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BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

IN THE MATTER OF: )  
 )  
NATURAL GAS-FIRED, PEAK-LOAD ) R01-10  
ELECTRICAL POWER GENERATING )  
FACILITIES (PEAKER PLANTS). )

VOLUME III

The following is a transcript of proceedings  
from the hearing held in the above-entitled matter,  
taken stenographically by MICHELE J. LOSURDO, CSR, a  
Notary Public within and for the County of DuPage, State  
of Illinois, before MS. AMY JACKSON, Hearing Officer, at  
400 South Eagle Street, Naperville, Illinois, at the  
hour of 3:00 p.m., on the 7th of September, A.D., 2000.

1 APPEARANCES:

2

HEARING TAKEN BEFORE:

3

ILLINOIS POLLUTION CONTROL BOARD  
4 BY: MS. AMY JACKSON, HEARING OFFICER  
100 West Randolph Street  
5 Chicago, Illinois 60601  
(312) 814-3629

6

ILLINOIS POLLUTION CONTROL BOARD MEMBERS PRESENT:

7

Ms. Claire Manning, Chairman  
8 Dr. G. Tanner Girard  
Mr. Nicholas Melas  
9 Mr. Samuel Lawton, Jr.  
Ms. Elena Kezelis  
10 Dr. Ronald Flemal  
Ms. Marili McFawn  
11 Mr. Anand Rao

12 MEMBERS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
13 AS WELL AS OTHER INTEREST ENTITIES AND AUDIENCE MEMBERS  
WERE PRESENT AT THE HEARING, BUT NOT LISTED ON THIS  
14 APPEARANCE PAGE.

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1           HEARING OFFICER JACKSON: Before we begin, I just  
2           want to introduce Connie Newman to you. She's at the  
3           back of the room. Connie is the Board's public  
4           information officer and any questions that you might  
5           have, we ask that you please direct them to Connie. She  
6           knows everything there is to know about the Board's  
7           process in these inquiry hearings, so please feel free  
8           to direct any questions you have to her.

9           On behalf of the Illinois Pollution Control  
10          Board, let me welcome you all to the public hearing that  
11          the Board is holding in order to examine any potential  
12          environmental impact of natural gas fire peak load  
13          electrical power generating facilities commonly referred  
14          to as peaker plants. My name is Amy Jackson. I am the  
15          attorney assistant to board member Elena Kezelis and at  
16          the request of Chairman Claire Manning, I am serving as  
17          the hearing officer for these proceedings.

18          We are very pleased today to have the entire  
19          Board present for this hearing and I would like to take  
20          a moment to introduce the Board to you. To my immediate  
21          left is Chairman Claire Manning.

22          MS. MANNING: Hello.

23          HEARING OFFICER JACKSON: Dr. Tanner Girard.

24          DR. GIRARD: Good afternoon.

1 HEARING OFFICER JACKSON: Nicholas Melas.

2 MR. MELAS: Good afternoon.

3 HEARING OFFICER JACKSON: Samuel Lawton, Junior.

4 MR. LAWTON: Good afternoon.

5 HEARING OFFICER JACKSON: To my right is Board  
6 member Elena Kezelis.

7 MS. KEZELIS: Good afternoon.

8 HEARING OFFICER JACKSON: Dr. Ronald Flemal.

9 DR. FLEMAL: Good afternoon.

10 HEARING OFFICER JACKSON: Marili McFawn.

11 MS. McFAWN: Hello.

12 HEARING OFFICER JACKSON: And then Anand Rao is  
13 also at the head table. He is the chief of the Board's  
14 technical unit.

15 MR. RAO: Hello.

16 HEARING OFFICER JACKSON: At this point, I'm  
17 going to invite Chairman Claire Manning to make her  
18 opening statements to everyone present today.

19 MS. MANNING: Good afternoon, everyone, and on  
20 behalf of the Board, I would like to welcome you all to  
21 our proceeding as well and thank Mayor Pradel for his  
22 generous assistance and having us in the village of  
23 Naperville. We're very happy to be here. I would like  
24 to thank Representative Cowlshaw, who will be joining

1 us shortly, for her valuable logistical assistance.

2 I am also pleased that we will be hearing  
3 from many governmental officials. Senator Lauzen is in  
4 the audience and he will be speaking with us. I am very  
5 happy to hear that and, in fact, Mayor Pradel will be  
6 addressing that, Mayor Lund of Warrenville and Paul Hass  
7 of the DuPage County Board. Welcome all of them to this  
8 proceeding.

9 We may hear from the governmental officials  
10 as well today, and we look forward to hearing from  
11 everyone who wishes to address us on the very important  
12 issue of peaker plants. For those of you who are  
13 unaware of the Pollution Control Board, allow me just a  
14 little bit of the explanation. We're an independent  
15 seven member state board created pursuant to the  
16 Illinois Environmental Protection Act generally for the  
17 purpose of promulgating environmental regulations and  
18 deciding environmental cases.

19 Each of the seven of us has an extensive  
20 background in either law or science. We have a staff of  
21 40 people, also many of whom carry degrees in law and  
22 science. For more information about the Board, we have  
23 a very public-friendly and user-friendly website. I  
24 invite you to look at that website. It's

1 www.ipcd.state.il.us, and all of the remarks that will  
2 be made this morning that are being transcribed by our  
3 court reporter will appear within about three or four  
4 days of this hearing on the website. All of the  
5 information that the public is presenting to us in this  
6 matter will be available as well on the website as well  
7 as any public comments we receive in this proceeding.  
8 The idea is that we get as much public information as  
9 possible to render and make a valuable determination.

10 The hearing we are asked to conduct today is  
11 known as an inquiry hearing. The purpose of inquiry  
12 hearings is for us to gather sufficient information  
13 about a given subject, in this case, of course, peaker  
14 plants so that we can determine whether further state  
15 environmental regulation or legislation is necessary to  
16 adequately protect the environment for the citizens of  
17 the state of Illinois.

18 Governor Ryan specifically requested that we  
19 hold these hearings to address five important issues.  
20 Those issues are, number one, do peaker plants need to  
21 be regulated more strictly than Illinois current air  
22 public statutes or regulations provide and, number two,  
23 do peaker plants pose a unique threat or greater threat

24 than other types of state-regulated facilities with

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1 respect to air pollution, noise pollution or groundwater  
2 or surface water pollution.

3 With respect to those two questions, the  
4 Board has already received a significant amount of  
5 information at our hearings that we held on August 23rd  
6 and August 24th in our Chicago -- of the state office of  
7 Chicago. I invite you to look at the website and  
8 transcripts of those proceedings if you would like to  
9 see the information that was presented by the EPA and by  
10 industry officials from their perspective on this issue.

11 Number three, and I assume this particular  
12 issue is of major importance to the local governmental  
13 officials that are here today and all of those in the  
14 Northeastern area of Illinois, should new or expanding  
15 peaker plants be subject to siting requirements beyond  
16 applicable local zoning requirements and, number four,  
17 if the Board determines that peaker plants should be  
18 more strictly regulated or restricted, should additional  
19 regulations or restrictions apply to currently permitted  
20 facilities or only to new facilities and expansions, and  
21 lastly, number five, how do other states regulate and or  
22 restrict peaker plants.

23 We can assure you that the full resources of

24 the Board will be brought to bear on these important

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1 subjects and that we will do the very best job we can in  
2 answering these questions. At the conclusion of this  
3 hearing process that we're holding, we will issue what  
4 we call a written informational order. The order will  
5 analyze all the information presented in light of the  
6 issue areas asked and very importantly as the Governor  
7 requested, the order will set forth the Board's  
8 recommendation on whether further state environmental  
9 regulation or legislation is necessary to adequately  
10 protect the environment.

11 I want to thank you all for attending today's  
12 proceeding and welcome you again. I'm going to turn the  
13 proceedings over now to our hearing officer, Amy  
14 Jackson, who will make sure that this proceeding is run  
15 fairly, who will make sure that everyone that wants to  
16 speak has an opportunity to do so, who will make sure  
17 that we have a clean record and that the court reporter  
18 can understand everything that is being said and who  
19 will make sure that, just generally, that order is kept.  
20 So with that information and that welcome, I turn the  
21 proceedings over to Hearing Officer Jackson.

22 HEARING OFFICER JACKSON: Thank you Chairman

23 Manning. I have a few more opening remarks to make and  
24 they involve the procedures for this hearing and just a

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1 little bit of additional information for those of you  
2 who may be somewhat knew to the peaker process and what  
3 the Board has been doing. Some of you may be aware that  
4 we have already conducted two days of hearings in  
5 downtown Chicago where the Board received testimony from  
6 state agencies as well as members of the peaker  
7 industry.

8 Both those days of testimony were transcribed  
9 and transcripts are available on the Board's website for  
10 viewing and downloading. If you do not have internet  
11 access and need hard copies of the transcript or any  
12 other document that is filed with the Board in this  
13 proceeding, please contact the Board's clerk's office  
14 and she can provide you with hard copies.

15 In order for the Board to gather the  
16 information it needs in order to respond to the  
17 Governor's specific questions, the Board has, in  
18 addition to the two previous hearings scheduled, three  
19 hearings in the Collar Counties. Today's hearing in  
20 Naperville is the first of those county hearings. While  
21 there is no requirement that those wishing to speak  
22 today prefile their comments with the Board, interested

23 persons were encouraged to contact me in advance and as  
24 a result, we have approximately 20 names on a list of

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1 persons wishing to address the Board today.

2 A copy of that list with the speakers listed  
3 in order of presentation is posted on the entrance doors  
4 to this room and extra copies are also available at the  
5 table located at the back of the room. If you are on  
6 the list, I ask that you please keep track of where we  
7 are in the proceeding and be prepared to step forward  
8 when it is your turn to speak. We have a number of  
9 people who do wish to speak today and your cooperation  
10 will be greatly appreciated in helping to ensure that  
11 everyone has a chance to say what they would like to say  
12 today.

13 There is also a sign-in sheet located at the  
14 table at the top of the room. Any person who did not  
15 preregister to speak today may sign in on that sheet and  
16 will be permitted to speak following those persons who  
17 preregistered. If you sign up on the sheet and are not  
18 here when your name is called, then we will be forced in  
19 the interest of time to proceed forward, so please keep  
20 track of where we are in the proceedings.

21 Speakers should step forward when their name

22 is called and should bring any documents or exhibits  
23 that you would like to introduce into the record. If  
24 you do have documents to introduce into the record, you

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1 must have at least one copy to leave with the court  
2 reporter that can be marked as an exhibit and retained  
3 by the Board for future review and reference. Once you  
4 have made your statement to the Board, any of the board  
5 members or Anand Rao of the Board's technical unit may  
6 ask you questions. Please do not infer any preconceived  
7 conclusions or opinions on the part of the Board by the  
8 nature of questions they might ask.

9 Questions are asked solely in an attempt to  
10 develop a complete and accurate record for the Board to  
11 review during its deliberations. The Board has made no  
12 conclusions in this matter at this time and will not  
13 begin it's deliberations until after all information is  
14 submitted and the record is closed.

15 Because the purpose of these inquiry hearings  
16 is to provide the Board for receiving information, only  
17 board members on the Board's technical unit will  
18 actually be questioning speakers today and at all of the  
19 remaining hearings. This is an information gathering  
20 process as opposed to a debate on the pros or cons of  
21 peaker plants, therefore, no cross-examination or

22 cross-questioning will be permitted.

23           Having said that, let me assure you that the  
24 Board is very interested in what you have to say. If

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1 any statements are made today that you feel need to be  
2 expanded upon, clarified or even questioned, we invite  
3 you to do so in one of two ways; one, either appear  
4 before us on the record today or at one of our  
5 subsequent hearings or submit your comments to the Board  
6 in the form of a written public comment. The Board will  
7 be accepting written public comments until November 6th  
8 of this year. The public comment process is an easy one  
9 and it is explained further on the public information  
10 sheet prepared by Connie Newman, who I introduced  
11 earlier, and that sheet is available on the table at the  
12 top of the room.

13           As you can see, we do have a court reporter  
14 present who will be transcribing everything that is said  
15 today. In order to keep the record as clear and easily  
16 understandable as possible, I must ask that only one  
17 person speak at a time. Also for those persons  
18 addressing the Board today, please try to keep your  
19 voices up and speak clearly and slowly so the court  
20 reporter isn't crazy and out of her mind by the end of

21 the process.

22 We have requested expedited copies of  
23 transcripts so they should be available on our website  
24 within three to five business days following today's

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1 hearing. One other thing I want to mention is that we  
2 do have a notice list for this proceeding. Those  
3 persons on the notice list will receive copies of all  
4 board opinions and orders as well as hearing officer  
5 orders. There is no obligation for those persons on the  
6 notice list to serve others on the notice list. Any  
7 person filing a document in this case need only serve  
8 the Board.

9 If you would like to be added to our notice  
10 list, please contact Kim Schroeder in the Board's  
11 Springfield office. Kim Schroeder's telephone number is  
12 area code (217) 782-2633 and her e-mail address is  
13 Schroedk, s-c-h-r-o-e-d-k, at ipcb.state.il.us.

14 We have four more days of hearings currently  
15 scheduled in this matter. On September 14th, we will be  
16 in Joliet. September 21st we will be in Grayslake and  
17 our final hearings are scheduled for October 5th and 6th  
18 in Springfield.

19 Before we get started, I want to emphasize  
20 again that this is an information gathering process. It

21 is not an adversarial type of proceeding. I ask that  
22 everyone act accordingly as if you might be in a court  
23 of law. If there are any questions that you have that  
24 were not covered by my opening remarks, please feel free

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1 to ask Connie Newman, the Board's public information  
2 officer. Connie will be sitting near the entrance to  
3 this room during the course of the proceeding and she  
4 will be glad to answer any questions that you might  
5 have.

6 At this time, I would like to invite Mayor  
7 George Pradel, the mayor of Naperville, to step forward  
8 who would like to make some opening remarks as well.

9 MAYOR PRADEL: Thank you all for coming and  
10 welcome to Naperville. I think it's appropriate that  
11 today's meeting is being held in Naperville since we are  
12 one of 41 Illinois communities that own and operate our  
13 own electric utility. In fact, last year we marked our  
14 100th year of operation.

15 Today's discussion is a very important topic  
16 because electric power will continue to be in big demand  
17 in Naperville, Aurora and Warrenville and our other  
18 neighboring communities who are experiencing tremendous  
19 growth. I just read the other day that Will County is

20 the fastest growing county in the state, and as you  
21 know, a large portion of Naperville is located in Will  
22 County.

23 We and our neighbors to the south, like  
24 Bolingbrook and Plainfield, are all experiencing the

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1 same kind of growth. With reserve levels down, industry  
2 experts are calling for additional power supplies that  
3 will be needed to serve this entire region.

4 In addition to more generation, constraints  
5 on transmission and reliability of moving electric power  
6 throughout northeast Illinois warrants constructive  
7 dialogue between industry, government and the citizens  
8 of Illinois. Communication is a key to success, I  
9 think.

10 We believe, as all of you do, that new  
11 generation should be environmentally sound and safely  
12 located. Your input today will be very helpful to the  
13 Illinois Pollution Control Board. Thank you again for  
14 coming to Naperville.

15 MS. MANNING: Thank you, Mayor Pradel.

16 HEARING OFFICER JACKSON: Senator Lauzen?

17 MS. MANNING: We also have Representative  
18 Cowlshaw in the audience. Welcome, Representative, and  
19 thank you for helping us with all of the hosting that

20 you did for us today. We're going to have you speak.  
21 We didn't know the Senator was coming and the Senator  
22 has asked to speak and, Representative, we'll have you  
23 speak next.

24 REPRESENTATIVE COWLISHAW: Thank you.

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1 SENATOR LAUZEN: Thank you very much, Madam  
2 Chairman. I would also like to welcome the Illinois  
3 Pollution Control Board and all the people who have  
4 attended the meeting today to Naperville. This is a  
5 city full of friendly and hard working people. It's a  
6 great place to live, work and raise a family. We do  
7 value our clean and healthy environment. You know, the  
8 last time I attended a hearing on this subject was over  
9 at the Indian Plains School on Eola Road and that  
10 session went about four hours. And when I thought about  
11 all the things that I had heard that night, it really  
12 boiled down to generally summarizing that people were  
13 saying to us, all the people who served them in state  
14 government, that we work hard all day to pay our taxes  
15 so that you'll protect us and as we see more permits  
16 being granted for peaker power plants, we are concerned  
17 about whether we're being protected and how protected we  
18 actually feel.

19                   It's ironic that on hot, muggy days, we're  
20 asked not to use our lawn mowers or to make unnecessary  
21 trips in our cars, yet on exactly those days, we're  
22 going to fire up peaker power plants in the middle of  
23 residential areas that throw up 247 tons of nitrogen  
24 oxide, I think it's something like three tons of sulfur

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1           dioxide and all these chemicals going in on the days  
2 that we're not supposed to use our lawn mowers in our  
3 own yards. It doesn't seem to make sense.

4                   I think that our appeal is simple. If this  
5 is safe, prove it, but if it's not safe, then stop it.  
6 I think that others can address better than I can and  
7 more technically than I can the cumulative impact of the  
8 various permits that are being granted and also the  
9 concentrated or compressed period of time that a year's  
10 worth of pollution under the current regulations are  
11 thrown in the air.

12                   If it's not dangerous, if these plants are  
13 not dangerous, then I think that the folks who are  
14 responsible for making these decisions need to reconcile  
15 a couple of actions that all of us have read in the  
16 Naperville Sun, our local newspaper here, where it says  
17 that EPA officials do not believe plants represent a  
18 significant health or environmental threat; however,

19 three paragraphs later it says that the director said in  
20 July that the EPA proposed to rule to reduce statewide  
21 nitrogen oxides from electrical generating facilities  
22 including peakers and the Pollution Control Board is  
23 working on a rule which is expected to be completed at  
24 the end of the year. If there is no problem, then there

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1 would be no action it would seem to many of us who are  
2 watching as these decisions are being made on our  
3 behalf.

4           While we are having these hearings, we're  
5 concerned that either the 120 days or the 150 days  
6 mandated in the current law that that time is passing  
7 and more and more of these permits will be granted. We  
8 certainly are not against the power generation. We just  
9 want to be sure that as we generate this power that it  
10 is safe. We appreciate your work and your time on this  
11 subject. Thank you for all the people who have come out  
12 today to testify.

13           HEARING OFFICER JACKSON: Thank you Senator  
14 Lauzen.

15           MS. MANNING: Thank you.

16           HEARING OFFICER JACKSON: Representative  
17 Cowlshaw has been kind enough to assist me greatly in

18 scheduling this hearing and I just want to say, so  
19 everyone knows, that she has been enormously helpful.  
20 And whenever I called her with any questions, she has  
21 been more than gracious to assist me and, at this point,  
22 I will -- Representative Cowlshaw drove all the way  
23 back from Springfield today so she could attend the  
24 hearing and we appreciate that and we welcome your

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1 comments at this time.

2 REPRESENTATIVE COWLISHAW: I hope you're still  
3 grateful after you have your supper. Please let me join  
4 the Mayor of Naperville in welcoming you to this  
5 wonderful community. We believe this to be the most  
6 outstanding community in all of Illinois and although  
7 perhaps it's wrong to be boastful, in the case of  
8 Naperville, there is ample reason to be boastful, so  
9 welcome to the garden spot of Illinois.

10 My name is Mary Lou Cowlshaw and I am the  
11 state representative of the 41st District, which is the  
12 southwestern portion of DuPage County. It includes  
13 portions of the municipality of Aurora, Lisle,  
14 Naperville, Warrenville and Woodridge. I am grateful to  
15 the Pollution Control Board for holding this public  
16 hearing on the important issues relevant to the siting  
17 of peaker power plants. I am grateful also to all of

18 the area state legislators who share my concerns and  
19 yours about these issues, and I am grateful to the  
20 DuPage County Board and it's chairman, Bob  
21 Schillerstrom, for the search report that was authorized  
22 and paid for by the county of DuPage.

23 My thanks, too, are due to municipal  
24 officials and especially the mayors of Aurora, Dave

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1 Stover, Naperville, George Pradel, and Warrenville,  
2 Vivian Lund. Finally, my thanks to Hearing Officer Amy  
3 Jackson who has done an excellent job of organizing this  
4 hearing, and who -- if I may make a very personal  
5 recommendation to you folks that has nothing to do with  
6 the issue here, I think she deserves a raise.

7 HEARING OFFICER JACKSON: Thank you.

8 REPRESENTATIVE COWLISHAW: I thought I'd put in a  
9 good word for you. I had a portion of this statement on  
10 the subject of the environmental concerns and I am going  
11 to omit it because I see that on the agenda we have the  
12 possibility that we will hear from Jack Darrin who is  
13 with the Sierra Club and I cannot tell you how anxious I  
14 am to hear what Jack has to say. For a reason that  
15 probably very few of you could possibly share, I lived  
16 across the street and two doors from his family when he

17 was born, so I really had a wonderful time watching Jack  
18 grow up and watching him in his interest with the  
19 environment, so we're going to let Jack Darrin speak  
20 about the environmental issues.

21 It seems to me that there are two major  
22 factors that have contributed to the recent  
23 proliferation of peaker power plants in northeastern  
24 Illinois. The first is the ongoing program for

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1 deregulation of energy industry, a program intended to  
2 boost competition among energy providers and to  
3 ultimately result in lower costs for consumers. The  
4 second is the considerable increase in the demand for  
5 affordable energy here where both population and  
6 business growth continues to sore.

7 The goals and the philosophies of  
8 deregulation are certainly worthy, yet periodic review  
9 of how we are proceeding is really necessary.  
10 Thoughtful consideration reveals that it is far more  
11 difficult to shrink the role of government in these  
12 matters than it ever was to expand it. As government  
13 seeks to restore a free marketplace, some unanticipated  
14 problems are almost unavoidable. Peaker power plants  
15 and the siting of them are just such a problem.

16 Research and objective evidence must be taken

17 into account in examining the reasonable alternatives  
18 for meeting the demands for energy. Nobody disputes the  
19 simple fact that the demand must be met, but in the  
20 process of meeting that demand, the government must not  
21 abandon the very citizens that it exists to serve.

22 Local control, I believe, is a pivotal issue  
23 in these considerations. Local control is a fundamental  
24 factor in good government. The function of our state

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1 government is to achieve a balance between deregulation  
2 of private enterprise and the need for local control.

3 Now, intergovernmental cooperation and shared  
4 responsibility may help to provide that ideal balance in  
5 the unique situation we are facing in northeastern  
6 Illinois where peaker power plant proposals are now  
7 centered. While respecting the zoning jurisdictions of  
8 municipalities, which I believe it is our obligation,  
9 still county governments perhaps should also be involved  
10 in final approvals for proposed sites of peaker power  
11 plants at least in the northeastern Illinois area, but  
12 even beyond that, this is a regional matter and I think  
13 that it would be very helpful to involve the  
14 Northeastern Illinois Planning Commission or what's  
15 commonly called NIPC.

16                   In the meantime, I would urge you, the  
17 members of the Pollution Control Board, to consider the  
18 possibility of imposing a moratorium on construction of  
19 peaker power plants until legislative action can be  
20 taken during the spring session of the year 2001. The  
21 summer demand for energy for this year is substantially  
22 over and before next summer comes, there is ample time  
23 for the Pollution Control Board and the state  
24 legislature to put in place a balanced, regional

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1 solution to the controversy over the siting of peaker  
2 power plants. Local control, I believe very strongly,  
3 can and should be assured. And to the members of the  
4 Board, I would say if I could be of any help in that  
5 quest to respect local control, you have only to ask.  
6 Thank you.

7                   HEARING OFFICER JACKSON: Thank you,  
8 Representative Cowlshaw.

9                   REPRESENTATIVE COWLISHAW: No questions. I'm so  
10 relieved.

11                   HEARING OFFICER JACKSON: Vivian Lund is next on  
12 our list and as she's coming up, I want to just mention  
13 that if you don't really want to stand and speak at the  
14 podium, we do have a table over here to my left that is  
15 available for any persons who would prefer sitting and

16 speaking to the Board from that location as opposed to  
17 the podium.

18 Also, I want to note that we are being  
19 videotaped and if any presenter does not wish to be  
20 videotaped, please let me know and we will have the  
21 videotape turned off during your presentation. Thank  
22 you, Mayor Lund.

23 MAYOR LUND: Just to point out why this is such a  
24 concern to the citizens in my community, this is

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1 Warrenville (indicating) and I don't know where the  
2 dividing -- our line kind of goes like this down here,  
3 but the peaker plant -- this I think is about where the  
4 railroad track is. I'm not positive because it doesn't  
5 show here, but Warrenville citizens live just on the  
6 other side of the railroad track and just the other side  
7 of the railroad track is Aurora where a peaker power  
8 plant has been sited, and because the prevailing winds  
9 blow this way, we are obviously in the path of whatever  
10 might from come that direction.

11 I do want to tell you how pleased we are that  
12 we're given this opportunity to present some information  
13 to you and also to Representative Cowlshaw for her  
14 cooperation. I have a very nontechnical, very short

15 statement. Decisions relative to peaker plant  
16 construction in Illinois needs careful review for a  
17 number of reasons. Local governments have not had  
18 adequate time to respond to the zoning implications of  
19 peaker plant constructions. Prior to deregulation,  
20 peaker plants were not an issue as they have recently  
21 become.

22 Time should be afforded local governments to  
23 revise their zoning ordinances to assure fair and  
24 adequate review of these facilities which, because of

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1 their multiple impacts upon local and regional -- both  
2 local and regional, should be considered as special  
3 uses. The special use process ensures the public will  
4 be notified and have an opportunity to be included in  
5 discussions before decisions are made. Regional impacts  
6 and the accumulated multiple construction effects  
7 related to airborne pollution, water supply and  
8 disposal, esthetics, noise, property values and even  
9 airport safety have not been adequately reviewed and  
10 measured.

11 Although there is probably a need to create  
12 new supply sources to meet the demand for additional  
13 electric power during high usage periods, adequate  
14 consideration is not being given to the total amount

15 needed for Illinois users. The consequence will be that  
16 Illinois residents will bear the negative impacts of  
17 these installations whose benefits will be sent outside  
18 Illinois borders.

19 In order to protect the state of Illinois, a  
20 moratorium should be established to prevent further  
21 construction or approval for construction until these  
22 items are appropriately addressed. Newly constructed  
23 facilities should not be grandfathered. Thank you.

