          HEARING OFFICER SELTZER: Are we through?

15          MS. OWEN: Are we taking more questions?

16 Sorry. I forgot to ask something. I carefully  
17 pointed out the number of loading value of the gas  
18 in the application as 900. I would like to know  
19 what you used for the permit.

20          MR. PATEL: I didn't get the question. Can  
21 you repeat the question?

22          MS. OWEN: Yes. In the application they  
23 give the lower heat value of 900 Btu. I would like  
24 to know what you used in the permit.

1           MR. PATEL: It's the low heating value for  
2           fuel is 2,295 Btu per pound as specified in the  
3           manufacturer's data sheet they provided.

4           MR. ROMAIN: I don't think we are  
5           answering the right question.

6           MS. OWEN: I don't think so. I hope not.

7           MR. ROMAIN: Are you asking for the  
8           calculation of the usage of natural gas, million  
9           cubic feet?

10          MS. OWEN: Yes. And I would like to know  
11          what heat value you used for that.

12          MR. ROMAIN: Do you want to volunteer if  
13          you have that handy, Rich?

14          MS. OWEN: Thank you.

15          MR. R. TRZUPEK: Yes. It's 900 Btu's.

16          MS. OWEN: That's in your application. I  
17          asked the EPA if they used the same number. I know  
18          that's what you used. I would like to know what  
19          they used.

20          MR. PATEL: It's their calculation they  
21          have shown, and we checked that calculation and  
22          that's their number we have used.

23          MS. OWEN: You used 900?

24          MR. PATEL: Yes.

1           MS. OWEN: Okay. Briefly back to the air  
2 modeling. When you gave the answer that you can  
3 really only model to include existing plants and  
4 existing facilities -- Is that what you answered?  
5 Because the people here have a lot of questions  
6 because they are faced with more development. Is  
7 that what is the answer you gave, that in the air  
8 modeling they can only use existing facilities?

9           MR. ROMAIN: If you are asking whether air  
10 modeling could be conducted for facilities that  
11 have not yet been proposed to say --

12          MS. OWEN: Not proposed. Not permitted.  
13 Something you know that's coming. I mean obviously  
14 these people know that there is some other  
15 developments, some other power plant coming. Are  
16 you aware of this? Have they applied for a permit  
17 yet?

18          MR. ROMAIN: The other facility in this  
19 area I believe is the PPO global facility also in  
20 University Park.

21          MS. KEMP: There are going to be three more  
22 in Chicago Heights.

23          MS. OWEN: And what about Chicago Heights?

24          MR. ROMAIN: At this point I'm only aware



1 of one other facility that's been proposed for  
2 Chicago Heights.

3 MS. OWEN: But you don't have anything in  
4 writing on any of them yet? They have not filed an  
5 application with you except for the Global PPO?

6 MR. ROMAIN: PPO Global had filed an  
7 application. Duke Energy has filed for Chicago  
8 Heights. Indeck had an application for Chicago  
9 Heights, but that's been withdrawn.

10 MS. OWEN: Did they include those two  
11 proposals in the air modeling?

12 MR. ROMAIN: I don't believe so.

13 MS. OWEN: Do you think they should?

14 MR. ROMAIN: I will have to go back and  
15 check with my modelers.

16 MS. OWEN: Have you done --

17 MR. ROMAIN: I am not concerned about  
18 Duke, but we will have to coordinate and make sure  
19 that PPO Global has considered the overall  
20 projects.

21 MS. OWEN: Plus you did it up north in Zion  
22 for the Carlton Zion and the Badger one.

23 MS. ZINGLE: If I can amplify that for the  
24 people here who don't know. Up in Zion we have two

1 plants proposed across the street from each other.  
2 A 400 megawatt on the north side, and an 800  
3 megawatt on the south side, and 400 yards over the  
4 border a 1,000 megawatt facility in Wisconsin.  
5 None of them are built yet. They were all in the  
6 permitting stages. The IEPA did -- And I may get  
7 the backwards. But either the Carlton permit they  
8 included Badger or the Skygen they included Badger.  
9 They didn't do it uniformly with all the permits.  
10 But some of the permits they did take into  
11 consideration proposed but not yet built  
12 facilities. So I don't know why there is no --  
13 why there is uniformity and why it would not be  
14 done here if, in fact, it was and it was done in  
15 Zion unevenly but done nonetheless.