24 HEARING OFFICER JACKSON: Thank you, Mayor Lund.

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1 At this point, I don't see Mayor Stover come in, so  
2 let's go ahead and proceed with Paul Hass from the  
3 DuPage County Board.

4 MR. HASS: Good afternoon. My name is Paul Hass  
5 and I'm the zoning manager for the DuPage County  
6 Department of Development Environmental Concerns. I  
7 want to thank state representative Cowlshaw for  
8 allowing me to testify before you on this issue today  
9 and also thank the Board for allowing me to testify.

10 My testimony will focus on three areas, the  
11 first being an overview of a peaker plant study that was  
12 commissioned by County Board Chairman Robert  
13 Schillerstrom and the DuPage County Board, second, an

14 overview of local DuPage County zoning jurisdiction on  
15 land use and land use controls and, third, on overview  
16 of potential land use regulations that the county is  
17 currently looking at and reviewing.

18 In the fall of 1999, residents of various  
19 municipalities where developers were seeking to build  
20 new peaker plants expressed concern over this industry  
21 to DuPage County Board Chairman Robert Schillerstrom,  
22 and members of the County Board. In order to better  
23 understand these concerns in context, the County Board  
24 retained the services of Versar Incorporated to provide

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1 general information of the peaker plant industry,  
2 operational aspects of peaker plants and federal, state  
3 and local standards that regulate the activities of a  
4 peaker plant.

5 The Versar study was completed in June of  
6 this year and I believe you all have a copy of the  
7 Versar study and I'll tender this study to the court  
8 reporter after my comments. I don't intend to discuss  
9 the details of the report in as much as much of the  
10 report is informational. In addition, many of the  
11 details of the report with respect to the peaker plant  
12 industry and state and federal regulations have been  
13 discussed similarly at the August Pollution Control

14 Board hearings by the IEPA and IDNR.

15 One of the main elements of this report,  
16 however, was to determine what county regulations were  
17 currently in place that would regulate peaker plant  
18 facilities. This report determined one main element  
19 that currently the county does require special uses for  
20 peaker plants and those special uses would have to be  
21 approved only after public hearings before the local  
22 county zoning board of appeals and the DuPage County  
23 Board.

24 This brings me to my next point with respect

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1 to the local jurisdiction that DuPage County has.  
2 DuPage County is non-home-rule county and as such is  
3 given zoning authority by the state of Illinois to  
4 regulate and restrict the location and use of  
5 structures, buildings and land pursuant to state  
6 statute.

7 The authority from the state allows the  
8 county to develop rules and regulations consistent with  
9 the powers granted by the state of Illinois that  
10 supplement rather than supersede that authority. The  
11 zoning authority of DuPage County is limited to the  
12 unincorporated areas of DuPage County only. Behind me I

13 have submitted a map depicting the entire area of DuPage  
14 County. The white area of the map depict the  
15 unincorporated areas of DuPage County and you can see  
16 that we interspersed between various municipalities  
17 throughout the counties. The color areas, as Mayor Lund  
18 pointed out, represent generally the municipal  
19 boundaries that move in and out of DuPage County.

20 It's important to note that DuPage County has  
21 no jurisdiction over the local municipal land use  
22 controls and development processes nor can the county  
23 intercede in local municipal development processes.  
24 There have been issues currently with respect to siting

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1 of peaker plants where some neighboring citizens felt  
2 that the county had some jurisdiction over municipal  
3 processes and we don't. We only have jurisdiction over  
4 the unincorporated areas of DuPage county.

5 As part of the state authority that's granted  
6 to the county, the state also confers that the county  
7 has the authority to classify certain uses as what is  
8 termed special uses pursuant to state statutes. These  
9 special uses includes uses that have a unique, special  
10 or unusual impact upon use or enjoyment of adjacent  
11 property and property owners. Special uses, pursuant to  
12 the state law, may be permitted only after public

13 hearings before, in the county's case, the DuPage County  
14 Zoning Board of Appeals with ultimate disposition of the  
15 special use before the County Board.

16 Finally, the granting of this special use  
17 pursuant to the state law and pursuant to our own  
18 ordinances may be subject to reasonable conditions to  
19 meet the local county zoning ordinances. One of the  
20 major elements of any special use process in particular  
21 in DuPage County is public participation as part of the  
22 public hearing process. Toward that end, for any  
23 special use process, DuPage County publishes notice of  
24 its particular development for special use within local

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1 newspaper of general circulation indicating where, when  
2 and what the use is being proposed.

3 In addition, the county takes it upon itself  
4 to notify property owners within 300 feet of all  
5 boundaries of the proposed development. That special  
6 use process in DuPage County allows anyone who is  
7 interested in the particular development to come and  
8 make representations whether they are for or against or  
9 just general inquiries as to the development and all of  
10 that information is taken into consideration when the  
11 county and the Zoning Board of Appeals review special

12 uses.

13                   This brings me to my next point with respect  
14 to, I think, one of the main issues why DuPage County is  
15 here today and that is local siting of peaker plants and  
16 similar type industry. The county is given general  
17 zoning authority from the state to direct certain uses  
18 to suitable locations and apply reasonable standards for  
19 the purpose of promoting public health, safety and  
20 comfort of citizens in unincorporated areas of DuPage  
21 County. Towards this end, the county is currently  
22 researching the viability of adding language to the  
23 DuPage County zoning ordinance and redefining existing  
24 language that would regulate peaker plants and similar

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1 type industry.

2                   Our research is based on the recommendations  
3 of the report that I indicated earlier from Versar  
4 Incorporated, discussions with municipality and other  
5 counties adjacent to DuPage County consultation with the  
6 state agencies including the IEPA and the FAA. In  
7 addition, counties glean valuable information from the  
8 various hearings that local municipalities such as  
9 Aurora have held on this particular issue as well as  
10 hearings that the IEPA has held with respect to this  
11 issue and also the most recent Pollution Control Board

12 proceedings with testimony coming from the industry and  
13 also from the various state agencies.

14 Our research is based on this Versar  
15 recommendation and these other agencies and we have not  
16 come to any formal conclusions yet as to how we want to  
17 amend the zoning ordinance or add the language; however,  
18 I have a listing of things that we are pursuing right  
19 now that deal generally with local siting issues, local  
20 land use controls for unincorporated DuPage County.  
21 I'll read them to you and I will be more than happy  
22 after that to answer any questions with respect to some  
23 of these general ideas that we're looking at.

24 One of the main recommendations that we are

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1 looking into is better definition in our own zoning  
2 ordinances with respect to peaker plants and similar  
3 type industry. Currently, we have a definition of a  
4 public utility and public utility is currently exempt  
5 from local DuPage County zoning ordinances. They enjoy  
6 special exemption because they are a public utility. It  
7 is our understanding from all the research and the  
8 information gleaned from these various areas that the  
9 peaker plant industry is not considered a public utility  
10 and doesn't require the same exemptions to the county

11 zoning ordinances, therefore, we're looking at  
12 straightening out public utilities from private  
13 utilities. Private utility would be -- I should say that  
14 a peaker plant would be considered a private utility per  
15 our ordinances.

16 As such, that facility would be required, in  
17 terms of siting, to be located in either an I-1 or I-2  
18 industrial zoning district in the county and only after  
19 approval of a special use by the DuPage County Board.  
20 One of the other sort of general areas that we're  
21 looking to revise in our ordinance is with respect to  
22 noise standards. At the most recent public hearing  
23 before the Pollution Control Board, there was some  
24 question about who would regulate noise standards and it

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1 is clear that local entities are going to be responsible  
2 for those noise requirements.

3 In order to try to buttress our current noise  
4 standards, we are proposing to adopt current Pollution  
5 Control -- I'm sorry IEPA standards with respect to  
6 noise and then having adopted those standards, and I'll  
7 get into this in just a second, have peaker facilities  
8 and similar type industries show that they could comply  
9 with the new standard which happens to coincide with the  
10 IEPA standard.

11                   With respect to one of the main elements of  
12                   the special use process, which, as I said before, we're  
13                   proposing that these industries fall within, currently a  
14                   special use process requires a public hearing before the  
15                   Zoning Board of Appeals. We're proposing to amend that  
16                   somewhat for peaker plants and similar type industry to  
17                   require a public information meeting, whereby a  
18                   developer of one of these facilities would come and  
19                   present information with respect to the development only  
20                   for informational purposes only. There would be no  
21                   questioning or answering of a period. It would be just  
22                   public information meaning we could all get a handle on  
23                   what, in fact, the development was.

24                   There would be the ability for anybody

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1                   interested to send comments and questions to the zoning  
2                   staff and those comments and questions then would be  
3                   submitted to the developer and looked at also by the  
4                   zoning staff and anybody that the county thought might  
5                   be helpful in answering some of these questions. We  
6                   then would require two public hearings. One would be a  
7                   typical public hearing where any developer for special  
8                   use would be required to submit information to create a  
9                   record.

10                   We would then require a second public hearing  
11 where questions could be asked of the public, but that  
12 second public hearing would only be after the IEPA holds  
13 a public meeting on the air emissions permit. This is  
14 an area that has not completely been worked out by the  
15 staff and one of the reasons for that is that we are of  
16 the understanding that currently the IEPA has a policy  
17 to hold public meetings with respect to the air  
18 emissions permits. It is something that I understand  
19 that Director Skinner has implemented with respect to  
20 peaker plants in the industry and we're not quite sure  
21 yet if we could make a second public hearing after one  
22 of those policy air emissions is viable, but that's one  
23 of the things we're looking into.

24                   The purpose for the various hearings and

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1 public meetings is to allow the public to get an  
2 understanding of what the peaker plant is and where it's  
3 being proposed and what the development aspects are and  
4 then also to allow the County Board members from the  
5 Zoning Board of Appeals to get an understanding of what  
6 other agencies, state or local, who might have some  
7 regulatory authority over the peaker plants are saying  
8 about particular types of development.

9                   The next area of study that the county is

10 looking into is when and if a peaker plant was to  
11 receive any special use from the county, what kind of  
12 operational regulations the county would want to place  
13 on that plant. I'll go over quickly the list of those  
14 that we are considering. One is to require that all  
15 current state and federal permits, waivers of permits,  
16 license and certificates of insurance always be made  
17 available to the county for review as part of the  
18 special use process.

19                   Requiring the petitioner to submit noise  
20 modeling before and as part of the special use process  
21 and before any permits are issued. This is a similar  
22 type process I understand that the developer of peaker  
23 plants has to go through for air emissions, submitting  
24 noise -- I'm sorry -- air modeling so that the IEPA can

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1 review what the impacts -- potential impacts could be.  
2 We're proposing to do a similar type modeling with  
3 respect to noise to ensure or to, at least, glean some  
4 information as to whether or not these facilities will  
5 comply at least in the model with the county noise  
6 ordinances.

7                   In addition, we're proposing that the  
8 development provide best available control technology

9 with respect to building the structures for these peaker  
10 plants as specified by the IEPA, require also that the  
11 facility shall be at least a thousand feet from any  
12 parcel boundaries for the joining zoning district. The  
13 term operational should mean essentially those things  
14 that generate the power. We understand that there are  
15 other items that have to transport the power off site  
16 and those items, such as wires and pipes, will not be  
17 subject to that requirement. Obviously, they would have  
18 to cross over or go up to property lines.

19 We would also require that the facility, the  
20 IEPA or the EPA to send concurrently to the county all  
21 notice of any violation of IEPA or EPA standards,  
22 enforcement actions, reports on emissions and similar  
23 correspondence, and typically in any special use any  
24 violation of our county code or permit that is required

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1 from another regulatory body could render that  
2 conditional use or special use of the country grants  
3 null and void for a facility.

4 In addition, we would require that any change  
5 in site plan, operation, scheduling, intensity of energy  
6 output established by the original special use or by any  
7 state permits, any intensity of those would require  
8 additional conditional -- I'm sorry -- amended special

9 use which would require additional public hearings.  
10 Finally, with respect to operational aspects, we would  
11 require that if a facility that was sited went out of  
12 business for or did not operate for a period of 12  
13 consecutive months, that the zoning relief would be null  
14 and void and the petitioner in order to continue  
15 operating would have to come back in and submit  
16 additional testimony why they need additional  
17 conditional use for zoning relief.

18 If after a 24-month period there is no  
19 operation for 24 consecutive months, then we would  
20 render the conditional use null and void and the  
21 developer would have to take down the equipment and  
22 bring the property back to turf grass. We would also be  
23 looking at the viability of requiring some sort of  
24 letter of credit or escrow agreement in the amount of

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1 somewhere between 110 and 150 percent of the cost to  
2 move the facility so that if the developer can't remove  
3 it, the county could use the money.

4 All of those issues are issues that we're  
5 currently studying. We haven't decided to add those to  
6 our zoning ordinance yet. Those are issues that we're  
7 looking into and I know that other counties in the area

8 are also looking into those issues as well.

9 That concludes my testimony and with respect  
10 to the Versar peaker report, one of the reasons we went  
11 out to that is that we don't have the resources or the  
12 expertise in the county to do this work and that's why  
13 we went to Versar. I will be happy to answer any  
14 questions or if I can't to give additional information  
15 to you in writing if that's acceptable.

16 Thank you very much.

17 HEARING OFFICER JACKSON: Thank you, Mr. Hass. I  
18 believe some of the Board members have some questions.

19 MR. HASS: Okay.

20 MS. MANNING: First of all, I'd like to commend  
21 DuPage County on their work-in-progress. In reviewing,  
22 it shows that you put a lot of thought and information  
23 and you're really on top of a lot of issues that we've  
24 been dealing with in terms of Pollution Control Board

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1 aspects and we're very pleased to have this report as  
2 part of our evidentiary documents to look at and  
3 determine what you're doing as a county.

4 A couple of things just to clarify, if I  
5 could, for the record. Whatever process DuPage County  
6 would come up with, obviously it would only apply to a  
7 peaker plant being processed in unincorporated DuPage

8 County, is that -- that would be correct?

9 MR. HASS: That is correct. Yes.

10 MS. MANNING: Any peaker plant that's proposed in  
11 a municipality would be covered by that municipality's  
12 jurisdiction.

13 MR. HASS: That is correct. Yes.

14 MS. MANNING: I just wanted to clarify that for  
15 purposes of the record. As well, could you give us any  
16 sort of idea of time frames that DuPage County  
17 proposal -- is it currently before the County Board? Do  
18 you have any idea in terms of the viability of proposal  
19 or could you give us any -- maybe the time frame?

20 MR. HASS: When the report came out in June, we  
21 created some recommendations that we, the staff, thought  
22 would be viable. The way our process has worked is that  
23 it takes place before our parent committee which is  
24 called County Development Committee. We're proposing

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1 during the month of October to actually take these  
2 proposals to the development committee for discussion  
3 and if they feel that these are acceptable regulations  
4 and comfortable with them, then we actually go to public  
5 hearing before the Zoning Board of Appeals and hold open  
6 public hearings on these issues so we could potentially

7 go to public hearing in November on these issues and if  
8 the Zoning Board of Appeals accepts these  
9 recommendations, then we'll take them ultimately to the  
10 County Board.

11 I would imagine that public hearing on these  
12 recommendations would take anywhere from two months to  
13 get through, but, currently, we need to take these to  
14 our County Development Committee for their sort of  
15 imprimatur on what we're doing. I can't give you a time  
16 frame when we will actually implement these things, but  
17 in terms of, I think, moving forward on these  
18 recommendations, we'll actually start to hold public  
19 hearings in November on them.

20 MS. MANNING: You mentioned that and you notice  
21 that there is state regulations and Pollution Control  
22 Board regulations which regulate the level of the noise  
23 outlet, there is no state enforcement. Citizens, of  
24 course, could come before the Board and file citizen

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1 enforcement actions, but there is no state enforcement.  
2 You said that you're proposing perhaps to have a county  
3 enforcement. Could you explain how that would work a  
4 little bit?

5 MR. HASS: Well, it wouldn't necessarily be  
6 county enforcement, what we're proposing as part of the

7 special use process that any developer of the peaker  
8 plant or similar industry would actually model out their  
9 noise -- propose noise or what they think their noise  
10 would be with respect to the various units that they  
11 would have and essentially what we would be looking for  
12 is to have them show that the peaker plant operating at  
13 full capacity would meet the county noise standards for  
14 nighttime and daytime at the property line and we would  
15 want to make sure that their model shows that, in fact,  
16 it would meet that requirement.

17 If a peaker plant was up and operating and it  
18 was determined that they did not meet that standard,  
19 then the county has a process right now where we could  
20 hire a consultant to determine if they were in violation  
21 of the ordinance and then we would actually pursue any  
22 violation of our ordinance before the Pollution Control  
23 Board. We would -- the county would actually file a  
24 complaint with the Pollution Control Board on that

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1 issue.

2 MS. MANNING: You currently don't have a noise --  
3 any sort of noise program right now, so if you had a  
4 noisy facility right now that was not a peaker plant,  
5 would you have any process that you would engage in

6 currently?

7 MR. HASS: Yes. We do have a noise standard  
8 right now. We determined that noise standard is not  
9 compatible with the state so we think that the state  
10 standard is more viable. What we currently do, for  
11 instance, if a peaker plant were operating and there  
12 were a noise problem, we would hire someone to  
13 determine -- a noise expert to determine if they were in  
14 violation. If they were, we would actually file a  
15 complaint with the Pollution Control Board on that  
16 violation and prosecute it in that manner.

17 MS. MANNING: Thank you.

18 MS. KEZELIS: Mr. Hass, thank you very much for  
19 coming here today. Each of the Board members has  
20 received a copy of the Versar report that you have been  
21 discussing with us. My question is this. Our copies  
22 are marked draft. Are these final enough for you to  
23 want to produce them into evidence and do you realize  
24 that the copies we have are still marked draft?

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1 MR. HASS: I didn't realize that. What I  
2 tendered today is, in fact, a final document and I  
3 will -- what I'll do is I will make sure that we mark  
4 that final for you. I apologize.

5 MS. KEZELIS: That's okay. I didn't want to get

6 you into trouble, but I didn't want us to have draft  
7 documents if we're going to be introducing them and this  
8 hasn't yet been introduced and admitted by the hearing  
9 officer, so I wanted to clarify that.

10 MR. HASS: Thank you. I'll do that. Thank you.

11 DR. GIRARD: Thank you, Mr. Hass, we enjoyed your  
12 presentation. I have a question. We have a statewide  
13 process for siting pollution control facilities such as  
14 landfills and transfer stations where it's a two-step  
15 process, first, the local community makes a decision  
16 based on very specified criteria and then after that, if  
17 it's approved at the local level, it goes on and gets  
18 the permits from the state EPA.

19 Do you feel that a similar sort of process  
20 would be useful in the sitings of peaker plants?

21 MR. HASS: One of the things that we looked into  
22 is that siting process. I know that it was discussed at  
23 the last meeting. I think it's Senate Bill 172 is the  
24 siting process. Currently, in DuPage County, the siting

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1 process -- the control of the siting process is up to  
2 the Solid Waste Committee, the solid waste group. It  
3 doesn't go through the zoning process or the County  
4 Development Committee. We did look at that entire

5 process and some of the recommendations that we are  
6 proposing are similar to that siting process without  
7 going to that full siting process.

8 One of the concerns I think that we have of  
9 going through the pollution control siting process is  
10 that the siting process is very specific to the things  
11 that the county looks at, and some of those specific  
12 things don't necessarily deal with some of the  
13 fundamental zoning things that I was talking about in  
14 our zoning ordinance, so in a sense, if we were to go  
15 through that pollution control siting process, there  
16 might be the possibility that we ultimately might lose  
17 some local control at the zoning level.

18 For instance, it's my understanding that once  
19 a facility is sited, it is actually taken out of local  
20 zoning control and, therefore, issues like noise could  
21 not be controlled by local zoning authority, and,  
22 therefore, I don't think it would be wise to go through  
23 the siting process with these facilities because, as I  
24 said, I think we lose local control. Having said that,

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1 some of the things that we're proposing to do sort of  
2 mirror those requirements. For instance, 30-day public  
3 notice of a particular development, that's a similar  
4 type process that pollution control facilities go

5 through. I hope that answers the question.

6 DR. GIRARD: Thank you. Yes, it will. Certainly  
7 I wasn't advocating that we go through the same exact  
8 process. I think the legislature would have to come up  
9 with a process that is unique for these kinds of  
10 facilities and certainly your comments help in that  
11 regard as to what to put in and what to leave out and,  
12 in fact, you know, if you think while we're on the  
13 subject and want to submit a written comment saying  
14 these are sort of the procedures we think would be  
15 helpful, we'd like to see that.

16 MR. HASS: Certainly.

17 DR. GIRARD: Thank you.

18 DR. FLEMAL: Mr. Hass, in your development of the  
19 ordinance, have you communicated with other  
20 jurisdictions and shared ideas with them?

21 MR. HASS: Absolutely. One of the things that we  
22 have done as part of Versar report is that the company  
23 actually went out and talked to other municipalities and  
24 state agencies and found out what their codes and

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1 regulations were. From the Versar report, we determined  
2 that Lake County and McHenry County and various  
3 municipalities in Lake County and our county were having

4 the same difficulties dealing with these issues as we  
5 are.

6 We have asked the various counties to submit  
7 what their proposals are or what they're thinking of  
8 submitting to their local county boards and local  
9 municipalities and some of the information that they  
10 have given us has been recommended by our staff. So we  
11 are looking at this, looking at everybody's regulations  
12 that would be affected by this and trying to take the  
13 best out of code and ordinances that would help us deal  
14 with these issues.

15 DR. FLEMAL: Is there any group that is working  
16 in a broad capacity to coordinate this effort?

17 MR. HASS: Currently, there isn't an official  
18 group that is doing that. I think all of the staffs in  
19 the various development departments are talking with one  
20 another, but there's no one coordinated staff group, if  
21 you will, that's sitting down and discussing these  
22 issues.

23 DR. FLEMAL: Assuming that it would be  
24 appropriate or advantageous to have an ordinance or at

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1 least some kind of regulatory oversight in the entire  
2 DuPage County, how many individual jurisdictions would  
3 have to go through the kind of process that you're going

4 through for the unincorporated areas?

5 MR. HASS: In DuPage County, we have  
6 approximately 36 communities, municipalities in DuPage  
7 County. There are, I believe, two communities that have  
8 small areas in DuPage County, St. Charles and Batavia,  
9 and also Lemont are larger communities that have very  
10 small portions of the communities in each county, so it  
11 would be anywhere from 36 to 39 if you include those  
12 other communities that are sort of a plume county.

13 DR. FLEMAL: Thank you.

14 MS. KEZELIS: Mr. Hass, there were several areas  
15 of the Versar report we did not address; one of them  
16 include concerns raised by the DuPage County Airport  
17 Authority. Has DuPage County contracted for any  
18 subsequent studies to address the kind of things or are  
19 you aware of any other study that might be ongoing  
20 currently that addresses some of the issues that Versar  
21 did not, like DuPage County Airport?

22 MR. HASS: No. The county is not pursuing any  
23 additional studies with respect to the county airport at  
24 this time.

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1 MS. KEZELIS: Thank you.

2 MS. McFAWN: I have a couple of questions.

3 Forgive me. I didn't have a chance to review the Versar  
4 report. It was just here when I got here, so maybe it's  
5 answered there, so if you'll so indulge me. I was  
6 wondering, I'm not that familiar with county government  
7 and so can you tell me does DuPage County have a staff  
8 that could review the documents you are suggesting  
9 perhaps IEPA will send you concerning permits and other  
10 notices of violation and documents of that type?

11 MR. HASS: The county doesn't have an  
12 environmental staff per se that deals with air  
13 emissions. We have environmental staff dealing with  
14 storm water. We also have an environmental staff  
15 dealing with solid waste issues. But if, for instance,  
16 the information that we would hope to glean from reports  
17 that come from the state has essential information that  
18 shows what facility is in compliance with the state  
19 regulations. If we reached a point where we had to  
20 understand those reports and we didn't have the  
21 expertise to do that, we would have to go out and get a  
22 consultant to do that.

23 For instance, with respect to noise, we have  
24 a noise ordinance, but we don't have the expertise or

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1 the resources on staff to actually do studies with  
2 respect to noise so typically we go out and hire a

3 professional in that field to do it on our behalf. So  
4 we might have to do that if we have need for additional  
5 information to study the various reports from the  
6 agencies and be compliant.

7 MS. McFAWN: When you issue a special use for a  
8 similar type of zoning permit, do you have the power to  
9 revoke it if conditions attached it to are not met?

10 MR. HASS: Yes. One of the inherent elements of  
11 special uses or condition uses as we call them in DuPage  
12 County, they're interchangeable terms, is that the  
13 county wants to see the operational aspects of the use  
14 and if it so deems, place conditions on the operational  
15 aspects to deal with the concerns and if one of those  
16 conditions is not met, then effectively the use is not  
17 being operated per the original approved condition as by  
18 the County Board and if it's not being operated by the  
19 original agreement, if you will, then the county has the  
20 ability to revoke the conditional use.

21 What that would mean is issuance of violation  
22 notices and perhaps that the developer would have to  
23 come back and have additional public hearings and amend  
24 their condition use if they want to supersede the

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1 original authority given by the county.

2 MS. McFAWN: You had suggested that maybe one  
3 thing you might consider is that if the property is not  
4 used for 12 months or 24 months, that the developer  
5 would have to then come in and maybe basically  
6 disassemble the business. Do you have a condition  
7 zoning permit with that type of condition?

8 MR. HASS: We have in the past, yes, and there  
9 are times, for instance, when developers come in for a  
10 use that requires a structure to be of a certain height  
11 and that height is beyond what the county would allow,  
12 but circumstances, unique circumstances, this part of  
13 the county grants a certain height over the county  
14 standard. Conditions have been placed where once that  
15 is discontinued, then the structure has to come down.  
16 We've seen that before with respect to Ham Radio towers,  
17 for instance, on residential pieces of property where  
18 the person has discontinued or sold his property and the  
19 use is no longer viable and we request that the tower  
20 then come down.

21 MS. McFAWN: Is that condition on private  
22 property or business property or both?

23 MR. HASS: Well, we do place conditions on  
24 private or residential property or commercial/industrial

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1 property. The instances where it has occurred is on

2 residential property, but the ability of the county to  
3 place a condition on the use and that condition isn't  
4 met, the county has the ability to revoke the  
5 conditional use and one of the conditions is that once  
6 the use is null and void or not operating anymore, then  
7 the use shall be disbanded. That's a viable option that  
8 the county has placed on a conditional use.

9 MS. McFAWN: I just have a couple more. You use  
10 the term I-1 and I-2 zoning district. I don't know if  
11 it's important or not, but what does that mean?

12 MR. HASS: I-1 and I-2 zoning districts, the "I"  
13 stands for industrial and in DuPage County, we have  
14 several zoning districts, residential and in  
15 residential, we have several subcategories and the  
16 commercial zoning district, we have subcategories of  
17 that and we also have industrial zoning districts and  
18 the subcategory of industrial is I-1 and I-2.

19 The distinguishing factor of that is that I-1  
20 is a light industrial district and I-2 is a more general  
21 industrial district. More uses are permitted in the  
22 industrial I-2 zoning district than would allow in I-1.  
23 It's just different intents of the use.

24 MS. McFAWN: And, currently, if you were to have

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1 one of these power generators come before you, where you  
2 would consider them putting in the zoning scheme now?

3 MR. HASS: Currently, the ordinance says that  
4 these type of facilities could go in any zoning  
5 district, but only after zoning relief conditional use  
6 was approved by the County Board and after public  
7 hearing, so right now they're allowed in all zoning  
8 districts.

9 I think the reason for that is the use, when  
10 the ordinance was written, was considered similar to a  
11 public utility or, in fact, even a public utility.  
12 There are -- and we heard testimony that there are  
13 current peaking facilities that exist in our areas and  
14 we don't know them. And those peaking facilities, I  
15 believe, were used by public utilities and they enjoyed  
16 the public utilities exemption of the public zoning, at  
17 least DuPage County zoning, and as such, the way our  
18 ordinance is written, it almost refers to peaking  
19 facilities as a public utility and public utilities by  
20 right are allowed any zoning district because they're  
21 intended to be for the benefit of everybody, not just  
22 the industrial users, but commercial and residential.  
23 So right now, they are allowed in all zoning districts,  
24 but by conditional use.

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1           MS. McFAWN: Thank you. Representative Cowlshaw  
2 had suggested that NIPC could be useful in this scenario  
3 possibly. Does DuPage County have any thoughts on that?

4           MR. HASS: Well, that's something that I'll  
5 certainly take back to our County Board chairman and our  
6 County Board members, and it would be up to their  
7 discretion, but certainly I will take that back to the  
8 County Board chairman for his consideration.

9           MS. McFAWN: So that's a new thought that the  
10 county --

11           MR. HASS: NIPC is -- the county is a member of  
12 NIPC and with respect to regional planning issues, we  
13 refer to NIPC on various issues. One of the things that  
14 really is not clear is if NIPC has any additional detail  
15 or resources on peaker plant -- on the peaker plant  
16 industry. That's one of the reasons we actually went  
17 out to the private report -- or engineer to give us a  
18 report, but certainly I'll take that information back to  
19 the chairman for his consideration to use NIPC as a  
20 resource.

21           MS. McFAWN: Thanks so much.

22           MR. HASS: Thank you.

23           MS. MANNING: Page 36 of the Versar report deals  
24 with water use and while that issue is not being

1 directly addressed by the Board at these proceedings  
2 because the Governor has set up a separate water  
3 advisory resources task community of which I represent  
4 the Board on that committee dealing with the consumption  
5 of water of peaker power plants, I was interested in the  
6 thoughts that are expressed there if DuPage County has  
7 authority to restrict the use of water by peaker power  
8 plants. Could you speak to that a little bit?

9 MR. HASS: Well, I think that's something I might  
10 have to get back to you on, but generally DuPage County  
11 has a county health department and the county health  
12 department is responsible for issuing permits with  
13 respect to digging wells and putting in septic fields in  
14 the county. Typically, well and septic designs are in  
15 unincorporated areas where there are no public utilities  
16 available; however, we've heard in some instances that  
17 peaker facilities will actually use public water and  
18 sewer for general use, but will actually dig wells for  
19 water consumption to cool down the facilities and to use  
20 in the operation of the facilities.

21 Those issues would have to be addressed by  
22 the county health department and I'll certainly see if I  
23 could get some information from the health department  
24 with respect to this water consumption issue.

1 MS. MANNING: Thank you.

2 MR. MELAS: Thank you very much for this valuable  
3 information we've been getting. One question that  
4 strikes me as I look at the map, the suggestions, the  
5 ordinances and everything you've been talking about  
6 apply to the unincorporated area. Is that about 20  
7 percent or so of the total area of DuPage County?

8 MR. HASS: The unincorporated area represents  
9 approximately about 30 percent of the entire DuPage  
10 County.

11 MR. MELAS: Do any of your suggestions have any  
12 impact, for example, one of the municipalities decides  
13 to go through its own procedures and allow a peaker  
14 plant to be put within their territory?

15 MR. HASS: Would any of our recommendations --

16 MR. MELAS: Do you have any authority within or  
17 is that strictly within the hands of the municipality?

18 MR. HASS: The authority is strictly within the  
19 hands of the municipality. The county has no ability or  
20 authority to truncate these.

21 MR. MELAS: So none of these particular  
22 recommendations that you've been talking about now would  
23 apply in that situation only in the situation where some  
24 peaker plant is trying to establish itself in an

1 unincorporated area?

2 MR. HASS: That's correct.

3 MAYOR LUND: I would like to add to that and just  
4 point out that there is precedence, however, because the  
5 county has control of storm water because of its  
6 regional impact and they reviewed local environment and  
7 have authority over that if our -- whatever we do has to  
8 meet the county storm water regulations, so there is a  
9 way, even though right now he's correct, there is a way  
10 that that could be accomplished especially with state  
11 cooperation.

12 MR. MELAS: May I ask, was that authority given  
13 to them by specific action of the legislature?

14 MAYOR LUND: Well, all zoning authority is local  
15 and that's, of course, one of the reasons Warrenton  
16 does not have standing in the consideration of a peaker  
17 plant in another community.

18 MR. MELAS: Correct.

19 MAYOR LUND: So it's the same for the county.

20 MR. MELAS: In the case of a storm water and the  
21 landfill, that authority was given to the counties  
22 through a specific legislation.

23 MAYOR LUND: There is a state law and then the  
24 county adopted a countywide ordinance and then the

1 cities were required to adopt an ordinance that will  
2 follow all of those.

3 MR. MELAS: By mandate of the state legislature.

4 MAYOR LUND: Right.

5 MR. MELAS: Thank you.

6 MR. HASS: Mayor Lund makes an excellent point.  
7 My comments today are specific to building and zoning  
8 regulations only not to the storm water issues, but the  
9 Mayor makes an excellent point about the storm water  
10 countywide ordinances.

11 MR. MELAS: Thank you.

12 MS. KEZELIS: Can you refresh my recollection to  
13 the difference between the two terms that you used which  
14 are special use and conditional use?

15 MR. HASS: Certainly. The state authority  
16 specifically talks about special uses in the state  
17 statutes. The county has used that term and actually  
18 had -- refers to that as a conditional use in our county  
19 ordinances. It's an interchangeable term and the reason  
20 why the county uses conditional use is that inherently  
21 the county can place conditions on the use so it runs  
22 together.

23 MS. KEZELIS: Thank you.

24 MS. MANNING: So this special use agreement is as

1 found in the Illinois Municipal Code?

2 MR. HASS: Correct, and the authority for DuPage  
3 County to require special uses is given from the state  
4 code and it's referred to as the special use in the  
5 state code and what we refer to in our zoning ordinance  
6 as conditional use, but the terms are interchangeable.

7 MR. LAWTON: Do you have any applications  
8 presently pending?

9 MR. HASS: There are no applications in  
10 unincorporated DuPage County for peaker plants nor have  
11 we been -- nor has any developer come forward to even  
12 consider one.

13 MR. LAWTON: Under your conditional use category,  
14 a special hearing is required if it can't be installed  
15 as a matter of right, am I correct on that?

16 MR. HASS: That's correct.

17 MR. LAWTON: What body holds the hearing?

18 MR. HASS: The special use in any zoning relief  
19 is heard before what's called the County Zoning Board of  
20 Appeals and that's an independent board from the County  
21 Board members and the County Zoning Board of Appeals  
22 holds the public hearing, conducts the public hearing  
23 and then makes a recommendation to the development to  
24 the full County Board for their --

1 MR. LAWTON: Full County Board.

2 MR. HASS: Full County Board ultimately would  
3 have disposition on any conditional use.

4 MR. LAWTON: Thank you very much.

5 HEARING OFFICER JACKSON: Any other questions  
6 from the Board? Do either Senator Lauzen or  
7 Representative Cowlshaw have anything to add following  
8 Mr. Hass' comments?

9 REPRESENTATIVE COWLISHAW: Thank you.

10 MR. HASS: I would just like to point out that we  
11 do have a County Board member here, Mr. Healy, and he  
12 is, as I mentioned before, Mr. Schillerstrom and the  
13 County Board Commission study, so I just wanted to point  
14 out that he is here today.

15 MR. HEALY: And a former student of Sam Lawton's.

16 MR. LAWTON: We won't hold that against you.

17 HEARING OFFICER JACKSON: Thank you, Mr. Hass.

18 MR. HASS: Thank you.

19 HEARING OFFICER JACKSON: Mr. Healy, do you have  
20 anything you would like to add?

21 MR. HEALY: No.

22 HEARING OFFICER JACKSON: The Versar report, will  
23 you be filing a different copy or is this the final  
24 version?

1           MR. HASS: I'll submit a different copy with it  
2 stamped final on it.

3           HEARING OFFICER JACKSON: And we'll mark it as  
4 DuPage County Board Exhibit 1 for the transcript. It  
5 will be admitted into the record.

6           MR. HASS: Thank you.

7           HEARING OFFICER JACKSON: I do also want to note  
8 that we do have representatives from the Illinois  
9 Environmental Protection Agency and Illinois Commerce  
10 Commission here today. They sat before the Board on  
11 August 23rd in Chicago and I believe representatives  
12 from those agencies will be present at all of the peaker  
13 hearings that the Board has scheduled and there are  
14 representatives present today.

15                   Additionally, we have a representative here  
16 from State Senator Peter Roskam's office. I'm not sure  
17 where you are, but if you have any statements you would  
18 like to make at this time, please feel free to come  
19 forward. Okay.

20                   One other thing that I will ask that we'll  
21 get into, there are other speakers coming up. When you  
22 step forward, please state your name clear so the court  
23 reporter can get that down and follow along with what  
24 you're saying, and if you are speaking on behalf of an

1 organization, you might want to note that as well.

2 At this point, why don't we take a very short  
3 five-minute break. We'll come back in five minutes and  
4 then start again. We'll take a dinner break then  
5 somewhere around 5:30, 5:45. Okay. Thank you.

6 (Recess taken.)

7 HEARING OFFICER JACKSON: The first speaker we  
8 have now is Richard Ryan from Standard Power and Light.  
9 He is not on the pre-registration form, but he has asked  
10 to speak now. He does have to get back home as soon as  
11 possible, so we're going to let him speak now and then  
12 we will be following that with Dianna Turnbull.

13 I do want to acknowledge that we do have  
14 state representative Patti Bellock here from the 81st  
15 District and we're pleased to have her here to the  
16 proceeding.

17 MR. RYAN: Thank you Madam Chairman, and members  
18 of the Board. I'm not a very good public speaker, so  
19 I'll make this as quick as I can. My name is Richard  
20 Ryan. I'm the president and chairman of Standard Power  
21 and Light located in Oak Brook, Illinois, and I have in  
22 front of me here an application that we filed with the  
23 Illinois EPA that gets us down to three and half parts  
24 per million of NOX emissions on our peaking power plant

1 in West Chicago which I'll enter into evidence as well.

2           There's a big difference between peaking  
3 power plants and -- I'm just going to point this out  
4 real quick. Peak really means 5 by 16. It's five days  
5 a week, 16 hours a day. That's peak. You have on-peak  
6 and you have off-peak. On-peak months would be May  
7 through September, December, January and February.  
8 Off-peak would be all the out months. So you have  
9 on-peak and off-peak months and then you have on-peak  
10 hours and off-peak hours.

11           The big difference between -- the turbines  
12 need to be clarified for everyone in this room because  
13 by what we're doing by filing this is sending a very  
14 clear message to our competitors that 15 and 9 PPMs of  
15 NOX ain't going to fly. You have to combined cycle and  
16 simple. Simple cycle is basically a gas turbine where  
17 you're just exhausting all your exhaust up. That's it.  
18 Combine cycle is where you have a boiler. The exhaust,  
19 because it's about 800 degrees within the boiler, makes  
20 more steam to put that into a steam turbine and it's a  
21 combined cycle, very efficient.

22           So what we're saying to our competition is  
23 this, we're using turbines that really need to be used  
24 as peaking turbines. They're arrow derivatives. They

1 start in two to three minutes and they can be shut down  
2 and turned on at will that will not affect the emissions  
3 unlike the frame machines where they ramp up and it  
4 takes you an hour, hour and a half to ramp them up and  
5 then you've got time to come down. So what we're saying  
6 to our competition is that we're building a facility  
7 that we will put emissions control equipment on it that  
8 we will use as a peaking power plant only, but in light  
9 of that, we're also going to get our emissions down to  
10 the lowest emission source of any power plant in the  
11 entire state. In fact, this will be the lowest  
12 emissions source of any peaking power plant in the  
13 entire country.

14 So what we're saying today, and I guess I'll  
15 enter that into evidence, is that whether you use SCR  
16 which is the use of ammonia injections to reduce your  
17 NOX emissions, whether you use SCONOX, which is the use  
18 of platinum, to reduce -- platinum takes NOX and reduces  
19 it down to benign NO or if you're using ZONOX which is  
20 another catalytic reduction equipment.

21 Regardless of what technology is being used,  
22 something has to be used. Now, I have asthma, which I  
23 wear a little band for, and I know what NOX, gas and CO

24 and VOCs and particulate and what everything else does

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1 to the environment and I also live in DuPage. I'm a  
2 lifer here and I'm building my facility. I desire to  
3 build my facility off of Fabyan Parkway and Roosevelt  
4 Road, so what I have to look at is this is my backyard.  
5 What am I willing to put into my backyard? And I'm  
6 willing to go to the extent of saying that California  
7 has the most stringent air standards right now anywhere  
8 in the country and I'm saying that's not good enough for  
9 me because I live here and I know what the integrity is  
10 of living in DuPage County and more importantly we found  
11 the technology that will work. It's proven. It's  
12 expensive, but, you know what, so we take a hit on our  
13 profit. So what? Whether we go from an 18 percent  
14 return down to a 14 percent return and reduce our  
15 emissions from 25 parts per million on NOX down to three  
16 and a half, so what? It's the right thing to do.

17 From our standpoint, what we're asking the  
18 legislature to do and we haven't started this process  
19 yet, but there's a few state representatives, Senator  
20 Lauzen is here, is we will ask the legislature to force  
21 every power plant that's fueled by natural gas,  
22 irregardless of the number of hours it operates, to put  
23 on control equipment that will get it at or below five

24 PPM of NOX which is exactly the same standard that

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1 California has set.

2 See, this is what people need to understand.

3 If I put in a gas turbine, whether I operate -- if I  
4 operate it for -- let's say I want to operate it for  
5 80,760 hours a year which is total hours in a year, I'm  
6 going to trigger what's known as a PSD, which is a  
7 prevention significant deterioration application, which  
8 is very stringent in which case I have to either, MACT,  
9 BACT or LAER under the guidance of the federal EPA.

10 So if I say, fine, I'm going to operate it  
11 June, July and September, take my profit June, July and  
12 September, I'm going to be under my emission tonnage  
13 limits for the year, so I won't trigger PSDs. Now, I  
14 could go in and I could file an application that's got  
15 to be granted within 180 days and we're saying wait a  
16 minute, we want to go in and permit something that's  
17 really needed. If you look at the MAIN report, which is  
18 the Mid America Interconnected Network, if you look at  
19 the ICC reports what Commonwealth Edison really needs is  
20 what's known as VARs, which is for voltage stabilization  
21 across a few primary transmission lines and the energy  
22 on those lines as well.

23                   There are times when they're going to have  
24                   transmission constraints not in May, June and July, but

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1           in October and November and January, February, March and  
2           if I'm a generator that's only allowed to operate 1400  
3           hours a year, why am I going to blow my hours in the  
4           fall and in the spring when I could make more money in  
5           the wintertime, and, see, that's why people are not  
6           doing it. That door, that hole needs to be closed like  
7           yesterday because we originally filed our permit for 25  
8           PPM of NOX and when I talked to Chris Romaine from the  
9           Agency who's here, I talked to Region 5 and we said wait  
10          a minute. If there's technology that's out there that  
11          will work and yeah, it's expensive, but rather than  
12          going through the justification of saying to the Agency,  
13          it's too expensive, we don't want to put it on, you  
14          know, put it on and that's exactly what we've done.

15                   So I'm here today to tell you that there is a  
16                   company out there that is doing this and we want to show  
17                   our competitors that, look, in Illinois, this is what  
18                   needs to be done. If I'm going to go into Wisconsin and  
19                   permit a project for 1500 hours knowing that emitting  
20                   PPM of NOX and I'm going to go in there with a clear  
21                   conscience and I'm going to try to psych this power  
22                   plant knowing that I'm emitting 25 PPM of NOX, I won't

23 be able to sleep at night. And what we're saying is  
24 this is the right thing to do and that hole needs to be

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1 closed, so irregardless of the number of hours that a  
2 gas turbine wants to operate, irregardless of that,  
3 there needs to be emission limits, a cap and a base for  
4 what they have to meet.

5           It's like in California, you could not permit  
6 any kind of a turbine in a simple cycle application  
7 which is, you know, known as your peak, you can't permit  
8 that if it's over I think 5 PPM NOX and, see, we're  
9 using arrow derivatives which is really what's used for  
10 peaking applications. You got a better heat rate, they  
11 start fast and they're pretty efficient units, but  
12 they're expensive for a per megawatt basis they're more  
13 expensive. We're paying \$15 million for a 50 megawatt  
14 turbine rather than spending \$25 million for 150  
15 megawatt turbine and the difference is all your  
16 efficiencies.

17           So what we want to do is we want the public  
18 to know about this and know that there is a hole and  
19 that hole has to be filled and the only way that that  
20 hole is going to be filled is to say irregardless of the  
21 number of hours you operate, if you want to permit a

22 power plant in Illinois, a gas turbine, your emissions  
23 have to be reduced to X, period, so with that, I'm done.  
24 Thank you.

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1 HEARING OFFICER JACKSON: Thank you. Are you  
2 planning to offer the report?

3 MR. RYAN: Yeah. I'm going to give it. I don't  
4 know if you guys have questions. Sorry about that.

5 HEARING OFFICER JACKSON: Is that a permit  
6 application?

7 MR. RYAN: This is an addendum to our permit  
8 application that went on file last November with the  
9 agency and in here, it's got a graph that shows -- we  
10 did the air dispersion model and it shows that there is  
11 zero impact based on the annual, the eight hour and the  
12 one hour, so it's all there.

13 HEARING OFFICER JACKSON: We'll mark that as  
14 Standard Power and Light Exhibit 1 with the transcript  
15 today and since we did take you out of order, we're  
16 going to hold off on any questions from the Board. If  
17 they do have any, we'll submit them to you in writing.

18 MR. RYAN: That's fine. Thank you.

19 HEARING OFFICER JACKSON: Thank you very much.  
20 Dianna Turnball is our next presenter.

21 MS. TURNBALL: Good afternoon. My name is Dianna

22 Turnball and for the past year and a half, I have been a  
23 consultant to a variety of citizen groups, private  
24 foundation and businesses who have been in opposition to

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1 some of the peaker plants that seem to be popping up  
2 everywhere in northern Illinois.

3 I have some specific suggestions I want to  
4 make in terms of things I think can be done by  
5 administrative fiats for want of the better word, but I  
6 have some areas that I think potentially need to be  
7 clarified after sitting through the two hearings that I  
8 did in August and one of them is we keep talking about  
9 peaker plants and we seem to eliminate the combined  
10 cycle plants.

11 The reality is, however, when you listen to  
12 the combined cycle applications and all the local zoning  
13 hearings, they will tell the local people that their  
14 intention is to operate five days a week 12 to 17 hours  
15 a day in the summer months and sometimes in the winter.  
16 That is the equivalent of what the simple cycle is  
17 because I think I want to not talk the term peaker at  
18 the point that it is asking for with the number of  
19 hours.

20 The permit application so far for simple

21 cycle turbine that have been filed with the state, the  
22 average number of hours asked for is 2200 hours per  
23 turbine normally. When you compute that out to a  
24 15-hour day based on the 12 to 17 hours that normally

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1 get talked about and that ends up being -- and five days  
2 a week which is primarily normal operation so they could  
3 obviously operate on a Saturday or Sunday if the need  
4 arises, that comes to 29 weeks. That's the summer  
5 months. That's the equivalent of the combined cycles.

6           So I think any rule changes or anything we're  
7 applying to, we really need to be talking about applying  
8 them to independent power producers with the exception  
9 of any that may be actually out there doing base load  
10 day-in/day-out operations, but to the best of my  
11 knowledge, there's only one of those that's been applied  
12 for in the state of Illinois.

13           There's also been a lot of statements made  
14 about peakers are not new. They've been around a long  
15 time and that's true, but what was around previously, as  
16 I'm sure some of you are well aware of, were very small  
17 turbines many of them diesel, most of them owned by  
18 utilities, few by private companies, all as a supplement  
19 to other coal firing and other firing facilities they  
20 had and all doing what we traditionally think of as

21 peaking power plants. In some cases, a site with eight  
22 of those small turbines is less than the equivalent of  
23 one of the turbines that we are now seeing in the  
24 applications that we have today, and I think we need to

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1 sort of redirect our outlook because what we're talking  
2 now is independent power producers taking a specific  
3 mechanism and doing a long-range power production kind  
4 of development which is different than what we had  
5 before.

6 One of the other comments that was made  
7 repeatedly that I think needs to be talked about is that  
8 a lot of comments have been said that all that's  
9 happened since deregulation is that the rate structure  
10 isn't part of what the independent power producers have  
11 to be subject to. The reality is that there was another  
12 very significant element that used to be there prior to  
13 January 1st of 1998 and that was the siting mechanism  
14 that was contained within the ICC rules for any  
15 expansions, modifications or new facilities. They would  
16 have to go through a certificate of public convenience  
17 and necessitate public hearing that actually was very  
18 rigorous and part of what was included in that was an  
19 environmental impact assessment and the discussion of

20 need and a discussion of whether there weren't alternate  
21 ways of producing that power.

22 All of that is no longer there and siting is  
23 now local and siting is impacting most municipalities  
24 who have zoning ordinances that wouldn't have included a

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1 category for that particular business because even  
2 though there might be a statement in the zoning  
3 ordinance that says public utility station, they aren't  
4 a public utility. So we have local governments which in  
5 most cases that I have seen a zoning ordinance where  
6 this new business, and I think we need to talk about it  
7 as a new business, didn't exist in the zoning ordinances  
8 and that is of a concern.

9 The other interesting thing that has happened  
10 is we see a lot of applications come in so that they  
11 come just under the magic 250 number. As a matter of  
12 fact, we had one that was 249.3 tons of NOX. You blip  
13 one day and the thing doesn't work right and you're  
14 going to be over and into what should have been major  
15 source review, but wasn't. As a matter of fact, many of  
16 the applicants are bold enough to submit their letters  
17 and tell the IEPA that we are limiting our hours to X  
18 number so we won't meet major source review, but that's  
19 an issue that we'll talk about in a subsequent hearing.

20 I would like to address today some issues  
21 that I think can be done by the IEPA currently, by the  
22 executive director that I think will help the whole  
23 process here and I was very pleased and Tom has, in  
24 fact, done some things since this whole issue started.

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1 There is almost defacto public hearings now on all of  
2 these applications that he did by his discretion and his  
3 rules. There's modeling that is required that didn't  
4 occur at his discretion and I have a list of things that  
5 I think he can continue in that vain and I would like to  
6 suggest that he does and part of the problem is in  
7 information and what kind of information we have and  
8 what information maybe do we need in a different format  
9 that we historically have. And I believe that all  
10 information that's applied on air permit application  
11 needs to be verified by actual operating data.

12 We have manufacturer's estimates attached to  
13 most of these petitions. Similar turbines operating in  
14 similar situations have demonstrated that sometimes  
15 those guarantees are not met and what we need to know is  
16 that there has been an operation of these turbines that  
17 produces the emissions amounts that they are claiming.  
18 And estimates by a manufacturer I don't believe are

19 verification that we can rely on and is particularly  
20 important because so many of the applications are coming  
21 in just enough under to void major source review. So if  
22 they are off, we have an issue that's involved there.

23           It would be nice at the same time that we're  
24 doing that particular set of information to, at this

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1 point, include the serial numbers for turbines and I say  
2 that quite honestly without trying to be joking because  
3 there have been several applicants who it appears were  
4 seeking approvals with the same turbines in multiple  
5 communities as much as some testimony ended up actually  
6 demonstrating that maybe they didn't have enough to  
7 cover, and what it meant was that the IEPA was forced to  
8 go through their review in depth and local communities  
9 were forced to start their zoning process without  
10 knowing. If they're sincere and they have found a spot  
11 and it's appropriate, they ought to go to the spot and  
12 get a decision on that one way or another and not have  
13 multiple permits with the same sets of turbines going on  
14 at the same time.

15           Another area that I think we need to talk  
16 about is modeling and one of my concerns about modeling  
17 is the model that we use currently or that are used  
18 currently and this is enough out of -- way out of my

19 field, but I mean I've listened to enough of the air  
20 experts, I get that the general parameters are models  
21 that are based on a yearly average, 59 degrees  
22 Fahrenheit, a certain barometric pressure, certain wind  
23 conditions, but averaged over the course of the year.

24 These turbines as self-defined are primarily

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1 going to be operating in the summertime, probably not on  
2 a 59 degree Fahrenheit day, probably in the state of  
3 Illinois on a day with a humidity that's relatively high  
4 and wind patterns and other things that affect the  
5 modeling and the dispersion are different in the summer  
6 months than they are when you're trying to do an annual  
7 average. I would like to encourage the IEPA to, and I  
8 understand there's some parameter modeling, adjust them,  
9 like come up with a new model that reflects the actual  
10 conditions for the months that these facilities will be  
11 operating in because the way the turbines function, the  
12 differences in humidities and temperatures determine  
13 what they do to get greater efficiencies and that  
14 changes the emissions that come out and they might do  
15 one thing that helps lower NOX, but that will help  
16 increase CO, VOMs or particulate matter.