16 MR. ROMAINE: Actually in the Zion  
17 situation it was done uniformly, that facilities  
18 considered projects before them that had received  
19 permits. So considering that Skygen was the last  
20 facility, and it was the one the permit was  
21 proposed to be issued last, it had to count for the  
22 facilities before it that had received permits.

23 MS. ZINGLE: But Carlton had not received  
24 its permit at the time you were doing the modeling

1       for Skygen, nor had Badger.

2               MR. ROMAIN: No. But because of the  
3       comment and the sequence of events and the comments  
4       that were raised at the public hearing, Skygen was  
5       required to go back and update its modeling to  
6       address the Badger facility, which you kindly  
7       pointed out to us had received a permit or was  
8       about to receive a permit, and certainly would be  
9       permitted based on what Wisconsin had said before  
10      Skygen had received a permit.

11             MS. ZINGLE: So we are raising the same  
12      issue here again. We have got application for PPO,  
13      you have got application for Duke in Chicago  
14      Heights. If, in fact, you are having a policy of  
15      including proposed but not yet built facilities in  
16      modeling, please do so every time it comes up not  
17      just when we track you down and raise the issue.

18             MR. ROMAIN: We will certainly consider  
19      the facilities in the state. And I would comment  
20      that we probably were hoping that Skygen would  
21      voluntarily raise the other facility in Wisconsin.  
22      However, that did delay the project slightly as you  
23      kindly brought it to our attention at the public  
24      hearing.

1 MS. ZINGLE: We are hoping Skygen will go  
2 away. But other than that --

3 MR. ROMAIN: I think you are hoping that  
4 both of them go away.

5 MS. OWEN: I have another question for the  
6 company again. Are you in AERS?

7 MR. R. TRZUPEK: I'm sorry?

8 MS. OWEN: Are you in AERS? A-R-E-S.

9 HEARING OFFICER SELTZER: Wait. Wait.

10 MR. ROMAIN: Alternate Energy Retail  
11 Supplier, AERS.

12 MR. DAVIS: No. No. The project company  
13 will be an exempt wholesale generator under the  
14 FERC federal agency regulatory requirements that  
15 allow us to sell power at wholesale.

16 MS. OWEN: I understand. Yet in your  
17 application or actually I think this is probably a  
18 presentation you gave -- This gentleman was kind  
19 enough to lend me his copy. I had not seen this  
20 before. If I can find it real fast, you claim that  
21 you can -- I'm sorry. Sorry.

22 MR. GAINES: While they are looking, if  
23 it's permissible, just one brief comment.

24 HEARING OFFICER SELTZER: Ms. Owens, are

1       you done?

2               MS. OWEN: No. I'm looking for something.

3       I'm sorry for the delay. I wasn't going to write  
4       on this gentleman's copy, and now I can't find what  
5       I was asking. I apologize.

6               HEARING OFFICER SELTZER: That's okay. We  
7       will wait.

8               MS. OWEN: Yes. It says that you provide  
9       competitive wholesale electricity to local  
10      cooperative municipalities and utilities. However,  
11      if you are not a registered AERS, you cannot sell  
12      this to local municipalities.

13              MR. DAVIS: I believe perhaps a misunder-  
14      standing is project company versus parent  
15      companies. The parent companies do, indeed,  
16      between Entergy, MCN and DTE, do, indeed, have  
17      marketing arms that market various energy-related  
18      product. This project company, Power Energy  
19      Partners, is not a marketer. It is a wholesale, an  
20      exempt wholesale electric generator.

21              MS. OWEN: So what does the statement mean  
22      to you that you provide competitive wholesale  
23      electricity to local cooperative municipalities and  
24      utilities?

1           MR. DAVIS: We are talking about the  
2           affiliate companies. I'm trying to be helpful.  
3           I'm not sure where -- I'm not sure where we are  
4           going with this.

5           MS. OWEN: I think this is misleading  
6           because I think the people might understand that  
7           they can actually purchase electricity from their  
8           power plant and that is not the case.

9           MR. DAVIS: That's absolutely correct.

10          MS. OWEN: Thank you.

11          HEARING OFFICER SELTZER: What are you  
12          reading from?

13          MS. OWEN: This is a presentation  
14          apparently the power company gave to the Village of  
15          Crete. This gentleman here had a copy, and I had  
16          never seen it. So there are some questions in here  
17          they were kind enough to answer.