17 We need to have actual modeling that is based

18 on the time of the year that they're operating with the  
19 conditions that are there when they're operating. The  
20 public needs to know from the modeling where the point  
21 of maximum impact for each of the regulated pollutants  
22 actually falls on the area of the community that's  
23 there, and we don't seem to get that at this point  
24 voluntarily. I think we could ask for that as part of

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1 what happens. If the heaviest concentrations are  
2 falling over a playground, we need to know that in terms  
3 of the decision-making process and that means that that  
4 piece of information has to be something that is  
5 included in the air modeling and is required of the  
6 applicants to provide us.

7 Another area that has become somewhat  
8 problematic but not -- there's been a lot of  
9 improvements since the first permits were issued, and I  
10 will say that the process has improved, but there's some  
11 concern about public access. When the IEPA permit  
12 notices go out, unless you're an avid reader of the  
13 legal notice sections of most newspapers, which the  
14 average citizen would not be, it would be easy to miss.  
15 Unless you're on the notice list, which some of us that  
16 are in the field are, so I get notices no matter where  
17 it is, you also wouldn't know.

18                   So I would like to suggest that the Agency  
19                   require the applicant to provide a list of the adjacent  
20                   property owners within 500 feet of their proposed  
21                   facility and a list of all the municipalities within a  
22                   mile and a half unless they're in a municipality and  
23                   that the IEPA would then send public notices to that  
24                   list so that the people who are going to be affected by

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1                   it would have a knowledge of this. If they're having to  
2                   do any kind of zoning -- local zoning, that's a list  
3                   that they could have developed for that anyway and then  
4                   the public can, at least, have some knowledge and attend  
5                   the meetings in case they don't happen to hear about a  
6                   public notice.

7                   Interestingly enough, having reviewed some of  
8                   the files of these applications through the Freedom of  
9                   Information Act last week, there is an issue that I  
10                  think needs to be dealt with. The modeling data for the  
11                  facility I was concerned about was not in the file  
12                  because that was done by a separate entity within the  
13                  agency. Their review of modeling data was not in the  
14                  file, but those are important things for the public to  
15                  know in terms of preparations for public hearings and  
16                  knowledge about these facilities.

17                   If there is confidential proprietary data,  
18                   which is the first thing the industry always tells me  
19                   about, I'm not sure what it is because most of the local  
20                   zoning petitions that are filed, we get the  
21                   manufacturer's estimates, we get the manufacturer's data  
22                   sheets, that is part of what they submit to local  
23                   villages. At this point, I don't know how proprietary  
24                   it could be because it's out there at least with most of

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1                   the turbines already out there, so I think -- and I  
2                   don't believe it requires having to make an appointment.

3                   I filed a Freedom of Information Act. I got  
4                   a letter back saying it would take 45 days for them to  
5                   review the file, so I could see it. There ought to be a  
6                   file on these permit applications that's available and  
7                   ready to be looked at any time anybody wants to go to  
8                   Springfield and look at the file. If there is a need to  
9                   keep additional information that is proprietary, I'm  
10                  assuming the Agency can find a spot to keep that in, but  
11                  there should be a public file readily available for  
12                  citizens to prepare not only for the IEPA hearings, but  
13                  for any local zoning hearings that are going on. And I  
14                  would like to encourage the Agency to do that and I  
15                  think that could easily be done without Board rules or  
16                  legislation.

17 Another interesting aspect that happens with  
18 the public hearing process is you'll go, you'll have the  
19 public hearing, the record will then be closed at  
20 whatever point in time the record is closed, but while  
21 the applicant keeps being able to submit information to  
22 the record, even significant changes to the application,  
23 it never gets reopened for the public then to know what  
24 is happening, what additions and what changes. I mean

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1 we've seen things going from megawatts of 200 down to 60  
2 or all kinds of things, so I believe that if there are  
3 significant modifications made after a public hearing,  
4 at the very least, a new public notice ought to go out  
5 with whatever modifications there are so that the public  
6 is aware of those changes, and if they get requests and  
7 maybe significant requests, you may need to reopen it to  
8 a public hearing, but a lot of changes occur after the  
9 close of those public hearings then the public has no  
10 way to interact with or make comments on.

11 Another area, and I don't know if I'm going  
12 to get in trouble with Tom about this one or not, but  
13 I'm going to suggest it anyway. It astounds me that the  
14 state of Illinois through its IEPA does the kind of  
15 extensive review of permit applications that they do and

16 there is no cost for review for the applicant. There's  
17 no building or zoning department I know of anywhere in  
18 the state of Illinois that does that.

19 There are lots of other kinds of permits that  
20 we do at the state level where there is a review and for  
21 reasons that are beyond me, it hasn't happened. I would  
22 like to encourage Tom to do that. I think it would then  
23 help particularly in the area of noise because these  
24 facilities are different when it comes to noise. And

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1 along that line, I would like to see the Agency  
2 institute a noise construction permit application. You  
3 have regulations, they're there and that permit  
4 application would have to be filed simultaneously with  
5 the air construction permit application because as  
6 you're all aware Greg Zak, in his testimony, clearly  
7 indicated that the time to address the noise issues is  
8 at the very beginning in the design phase and that makes  
9 sense to have it done then.

10 One of the other interesting areas that has  
11 been discussed is need, and we heard the representative  
12 from the Commerce Commission indicate that they  
13 previously kept records of meetings when all of this was  
14 regulated, but they don't do it apparently at the  
15 moment, but, you know, there is MAIN and MAIN doesn't

16 have access and keep records and forecasting. And you  
17 have a wonderful website and it strikes me that a  
18 reliable annually updated source of data relative to  
19 need, which would include the existing capacity  
20 throughout MAIN, the projected need throughout MAIN, a  
21 detailed status of any oncoming plants that might be  
22 addressing that need, could easily be kept in that data  
23 form and I suspect MAIN would be cooperative and at  
24 least there would be one place in the state where

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1 those -- that limited amount, but still that important  
2 information would then become readily available. So I  
3 would encourage you to consider adding that to your  
4 website.

5 One of the other areas that I know has been  
6 somewhat touched on is the area of water and I  
7 understand that the task force is dealing with water and  
8 I was down at the hearings and I think it seems to be  
9 moving in a very good direction, but there are a couple  
10 of issues that relate to water that do relate to the PCB  
11 because a significant amount of this water becomes waste  
12 water and then it does fall under regulations that you  
13 have some say in. And depending on if we're dealing  
14 with the deep private wells, which we seem to be seeing

15 more use of by applicants, we're probably getting into  
16 radium and barium and all those elements and we need to  
17 know how those are going to be treated so that they're  
18 not being simply putting the waste stream into the  
19 sanitary sewer in some cases or wherever.

20 The processes that are used in this facility  
21 create imbalances in the water that need to be  
22 addressed. PH factor is one of the significant ones  
23 that can't -- that could determine how that's being  
24 handled whether it's going into a sanitary sewer or into

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1 a stream needs to be dealt with. And then the  
2 temperature of the water and how soon do we release the  
3 water into whatever source it's going to I think need to  
4 be looked at and addressed and I'm not sure how, but I  
5 trust that Tom could potentially come up with that.

6 One of the last issues I want to talk about  
7 is urging, I guess, you all and maybe it's Tom or a  
8 combination of both. Recently many of the peaker plant  
9 proposals are actually being located relatively near to  
10 airports. As I read your preamble and the preamble  
11 authorizing statute, it says air quality and it talks  
12 about a lot of different things and we seem to have  
13 lately been talking in terms of air pollution, but  
14 turbulence and vapors if you're operating in the

15 wintertime are, in my mind, as much a part of air  
16 quality as the emissions that we put in there and tend  
17 to potentially have effects that we need to deal with  
18 and we particularly need to deal with them in terms of  
19 the location of these facilities near the smaller  
20 airports where there's the smaller planes.

21           So I don't know how we deal with that issue  
22 other than there are regulations that do relate to that  
23 that maybe the FAA or the IERG docs are some of those  
24 things that could be borrowed and included, but I think

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1 we have to start looking at that impact particularly if  
2 these are sited near small airports and we are seeing  
3 more of that than, I think, is comfortable at the  
4 moment.

5           HEARING OFFICER JACKSON: Thank you,  
6 Ms. Turnball. Are there any questions? Okay. Thank  
7 you. Our next speaker then is Mark Robert Sargis.  
8 Mr. Sargis, are you present? Carol Dorge is next on the  
9 list.

10           MS. DORGE: Thank you. I also want to thank the  
11 Board for holding these hearings and allowing us to  
12 speak on the subject of peaker plants and I hope you  
13 also convey our thanks to the Governor for asking the

14 Board to hold these hearings.

15 My name is Carol Dorge and I am an attorney  
16 representing the Lake County Conservation Alliance. The  
17 Alliance is an organization with over 300 members who  
18 are largely Lake County residents who are concerned by  
19 the explosion in number of peaker plant applications and  
20 the impact of these plants on our health and the  
21 environment.

22 Today's comments represent our initial set of  
23 comments. We want to provide you with this core  
24 testimony early in the proceedings, but plan to

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1 supplement it with additional testimony at later  
2 proceedings particularly in Grayslake. Much of our  
3 focus today is on air permitting. The Alliance is  
4 concerned about the number of peaker plant applications  
5 and the impact of these facilities on air quality, not  
6 just ours, but that of our sister states where many of  
7 us vacation, I might add.

8 We are also concerned about the impact on  
9 other natural resources including groundwater and  
10 surface water, the noise from these facilities and other  
11 impacts, particularly on the quality of life in more  
12 rural areas where many of these facilities are being  
13 proposed. There should be regional or state siting

14 procedures. Noise standards and noise permitting  
15 regulations should be adopted which take into account  
16 the character of the surrounding area. These facilities  
17 should be permitted for noise before they commence  
18 construction.

19 Over 40 permit applications for peaking power  
20 plants are currently pending in the state of Illinois.  
21 These are large sources of air pollution even though  
22 many call themselves synthetic minors. A typical  
23 synthetic minor merchant power plant is being permitted  
24 to emit roughly 200 to 250 tons per year NOX and 10 to

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1 20 tons of VOM. Those that admit they are major sources  
2 will emit even more.

3 Forty peaker plants will emit 40 times as  
4 much or roughly 10,000 tons per year of NOX. Compare  
5 this to the roughly 30,000 tons allocated to existing  
6 electric generating units under the pending NOX trading  
7 program and it's clear that the peaker plant  
8 contribution to the ozone problem will be significant.  
9 It is likely to remain significant even after the NOX  
10 trading program is put in place in that these facilities  
11 will be allowed to buy offsets in an interstate market  
12 while continuing to pollute the air in Illinois and our

13 neighboring states.

14 We also feel that it's important that their  
15 VOM contributions should be addressed along with air  
16 toxics. We note that nothing requires the peaker  
17 proponents to stop now at 40-some applications. The  
18 current regulator scheme is not adequate. The only  
19 effective way to evaluate the environmental impact from  
20 such a large number of new sources is to consider them  
21 together. We also note that some of these facilities  
22 are being permitted to use diesel fuel. They say they  
23 are using diesel for backup, but backup is not defined  
24 in their applications or their draft permits. The IEPA

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1 would allow diesel to be burned up 500 hours per year in  
2 the case of Skygen, in Zion, and I'm not aware of  
3 anything in the regulations that stops them from  
4 permitting facilities for diesel unless they are major  
5 and you argue that that's not an active LAER.

6 Even the existing permitting requirements  
7 need to be enforced and the public needs to be given  
8 more effective tools to the extent the IEPA is unable or  
9 unwilling to do the job. The permit applications that  
10 we have reviewed, and we have reviewed quite a few, are  
11 based on conjecture and omit critical information. This  
12 is particularly true with respect to emissions during

13 startup, emissions of NOX, CO, VOM and toxics.

14           It was well-known that pollution emissions  
15 from combustion process are higher during periods of  
16 startup, and possibly shut down. This is particularly  
17 true for carbon monoxide and unburned hydrocarbons, many  
18 of which are air toxics. According to one turbine  
19 manufacturer, this information has been provided to some  
20 of their Illinois customers. Apparently, the  
21 information has not been forwarded to IEPA. If it has,  
22 it is not reflected in any of the application materials  
23 I have reviewed or the draft permits that are being  
24 proposed or issued.

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1           These permit applicants say in their  
2 applications that information supporting their  
3 calculations is available and will be made available to  
4 IEPA upon request. However, IEPA is apparently not  
5 requesting it and the applicants are not making it  
6 available to the public. Furthermore, notwithstanding  
7 representations in their applications, some applicants  
8 are saying that manufacturers are not releasing the  
9 programs used to compute emissions and information on  
10 emissions during startup. The Board should adopt  
11 regulations requiring manufacturers to release this

12 information and making it available to the public for  
13 review and questioning in the permitting proceedings.

14           The industry's growth underestimation of  
15 startup emissions has particularly relevant implications  
16 for peaking units since these units go through many more  
17 startup cycles during a year than a base-loaded  
18 facility. If they were included, we believe these  
19 sources would be major under many of the programs they  
20 are currently escaping. In addition, since the stack  
21 heights proposed for these units are not tall enough to  
22 achieve long-range transport of the pollutants, much of  
23 the impact is felt locally.

24           Many of these facilities are not required to

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1 install direct continuous pollutant monitors. Instead,  
2 they rely on estimates of emissions during the best case  
3 operating scenario, full or almost full operating load.  
4 This means that the actual risk to people living near  
5 these facilities will be unknown.

6           The Board should declare all of these sources  
7 major for purposes of all air regulations. Based upon  
8 the information we have gathered, we believe that even  
9 under existing regulations, they are major under the  
10 operating capacities and conditions that we've seen in  
11 the applications which are pending and draft permits

12 that have been issued. These facilities are not being  
13 proposed for operation a few days a year. They appear  
14 to be more like intermediate load plants operating  
15 during daytime hours roughly half the year. These  
16 facilities would be major for carbon monoxide based upon  
17 what we believe emissions would be during startup  
18 assuming one start per day and probably for NOX, VOM and  
19 air toxics.

20 They also behave like major sources due to  
21 the fact that they will be operating during peak ozone  
22 seasons. They will also be operating on peak ozone days  
23 when other large emitters in Lake County, Abbott and  
24 Great Lakes Naval Base, are voluntarily reducing

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1 emissions under the Partners for Progress program.  
2 Their emissions are reported in tons per hour and tons  
3 per year; however, the total emissions from these  
4 facilities in tons per day on these peak ozone days will  
5 be far greater than their average because more turbines  
6 will be running longer hours.

7 We feel the residents of Illinois and  
8 Wisconsin are entitled to air which is as clean as can  
9 be achieved with modern technology and I want to thank  
10 Standard Power for its testimony. That was very

11 interesting. We believe these facilities should install  
12 LAER and every effort should be taken to prevent  
13 backsliding particularly in the case of NOX and VOM  
14 emissions. The new source performance standard at  
15 around 75 parts per million NOX is over 20 years old and  
16 grossly outdated. We are told that even with dry low  
17 NOX combustion, these facilities can routinely achieve 9  
18 parts per million under normal operations.

19 IEPA has not shown us through modeling that  
20 their combined impact cause exceedences of the ozone  
21 standard at least at Wisconsin locations. An offset  
22 program should also be put in place before these  
23 facilities are permitted. The problem could become even  
24 worse. There are 40-some applications pending now.

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1 More facilities may be proposed and are already being  
2 discussed.

3 We have struggled to obtain good information  
4 on emissions during startup and the frequency and  
5 duration of startup. The turbine manufacturers have  
6 this information and appear to be reluctant or unwilling  
7 to release it. The Board should subpoena the handful of  
8 turbine manufacturers who are supplying these turbines,  
9 General Electric, Pratt & Whitney, Siemen's  
10 Westinghouse, Rolls Royce, ABB, in this proceeding.

11 They should be required to provide us, the Board, the  
12 IEPA and the public with the following information,  
13 which should also be a part of every permit application:

14 One, a description of the units being sold or  
15 marketed in Illinois. What is LAER for their units.

16 Two, information on the duration and expected  
17 frequency of startup and shutdown and emissions of all  
18 pollutants during startup. This should include  
19 information on emissions of NOX, CO, VOM and all air  
20 toxics among other things. It should include  
21 information on startup at various ambient temperatures.

22 Three, good operating practices for their  
23 units.

24 Four, information regarding operating factors

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1 affecting emissions, for example, evaporative cooling,  
2 steam injection and the impact on emissions at various  
3 ambient air temperatures or other conditions.

4 Five, standard procedures for calculating  
5 emissions during normal operation. This would include  
6 operating assumptions for operation at various ambient  
7 temperatures appropriate for Illinois, and we've seen in  
8 permit applications of 20 percent operation at 20 below  
9 zero and 20 percent at 100 degrees. Each application is

10 different. What we're asking for is some standard  
11 assumptions so that we could review these in a more  
12 reasonable way.

13 For example, emissions would be calculated at  
14 set temperatures and percentages, for example, 95  
15 degrees with evaporative cooling 10 percent of the time,  
16 59 degrees with evaporative cooling 80 percent of the  
17 time, zero degrees without evaporative cooling 10  
18 percent of the time. Computer programs for calculating  
19 emissions should be made available.

20 Six, identification of monitoring procedures  
21 available to monitor all conditions impacting emissions.  
22 They include ambient air temperature, evaporative cooler  
23 on or off, steam injection, fuel usage, operation and  
24 efficiencies of low NOX pilot, et cetera.

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1 Seven, suggestions for standardizing  
2 procedures for calculating emissions during startup and  
3 shutdown.

4 Eight, detailed information regarding who  
5 will operate these units and how operations will be  
6 controlled. If they are computerized controls, who  
7 controls the computer and how. To what degree does a  
8 manufacturer exercise operational control. We  
9 understand that there is -- some of the manufacturers

10 have computers monitoring all of their turbines and  
11 operations all over the county and maybe they're  
12 exercising some operational control at a central  
13 location. Will the units be turned on and off remotely  
14 by anyone other than the owner/operator identified in  
15 the application, i.e., by an ISO?

16 Nine, what operator training is appropriate  
17 or required? Who trains the operators?

18 Ten, contractual warranties that will be  
19 provided, and we recognize that these facilities require  
20 a construction permit before commencing construction,  
21 but we think we're operating on some very speculative  
22 information here that in many cases these  
23 owner/operators don't have any kind of contract  
24 whatsoever when applying for a siting permit.

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1 We do not believe any current applicant can  
2 or has demonstrated that it can operate in compliance  
3 with Illinois regulations without the above information  
4 which has not heretofore been provided. No permits  
5 should be issued until this information is made  
6 available and can be incorporated in the permit  
7 application and review process.

8 We have the following specific comments in

9 response to some of the questions raised by Governor  
10 Ryan.

11 One, do peaker power plants need to be  
12 regulated more strictly than Illinois' current air  
13 quality statutes and regulations provide.

14 Answer, the answer is an unequivocal yes.  
15 They are major in terms of their impact during the ozone  
16 season and should be declared major sources of air  
17 pollution by regulation. They should be subject to  
18 LAER, MACT, the ERMS program and offset requirements.  
19 Existing emissions standards, particularly the new  
20 source performance standards, are terribly outdated.

21 The regulations should also better define  
22 permit application requirements and what constitutes a  
23 complete application. The application should require  
24 the submission of backup documentation. Manufacturer's

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1 data should be certified in some manner by a  
2 professional engineer. We are told that data used to  
3 compute emissions is supplied by the turbine salesman not  
4 the manufacturer's engineering department.

5 The application should also be certified in  
6 some manner by a professional engineer. Procedures for  
7 computing emissions should be standardized and good data  
8 for emissions during startup and shutdown is essential.

9 The application should include detail regarding  
10 operation and control including good operating  
11 practices. It should identify the person or persons in  
12 control including the extent of control that may be  
13 exercised by any non-owner, e.g., remotely by an ISO or  
14 by the manufacturer.

15 Many of these applicants appear to be small,  
16 poorly capitalized corporations. They are really  
17 seeking permits for a site more than a facility they  
18 will truly operate. The permit and site is then sold to  
19 another entity. There should be some financial  
20 assurance the facility will be built, operated and  
21 decommissioned in a proper manner.

22 The agency says it does not require modeling  
23 for ozone. There must be some way to account for the  
24 combined contribution of these facilities to the ozone

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1 problem. A noise standard should be adopted which takes  
2 into account the character of the surrounding area and a  
3 noise permit required prior to commencing operation.  
4 All engineering information should be certified in some  
5 manner by a professional engineer. Siting regulations  
6 are needed. Local zoning does not adequately address  
7 siting considerations. We will provide more specific

8 recommendations at a later hearing.

9 The analysis of environmental impact should  
10 not begin at the property line. If these sources are  
11 going to occupy large parcels of land, any other land  
12 use, for example, farming or other activity on site,  
13 needs to be taken into account including the impact of  
14 noise and pollution on any visitor to the property.  
15 Storm water permits should also be required.

16 The combined effect of these facilities needs  
17 to be considered in all permitting and siting. We can  
18 have two across the street -- we have two across the  
19 street from each other in Zion, the outskirts of Zion  
20 with 18 stacks. What is to prevent us from having 10 or  
21 more in close proximity. Their combined impact needs to  
22 be assessed.

23 Do peaker plants pose a unique threat or a  
24 greater threat than other types of state-regulated

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1 facilities with respect to air pollution, noise  
2 pollution or groundwater or surface water pollution?  
3 Yes, based upon the sheer number of units that have been  
4 proposed and their combined emissions, they are very  
5 significant and will cause continued violations of the  
6 ozone standard, among other things.

7 Deregulation and other circumstances in

8 Illinois including the NOX Waiver and no siting  
9 requirements created a friendly environment which is  
10 attracting applicants faster than the state can respond  
11 with appropriate regulations. Deregulation upset our  
12 equilibrium when it comes to these sources resulting in  
13 surprise and regulatory gaps. That is not the case with  
14 other types of regulated facilities that have come into  
15 existence over the years in a free market where some  
16 sort of equilibrium lends more predictability.

17 Three, should new or expanding peaker plants  
18 be subjected to siting requirements beyond applicable  
19 local zoning requirements? Absolutely. Local zoning is  
20 not adequate.

21 Four, if the Board determines that peaker  
22 plants should be more strictly regulated or restricted,  
23 should additional regulations or restrictions apply to  
24 currently permitted facilities or only to new facilities

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1 and expansions? The type of regulations we support  
2 would be a new source review type approach to noise,  
3 air, siting and other environmental permit requirements.  
4 The regulations will only be effective if they are  
5 retroactive to cover sources whose applications are  
6 pending, but who have not commenced construction as of

7 today. Those facilities are on notice that more  
8 stringent regulations are being discussed and they  
9 should be subjected to those requirements.

10 Five, how do other states regulate or  
11 restrict peaker power plants? We are collecting  
12 information from other states and will also present that  
13 information in later comments. Thank you very much and  
14 I'd be happy to answer any questions that you may have.

15 HEARING OFFICER JACKSON: That you, Ms. Dorge.  
16 Are there any questions?

17 MS. McFAWN: Members of LCCA have come and  
18 testified before about the application of Senate Bill  
19 172 or something of that sort to this type of facility  
20 and you talked a lot about siting. Have you considered  
21 Senate Bill 172 as a statewide scheme? Is that  
22 something you're advocating?

23 MS. DORGE: At this point, I'm not really  
24 prepared to comment on siting. We do feel that there

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1 should be some ability of surrounding communities and  
2 the county and, you know, whoever may be impacted to  
3 participate in a meaningful way in a siting process, but  
4 we will have more specific comments later.

5 MS. McFAWN: I look forward to them. Thank you.

6 HEARING OFFICER JACKSON: Anyone else? Our next

7 speaker on the list include representatives from both  
8 CAPPRA, Citizens Against Power Plants in Residential  
9 Areas and the Sierra Club River and Prairie Group. It's  
10 my understanding that those two groups have agreed that  
11 Connie Schmidt will proceed first and then we will take  
12 a couple of representatives from CAPPRA after that.

13 MS. SCHMIDT: My name is Connie Schmidt. Just  
14 for the record, I want to let you know the name of the  
15 organization is the River Prairie Group. It is a part  
16 of the Sierra Club which is the Illinois chapter of the  
17 Sierra Club and it's kind of like the relationship of a  
18 village to a state. We're just the little local part.

19 My part of the River Prairie Group represents  
20 2500 people. The greater Illinois area has a membership  
21 of about 25,000 people, so we have significant numbers  
22 in the state. I'm going to hand you my letter that I  
23 will read and so I will give that for public comment or  
24 for public record, but before I begin to read my letter,

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1 I just have a few other quick things I wanted to  
2 mention.

3 This map is very interesting here behind us  
4 and it's nice to note the unincorporated areas. I want  
5 to make sure so that's there no error on anyone's part

6 to point out that a great number of those white areas  
7 are our beloved forest preserves of DuPage County which  
8 we are so fortunate to have a great number, so if I  
9 could just show you all so there's no misunderstanding,  
10 this area here is Morton Arboretum.

11 HEARING OFFICER JACKSON: You're referring to,  
12 what, the center portion of the map?

13 MS. SCHMIDT: Pretty much the section north of  
14 Lisle, south of -- down in the area towards south of  
15 Burr Ridge, whatnot, we have the old Argon National Labs  
16 area which is Waterfall Glen and we are just very  
17 blessed to have a huge forest preserve district in  
18 DuPage County. We're shooting for 25 percent of our  
19 land, and I don't know if we'll get there, but we're  
20 working hard and getting close, which means it's  
21 uninhabited. Let me now read my comments and my letter  
22 for you.

23 The River Prairie Group of the Sierra Club  
24 has some serious concerns with the state of Illinois

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1 response to recent requests for peaker power plants.  
2 Now that deregulation is a reality, various companies  
3 are racing forward to permit their plants in over 50  
4 sites throughout the state. Regulations to ensure the  
5 safety of the environment and its inhabitants is not yet

6 in place, yet permits are being granted, have been  
7 granted without regard to the following concerns:  
8 Proximity to residential areas and other plants; air  
9 quality for neighboring communities; groundwater usage;  
10 water treatment and disposal; ground vibrations and  
11 noise pollution.

12           There is considerable opposition to the  
13 plants. Citizen groups have sprouted up throughout  
14 Illinois to testify against these plants and their  
15 locations at local hearings head by the EPA. The EPA  
16 has told us repeatedly our hands are tied. There are no  
17 regulations to prohibit these innovative business  
18 propositions and, therefore, the permits have been  
19 granted.

20           The Sierra Club does not dispute that  
21 gas-powered plants are superior to the currently  
22 utilized coal power plants; however, numerous gas-power  
23 plants in close proximity to each other pose a problem  
24 as well. We are advocating for regional use of land and

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1 that regional planning be done in this process. If  
2 regional use is considered, then one municipality cannot  
3 allow a proposed plant to be built on its perimeter thus  
4 protecting its own residents, but without regard to the

5 neighboring communities.

6 Now, these plants claim that they will run  
7 only during peak-usage periods. There is a serious  
8 concern that the entire annual allotment for pollution  
9 emittance will be released during the highest ozone  
10 alert situations and this will compromise the health of  
11 the residents downwind. There is also distrust of the  
12 claim that the plants will only be used as peaker  
13 plants. It is believed that they may be converted to  
14 regular power plants providing power year long once coal  
15 plants become less desirable.

16 With numerous plants in close proximity to  
17 each other and to residential neighborhoods, this, too,  
18 poses a realistic concern. The previous concerns speak  
19 to air quality, but these same concerns can be raised  
20 for groundwater use, water treatment and release,  
21 vibrations near sensitive high tech areas such as Fermi  
22 Lab, which we are blessed to have in DuPage County and  
23 noise pollution.

24 With the responsibility to protect citizens

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1 and environment, you are requested to halt -- we are  
2 asking government to halt any further permitting until  
3 more regional regulations are in place. We are  
4 requesting also to insist the hastily already granted

5 permits will be required to comply with new regulations  
6 once those are developed so that they keep pace with  
7 this new technology.

8           As I was reading though, there was one more  
9 further comment I wanted to mention and that is just to  
10 give you a little bit of a very brief picture. DuPage  
11 County is so close to Chicago, one would think it is  
12 very urban. I myself have a well and septic on my  
13 property and I am incorporated. I live within the city  
14 limits of Warrenville. So it is not totally unusual --  
15 and all my neighbors do because we don't have city water  
16 in our neighborhood. So the groundwater use as well as  
17 what happens to it after it's been used, I think, is a  
18 realistic concern in our area. Thank you so much for  
19 your time.

20           HEARING OFFICER JACKSON: Thank you. Any  
21 questions? Thank you, Ms. Schmidt. Are you presenting  
22 your testimony?

23           MS. SCHMIDT: The letter that I just read.

24           HEARING OFFICER JACKSON: We will admit that into

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1 the record then as Sierra Club River Prairie Group  
2 Exhibit 1, and Mr. Hass while you're still here, the map  
3 that people have been referring to, do you have any

4 objection if we mark that as DuPage County Board  
5 Exhibit 2?

6 MR. HASS: No objection.

7 HEARING OFFICER JACKSON: Thank you. It will be  
8 so admitted into the record then. We have a couple of  
9 representatives from the Citizens Against Power Plant in  
10 Residential Areas that do need to leave early, so we  
11 call those individuals forward, Mark Goff. Mr. Goff,  
12 please step forward.

13 MR. GOFF: First of all, thank you for allowing  
14 me to speak. My name is Mark Goff. I also live in the  
15 city limits of Warrenville. I am here basically on a  
16 couple platforms, one is obviously as a resident, second  
17 is being a commercial helicopter and six wing airplane  
18 pilot regarding safety in the area.

19 Let me basically start off with I'm not a  
20 government type. I'm not a lawyer. I'm an engineer, so  
21 I look at things simply as logical and with a common  
22 sense to follow the rules. Okay. It's not biased with  
23 a lot of the game playing, role playing, dollar values,  
24 all this kind of stuff.

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1 As a resident, I'm looking at obviously my  
2 property value which I cherish. I'm also looking at my  
3 well as far as the reliability of it. Currently, I'm

4 located approximately within 2000 feet of where this  
5 plant is currently under construction. Okay. So  
6 obviously well water is a concern. Obviously, we have a  
7 septic system in there. I'm also very familiar with the  
8 noise level. If anybody has been in a flight line with  
9 turbine aircraft, I think you'll have a little bit more  
10 of a respect.

11 Understand that the turbine aircraft normally  
12 on flight lines are very small turbines. These guys are  
13 talking much larger. Yes, they're housed. Yes, they  
14 have some noise abatement stuff, but there's only so  
15 much you could do this to stuff without just physically  
16 putting a dome over it and just keeping it totally  
17 confined. The one thing I'm honestly most interested in  
18 is obviously the peaker plant that's located at the  
19 Warrenville/Aurora city limits type lot line area.

20 I understand there's obviously peaker plants  
21 throughout the state. They have the same circumstances,  
22 but I'm here only to speak to you of what I know and I'm  
23 not here to guess at what things might be, the  
24 consequences that may come out of things and stuff like

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1 this. I'm looking at just strictly the facts and I urge  
2 you guys to do the same thing.

3 I do not feel that you're being given the  
4 proper information firsthand by engineering staff,  
5 people that are experts in their field. I think this is  
6 a prime example of why a small town in a state, i.e.,  
7 Aurora and knowing that they have no expertise on their  
8 municipal staff, all municipalities right now are going  
9 through downsizing, government doesn't have enough  
10 money, so how could you expect them to have resident  
11 experts to understand what they're signing off on? And  
12 with deep respect, I hope you understand, ignorance does  
13 not constitute approval. Okay.

14 You got to do your homework, and I don't  
15 think these guys did it and I emphasize that everybody  
16 needs to be doing this no matter where they're looking  
17 in a part of the county and I reflect back to obviously  
18 a lot of stuff is all driven by corporate America,  
19 people that we supposedly trust like the Exxons, the  
20 Nicor situation, the ComEd, we're going to have reliable  
21 power, United Airlines during holiday periods when you  
22 really want to get to your family, can you trust these  
23 people? Firestone, I mean how many people got to get  
24 killed before some people wake up. Okay.

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1 So these are the people supposedly you got to  
2 trust, all right, and bottom line, I think, it comes

3 down to that you have to understand that these guys,  
4 corporate America -- and I'm part of a corporation. I  
5 work for a corporation, a large corporation. I  
6 understand that they're looking -- we always look at  
7 loopholes. We do all these game playing that normally  
8 happens, but from an engineering staff, we're  
9 responsible to tell our administration people what the  
10 consequences are, what the benefits, what are the  
11 payoffs and everything else.

12 I would present to you probably less than  
13 half of the time that the engineering staff --  
14 information is acknowledged and represented in their  
15 final decision. Normally, it comes down to dollar value  
16 and stockholders influence. Okay. And I think it is  
17 exactly what's being played out right now with the plant  
18 that I'm most familiar with, again, I do not know about  
19 all the other ones in the state, is that -- we're in the  
20 construction business, we hear stuff going all the time  
21 and I will share with you that in that particular  
22 location the word has been physically on the street,  
23 build that facility as quick as you can before they get  
24 any rules in place. If nothing else, we'll be

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1 grandfathered.

2                   So now if you go into a situation where  
3                   you're going to build a high-rise and you're up against  
4                   the same analogy that you might be looking on city  
5                   government to -- there might be a new fire code reg or  
6                   something like this and let's build this building as  
7                   quick as we can before they find out about it or before  
8                   they, quote, "put the rules to ink," is that a safe  
9                   building? Does this make common sense? I mean I  
10                  wouldn't want to walk into it.

11                  So, again, the safety of pouring all this  
12                  concrete, all this structural stuff out here and again  
13                  to have what we've been told in an early EPA meeting  
14                  that was held out at the school that there's only going  
15                  to be a couple guys manning this location. This is  
16                  supposed to be, quote, a high-tech, top of the industry  
17                  standards location. My question would be what kind of  
18                  certification do these people hold to run this kind of  
19                  operation? I know as a corporate pilot to run a turbine  
20                  aircraft, I've got to be certified by FAA and the state,  
21                  and that was in a weekend test. I don't know how many  
22                  other people are pilots or whatever.

23                  The other thing coming back to the pilot  
24                  situation is that I am concerned because I do fly in

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1                  that area. DuPage airport is roughly what we call the

2 five-mile ring of where this new location is, so it's  
3 right at the edge of the governing airspace, out of the  
4 controlled airspace of DuPage airport. Recently that  
5 runway, 1836, was extended and obviously it went all  
6 through an awful lot of noise abatement, all this other  
7 kind of stuff, regs, which are proper to be going  
8 through that. Obviously, it's in a highly-dense  
9 residential area. People should have something to say  
10 about it and there's obviously rules and regs in place.

11 You got an awful lot of student pilots out  
12 there. You got an air flight that is -- the helipad is  
13 located on the southeast corner of the field. All these  
14 guys fly right over this area and this might be a goofy  
15 analogy, but I don't know how many people watched Top  
16 Gun or any of this kind of stuff, when you fly through a  
17 jet blast, there is substantial aerodynamic changes on  
18 the aircraft which you're going through this stuff and,  
19 quote, using the company's charts and stuff that they  
20 went over and tried to impress the DuPage airport staff,  
21 is that this stuff is going to become stacks so much in  
22 velocity that it's supposed to shoot it high into the  
23 atmosphere, so it's going to blow over Chicagoland.  
24 Now, where, I mean, I don't know. It's going to go to

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1 New York or land on this bar for the trash they couldn't  
2 find a place for either, so wherever it ends up, it's  
3 going to affect somebody and nobody I think is looking  
4 at all this stuff.

5           So when you're flying through this kind of a  
6 velocity, what do you think student pilots are going to  
7 be doing? I mean we got enough FAA regs to maintain  
8 safety and all this other stuff and I'm sorry, but I  
9 don't think this is being looked at whatsoever. The FAA  
10 has mandated to put any hazardous locations on maps,  
11 i.e., towers, tall buildings, Fermi Lab, stuff like  
12 this, stuff that is recognized or an obstacle to flying  
13 aircraft. Anything basically above 100 feet is supposed  
14 to be licensed through the FAA. I also urge you guys to  
15 put these peaker plants on these charts because some of  
16 these pilots are not local residents. They're flying in  
17 and out of the area and they got no idea. You could not  
18 see this velocity. It's kind of like passing a truck in  
19 the opposite direction, I mean, your car swirls around a  
20 little bit for a while and then you get back control. I  
21 mean think about that. You're only doing 55 miles an  
22 hour.

23           If you're looking at stuff that's shooting  
24 out of the air at 100 and turbine aircraft are doing

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1        somewhere around 250 plus on a flyover let alone minimum  
2        control air speed trying to make an approach to the  
3        airport, so now they're done and around 125, something  
4        like that, this is a big impact, especially right at the  
5        end what we call the ILS approach, instrument landing  
6        system approach, because, again, you could not see this  
7        stuff. You're in it before you know it.

8                    Again, I guess coming back to the local  
9        government side of things, again, everybody is speaking  
10       as far as wanting to put IE controls, putting  
11       regulations in and all this kind of stuff, but I urge  
12       people to basically be experts in field before you just  
13       start making rules. I mean it's great to control the  
14       umpire, if you will, but you have to understand what you  
15       want to control and then if it's manageable.

16                   The other thing, too, is -- and I'm back to  
17       -- and I'm sorry, but I'm not big on Aurora. Let's put  
18       it this way. Aurora used to have an airport that was  
19       also located right down the street from where this  
20       peaker plant is going into right next to I-88 which just  
21       happens to be down over in this area. They couldn't  
22       expand the runways because, again, it was locked in with  
23       residents and everyone else. So what do they do, like  
24       very much what they want to do now, they want to take,

1 quote, their trash and put it out to an extremity area  
2 where the people of Aurora don't have to basically  
3 contend with it, i.e., they take a peaker plant, put it  
4 to the most northeast extreme that they could of their  
5 corporation limits and as far as the airport, they put  
6 it over in another town called Sugar Grove, but they  
7 call it Aurora airport. Okay.

8 HEARING OFFICER JACKSON: I'd like the record to  
9 reflect that Mr. Goff is referring to the map that we  
10 marked as DuPage County Board Exhibit 2 to the Aurora  
11 area.

12 MR. GOFF: Okay. Thank you. Sorry. So I don't  
13 again know how a small community can make such decisions  
14 they have no expertise in making that could affect so  
15 many other people and, again, coming down to the regs  
16 and because, again, the cities do not have that kind of  
17 staff expertise, I would think it would be relying upon  
18 the government, the state to come down with the verbiage  
19 that should be passed down to local government. Why  
20 does everybody have to spin up their own different  
21 rules. It's like every car manufacturer has got to have  
22 it's own set of fan belts, nothing is interchangeable,  
23 nobody is talking to each other, so everybody has got to  
24 reinvent the wheel their own flavor.

1                   So if you take this verbiage stuff that  
2                   somebody could expertisely put together, it's going to  
3                   save the taxpayers money and bottom line is standardize  
4                   the stuff so everybody is basically compliant and I mean  
5                   it just doesn't come down to obviously just the peaker  
6                   plants. I mean you got situations like the rail port  
7                   that's coming up. You also should be aware four or five  
8                   years ago they wanted to put the Chicago Bears stadium  
9                   right here in the same neighborhood too. You got the  
10                  Joliet race track.

11                  I mean everybody obviously doesn't want  
12                  necessarily something in their backyard, but it's got to  
13                  go somewhere, right, but let's put the rules and panel  
14                  power to the government, and by government, you have to  
15                  know what the hell you're talking about. Just like the  
16                  police department, you guys nail up the speed limits to  
17                  55, think anybody abides by them? Speed limit to me  
18                  says 55 is the speed limit. You talk to a cop, he says,  
19                  hey, if I write a speeding ticket that's less than 15  
20                  miles an hour over 55, the judge is going to throw it  
21                  out of court, so I mean when you guys put up all these  
22                  rules, you also have to look at what we call the  
23                  contingency factor. How much are you going to swing or  
24                  basically give weight to some of these variables?

1                   And I just urge you to before you start  
2 releasing all this stuff, these rules and regs, you have  
3 to know what you're talking about and I'm sorry, but I  
4 think corporate America is snowballing you guys because  
5 obviously they got the dollars, they're willing to throw  
6 this stuff and they're going to keep coming and you guys  
7 do not have the ammunition to fight these guys without  
8 the citizens votes and coming to that, why don't people  
9 vote on this stuff? I mean why do we only have a small  
10 group? And I've got to say that the EPA deal over at  
11 the school, to me not being in the government, not going  
12 to a lot of these besides some franchising meetings that  
13 we've had with cities, but it was a joke. Okay.

14                   These guys came in with preconceived ideas.  
15 Here's the state rules. The peaker plant -- or the  
16 licensing people said that we'll be under it, so they  
17 take them for gospel and it's the same situation you're  
18 going to be under now, Firestone saying, yeah, our tires  
19 are safe, now they're doing major recalls, and all these  
20 other examples that come down to play. I think that's  
21 all we want to throw at you which I think is all I have  
22 to offer at this time. Any questions?

23                   HEARING OFFICER JACKSON: Thank you, Mr. Goff.

24                   MR. GOFF: Thank you.

1           HEARING OFFICER JACKSON: I believe we also have  
2 Michael Warfel.

3           MS. VOITIK: Mike had to go and take care of his  
4 children, but I have his letter. I'll read it later  
5 after we break. There is one other person who has to  
6 get in under the wire.

7           HEARING OFFICER JACKSON: Okay. Just make sure  
8 you identify yourself for the record.

9           MS. CAPEZIO: Good evening. My name is Cathy  
10 Capezio. I'm a resident of Aurora. I live in a  
11 neighborhood where the average child in my neighborhood  
12 is three years old. I am now in a situation where I  
13 will be a mile and three-quarters from two peaker power  
14 plants, one being -- one which will be the number one  
15 polluter in DuPage County.

16           I have given this speech probably ten times  
17 now between city counsel meetings, IEPA meetings, round  
18 tables with the Governor and have gotten absolutely  
19 nowhere. I implore you to do your job, to set  
20 regulations to protect our children and our land. There  
21 should no be two peaker power plants within a two-mile  
22 radius when you have four communities that probably  
23 total over 300,000 people in a close proximity of these  
24 plants, one of which is up and running right now, that I

1 live probably 2500 feet from.

2 I ask and urge you to talk about the siting  
3 issues. Currently, it is on the municipal level, but I  
4 don't think that's quite fair because how does the state  
5 recognize what is zoned for what, waste management depos  
6 or truck depos or power plants or waste sites. We need  
7 to protect our state and by putting them all on top of  
8 each other, you are not protecting us.

9 At the IEPA -- the IEPA came back to us and  
10 said that they cannot guarantee that these are safe.  
11 They don't know if they're safe. That is written in  
12 their response to the public. I urge you, you need to  
13 prove that it is safe. I urge the legislators here to  
14 talk about this issue. This is a serious issue. It is  
15 being ignored by the governor and it is being ignored by  
16 representatives. There are a few that are working and  
17 are committed to working.

18 The IEPA washes their hands because their  
19 hands are tied, but who is going to make the rule. You  
20 all have been called to look at this issue in a serious  
21 manner. I implore you to do so and you can protect us.  
22 Thank you.

23 HEARING OFFICER JACKSON: Thank you.

24 MS. MANNING: Could you identify for purposes of

1 the record where the facilities are? Could you give us  
2 locations that you discussed?

3 MS. CAPEZIO: In Aurora, it's in the northeast  
4 section at Eola and Butterfield Roads.

5 MS. MANNING: Could you spell that?

6 MS. CAPEZIO: Eola, E-o-l-a, and Butterfield Road  
7 as well -- and that is under construction by Reliant  
8 Energy and that is going to be the number one polluter  
9 in DuPage County and it's an 870 megawatt facility and  
10 the other one is Midwest Generation. That is probably a  
11 350 megawatt facility which is quite old and quite  
12 outdated and actually has been proven to be a heavy  
13 polluter because it's not updated. That one is located  
14 at the corner of Eola, E-o-l-a, and Diehl, D-i-e-h-l,  
15 and I am just south of there.

16 MS. MANNING: Thank you.

17 MS. McFAWN: Could I just ask you one quick  
18 question also? You said that you had read some  
19 responses by the IEPA; is that correct?

20 MS. CAPEZIO: Yes.

21 MS. McFAWN: And that had to do with which  
22 facility?

23 MS. CAPEZIO: The whole IEPA hearing that we had  
24 at the school by us, Indian Plains Elementary I believe

1 was on April 3rd. They responded to everybody's  
2 question. There's probably a 25-page pamphlet. I could  
3 fax it to anybody who needs it and my question was who  
4 is going to guarantee me my children's health. I have a  
5 two year old and a five year old and the average age in  
6 my neighborhood is three and we need -- what is the  
7 purpose of having these two massive things under such  
8 close proximity to residential areas? No comment. I  
9 mean it's a sightly matter that has been not looked at  
10 closely and the municipalities, their hands are tied.

11 I think all zoning should be looked at on a  
12 state level as far as proposed -- I mean there could be  
13 probably another seven zonings in the city of Aurora  
14 that could be used as a power plant because we're right  
15 up along the gas pipelines and the railroad tracks and  
16 high-tension wires, so we don't know how many are really  
17 out there open for power plants or any other facility  
18 like that.

19 And the IEPA, they mailed everybody their  
20 responses and they can't guarantee us. They don't know  
21 if these are safe. Now, they are here to protect us. I  
22 don't think so. That's not their interest and you know  
23 what, it should be. That is why we are in a situation  
24 on this date right now -- I was driving home from work

1 today saying it's really cloudy out, there's a smog. We  
2 are looking like a polluted state and I think it's sad  
3 and I think we really need to address it and just kind  
4 of pay attention on a nice day, drive down the  
5 expressways and look. In DuPage County there's just  
6 this heavy smog look. That's pollution to me. So I  
7 think we need to address it. We don't want to become  
8 another Dallas, Texas and if you need help, let me know.  
9 Thank you. Any other questions?

10 MS. McFAWN: Thank you.

11 MR. GOFF: There is a videotape of that meeting  
12 available.

13 HEARING OFFICER JACKSON: At this point, we're  
14 going to take a very short dinner break. We're looking  
15 at a half an hour break. We do have a number of  
16 speakers to still get through this evening, so we want  
17 to make sure we have time to get everybody in. That's  
18 why we're taking such a short dinner break. We'll  
19 reconvene right at 6:15.

20 (Recess taken.)

21 HEARING OFFICER JACKSON: It's 6:25 and our first  
22 speaker this evening is Ms. Terry Voitik from Citizens  
23 Against Power Plants in Residential Areas. Whenever  
24 you're ready, Ms. Voitik.

1 MS. VOITIK: Good evening. First of all, I'd  
2 like to thank the Illinois Pollution Control Board for  
3 giving us this opportunity to express our needs and our  
4 concerns. I am the founder of CAPPRA, what is Citizens  
5 Against Power Plants in Residential Areas. I am also a  
6 resident of DuPage County of which I am very proud. My  
7 primary involvement in this issue began approximately  
8 eight months ago when Reliant announced their plan to  
9 construct an 870 megawatt plant in my neighborhood. The  
10 city of Aurora approved the plant without studies or a  
11 special use permit stating environmental  
12 responsibilities belong to the IEPA.

13 The IEPA stated that local government should  
14 control plant placement through zoning. In the  
15 meantime, we are the victims of legal loopholes as  
16 construction on our plant continues in spite of a long  
17 and grueling legal battle at the expense of our  
18 community and the quality of life. Now, I cannot submit  
19 this because I do not have another copy, but this is the  
20 notice of filing. We actually are in litigation trying  
21 to stop our power plant because we feel it does not  
22 belong where it's at.

23 I have been present at my IEPA hearings in  
24 addition to a four-hour hearing in Aurora which I'm sure

1 Kristin Bradley remembers. That was also grueling. The  
2 public outcry continues to be unanimous opposing these  
3 plants and they're indiscriminate siting with the power  
4 companies cloaking the desire to refuse profits under  
5 the great veil of need. It's indeed absurd that the  
6 IEPA with the USEPA's endorsement continues to issue  
7 permits and give the green light without regard to the  
8 cumulative effects of multiple plants in our  
9 nonattainment zones.

10 I respectfully ask that you, the Illinois  
11 Pollution Control Board, address the following issues:  
12 First and foremost, there are no regulations for  
13 emissions on nonpublic utility privately owned merchant  
14 peaker power plants. The peaker power plant concept has  
15 outgrown the guidelines that exist. These plants  
16 operate intensely during a period when air quality is at  
17 its worse namely on ozone alert days. The standards  
18 simply do not apply. We need new stringent regulations  
19 on 24-hour concentrations.

20 Please address the issues of water use. How  
21 many peakers can impact our deep aquifers? We're not a  
22 disposal. Where does all the radon and barium go, up  
23 the stacks? What about the hazardous waste generated

24 and how is it removed? Who monitors this? If anyone

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1 has read the Energy Journals lately, which I never  
2 thought I would be reading energy journals, the issue of  
3 rising natural gas prices due to reserve depletion has  
4 become a hot topic. The prices here have doubled and  
5 will continue to increase with the increase in peaker  
6 plants.

7           What about the safety of our natural gas  
8 pipelines? I'm sure they're going to be talking about  
9 bringing in an additional pipeline. We need to study  
10 the cumulative -- we need to study the cumulative  
11 effects of multiple plants. What about the safety of  
12 aircraft, in particular, the smaller aircraft. These  
13 plants are being placed in final approach patterns of  
14 small airports with the student pilot particularly at  
15 risk. The plumes create heat and turbulence that cannot  
16 be seen, per Reliant Energy, all you'll see is the  
17 glistening glow of heat coming out of the stacks. You  
18 will not see anything.

19           In conclusion, I would like to state that I  
20 implore the Illinois Pollution Control Board to take  
21 into consideration the enormous amount of intelligent  
22 input that you have received and continue to receive  
23 through these hearings and use this opportunity to

24 assist the IEPA to redirect regulations specifically in

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1 regard to peaker power plants and closing up all the  
2 existing legal loopholes that these plants are slipping  
3 through. Until that time, I emphatically request a  
4 moratorium on all peaker plant activity with all new  
5 plants and plants with pending permits not to be  
6 grandfathered in. I think it's very important that we  
7 do not grandfather these plants in that have just gotten  
8 their permits or are pending permits.

9 I speak on behalf of the natural environment,  
10 our children, both who cannot defend themselves. Thank  
11 you. I also have a photograph -- I took many photos of  
12 the area I want to submit to each and every one of you.  
13 It's very sad. Unfortunately, these beautiful areas  
14 have a grid running through the far end of it. I have  
15 photographs of the forest preserve. I have photographs  
16 of some historical things that are adjacent to our power  
17 plant that's going to be built and I thought you might  
18 want to see.

19 HEARING OFFICER JACKSON: We'll mark those as --

20 MS. VOITIK: I have nine of them. I didn't know  
21 if you wanted them.

22 HEARING OFFICER JACKSON: You could pass them out

23 now. We'll give one copy to the court reporter to mark  
24 it as CAPPRA Exhibit 1.

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1 MS. MANNING: Also, Ms. Voitik, if you would, I  
2 realize that's the only copy you have of the complaint  
3 that you filed, but could you maybe look at it and give  
4 us the document number and what court that it's in?

5 MS. VOITIK: And I can submit it. I will get a  
6 copy of it to you.

7 MS. MANNING: That's fine.

8 MS. VOITIK: It is number 00 CH 0361. It was  
9 filed September 6th. Again, it's a second filing. It's  
10 a second amended complaint.

11 HEARING OFFICER JACKSON: In DuPage County?

12 MS. VOITIK: Yes.

13 MS. KEZELIS: And the caption of the case?

14 MS. VOITIK: The caption of the case is the  
15 second amended complaint for declaratory judgment  
16 injunctive and other relief.

17 HEARING OFFICER JACKSON: The parties?

18 MS. VOITIK: Originally CAPPRA -- the reason we  
19 had to amend it is the judge said CAPPRA did not have  
20 standing because we were unable to prove that this plant  
21 would harm us, so we have two individual home owners or  
22 property owners, Steven Berning, Richard Paver,

23 individually and as trustee and Oak Brook Bank as  
24 trustee, plaintiff, versus Reliant Energy Aurora, L.P.,

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1 defendant.

2 HEARING OFFICER JACKSON: Are there any other  
3 questions for Ms. Voitik?

4 MS. McFAWN: You mentioned a correlation between  
5 rising natural gas prices and the increase of  
6 construction and use of these power plants. Could you  
7 explain a little bit further?

8 MS. VOITIK: What I read was the reserves are  
9 being depleted. Normally during the summertime that the  
10 natural gases is kind of stored so that this is enough  
11 of it. What will happen this winter is because of the  
12 peaker power plants the reserves are being depleted and  
13 so they'll just be able to barely supply the natural  
14 gas. There is going to be -- I believe to be a shortage  
15 or less of it, so which will drive the prices up and,  
16 again, it could be just like our gasoline.