18                 There is a very simple noise study in  
19          here, which I would like to ask a question on. I  
20          know you didn't bring --

21                 Yes. Are you, sir, over there that  
22          answered my noise question before, have you seen  
23          this before?

24          MR. R. TRZUPEK: I have not.

1           MS. OWEN: Okay. You guys made it and you  
2        didn't show him. There is an arrow, approximately,  
3        I would say at the 60 decibel level. Isn't that  
4        correct about?

5           MR. DAVIS: My eyes aren't that good. I'm  
6        sorry. Could you read that.

7           MS. OWEN: Oh, absolutely. You can look at  
8        it. You have to give it back to me.

9           MR. DAVIS: Yes.

10          MS. OWEN: It's probably 59 but we will  
11        take 60. This is the noise level you indicate 60  
12        decibel for the new generating station 1,000 feet  
13        away. Correct? 1,000 feet. And it says the  
14        nearest neighbor is 2,000 feet. So at 1,000 feet  
15        you think you can meet -- Well, I take this back.  
16        Actually the EPA does not allow decibels, but you  
17        know that. But just for simplicity, 1,000 feet  
18        away according to this graph you can meet the night  
19        noise standards.

20          MR. DAVIS: That's correct.

21          MS. OWEN: This lady lives 500 feet away.

22          MS. AMADI: 1,000. My neighbor lives 500.

23          MS. OWEN: The neighbor lives 500 feet away  
24        from the facility.

1           MR. DAVIS: I believe this is really an  
2           issue of semantics. If we are talking the property  
3           line, indeed, it's 1,000 feet. If we are talking  
4           the distance from the generator itself to the --

5           MS. OWEN: I have seen those studies  
6           before, and usually this addresses the noise level  
7           at the fence line.

8           HEARING OFFICER SELTZER: Let me interrupt  
9           here because we are, as you know, we are far  
10          afield. But let me ask you this: Do you have  
11          another copy of that document, sir?

12          MR. GAINES: No, but it was commonly  
13          circulated.

14          MR. DAVIS: We can provide one.

15          HEARING OFFICER SELTZER: Would you provide  
16          one for the record, please.

17          MS. OWEN: I just wondered if the company  
18          will provide a noise study to -- I don't know. Is  
19          this facility actually in Crete, or is it still in  
20          Will County?

21          HEARING OFFICER SELTZER: Okay. As to your  
22          question as to whether or not the company will  
23          provide you with their noise studies, that's  
24          between you and the company.



1 MS. OWEN: No, but I think the people who  
2 live here need the noise study to understand if  
3 these noise regulations can be met. And my  
4 question is actually is this facility still in  
5 Will County, or has it been incorporated into  
6 Crete?

7 MR. R. TRZUPEK: It has been annexed into  
8 the Village of Crete.

9 MS. OWEN: You have been annexed into the  
10 Village of Crete.

11 HEARING OFFICER SELTZER: You will make  
12 that part of the record, sir?

13 MR. DAVIS: We will provide you a copy of  
14 the record.

15 HEARING OFFICER SELTZER: You can get that  
16 in the mail or when?

17 MR. DAVIS: We will get that in the mail  
18 tomorrow.

19 HEARING OFFICER SELTZER: Great. Thank  
20 you.

21 Sir, you had some more questions?  
22 Identify yourself.

23 MR. GAINES: Thank you, sir. Robert  
24 Gaines, citizen of Crete. Just one brief comment.

1 If I heard correctly in the beginning, the EPA  
2 scheduled the location of this meeting?

3 HEARING OFFICER SELTZER: Yes.

4 MR. GAINES: And this is just for future  
5 input and in all due respect; but if you are going  
6 to have a meeting that affects the village, I would  
7 encourage you to have it within the village. I  
8 think it takes on great credence, not saying there  
9 would have been one more person there. But it only  
10 makes common sense to have it within the village  
11 that it's going to effect.

12 And we have many places in the Village  
13 of Crete to have it, Crete library, the Crete  
14 village hall, the Crete township hall. And I  
15 really think it should have been there. And I  
16 would hope in the future in all communities that  
17 you would, above all, EPA, and I would like to  
18 direct it to them, host the meeting in the  
19 hometown.