17 MS. McFAWN: Do you recall what article or  
18 magazine.

19 MS. VOITIK: It's one of the energy journals. I  
20 could certainly submit that to you. I could get that.  
21 It also was in the People's Gas. Susan, you sent me the

22 article from -- the flier from People's Gas and they  
23 said the same thing.

24 MS. ZINGLE: I have it here.

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1 HEARING OFFICER JACKSON: And that's Susan Zingle  
2 for the record?

3 MS. ZINGLE: Yes.

4 HEARING OFFICER JACKSON: Z-i-n-g-l-e?

5 MS. ZINGLE: Yes.

6 MR. MELAS: That was also in the public press.

7 MS. McFAWN: I just wasn't aware that it was tied  
8 to the construction and use of these plants.

9 MS. VOITIK: It's been stated more than once. I  
10 did see it in the paper. I saw it in the energy journal  
11 and also on the flier that Susan Zingle gave me.

12 MS. McFAWN: Could you provide the name of the  
13 journal and the date?

14 MS. VOITIK: I will. Thank you.

15 HEARING OFFICER JACKSON: Any other questions? At  
16 this time there are some other individual member groups  
17 or members of CAPPRA. First one I have on my list is  
18 Maurice Gravenhorst. Please step forward.

19 MS. GRAVENHORST: My name is Maurice Gravenhorst.  
20 I'm a member of CAPPRA. I'm also a citizen of Aurora.  
21 I have been for a little bit over a year. I'm also an

22 asthmatic. I carry an inhaler at all times. When I  
23 first heard about the peaker power plant, I was informed  
24 by a letter from CAPPRA in my mailbox. I then went to

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1 attend at all the meetings at the Aurora city counsel  
2 and I spoke there and I also speak at the round table  
3 discussion. I also gave testimony at the Indian Plains  
4 school in front of the IEPA and I feel as a citizen of  
5 Aurora, a member of my community of Aurora, and a  
6 citizen of Illinois, that my concerns and my family's  
7 concerns have been ignored.

8 I am very concerned about the power plant in  
9 my community at the corner of Eola and Butterfield Road.  
10 It is two miles east of my property. I moved to Aurora  
11 because I liked the area and I was real happy with the  
12 environment and forest preserves and everything around  
13 me was so natural. I lived on a 23 acre wetland that  
14 was donated by a developer. Had I known about Reliant  
15 and peaker power plants and all these things, this would  
16 not have been my choice to move out here because the  
17 last clear breath I will take will end in spring of 2001  
18 when the plant at Eola and Butterfield will go into  
19 service or so they say, and it really is a tragedy.

20 The Aurora city counsel, I don't think

21 anybody there knows anything about power plants and, in  
22 fact, I'm nontechnical. I know nothing about power  
23 plants. I know a lot more since all of this started. I  
24 appealed to the governor of Illinois and only heard

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1 political rhetoric. In fact, the Governor didn't even  
2 want to discuss the issue.

3 He told me that one of his assistants, I'm  
4 not sure of her title, Rene Sepriano (phonetic) was  
5 supposed to get in contact with me and talk to me about  
6 my concerns because I had sent a letter to the Governor  
7 and I never received any type of answer. Well, I  
8 contacted Rene Sepriano. She never contacted me. It  
9 was six months later I received a letter from her  
10 spouting many political platitudes which basically said  
11 nothing.

12 This power plant that's being built by  
13 Reliant is not regulated by the ICC. The land was zoned  
14 20 years ago for a public utility. Reliant is a private  
15 utility. There were no residential subdivisions in the  
16 area at this time. It was all prairie, and I have  
17 another question. Tom Skinner who heads up the IEPA is  
18 the son of the CEO of Commonwealth Edison. Since Edison  
19 called in all these power companies prior to  
20 deregulation, I am concerned that this is a conflict of

21 interest and it seems to me that the fox is guarding the  
22 hen house.

23 Also I'm concerned with Reliant Energy  
24 supposedly was on the internet bailed out the city of

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1 Springfield's power company which is City Water Power  
2 and Light when they could not power in exchange for  
3 market share and there was a lawsuit that was settled  
4 for \$30 million by Reliant in Springfield. So I am  
5 concerned that Illinois, DuPage County and all the  
6 people that are involved in this are in the dark about  
7 power plants as much as I am and that I asked the  
8 Governor, I've asked numerous people and I've asked my  
9 own mayor and the city counsel just to take a moratorium  
10 so that we could study this because asthma, ladies and  
11 gentlemen, is on the rise in the state of Illinois and  
12 all these peaker power plants are not going to help.  
13 Thank you very much.

14 HEARING OFFICER JACKSON: Thank you, Ms.  
15 Gravenhorst. Any questions? Next speaker for CAPPRA is  
16 Paul Smerz. Is Mr. Smerz present?

17 MS. VOITIK: He is not present.

18 HEARING OFFICER JACKSON: Steve Arrigo?

19 MS. VOITIK: I have Steve Arrigo's. I'm in the

20 process of looking for it. He is not able to be here.  
21 He was called out of town suddenly. Can Lucy go next  
22 and then I'll --

23 HEARING OFFICER JACKSON: Lucy Debarbaro?

24 MS. VOITIK: Yeah, and then I'll read Steve's

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1 letter.

2 HEARING OFFICER JACKSON: Certainly. Actually, a  
3 better way might be just to submit Mr. Arrigo's letter  
4 into public comment.

5 MS. VOITIK: He doesn't have it in the final  
6 form. It's a rough draft, so can I read and then we'll  
7 submit it, is that okay?

8 HEARING OFFICER JACKSON: Okay. That's fine.

9 MS. DEBARBARO: I registered separately. My name  
10 is Lucy Debarbaro. I would like to first refer to the  
11 testimony I found on the website, your Board's website,  
12 from Richard Bully, the executive director of Mid  
13 America Interconnected Network made. And I read through  
14 it and in the last paragraph Mr. Bully gives the  
15 capacity including existing peaker power plants, but  
16 excluding power plants which are planned for the future  
17 and gives us the projected preserve margins for the  
18 years 2001, 2, 3 and he lists the margins, so I would  
19 like to draw your attention to the fact that what's

20 needed is, in fact, to look at the margins with the  
21 accepted approved power plants' additions already on and  
22 that data has to show up here and it's not here.

23 And, in fact, there may be a reason why it's  
24 not listed there. Those additional -- those capacity

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1 additions constitute close to 50 percent of increase in  
2 the Illinois name plant generation capacity. I have a  
3 number of 16,000 megawatts being added. This number  
4 comes from the February information from EPA. I believe  
5 Susan Zingle has a more updated number, 16,000 megawatts  
6 additional generation capacity added totalling. Total  
7 state capacity is 32,000 megawatts, so we need to  
8 understand the reasons for such a -- for such additions.  
9 And we cannot go and sort of by our industry arguments  
10 say that energy generation is necessary. It's necessary  
11 to deliver power to us. There's no economic growth of  
12 this size possible and so on, just the sheer number of  
13 those power plants and sheer value of the capacity  
14 addition that they're proposing.

15 Obviously, we will be in a situation where  
16 the companies do it because they want to profit and so  
17 on, but we will suffer the consequences of generation of  
18 this energy in our area and you've witnessed, there are

19 consequences to this generation. All of the people who  
20 spoke here basically testified to unhappiness regarding  
21 this.

22 In addition to -- my concern with such an  
23 increase in the generation capacity is also such that I  
24 believe that this excess generation which I perceive as

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1 excess generation cannot lead to anything else but sort  
2 of excessive use or wasteful use of energy and, in fact,  
3 it defeats the programs that aim at conservation of  
4 energy. I think there is a clear correlation between  
5 excess generation. Excess generation simply equals the  
6 defeat of conservation of energy. Nobody will be  
7 interested in trying to limit or invent ways to reduce  
8 their energy use in home or at work and, you know,  
9 whatever their environment is.

10 So I would like to bring the issue of impact  
11 on the environment and also sort of limited earth  
12 resources to this picture. Why is the energy  
13 conservation necessary? I would like to, in fact, quote  
14 for you from the draft report that was released in May  
15 of this year by intergovernmental panel on climate  
16 change. I don't know if anyone is familiar with this  
17 body. It is intergovernmental international  
18 organization that conduct studies of environmental

19 impacts. It basically deals with -- mostly with carbon  
20 dioxide accumulation in the atmosphere and carbon  
21 dioxide is not regulated. It's not a pollutant by the  
22 standard, our standard federal and state laws. However,  
23 through the work of this body and also earlier evidence,  
24 it becomes obvious that carbon dioxide is the leading

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1 cause or is causing the climate change of the earth, and  
2 such accumulation -- and just again for reference,  
3 approximately 30 percent of U.S. CO2 emissions come from  
4 the power generation industry from power generation.

5 So I will quote now from this draft. So  
6 basically they say that if the trend of increase of  
7 accumulation of CO2 is allowed to continue, greenhouse  
8 gases may cause irreversible environmental changes  
9 entailing heavy rain storms, larger floods, serious  
10 droughts and crippled circulation of ocean water on a  
11 global scale.

12 Mathematical model estimates that between 260  
13 million and 320 million more people stand to be infected  
14 with malaria around 2080 and climates will average 3  
15 degrees of warming by that time period. Areas of low  
16 food security, which is basically third-world counties,  
17 developing countries, in those areas tens of millions of

18 people could be placed at risk of hunger with negative  
19 health effects around 2080. This is just a few  
20 generations ahead of us. This is like our  
21 grandchildren's time.

22 We are talking about irreversible large-scale  
23 impacts on the environment. I would like to also  
24 mention this, about 2000 scientists from various nations

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1 have taken part in projects launched by this body by the  
2 intergovernmental panel on climate change. So where  
3 does it bring us? I would like to contrast those two  
4 pictures. We have the energy generation and energy that  
5 is delivered to us to our home, it's for our safety,  
6 it's for a comfort, pleasure, convenience. We use it  
7 everywhere we want and any way we want.

8 And if we have -- and there is cost to this  
9 generation of energy that I believe many people are  
10 becoming aware of and so what I would like to urge the  
11 board, to urge legislators in Springfield to envision  
12 progressive inclusive vision or proposals for energy  
13 generation, limit emissions, limit impact we have on  
14 environment and earth on a global scale. Thank you.

15 HEARING OFFICER JACKSON: Thank you very much,  
16 Ms. Debarbaro. Any questions?

17 MS. MANNING: Before we get to the next speaker,

18 a member of the audience has asked that I make a  
19 clarification of a fact that was presented in  
20 Ms. Gravenhorst's testimony. I believe this  
21 clarification to be correct. I'm going to go ahead and  
22 make it and that is Sam Skinner is no longer with  
23 Commonwealth Edison and has not been in that capacity  
24 since Tom Skinner, his son, has been a director of the

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1 state EPA, so I just want to make sure that  
2 clarification was made for the record.

3 HEARING OFFICER JACKSON: Thank you. Ms. Voitik,  
4 did you have a statement that you wanted to read at this  
5 time?

6 MS. VOITIK: Yes. I have two people who were not  
7 able to be here. If you would like, for the sake of  
8 saving time, I can submit Mike Warfel's without reading  
9 it. It's up to you. He had to leave and take care of  
10 his children. Would that be fine?

11 HEARING OFFICER JACKSON: That would be fine,  
12 yes.

13 MS. VOITIK: And I also did find an extra copy of  
14 the notice of filing and the complaint, so I guess we  
15 could call it Exhibit 2 or which exhibit is it?

16 HEARING OFFICER JACKSON: We could mark it

17 Exhibit 2 and the testimony of Mike Warfel --

18 MS. VOITIK: I did find a copy of the complaint,  
19 so that I could give to you.

20 HEARING OFFICER JACKSON: So that will be marked  
21 as CAPPRA Exhibit 2 and then we'll also take Mike  
22 Warfel's on behalf of CAPPRA as CAPPRA Exhibit 3.

23 MS. VOITIK: And I am going to read Steve  
24 Arrigo's letter. Steve had to leave town on business

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1 and he gave it to me this morning. It is a rough draft  
2 so I will not be able to submit it.

3 This is to the Illinois Pollution Control  
4 Board. September 6th, 2000, Dear sir or madam, I am  
5 writing this letter to address the need for additional  
6 pollution controls to be applied to merchant power  
7 plants. The deregulation of power plants may be in the  
8 economic interest of the users of power, but at what  
9 cost to our environment?

10 For many years Illinois has closely regulated  
11 the construction of power plants to minimize the  
12 environmental impact; however, with deregulation, some  
13 of these controls are no longer effective and we are all  
14 being put at risk. I have been involved in an  
15 organization created to fight the construction of a  
16 deregulated peaker power plant in Aurora, Illinois.

17 While I am not a scientist, I have learned many  
18 practical and intuitive things that make me question the  
19 quality of protection the IEPA has afforded the citizens  
20 of Illinois. Here are several key issues that need to  
21 be addressed:

22           Number one, siting for peaker power plants.  
23 The greatest concern I have with deregulated power  
24 plants is how they should be sited. The IEPA

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1 specifically states that setting of these deregulated  
2 private power plants is a local matter not determined by  
3 any regional or state agency. I have read that Reliant,  
4 a power company that is building and proposing several  
5 of these plants in Illinois, thinks this is a great  
6 idea.

7           What Reliant does not say is that a local  
8 government, Aurora, has stated publically that the issue  
9 of environmental impacts are the responsibility of the  
10 IEPA. The city of Aurora as with many local  
11 municipalities is not capable of determining the  
12 environmental issues and impacts of these plants when  
13 choosing to issue permits. The city itself did not even  
14 participate in a study to determine the effects of these  
15 plants until they had already issued a permit to build

16 what will be one of the largest peaker plants in the  
17 state of Illinois.

18 In the meantime, the IEPA says that currently  
19 there is no evaluation of existing pollution sources in  
20 the area of a plant seeking permits, but only that the  
21 applying plant meet the emission requirements. I don't  
22 believe that it takes a scientist to see the loophole in  
23 this process. If the IEPA is not responsible for the  
24 cumulative effects of multiple plants in the same area

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1 and municipalities is not qualified or feels it is not  
2 their responsibility to evaluate these cumulative  
3 effects, we have a serious environmental problem.

4 This is the case in Aurora when an existing  
5 peaker power plant already exists not more than one mile  
6 from the permitted private power plant proposed. It  
7 gets worse when two separate municipalities adjacent to  
8 each other are evaluating permits without seeking  
9 cooperation in their process. A siting plan needs to be  
10 developed with the local governments to determine the  
11 best locations for these plants before more power plants  
12 make DuPage County an environmental nightmare.

13 Ozone alert, that's number two. Whose idea  
14 was it to issue ozone alerts during the hot summer days?  
15 Is this for our protection? Why is it important that we

16 limit our use of lawn mowers and automobiles at these  
17 times when cranking up peaker power plants in these same  
18 communities to defeat our efforts. Is it because big  
19 business dictates that profits come before the  
20 environment?

21 Peaker power plants do not need to be built  
22 in the nonattainment areas to meet our power demand. It  
23 just means they could be built more profitably. The  
24 power from some of these plants far exceeds any needs in

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1 these areas and in order to sell this power, they will  
2 sell it far from here. Build the plants in safer areas  
3 away from ozone and environmentally sensitive areas.  
4 This includes residential areas where the health of  
5 citizens is at risk.

6 Number three, profit versus environment.  
7 Since deregulation, private peaker power plants do not  
8 have to be regulated by the ICC. There is no need to  
9 demonstrate a need for Illinois -- there is no need to  
10 demonstrate a need for Illinois and its residents when  
11 building these plants. The private power companies can  
12 sell their power anywhere they want which can include  
13 areas outside Illinois and more specifically the area  
14 that is most impacted by that pollution.

15 I have no problem with the construction of  
16 power plants that are necessary to maintain the  
17 electrical needs and quality of life we enjoy, but when  
18 our quality of life is threatened for the sake of huge  
19 profits, I say stop and rethink this process.  
20 Deregulation of power plants is not the same as  
21 deregulating telephones. The cost to our environment  
22 may be greater than any savings we might enjoy on our  
23 utility bills.

24 Number four, I believe, environmental

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1 protection equity. Why do we as individuals have to  
2 pick up the bill for environmental protection while big  
3 business can use political influence to obtain  
4 preferential treatment. The power companies are being  
5 allowed NOX waivers to allow them to produce more NOX  
6 than previously allowed before being classified a major  
7 polluter in a nonattainment zone.

8 Why do we have to suffer with \$2 per gallon  
9 gas prices so that our cars burn cleaner fuel while we  
10 allow the number one polluter in DuPage County to be  
11 built thus nullifying the gains we have made to make our  
12 air quality better. It is not just the power plants,  
13 but also the trucking industry for which years has  
14 skirted any major forms of pollution controls on what

15 may be the biggest threat to our environment. Are these  
16 big business lobbyists donating campaign funds to be  
17 given a pass on regulations? Let's even the playing  
18 field and develop regulations that are truly designed to  
19 protect our environment, not allow big money to rape our  
20 environment at our expense.

21 If stricter regulations mean we will have to  
22 pay for increased costs, at least we will be getting  
23 something in return. It is important that serious  
24 consideration be given to the concern of Illinois

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1 citizens and not just lip service. The scales of equity  
2 are the level with regard to environmental protection  
3 and these deregulated private peaker power plants.  
4 Please find a way to protect us from this threat or we  
5 will have to vote out the big business politicians and  
6 hope their replacements are more environmentally  
7 conscious.

8 The environment we leave our children will be  
9 our legacy. If we do not do something soon, they will  
10 be left to suffer the ills we leave behind. The  
11 benefits of cheap, easy profits from these power plants  
12 will benefit the few while damaging the many. Sooner or  
13 later, someone will have to pay the price and as usual

14 it will be the citizens that live in Illinois and not  
15 the out-of-state businesses which benefit from raping  
16 our environment. Sincerely, Steven Arrigo, concerned  
17 citizen of CAPPRA. Thank you.

18 HEARING OFFICER JACKSON: Ms. Voitik, before you  
19 step down, I do have one question for clarification.  
20 Exhibit 1 that you provided to us, the pictures, the  
21 power plant socket as referenced in there, which power  
22 plant is that?

23 MS. VOITIK: That's the Reliant Energy plant.

24 HEARING OFFICER JACKSON: At the corner of Eola

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1 and --

2 MS. VOITIK: Butterfield that I reference because  
3 that big tower that's there, that is the FAA tower  
4 that's right directly behind to the south of that tower  
5 where the power plant is going to be built, so any of  
6 those photos have that tower in reference so you could  
7 see exactly. There's some very environmental sensitive  
8 areas. There's some beautiful wetlands. There's been  
9 the endangered marsh hawk. I've seen a lot of the  
10 things that may not be back after we start putting all  
11 that in the air. Thank you.

12 HEARING OFFICER JACKSON: Thank you for  
13 clarifying that.

14 MS. VOITIK: Thank you.

15 HEARING OFFICER JACKSON: We have Susan Zingle.

16 MS. ZINGLE: The articles about the natural gas  
17 situation are under tab 24 in the book and they include  
18 the Chicago Sun-Times, Wall Street Journal, Associated  
19 Press and the Daily Herald.

20 HEARING OFFICER JACKSON: Is the Peaker Plants  
21 Press Coverage Book something you're introducing as an  
22 exhibit?

23 MS. MANNING: We have most of those, but thank  
24 you for a comprehensive list. My office is scattered

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1 with them.

2 HEARING OFFICER JACKSON: Should we mark that  
3 Zingle Exhibit 1, and then the handout you just  
4 referenced, is that in the book as well as or --

5 MS. ZINGLE: Yes, it is. These are extra copies  
6 for your records.

7 HEARING OFFICER JACKSON: Thank you.

8 MS. ZINGLE: Thank you for holding these  
9 hearings. My name is Susan Zingle. I am executive  
10 director of the Lake County Conservation Alliance. It  
11 was marked on the sign-in sheet that I am attorney. I  
12 am not. I just feel like it sometimes. LCCA was formed

13 in 1993 by residents responding to the effects of  
14 unclaimed rapid growth in Lake County, Illinois. We  
15 bring together environmental grassroots groups and  
16 individuals to work for the betterment of our quality of  
17 life.

18 HEARING OFFICER JACKSON: Excuse me, Ms. Zingle,  
19 you need to use the microphone.

20 MS. ZINGLE: Oh, I'm sorry.

21 HEARING OFFICER JACKSON: Thank you.

22 MS. ZINGLE: Let me put to rest what I suspect is  
23 the pervasive misconception. Even the most ardent  
24 environmentalists use electricity and we all want an

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1 abundant, cheap and reliable supply. We are not  
2 anti-peaker plant. We're not anti-natural gas, but we  
3 do insist on clean air, respect for our neighborhoods  
4 and consistence and fairness in our regulations.  
5 Further, we're not unaware of the separate issue of the  
6 coal fire plants and their effect on our air quality.

7 Director Skinner said that if this Board  
8 pushed, you'd find concern among the environmental  
9 groups for the coal. You're right. You don't have to  
10 push. We are concerned, but that's not the purpose of  
11 these hearings. The issue of the peaker plant is  
12 separate from that of cleaning up the coal and we would

13 like to spend our time at these hearings addressing the  
14 peaker plants. The import of this is heightened by the  
15 fact that Illinois seems to be among the leaders in the  
16 country and a number of permits and the speed of  
17 electric generation development. The Natural Resources  
18 Defense Counsel has a list itemizing the permits in each  
19 state across the county and that list is included in  
20 this material that I left as an exhibit.

21 It shows Texas first with 44, Illinois second  
22 with 26, Florida third with 24, California with 22 and  
23 then a quick dropoff into teens and single digits. With  
24 each new permit from the IEPA and with each new policy

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1 decision from the USEPA, we are setting precedents that  
2 other states will use for guidance as they deregulate.  
3 We have an obligation to see that we do this right.  
4 We'll use our time today to briefly outline our concerns  
5 for the overall issue of deregulation of the electric  
6 generation industry and the subsequent rush of permits  
7 for the peaker plants.

8 In future hearings, you will receive more  
9 specific information on air quality regulations and how  
10 they interact to cause some of these problems, the need  
11 for electrical generating capacity, economic development

12 issues associated with the plants, local government's  
13 views, citizen views and specific recommendations. We  
14 will try very hard to be repetitive, but there is a  
15 pattern to this issue. From Aurora to Bartlett to  
16 downstate Champaign to far northeast Zion, these are not  
17 local issues, but a statewide phenomena. We would like  
18 to both see the pattern and understand the magnitude of  
19 its impact.

20 Last week, the Lake County Journalists  
21 Association called the peaker issue the biggest issue  
22 they have covered in some time. The notebook has got  
23 the press articles from just the major press in the six  
24 county area and that's just from the year 2000. That's

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1 just this year. Every single community somewhere here  
2 has been touched by the peaker issue in some way.

3 Our involvement with this began in '99 when,  
4 at the request of the McHenry County Defenders, we  
5 attended IEPA public hearings on the plants in Woodstock  
6 at Holiday Hills. Our concerns then were not only on  
7 the environmental threats posed by those specific plans,  
8 but on the potential for even greater harm if the  
9 pattern continued unchecked. In retrospect, I looked up  
10 the response and summary before I came here today, our  
11 comments were almost quite. Four permits have been

12 issued and six more were pending.

13 Our fears are being realized. Later that  
14 fall the number increased to 30 permits. By February,  
15 the number was 42. As of August 13th of this year,  
16 there's 55 construction permits in a variety of stages  
17 of approval with the IEPA, and there's no end in sight.  
18 There is no reason for this to slow down or stop.

19 The total power generating capability from  
20 plants is 22,000 megawatts, more than the entire ComEd  
21 system. The total capital investment in these plants,  
22 from a very rough back of the envelop calculation,  
23 allowing 100 to \$200 million per plant is as much as \$10  
24 billion. An entire new industry is being created.

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1 The current thinking is now that peakers are  
2 just a local zoning issue to be handled by the villages.  
3 In the most general sense, I agree strongly that zoning  
4 is a local issue. Unrelated to my visit here today, I  
5 am a member of the Lake County Zoning Board of Appeals.  
6 I understand full well zoning issues and I have no  
7 desire to see the state, the IEPA or any outside body  
8 dictate to Lake County our zoning policies. I  
9 respectfully, but adamantly disagree with Director  
10 Skinner's optimism, however, about the ability of local

11 villages to cope with the host of issues surrounding  
12 these plants. With the best of intentions, they don't  
13 have a clue what questions to ask and they don't know  
14 how to judge the answers they get of the questions they  
15 do ask.

16           There are issues related to peakers that go  
17 far beyond zoning and I will touch on this quickly. The  
18 most widely discussed of these is air quality. The gas  
19 fired turbines were admittedly much less dirty than  
20 coal, but this is no quid pro quo. There is nothing  
21 that requires a coal plant to close or clean up because  
22 we've permitted peakers. We're getting the pollution  
23 from the peakers in addition to what we already have in  
24 the coal fire plants.

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1           In Lake County that's an issue. I goes east  
2 on Route 173, I have Pleasant Prairie to my left and  
3 Waukegan to my right. We see the plumes all day. We're  
4 very conscious it of. The pollution from the peakers is  
5 not insignificant in the general rather than the  
6 regulatory sense of the term. In the back of the  
7 packet, I went from pages by county from the  
8 environmental score card from the internet listing the  
9 top emitters of nitrogen oxide in every county, and I  
10 slotted in where the peakers are going to go. In every

11 instance, with the exception of Cook County, the new  
12 plants will be among the top polluters in the counties  
13 where they are located.

14 It's even more impressive when you think that  
15 the peakers emissions come in just the three summer  
16 months, where the other companies operate year round.  
17 Entering into the air discussion are the complicated  
18 highly technical regulations governing the issuance of  
19 permits. USEPA sets a threshold to delineate major  
20 versus minor polluters. The intent is not to unduly  
21 burden generally small facilities. The minor sources  
22 rightfully undergo a much less rigorous permit review.  
23 Additionally, they're not required to model emissions.  
24 They don't have public hearings and the permits, once

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1 they're issued, cannot be appealed.