20 HEARING OFFICER SELTZER: Thank you.

21 Is there anybody else?

22 Yes, sir. Would you identify yourself  
23 for the record.

24 MR. GAITSKILL: My name is John Gaitskill.

1 I apologize, I came in late and there may be -- and  
2 it may be in here and I have missed them. Just a  
3 couple of small points. There is a statement that  
4 says "Permittee shall notify Illinois EPA within 10  
5 days if the CO or NOx emissions exceed 160 tons per  
6 year." How is that going to be -- Is there some  
7 sort of accumulator that measures that? How will  
8 that number be monitored?

9 MR. ROMAIN: Until such time as continuous  
10 emission monitors are put in for NOx, emissions  
11 will be tabulated by records of operating data.  
12 And by that operating data it's possible to  
13 calculate what the emissions of a facility have  
14 been and determine whether they have, in fact, been  
15 160 tons or greater.

16 MR. GAITSKILL: Would this just be straight  
17 combustion calculations of natural gas?

18 MR. ROMAIN: No. It would be emission  
19 factors developed from the testing that's been  
20 performed.

21 MR. GAITSKILL: Will this be done every  
22 hour, every day? How will this tonnage be kept  
23 track of? In other words, at any point an  
24 inspector or someone visits the plant, will there

1 be this cumulative tonnage that it will be compared  
2 with? The statement here, it says 160 tons per  
3 year. At any time a person comes in, would they  
4 say, oh, it's been 50 so far or 60 so far this  
5 year? How will that number be written down?

6 MR. ROMAIN: Okay. I'm just checking to  
7 make sure I have got this correctly.

8 MR. GAITSKILL: I'm looking at 13a, page 10  
9 of 11.

10 MR. ROMAIN: Right. The permit requires  
11 that these emission records be compiled on at least  
12 a monthly basis to provide these totals.

13 MR. GAITSKILL: Oh, okay. So once at the  
14 end of each month then, what, so many cubic feet of  
15 natural gas times some other factors and operating  
16 levels or something, would that be the formula  
17 that's used for the NOx?

18 MR. ROMAIN: The expectation would be  
19 based on either the worst case emission factors for  
20 the pollutant end use of natural gas or also  
21 considering the fact that they would have to  
22 account for any hours when they were operating in a  
23 peak mode as well.

24 MR. GAITSKILL: So there is no specific

1 formula that the permit requires to be used, no  
2 standardized process for calculating that. It will  
3 be up to the operator to --

4 MR. ROMAIN: We have not specified a  
5 specific equation by which it is to be calculated,  
6 no.

7 MR. GAITSKILL: Another thought, a separate  
8 thought, I have heard that -- I understand that  
9 USEPA in siting a number when they review for  
10 various projects uses what they call environmental  
11 justice analysis. Does IEPA use that for -- where  
12 they will take a census track and calculate the  
13 percentage of low income and minority and so on  
14 within certain radii of a plant? Is that sort of  
15 analysis done?

16 MR. ROMAIN: It is not a type of analysis  
17 that we conduct, no.

18 MR. GAITSKILL: Okay. Thank you.

19 HEARING OFFICER SELTZER: Anybody else?

20 (No response.)

21 HEARING OFFICER SELTZER: The record in  
22 this matter will stay open through February 22nd of  
23 this year. That means if anybody wishes to make  
24 any additional comments, they can make their

1        comments and submit them to the Agency in written  
2        form. And as long as they are postmarked by  
3        February 22, midnight, they will be accepted and  
4        made part of the record.

5                Everybody who signed one of these  
6        registration cards with your address this evening  
7        will get a copy of the Agency's responsive summary  
8        to everything that's been talked about here today  
9        that's relevant to the issuance of the permit.

10               I want to thank you all for your  
11        consideration and for your attendance. We will  
12        adjourn now at 9:18. Thank you.

13                                \* \* \*

14  
15                                (Which were all the proceedings  
16                                had in the above-entitled  
17                                cause.)

18  
19  
20  
21  
22  
23  
24

1       STATE OF ILLINOIS     )  
                                  )   ss.  
2       COUNTY OF DU PAGE    )

3

4

5

6

7                       I, JANICE H. HEINEMANN, CSR, RDR, CRR,  
8       do hereby certify that I am a court reporter doing  
9       business in the State of Illinois, that I reported  
10      in shorthand the testimony given at the hearing of  
11      said cause, and that the foregoing is a true and  
12      correct transcript of my shorthand notes so taken  
13      as aforesaid.

14

15

16

17

                          Janice H. Heinemann, CSR, RDR, CRR  
                          License No. 084-001391

18

19

20

21

22

23

24