2 The major sources are more closely  
3 scrutinized, must model and can be appealed. More  
4 significantly major sources must take greater efforts to  
5 limit their emissions. They must achieve standards of  
6 best available control technology or even lowest  
7 achievable emissions rank. The result is a cleaner  
8 plant. Now, we're grateful to Director Skinner because  
9 he has used his discretion and we are now getting even

10 air modeling and public hearings even on the minor  
11 permits. We still don't have the ability to appeal them  
12 if we don't agree with them and what happens when his  
13 budget is limited or we get tired and stop screaming,  
14 does that discretion then go away?

15 I would like to see this remedied permanently  
16 so Tom Skinner could come to a meeting and I don't have  
17 to stand up and ask him about peaker plants every time.  
18 The thresholds for delineating major and minor vary with  
19 the attainment status of an area for a particular  
20 pollutant. Given our air quality, the threshold for  
21 nitrogen oxide emissions here is 25 tons. None of the  
22 peakers would meet that point. All would be  
23 characterized as major polluters. In the Lake Michigan  
24 area, however, we operate under a unique rule, the NOX

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1 Waiver. It resets that threshold at 250 tons, and you  
2 heard how the plants were coming in at 249.3.

3 A second threshold has set the annual  
4 emissions of 100 tons or more and it applies to 28  
5 listed categories of sources and Chris Romaine addressed  
6 that very well on his written testimony in August.  
7 Peaker plants are not unfortunately one of the 28 listed  
8 categories. Oddly enough, the combined cycle plants do  
9 fall into this category. The process of recapturing

10 steam to generate additional electricity also has the  
11 added beneficial effect of significantly reducing the  
12 NOX emissions from the combined cycle plants. With this  
13 rule, ironically in terms of NOX emissions, the less  
14 polluting source is the more heavily regulated.

15 A third practice originally also created with  
16 good intentions enters the picture. A facility may  
17 limit its hours of operation or its fuel consumption to  
18 limit its NOX emissions and thus stay underneath the  
19 major designation. In general practice, it's a good  
20 thing. By reducing the plants operations, it reduces  
21 the resulting pollution.

22 With peakers, however, their operating season  
23 is short to begin with. Limiting emissions to stay  
24 under the threshold does not in any way limit their

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1 operating capacity. You get all the pollution you would  
2 get anyway. They could meet the test, achieve minor  
3 status, avoid BACT and LAER standards, avoid modeling,  
4 avoid appeal all without reducing emissions in any way.

5 An entire industry is being created that  
6 essentially escapes all but the most minimal air  
7 regulation. They are inherently more polluting than  
8 other forms of electrical generation that aren't quite

9 so fortunate in the way the rules work. The playing  
10 field is not level. You heard earlier, and I was very  
11 grateful that he came, that technology insists that NOX  
12 emissions expressed in parts per million in low single  
13 digits. The ostensibly clean peaker plants are being  
14 permitted to emit NOX at rates as high as 55 parts per  
15 million. We can do better than this.

16 How could villages deal with this? In a  
17 brochure entitled Air Facts, the IEPA assures residents  
18 that emissions from the new plant will participate in  
19 ozone formation many miles downwind rather than the  
20 point at which they are created, so they, in essence,  
21 tell the villages don't worry about it. It goes  
22 downwind. So as far as I could tell, that's true.

23 So the emissions from the plants in Aurora,  
24 Lockport, Bartlett, Yorkville, Manhattan and so forth

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1 will form ozone downwind in Lake County or in Wisconsin.  
2 How can a local village board be expected to determine  
3 the effect of its plant in conjunction with other local  
4 plants on downwind communities. Air quality is not a  
5 legal issue.

6 A lot of people have talked about water  
7 supply. Some of the peakers do use vast amounts of  
8 water. Some of them as much as a combined cycle plant.

9 We're looking at Zion is going to use over 200 gallons a  
10 day. That's as much as the entire city of Zion itself.  
11 McHenry and parts of Wisconsin draw on that same  
12 aquifer. How can Woodstock and Zion even be aware of  
13 each other's plants let alone determine which of the two  
14 plants is built if either. Water supply is not a local  
15 issue.

16 Deregulation was instituted, in part, with  
17 the idea of encouraging plant development to ensure a  
18 reliable supply of cheap electricity. California is  
19 ahead of us on the learning curve and we can profit from  
20 their experience. This summer California had a major  
21 heat wave and drew heavily on their electrical  
22 producers. The price has skyrocketed. The peaking  
23 power reached \$9.99 a kilowatt hour, power that normally  
24 sells for 3 to 5 cents, but the peaking companies,

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1 despite the local needs and the high prices, still sold  
2 6000 megawatts of power out of state.

3 How does a local village contend power demand  
4 and supply nationwide? Electric supply is not a local  
5 issue. We already talked about the supply of natural  
6 gas. The natural gas fire peakers are huge, wasteful  
7 users. The smaller of the two plants in Zion, the 400

8 megawatt peaker, uses as much natural gas everyday as  
9 the entire city of Zion. There is talk about pipeline  
10 coming across Lake Michigan. I am aware that some  
11 people from PPL were here to talk to the Lake County  
12 Board chairman about that pipeline and its entry into  
13 Illinois, but even with all of those plans, our gas  
14 prices have doubled in the last year.

15 Gas supply and its price is not a local  
16 issue. One issue that the local communities do have  
17 control over and should understand is zoning and for the  
18 most part, they do. Wholesale electrical generating  
19 company is a whole new category. It's not a public  
20 utility with an obligation to serve. It's like any  
21 other heavy industrial business. It's impact on the  
22 neighbors and infrastructure must be taken into  
23 consideration when something is discussed. It has,  
24 however, the additional quality of unfamiliarity.

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1 Several months ago most people didn't even  
2 know peakers existed and still most people have never  
3 seen or heard one. Most villages in Lake County, I  
4 suspect, have no special provisions for electrical  
5 generating companies and their ordinances. The village  
6 board is completely dependent on the representations of  
7 the power companies for their information, and there is

8 the first problem. The power companies are interested  
9 in locating naturally where the power lines and the gas  
10 mains intercept. If that happens to be adjacent to a  
11 subdivision or in the middle of green fields or in an  
12 airport flight path, there doesn't seem to be much  
13 concern from the power companies.

14 They use the reputation of natural gas as a  
15 clean fuel and trade on fears of brown-outs to sell  
16 their products. They sometimes maybe stretch the truth.  
17 These are things I've heard at village plan commissions.  
18 This one was under oath. Our plant doesn't emit ozone.  
19 Technically, it's true. No, their plants don't emit  
20 ozone. We have our EPA permit. The IEPA says we're  
21 clean. No, the IEPA says you could pollute up to 250  
22 tons a year. The artist's rendering of this plant isn't  
23 quite to scale. No, it's not. It emits 12, 105 foot  
24 tall 20 foot diameter smoke stacks. The nearest

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1 resident in the city is over a half mile from the site.  
2 That's true, but the nearest residents overall in the  
3 unincorporated area is less than 500 feet from the site.  
4 Emissions are small compared to other plants. This is  
5 my favorite. They'll take the Waukegan plant and the  
6 Pleasant Prairie plant and say, see, we don't pollute as

7 much as they do. No, of course you don't.

8           The villages have a responsibility to  
9 research and ascertain the claims of the company and  
10 each is laboriously going through the same learning  
11 curve without guidance or help. Most of the villages  
12 are unaware of the need for an air construction permit  
13 and that data on emissions or stack height or operating  
14 hours or fuel types is available and documented. Even  
15 those that find the existence of the permit, really  
16 aren't really good at running around and showing it. We  
17 need help interpreting its contents. Proponents  
18 regularly plan with the permit in scheme the plant is  
19 clean. It's an educational process to show that it's a  
20 permit to pollute.

21           The village's reactions to the new plants  
22 vary from the sublime to the ridiculous. From  
23 Libertyville who went through 20 highly structured plant  
24 commission hearings addressing air, need, noise, water,

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1 zoning, property values and so forth, to Zion who has  
2 two plants coming in across the street from each other  
3 who has had no public hearings in over nine months of  
4 controversy. Even worse is the effect on neighboring  
5 villages. A popular technique is to locate a plant on  
6 the far boundary of the host village which you've heard

7 several times today so the noise emissions are felt by  
8 areas that have no say in the decision.

9           Aurora is imposing on Warrenville,  
10 Libertyville on Grayslake, Zion on Wadsworth and  
11 Winthrop Harbor. The pattern is so clear and so often  
12 repeated, I believe it is still good. When faced with  
13 the threat of a badly sited plant -- and we don't fight  
14 them all, by the way. Rockford went right through. The  
15 Yorkville plant didn't have a problem. We're talking  
16 about the plants that are really badly sited. The  
17 citizens organize, hire attorneys and consultants and  
18 settle in for the fight. Opponents for the plant in  
19 Woodstock raised over \$100,000 in their fight.  
20 Libertyville opponents reportedly spent over \$500,000  
21 for those 20 public hearings with the consultants and  
22 the attorneys.

23           Individuals in Aurora have discussed with me  
24 possibly taking out second mortgages on their home to

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1 pay for the lawsuit. Bartlett, which will come later,  
2 has two attorneys and a range of consultants. Zion  
3 opponents just hired a municipal attorney in addition to  
4 the attorney and the environmental consultant we already  
5 have on board. Then you have the fliers, the postage,

6 the signs, the mailings, all of which have to be paid  
7 for, the hours of research and walking door to door, you  
8 families, your jobs, your social life all suffer. The  
9 answer is clear however. The villages that spend the  
10 money get the results. Villages like Lockport who  
11 simply try to rely on the system do not. It creates a  
12 terrible disadvantage for the affluent cities and for  
13 the less aggressive.

14 The workload is overwhelming. This week  
15 alone, we had a float in the Zion Liberty Parade.  
16 Tuesday as a result, there were 200 angry people at the  
17 Zion community counsel meeting. That same day Bartlett  
18 Care was finishing its arguments before the village  
19 board. Wednesday CAPPRA refiled its lawsuit against  
20 Reliant. Today Bartlett Care had the hearing on the  
21 petition challenge on the referendum and we are all  
22 testifying here. When you add the hours of planning,  
23 coordinating and development by all the participants in  
24 all these different unrelated events, the investment in

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1 time is just astounding. We could have found a cure for  
2 cancer by now if we were all focused on something.

3 This has been going on throughout the six  
4 county area and many downstate areas for far too long.  
5 In this week's Newsweek, Jane Bryant Quinn has a column

6 on deregulation. She quotes Bruce Radford (phonetic),  
7 editor of Public Utilities for Nightly Magazine. It's  
8 like the stock market in the 20s before the securities  
9 and exchange commission was created, it's the wild west.  
10 That so many citizen groups are successful and that so  
11 many villages do create meaningful processes and  
12 ordinances, it's a testament to the fact that democracy  
13 works. It is also unfortunately a testament that the  
14 state agencies who exist to provide expert advice and  
15 guidance have absolutely failed us.

16 Well, what do we do? First and foremost, we  
17 need to stop the entire process until we know where we  
18 are headed. I don't know if as a result of these  
19 inquiries if you could direct a moratorium or delay  
20 issuance or do something with the air permits, the air  
21 permits are the only hope we got to control whether  
22 these plants are built unless we go village to village  
23 to village and we're killing ourselves doing that.

24 If you need us to initiate a separate

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1 rule-making for the moratorium, please say so and we'll  
2 have it to you in nano-seconds. Sorry Carol. I just  
3 took care of her week. There is precedence for that.  
4 McHenry has a moratorium against the peakers. Waukegan

5 just did a moratorium against the peakers. Lake County  
6 when we were doing our unified development ordinance  
7 this spring stopped all building permits and nobody sued  
8 us. Everybody understood we need to rework the system.

9 The process is starting to catch up to the  
10 power companies too. Not only did Libertyville  
11 opponents spend money and time, so did Indeck, only to  
12 be turned down. And since Indeck's proposal was denied,  
13 they're now claiming that they were held to an  
14 unbearable standard. There's a headline, I left it over  
15 in the other book, the power company is stunned by  
16 Waukegan's decision to do a moratorium. The power  
17 companies are going to be looking for relief soon too as  
18 the fights escalate.

19 We all need certainty and fairness to operate  
20 our businesses and our lives. The ultimate decision to  
21 build a plant should be based on rational logical  
22 standards. It's not a fear-mongering public relations  
23 campaign. I have to show you this. Indeck's campaign  
24 is don't be left in the dark. Now, you take that to

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1 people who don't have the ability to hear Dr. Thomas  
2 Overbye talk about the need to cross the state, people  
3 were frightened by this and I'll admit that the other  
4 side does it too. We had the grim reaper walking in the

5 Zion Liberty Parade. We need to back up a little bit,  
6 both sides.

7 A process that outlines the factors to be  
8 reviewed that calls on the host and the neighboring  
9 villages, citizens and the power companies to detail  
10 their view points in a rational manner and provide a  
11 format to the decision to be made would be invaluable.  
12 All sides benefit from the exchange of information.  
13 Villages can't really make zoning decisions until they  
14 know the height of the stacks or the height of the  
15 building and they can't get that information until the  
16 draft permit is complete, but if they don't know that  
17 the draft permit is being done, how do they decide?

18 Most zoning ordinances require the villages  
19 to protect the health and welfare of the people, but if  
20 the board doesn't know that particulate emissions will  
21 exceed their zoning ordinances, how do they know how to  
22 decide. If they don't know where the point of maximum  
23 impact is, how do they know if they're protecting the  
24 health and welfare.

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1 Likewise, the IEPA won't know if the power  
2 company applied for a 500 megawatt permit, but intends  
3 to build a 1500 megawatt plant or they don't know that

4 someone who's listed as the development consultants on  
5 one plant is, in fact, a principal on the other and they  
6 have issues of control. We have to get all of the  
7 players in a room and get all the questions answered at  
8 one time. We have an opportunity here to create a  
9 tremendous benefit for the people of Illinois, for the  
10 power companies and even the regulatory agencies whose  
11 resources are stretched by the unanticipated effects of  
12 deregulation. I ask your consideration in changing the  
13 rules and most immediately getting a moratorium in place  
14 so we could all work on what's necessary. Thank you.

15 HEARING OFFICER JACKSON: Thank you, Ms. Zingle.  
16 Any questions?

17 DR. FLEMAL: Thank you very much for that  
18 presentation. Were you here earlier today when Mr. Hass  
19 from the DuPage County Board presented?

20 MS. ZINGLE: Yes.

21 DR. FLEMAL: He outlined for us an ordinance that  
22 is under contemplation for DuPage County.

23 MS. ZINGLE: Yes.

24 DR. FLEMAL: From your perspective, what is the

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1 merits of that kind of approach in the strengthening  
2 local participation in these decisions?

3 MS. ZINGLE: I think it's invaluable. Local

4 citizens will know where the school is, where the  
5 closest home is, where the effects are likely to be  
6 felt. Lake County also adopted a requirement the plant  
7 zone to go into industrial areas. We have the same  
8 thousand foot setback. We got a little bit bolder. We  
9 require the plants to achieve the best available control  
10 technology regardless of the standards of the IEPA. We  
11 do have a difficulty though and he touched on there,  
12 areas that are not home ruled can only regulate those  
13 things specifically allowed to by the state.

14 So we were told by the state's attorney that  
15 he can't do that particular ordinance, but we did it  
16 anyway and we'll see what happens. We were told we  
17 can't do noise more stringently than the state even  
18 though we'd like to. We can't introduce enforcement  
19 things where the state decides. We can't even enforce  
20 the noise ordinance. Our hands are kind of -- I hate to  
21 sound like Tom Skinner, our hands are tied.

22 DR. FLEMAL: When you say we, who are you  
23 referring to specifically.

24 MS. ZINGLE: The Lake County Board.

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1 DR. FLEMAL: And your jurisdiction is the same as  
2 here in the unincorporated areas?

3 MS. ZINGLE: Yes.

4 DR. FLEMAL: How many jurisdictions would you  
5 have in Lake County if necessary to give a sort of  
6 universal.

7 MS. ZINGLE: I believe there's 41. They're not  
8 all affected by it because they're not all by the high  
9 tension lines, but I can drive down US 41 and follow the  
10 high tension lines and see the empty plots of land and  
11 there's almost unlimited places where they could pop a  
12 turbine down. There is a consultant that is -- I have  
13 not seen it immediately, I probably should have  
14 mentioned it, but it's peddling a list of sites within  
15 Lake County. There are 15 more sites beyond the 70 we  
16 have already that this consultant deems suitable for a  
17 peaker plant. I have no intention of doing this 15 more  
18 times.

19 DR. FLEMAL: Your ordinance is on the books --  
20 could you provide us a copy.

21 MS. ZINGLE: Yes.

22 MS. MANNING: Dr. Flemal, just so you know, a  
23 representative from Lake County Board I think will be  
24 speaking to us when we're in Grayslake on September

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1 21st.

2 MS. ZINGLE: In fact, Sandy Cole from the Lake

3 County Board is here tonight too.

4 MS. COLE: There are 52 municipalities in Lake  
5 County.

6 HEARING OFFICER JACKSON: Could you please  
7 identify yourself for the record.

8 MS. COLE: I'm Sandy Cole. I'm Lake County Board  
9 Commissioner from the Grayslake area. To answer your  
10 question, there are 52 municipalities along with the  
11 county who would be making local decisions.

12 HEARING OFFICER JACKSON: Thank you.

13 DR. FLEMAL: And at least some of those  
14 municipalities have followed the county lead or at least  
15 you're going along hand-in-hand on getting ordinances at  
16 the municipal level as well?

17 MS. ZINGLE: Not that I'm aware of.

18 DR. FLEMAL: Not that you're aware of?

19 MS. ZINGLE: No. Individual citizen groups may  
20 be working. I'm sure Libertyville is looking at it and  
21 Grayslake is looking at it and Zion is going to look at  
22 it although they don't realize it yet, but it's more a  
23 matter of local citizen initiative than it is something  
24 comprehensive coming from the county and even at that,

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1 it still leaves them with not knowing what questions to

2 ask.

3 I've been doing this with some intensity for  
4 close to a year now and I just found out that the  
5 turbines and the glazer are encased in hydrogen. I  
6 don't know what that means. Do they have hydrogen tanks  
7 on the property? Do we need to be worried about  
8 explosion? The companies will deny that they have waste  
9 water. They take 2 million gallons a day that they have  
10 to demineralize before they use it on the turbines, but  
11 he has no waste water. I don't believe it, but I don't  
12 know how to prove it, and the villages are just --  
13 Mr. Skinner is a trustee in Lake Bluff. He's director  
14 of the IEPA and he's an attorney. He's good at asking  
15 these kind of questions.

16 In Zion, we have a used car salesman, a high  
17 school superintendent, a teacher, a retired accountant.  
18 How do they know how to judge emissions or ask about  
19 point maximum impact. They don't. They're not stupid.  
20 They just don't know. How do we get them a templet of  
21 here's the things you have to ask and here's how to  
22 judge the reasonableness of the answers. That's what we  
23 need.

24 MS. McFAWN: You hit on something that seemed to

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1 me throughout your testimony as to how do you get a

2       templet, how do you share this type of information and  
3       I'm just kind of curious if you could tell us a little  
4       bit more about that.  It seems that you have ideas how  
5       that should be done.  Is one of it through the  
6       municipally --

7               MS. ZINGLE:  I thought of that --

8               MS. McFAWN:  -- you know, governments and  
9       agencies that regulate zoning issues as opposed to  
10      environmental issues.

11              MS. ZINGLE:  I would -- Carol Dorge and I have  
12      been working together on this and we're not -- I don't  
13      mind sharing my thoughts with you.  We are going to come  
14      back with a specific recommendation.  We've looked at SB  
15      172 and I'm a little uncomfortable with taking the  
16      siting decision and giving it to the IEPA.  After all of  
17      this, there's 1200 acres right across the street from me  
18      and not that they retaliate, but I don't want to give  
19      them a chance.

20              But we also looked at Public Act 90-217 and  
21      it was passed in the '90s for incinerators and it  
22      requires that neighboring villages be allowed to testify  
23      and cross examine witnesses.  It delineates some of the  
24      standards under which the decision has to be made and

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1 then allows the neighboring villages to sue if the host  
2 village does something completely out of line.

3 One of the difficulties we had with Zion is  
4 that they will not permit the neighbors to speak in  
5 public hearings at the village board meetings. They  
6 claim this is all being agitated by outsiders, yeah,  
7 it's because the outsiders are the ones that live 500  
8 feet from the plant. It's the outsiders what are going  
9 to feel the effects.

10 So we're going to come back with a specific  
11 recommendation. Your thoughts are welcome. You've been  
12 through this more than we have, but I don't completely  
13 want to leave it up to just do a model and then if there  
14 is a greedy or stupid or whatever village board out  
15 there that the citizens left hanging again. I want them  
16 to have to meet some standards in how they make the  
17 decisions.

18 DR. GIRARD: You mention that possibly the Board  
19 should consider imposing a moratorium on these peaker  
20 plants. Have any of your attorneys identified anything  
21 in the Environmental Protection Act that actually gives  
22 us the authority to do that?

23 MS. ZINGLE: We haven't found anything that says  
24 you can't.

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1 MS. McFAWN: You mentioned that McHenry,  
2 Waukegan, Lake County all had moratoriums. I wasn't  
3 aware of that. I take it you mean McHenry County?

4 MS. ZINGLE: Yes. McHenry County right now is in  
5 the process of redoing its zoning standards on peakers  
6 and they have two companies waiting to submit  
7 applications and they just passed resolution saying  
8 we're not going to take them until we're done.

9 MS. McFAWN: So it was McHenry County Board or is  
10 there a zoning committee?

11 MS. ZINGLE: McHenry, I believe it originated  
12 with their version of the Planning Building and Zoning  
13 Committee, but it was voted on by the entire board.

14 MS. McFAWN: I wonder if maybe you're planning on  
15 doing this, if you could submit those resolutions. I  
16 take it is that how Waukegan did it as well?

17 MS. ZINGLE: Yes.

18 MS. McFAWN: And Lake County, yours was by  
19 ordinance, right?

20 MS. ZINGLE: Ours was by ordinance. I haven't  
21 since looked at these since we completed the ordinance.

22 MS. McFAWN: I see. So it was just a moratorium  
23 pending the adoption of the ordinance?

24 MS. ZINGLE: Just to give us the breathing room

1 to get the rules done.

2 MS. McFAWN: Following along with Dr. Girard's  
3 questioning, it seems that the legal authority would be  
4 vested in county government.

5 MS. ZINGLE: But only for the unincorporated  
6 areas. At least the municipalities --

7 MS. McFAWN: Right. Would it be similar  
8 authority with cities like Waukegan?

9 MS. ZINGLE: Yes.

10 MS. McFAWN: It seems like again we're back to  
11 this dilemma of what rests with municipal and local  
12 governments versus --

13 MS. ZINGLE: The catch is if you stop the only  
14 permit they have to go get that blankets all of that is  
15 the construction air permit. If you stop the  
16 construction air permits, we're fine, just temporarily,  
17 just a pause.

18 MS. McFAWN: So maybe you could tell us more  
19 about do you want them just case-by-case paused or do  
20 you want the state to have a longer decision conference  
21 that the IEPA could --

22 MS. ZINGLE: We were thinking originally that six  
23 months would be fair. The companies would know when it  
24 was going to end. We'd all have an incentive to get

1 work done before it was lifted so that the power  
2 companies would know what rules they're going to be  
3 operating under and when. And we're going into winter,  
4 they're not going to be building now anyway. They could  
5 pursue their zoning and do some of their other things  
6 separately while they wait for the air permits.

7 MS. McFAWN: Is your concern from the  
8 environmental standpoint that the fact that so much  
9 hinges on the construction permit and the contents of  
10 that permit because you had mentioned also that these --  
11 that the fights you have most often fall on or engaged  
12 in have been siting -- because of bad siting I believe  
13 were the words.

14 MS. ZINGLE: Yes.

15 MS. McFAWN: So is the core the bad siting?

16 MS. ZINGLE: The core to the local NIMBY, not in  
17 my backyard, efforts is the bad siting. We've started  
18 going over a year ago to the McHenry County air hearings  
19 because we're downwind of the plant and for a year, I've  
20 been going to air hearings saying is anyone looking at  
21 the cumulative effects of these plants?

22 Mr. Romaine had a map back last week in  
23 August in Chicago that showed the locations of the  
24 plants. They're very much concentrated in the six

1 county area and they centrally ring Lake County, and  
2 we're downwind of it, so are we concerned about the  
3 overall cumulative effect of these and what are we doing  
4 to our situation with NOX emissions and nonattainment?

5 Next week we're going to, I hope if I could  
6 get it done, be addressing some economic development  
7 issues. Ms. Dorge pointed out that the 10,000 tons of  
8 NOX from these is a third of the entire NOX budget for  
9 electrical generating units under your trading plan.  
10 Did we intend that to happen? Is that what we mean?  
11 And by the time you had the attainment and we're  
12 actively in the trading program, the emissions for all  
13 these plants are going to come out of the budget of  
14 Abbott Labs, of Baxter.

15 Everybody is going to have to reduce NOX to  
16 make room for these guys and I'm way ahead of myself.  
17 Generally, they don't pay property taxes on turbines.  
18 They are taxed as personal property not as real property  
19 because they're removable and they're turned on and off  
20 with remote. That doesn't provide employment.

21 So you've got this big hulking, ugly,  
22 polluting thing that doesn't pay taxes and doesn't  
23 provide jobs, and it's going to eat up the NOX budget  
24 from companies who do. Why are we doing this?

1 MS. McFAWN: Thank you for getting ahead of  
2 yourself.

3 MS. ZINGLE: Sorry.

4 MS. McFAWN: You've given us some things to  
5 ponder and thank you.

6 MS. ZINGLE: I appreciate your patience and your  
7 interest. Thank you very much.

8 MS. KEZELIS: Can I ask you one question?

9 MS. ZINGLE: Oh, sure.

10 MS. KEZELIS: When you anticipate having a  
11 proposal, do you plan to come back to the --

12 MS. ZINGLE: We're coming to Grayslake. We're  
13 from Lake County, so --

14 MS. KEZELIS: You'll be there, probably not  
15 Joliet, but Grayslake.

16 MS. ZINGLE: I plan to go to them all. I didn't  
17 plan to speak in Joliet.

18 MS. KEZELIS: Thank you very much.

19 MS. ZINGLE: Thank you.

20 HEARING OFFICER JACKSON: Thank you, Ms. Zingle.

21 MS. ZINGLE: Thank you.

22 HEARING OFFICER JACKSON: Let's go off the record  
23 here for just a second.

24 (Recess taken.)

1           HEARING OFFICER JACKSON: Ms. DeJovine is with  
2 Bartlett CARE. CARE stands for Citizens Advocating  
3 Responsible Environments.

4           MS. DEJOVINE: Thank you very much for this  
5 opportunity to address you and I certainly appreciate  
6 the time of day it is and how many of these stories  
7 you've heard over and over again and here I am one more  
8 person to tell you about what we've been doing in  
9 Bartlett, so I ask for some more of your patience.

10           My hope tonight is to talk to you a little  
11 bit -- to illustrate a few of Susan Zingle's comments  
12 and points of view of we had to do at a community level  
13 in order to work with this in addition to talk to you  
14 and to simply ask for help. And you'll hear a little  
15 bit more in specific areas that we need.

16           A year ago the Goliath of ABB came into the  
17 village of Bartlett with promises of being a good  
18 neighbor, swelling tax dollars instead of tax revenue  
19 supposedly, and generous contribution to community  
20 events. So taken was our board, their marketing  
21 materials are readily available in our village hall and  
22 to Susan's point this idea of, oh, this is wonderful,  
23 look at these great promises that they'll bring to use,  
24 of course who wouldn't be taken by that, but not knowing

1 the real questions to ask or the things to be concerned  
2 of, not knowing what you don't know at this particular  
3 point, these incentives seemed pretty good.

4 In the ensuing months, our village became  
5 convinced that this was the kind of desirable neighbor  
6 that they were seeking and they began the proper legal  
7 process. On April 23rd, this year, a public hearing was  
8 held for a Goliath of a plant, which our residents knew  
9 nothing about. We were allowed 24 minutes to speak to  
10 the planning commission. That's right, three minutes  
11 per person, 24 minutes to object, to hear and ask  
12 questions about what was going on and it was determined  
13 at that time, after those 24 minutes, that since no  
14 other residents were present at this particular public  
15 hearing, then, of course, it's a done deal. And, in  
16 fact, that's what they did.

17 Twenty-four minutes, and when this group of  
18 angry residents, when we learned more about what was  
19 going on, tried to reopen it with our own planning  
20 commission, we were told that the decision was made,  
21 move on. And so then it went to our committee as a  
22 whole and so Bartlett CARE, the Citizens Advocating  
23 Responsible Environments, was formed in May of this  
24 year.

1                   This group of Davids, if you will, picked up  
2 every single rock that we knew how to find. We flooded  
3 the last four committee of the whole meetings with  
4 questions. Of course, even with 100 people, we each  
5 only got three minutes. We used the media liberally.  
6 We created websites. We have a CARE line for  
7 information access for our residents. We have consulted  
8 attorneys frequently and often which has an impact on  
9 us.

10                   We posted signs everywhere. We solicited  
11 members. We've learned more about power plants than we  
12 thought possible or even desirable from my point of  
13 view. We paraded. We solicited signatures for an  
14 advisory referendum which right now is being protested  
15 and I'm pleased to say we're in the process of that.  
16 We've held rallies. We've held fund-raisers. We  
17 understand fully and deeply the impacts of this plant on  
18 our air noise and water and we've put on expert  
19 testimony.

20                   This plant is sited less than a half a mile  
21 from a school. This 1500 megawatt plant is sited less  
22 than a half a mile from homes. This is a 1500 combined  
23 cycle plant that will run 365 days per year and we're  
24 very nervous about this. And for this effort, for all

1 of these rocks that we've been able to throw and our  
2 slingshots getting going, we have successfully certainly  
3 delayed their decision. Had we not intervened, this  
4 would have been a done deal. We would have moved on and  
5 it would have gone, but since May we have been able to  
6 successfully delay the decision.

7 We've struggled against the letter of the law  
8 for permits and for rallies and fund-raisers and we have  
9 truly gotten involved and we are citizens of Bartlett  
10 and we are exhausted and we are in debt. It's all I  
11 could say. We have tried everything that we know how to  
12 try, which I don't think that the citizens should have  
13 to go through.

14 This is a steep learning curve and I learn  
15 more things every day about what's going on, what has to  
16 happen. Our planning simply was not equipped. That  
17 doesn't make them bad people or not smart. That just  
18 means that they're not equipped nor are our village  
19 board are they equipped to fully understand this. And  
20 recently, this week, Tuesday, the IEPA just approved the  
21 permit, the air construction permit for the first 500  
22 megawatt phase of this plant for us.

23 I say all of this mostly because we do need  
24 your help. We're running out of citizen capacity to be

1 able to effect change. We need help in changing our due  
2 process. How do we go about being heard? How would we  
3 go about a templet, something like this? We need help  
4 with that. We need change in the way these behemoth  
5 Goliaths are invading our towns and seducing our boards.  
6 We need change in the way that this industry is being  
7 regulated.

8           Simply put perhaps not very elegantly, we  
9 don't want this big ugly thing in our neighborhood. It  
10 pollutes. It's ugly. It's sitting in a residential  
11 area, 1500 megawatts. This thing is huge and it's in  
12 the flight path of the DuPage County airport and it is  
13 in an area that will affect people directly whether  
14 they're asthmatics or what's going on. There's just no  
15 arguing that.

16           I have a document which I will be glad to  
17 share with you and I would like to read from a few of  
18 the points that we made with our village board two  
19 nights ago when we were able to provide an hour and a  
20 half of testimony. Certainly realizing that it was not  
21 part of the legal basis for what we are able to do  
22 because it was not part of the official public hearing  
23 process.

24           Our first and foremost concern is that this

1 is an unregulated industry and what's happened? What is  
2 happening is that our board, our village board, is being  
3 put into a position of having to regulate the industry  
4 of which they know nothing about. When it comes to air  
5 pollution, when comes to noise compliance, certainly the  
6 petitioner -- we'll handle that noise compliance, we'll  
7 help you with that, we'll control it we'll monitor it.  
8 And it is a little bit like the fox guarding the hen  
9 house perhaps and we began to wonder what's that all  
10 about.

11 There are minimal need benefits. We realize  
12 that ABB chose Bartlett because of the convenience of a  
13 high pressured gas line and an electrical grid for them  
14 at a minimal cost, not because Bartlett needed a power  
15 plant, not because we were without power or required  
16 that, because we were a desirable site and recently, as  
17 I understand it, they recently heard that they have an  
18 agreement to sell all of their power to Wisconsin. So  
19 now we'll be suffering the effects of the benefits of  
20 that and we'll not get anything for that. I don't know  
21 hat the truth is of that. That is what I understand  
22 anyway.

23 In our calculations with these promises of

24 swelling tax dollars, we did a few calculations and we

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1 determined that each household would receive a benefit  
2 of \$46 per year. \$46 per year for the impact of this  
3 plant being there is not equitable in any way, shape or  
4 form and so actually the math for us does not work.

5           You already know about the strength of the  
6 air pollution and what the NOX and other poisonous  
7 gases, what's going to happen. At full phase, at full  
8 running, according to ABB's own numbers, their output  
9 will be 1700 tons of poisonous gases, less than a half a  
10 mile from a school, less than a half a mile from homes.

11           There is going to be a 15,000 gallon tank of  
12 ammonia which is going to constantly need to be  
13 replenished. There will be two, 1 million, yes, 1  
14 million gallon tanks each 48 feet high with backup fuel  
15 oil. And I can't help but always think about -- even  
16 though it's different, not exactly comparable, what  
17 happened in Venice, Illinois recently. And I think this  
18 is less than a half mile from a school and it's less  
19 than a half mile from our residents.

20           I'm concerned about noise pollution and our  
21 ability to be able to regulate that and last, but not  
22 least as so many people have said already we're very  
23 concerned about the siting of this plant and the zoning

24 for this particular plant. We're very concerned that --

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1 who is to stop anybody else from -- any other power  
2 generation company from coming into Bartlett and putting  
3 one right next door to this. If we say yes to one, we  
4 will not have any legal basis to say no to any others.

5 Light business begets light business and the  
6 next we know we have a huge power peaker concentration  
7 in Bartlett, Illinois, amazes me. And so we're very  
8 concerned. In fact, we've already seen representatives  
9 from these other power companies at our meetings and  
10 that concerns me greatly as a citizen. We've asked our  
11 Bartlett village board, we've said to them, you know,  
12 you're the stewards of Bartlett. You're to take care of  
13 us. You're in service of us and that literally we're  
14 the heirs of their decision.

15 And while we fought really hard and we've  
16 thrown all kinds of rocks that we know how, we don't  
17 know where to go from here. We continually stop and we  
18 ask for your help. We ask for your help in regulating  
19 this industry. We ask for your help in providing things  
20 such as templets or whatever other tools that you could  
21 give to our communities. We ask -- I especially ask for  
22 a moratorium on these until everybody could come up on

23 that learning curve and learn the right questions to ask  
24 and not drain the resources of our community. Thank you

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1 very much.

2 HEARING OFFICER JACKSON: Thank you. Before you  
3 step down, let's see if we have any questions.

4 MS. DEJOVINE: I have copies that I just read to  
5 you as well as copies of the letter to our village  
6 board.

7 HEARING OFFICER JACKSON: If you could tender one  
8 to the court reporter and we'll have her mark it as  
9 Exhibit Number 1 on behalf of Bartlett CARE.

10 Cathy Johnson from Rural and City  
11 Preservation Association, R&CPA.

12 MS. JOHNSON: Good evening. Thank you for having  
13 us here today. I am Cathy Johnson from Marengo,  
14 Illinois, which is in the southwest corner of McHenry  
15 County. You're not having a hearing in McHenry County,  
16 so we have to come somewhere else.

17 Anyway, I am the vice chair of Rural and City  
18 Preservation Association which we also call the R&CPA.  
19 We are an organization which formed over 20 years ago  
20 with the mission statement of preserving the environment  
21 and trying to promote positive development. Over the  
22 years, we have evolved and presently we represent about

23 250 citizens in the four township area in the southwest  
24 corner of McHenry County. We're just a small group of

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1 people and we're just a small area and just don't have a  
2 lot of people, period.

3           These townships, Coral, Marengo, Riley and  
4 Seneca are basically farming communities with the town  
5 of Marengo at the center. The Northwest Tollway cuts  
6 across the southern boundary of the area, meaning that  
7 we have a great number of people who live in our area  
8 and commute to the city of Chicago and into the suburbs.  
9 Part of our area is absolutely flat and wonderful  
10 farmland. Part of the four township area is small hills  
11 and it's a wonderful place for people to build just  
12 beautiful homes. We also have quite a few of those  
13 little private airports that people use.

14           A number of the sights around this area, you  
15 could see -- actually see 45 miles west. You could see  
16 the Byron Towers of the nuclear plant which isn't a  
17 thrill, but you could see it's a wonderful area. We  
18 have -- on the down side, we have a number of gravel  
19 pits. We're not really too pleased about it, but we do  
20 have gravel in our soil and they're sited in this area  
21 using what they call the CUPs, the conditional use

22 permits. We get no tax benefits. We do get the dust  
23 and the noise and the damaged roads. And we do know  
24 that they're temporary, that they will be reclaimed in

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1 at few years.

2 And also a major concern is Huntley to the  
3 east. It's growing rapidly and we know the development  
4 is coming our way. It's a prime spot, but you need to  
5 understand that the area is presently a productive  
6 farming community in addition to a beautiful area in  
7 which to live. We have a number of natural features I'd  
8 like to mention. We have Coon Creek which goes through  
9 the area and the Concerned Citizens for the Protection  
10 of Coon Creek are presently receiving funds from the  
11 county and from the state to improve the creek.

12 The river otter has been introduced. It used  
13 to live in this area a long time ago and they've  
14 reintroduced it into Coon Creek. Coral Woods with its  
15 sugar maples and with my understanding, this is the only  
16 place in northern Illinois that has sugar maples.  
17 Students -- school students from the whole McHenry  
18 County come to Coral Woods in March to see the sap  
19 turned into maple syrup. These are all within range of  
20 the PP&L proposed plant.

21 Now that I've explained who I am and who our

22 group is, I'd like to explain why I'm here. Last  
23 December PP&L Global approached the local government  
24 officials. We were stunned, the citizens. PP&L kept

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1 talking about what a wonderful addition this would be.  
2 Have you heard this story before? We kept thinking what  
3 an ugly addition this would be. So just like the  
4 others, we dug in and we started to do our homework.

5 The meetings began in earnest. Newsletters  
6 had to be written and hand delivered. You see, we don't  
7 have much money. Our research and meetings continued.  
8 We realized we couldn't do it ourselves. We had to hire  
9 a consultant, who, of course, cost us money. Since we  
10 didn't know if this was going to come through the city  
11 of Marengo or the county, we had to cover all the  
12 meetings. We established a phone number, printed signs,  
13 had a fund-raiser. We didn't get very much money at  
14 all, but we keep trying. We even have a website and the  
15 list goes on. Our lives have been dramatically  
16 interrupted.

17 We are not naive. We knew as we were  
18 monitoring environment issues and development that some  
19 things were going to come along that we would not be  
20 happy about, but we did not realize that something would

21 come along that would so dramatically change our  
22 community. We did not realize that our own state  
23 legislators set us up for something like this.

24 About PP&L Global, this is a huge

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1 conglomerate with experts and lawyers. They have said  
2 more than once that they will go away if we don't want  
3 them. The citizens of the area have told them to find  
4 another place and we have told them that the site is not  
5 appropriate, but they haven't left as far as we know.

6 The site that they chose is on the flatland  
7 about three miles south of Marengo just west of Route 23  
8 less than two miles north of the Northwest Tollway, so  
9 it's basically between Marengo and the Tollway. It  
10 would be approximately one mile from Riley Elementary  
11 School and yards from estate type homes. Since it's on  
12 the flatlands, it will be quite visible from quite a  
13 ways off. Remember, we could see the Byron Nuclear  
14 Plant 45 miles further west. This is close. The noise  
15 would roll across the land ever so easily and hit the  
16 bluffs. We know this will affect property values and  
17 future development in the area.

18 The noxious oxides would be pushed northeast  
19 towards the town of Marengo and Coral Woods and even  
20 though these plants are considered very clean-burning

21 facilities, one of these plants in McHenry County would  
22 still be the largest and greatest polluter that this  
23 county would have. Coon Creek is less than a mile away.  
24 The water issue is just a major problem. In fact, we're

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1 going to have someone in our group speak on just this  
2 issue at the next hearing. You see, we're still doing  
3 the research. As you know though, we are not experts.  
4 We need experts to protect us and to speak for us.

5           It was our group that helped push the McHenry  
6 County Board to put a moratorium in place so that they  
7 would have time to set standard, but PP&L Global did end  
8 up applying five hours before the moratorium went into  
9 effect so now they could choose which standards to apply  
10 for. How is the county going to handle this? They are  
11 still in the midst of two other peaker plant messes.  
12 The County Board voted down the Indeck proposal and the  
13 Indeck turned around and sued them. They are still in  
14 that mess.

15           Then Reliant's proposal is ready for a vote,  
16 which Reliant knows will be negative, so Reliant keeps  
17 asking for extensions. The County Board was ready to  
18 vote on that, on the Reliant proposal, last January.  
19 They're still in the middle of it and that is not all.

20 The county is presently trying to establish a newly  
21 zoned -- an updated zoning ordinance for the whole  
22 county while working separately on peaker standards.  
23 One of these is a major undertaking yet they're trying  
24 to do it all.

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1 Those hearings and meetings keep coming week  
2 after week after week. We just keep going to hearings.  
3 The county can't afford experts to help them. Our group  
4 can't afford experts to push them and urge them to make  
5 some zoning ordinance and strong standards which would  
6 protect us. Our lives have been totally disrupted, and  
7 meanwhile, we realize the County Board is being lobbied  
8 by people in the county who would prefer to have a  
9 peaker plant out in the country, meaning South Marengo.

10 And you need to know our county is notorious  
11 for issuing CUPs or conditional use permits. You were  
12 talking about those earlier. They issue them for  
13 anything and everything, gravel pits, as I said,  
14 churches, storage for outdoor equipment, wild animal  
15 parks which is probably what they're supposed to be for,  
16 but I'm not sure. They want to add peaker plants to  
17 that list, conditional use. The planning and  
18 development committee and staff feel that they are much  
19 more manageable as CUPs, but we know that they are much

20 more political as CUPs and experience has taught us in  
21 McHenry County that our county does not have the staff  
22 to regulate them or to police them.

23 And how is the county doing on those peaker  
24 plant standards? They are not established yet, but the

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1 county is getting close to the end of the moratorium.  
2 The standards which the P & D is recommending would  
3 allow for peakers to literally be put anywhere in  
4 McHenry County using a conditional use permit.

5 The water issue, which is a major one in  
6 McHenry County, is barely even considered in the new  
7 standards. A new peaker plant has to only respond to  
8 how the water it uses affects the area one-quarter of a  
9 mile around the plant. This is ridiculous. This  
10 standard isn't there to protect us.

11 As part of my testimony, I would like to  
12 include the standards which McHenry County is  
13 considering. Just so you know though, these have not  
14 been adopted as of this point. The hearing for these  
15 has been set for September 20th, another meeting, but  
16 where are the experts who will address these? We did  
17 hire a profession planner, Lane Kendig from Mundelein,  
18 to speak for us at a citizens' forum on peaker standards

19 in August, another meeting. It cost us money. He did a  
20 great job addressing the issues, but at this point, we  
21 have seen no results from his input. We are still  
22 hopeful that maybe some County Board member was  
23 listening. We cannot afford to hire him again for the  
24 hearing on September 20th. We will just have to do the

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1 best that we can.

2 Ms. Donna Schaefer, chairman of the planning  
3 and development committee said in the Northwest Herald,  
4 Tuesday, September 5th, 2000, just the other day  
5 speaking about the proposed peaker plants, people expect  
6 us to load our ordinance with protections that we're not  
7 able to do. They don't know that they're there to  
8 protect us. We do -- the fact of the matter is that we  
9 do expect them to load their ordinance with protections.  
10 If our county doesn't have the expertise and the  
11 Governor won't do it and the state legislators are the  
12 ones that got us into this and the IEPA says that they  
13 can't do it, that the local government must be the ones  
14 to regulate it, where does that leave us?

15 As you can see we are very, very frustrated.  
16 We do realize that it takes public input to make the  
17 wheels of government turn, but this is ridiculous. Our  
18 county is trying very hard to manage this issue, but

19 PP&L is a huge conglomerate and wields a great deal of  
20 power. We are a few citizens in four small townships  
21 with concerns about how this would change our community.

22 In the constitution of the state of Illinois,  
23 Article XI on the environment, Section 1, Public Policy  
24 Legislative Responsibility, it states, the public policy

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1 of the state and the duty of each person is to provide  
2 and maintain a healthful environment for the benefit of  
3 this and future generations. The General Assembly shall  
4 provide by law the implementation and enforcement of  
5 this policy. They haven't done a very good job.

6 Section 2, the Rights of the Individuals,  
7 each person has a right to a healthful environment.  
8 Each person may enforce this right against any party,  
9 government or private, through appropriate legal  
10 proceedings subject to reasonable limitations and  
11 regulations as the General Assembly may provide by law.

12 Members of the Illinois Pollution Control  
13 Board, you are the lawmakers in this instance. You are  
14 the Board which must create rules and policies. There  
15 are regulations in place for landfills and incinerators  
16 from which you could begin to compile appropriate  
17 regulations for electrical generating peaker plants.

18 When I looked up the description of your board, I found  
19 that, first, that you are one of the major boards of the  
20 governor and, second, that it is your job to create  
21 rules and policies governing clean air and water.  
22 Please, we need your help and we need it now.

23 Thank you very much for this opportunity to  
24 speak. I have the article that was in the newspaper

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1 that I quoted and also the standards that I'd like to  
2 leave with you.

3 HEARING OFFICER JACKSON: If you could just give  
4 them to the court reporter, we'll mark them as Exhibit 1  
5 on behalf the R&CPA.

6 MS. JOHNSON: Thank you very much.

7 HEARING OFFICER JACKSON: Thank you, Ms. Johnson.  
8 Are there any questions? There are two more individuals  
9 that were listed as speaking with CAPPRA at this time.  
10 I don't know if they're still here, Chris Goebel is  
11 first and then Nancy Assian.

12 MS. VOITIK: She's not able to make it today.  
13 She'll be in Joliet.

14 HEARING OFFICER JACKSON: Chris Goebel then and  
15 let me just point out for everyone, Mr. Goebel is the  
16 last person that had preregistered for speaking today.  
17 We did have four individuals -- let me just go through

18 this list real quickly and see if you're still here that  
19 have just signed in today, Verena Owens on behalf of  
20 ZAPP. Michael Wartel or Warfel?

21 MS. VOITIK: I agreed to produce his testimony.

22 HEARING OFFICER JACKSON: And then Jay Healy who  
23 was already here and I don't see him anywhere with the  
24 DuPage County Board and then finally E.M. Nesvig.

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1 Mr. Nesvig, do you still wish to address the board this  
2 evening.

3 MR. NESVIG: Yes, ma'am.

4 HEARING OFFICER JACKSON: So then we have  
5 Mr. Goebel and Mr. Nesvig.

6 Please proceed.

7 MR. GOEBEL: Thank you. Good evening, everyone.  
8 I'll just keep it short and sweet because I think a lot  
9 of this has been said before and my wife is at a PTA  
10 meeting with our couple young ones, so I'll just keep it  
11 short and sweet.

12 I think that as a resident living near a  
13 larger power generating station, I don't think that many  
14 people are fully understanding of all the implications  
15 of the utility deregulation within the state of Illinois  
16 and nationwide, and I'm not sure if a number of people

17 are familiar with a lot of the SNAFUs, situation normal  
18 all fouled up, in California with a lot of the utility  
19 bills and programs.

20 This past summer it's been an easy summer.  
21 We really haven't had much hot weather for extended  
22 periods of time and ComEd has been able to get by on  
23 that, I think, pretty easily; however, if we just back  
24 up to say last year or a couple years before, we had

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1 some serious problems, and if we look at that, let's  
2 look at California and some of the implications on our  
3 bills. Just about everyone in California is seeing a  
4 tripling, that's right, tripling of their electric bill  
5 for the summer months, and that's something I don't  
6 think anyone would like to have. Instead of having a  
7 \$200 electric bill, having a \$600 electric bill. That's  
8 just one of the downsides of deregulation.

9 Another one happens to be -- I fail to  
10 understand as an engineer that the ComEd distribution  
11 system within the northern state of Illinois, that's not  
12 just the city of Chicago, but that's the entire ComEd  
13 area, which is, if you look at a map, it's pretty big.  
14 It goes out to the Mississippi River, to the Wisconsin  
15 line, out to Indiana which is NIPSCO, Northern Indiana  
16 Public Service Company down -- almost down to

17 Springfield which is Illinois Power, another power  
18 provider.

19 The entire peak capacity of the ComEd system  
20 reached a peak of around 21,000 megawatts. Well, if you  
21 look at that and say that's a pretty big number, it's a  
22 huge number; however, if you look at all of the proposal  
23 for the peak generating stations, that number greatly  
24 exceeds the peak capacity for the ComEd system need in

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1 this area.

2 And I don't know when anyone has last driven  
3 down to see like Chicago Heights or a lot of these  
4 rugged industrial facilities down on the south side, but  
5 I don't think that we really want to have Illinois turn  
6 into this, but I think that we have a couple problems  
7 here that allow the deregulation, one is a cheap source  
8 of natural gas. I think that's going to surprise a lot  
9 people in this upcoming winter and in the future months  
10 and then the other one is the pollution implications for  
11 all this carbon dioxide. I don't know about anyone else  
12 here, but I don't have chlorophyll in my veins and  
13 arteries like plants. We don't breath carbon dioxide.  
14 It's poisonous and there's going to be -- the major  
15 contributor of emissions here is going to be carbon

16 dioxide like thousands and thousands of tons of it on  
17 the days that we least need it.

18           And I think that unless some type of  
19 governing body -- and some governing body has to step up  
20 to the plate and take responsibility for what's going to  
21 happen because if we, say, fast forward about ten years  
22 from now, we're going to see ten of these generating  
23 stations greatly exceeding the capacity that we're going  
24 to need in this area. Keep in mind that even if ComEd

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1 decides to turn after all their coal generating plants  
2 and just leave the base load nuclear systems on-line,  
3 there's still great excess capacity. Now, whether that  
4 may be good for Wisconsin or Indiana or Iowa, so be it,  
5 the power still has to be transmitted there, but we'll  
6 have to suffer from emissions in this area.

7           Now, if we look in western Illinois or  
8 southern Illinois, there aren't a lot of gas pipelines  
9 because there isn't a lot of industry out there, so,  
10 surprise, guess what's going to happen. All these  
11 plants are going to be built concentrated in the six  
12 county collar areas of the city of Chicago and on these  
13 high emission days, we're going to see problems with  
14 this, problems that we don't know the true outcome of  
15 what's going to happen.

16                   So some type of governing body is going to  
17                   have to come forward and to look at all this on a grand  
18                   scale not onesy-twosy at each plant. I mean we look at  
19                   the emissions and each emission could meet certain  
20                   standards on all these generating units, but sooner or  
21                   later there's going to be a sum of all these that's  
22                   going to have a decided impact on our system and our  
23                   public health and I just think that it's something that  
24                   we really need to take a good strong look at this and

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1                   then look at it real carefully.  
2                   I think that to be honest, to be brutally  
3                   honest, we had a dirty deal done dirt cheap here in  
4                   Aurora. I read the newspaper almost every day and keep  
5                   informed on a lot of different news and I found out  
6                   about the whole dealings of it in February just because  
7                   somebody stuck a note in my mailbox, so I wasn't  
8                   terribly adverse to having maybe 300 megawatts, maybe  
9                   250, but when I read it, it was almost 1000, I think,  
10                  you know, what's somebody thinking here and then we  
11                  started adding up the Bartlett plant and we started  
12                  adding McHenry and others and now we're without even  
13                  counting on two hands, we now have the capacity that's  
14                  going to exceed the entire ComEd generating capacity in

15 just the ComEd area and I think that's something we have  
16 to look at.

17 A couple things that we don't look at and we  
18 don't see the studies on how the pollution is going to  
19 pass out, how wind is taking an impact on how sound  
20 distribution is going to be. Yes, it's complex, but  
21 guess what, there are computers that can do those kind  
22 of things. We plug the information into it and see what  
23 the projections are based on different wind speed.  
24 There are modeling programs for that and they're not

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1 used in these proposals. And I think it just kind of  
2 irritates me and I think it just does an injustice to  
3 the people who are living very close to it.

4 Now, fortunately, I'm going to live about a  
5 mile away from this facility and it may not terribly  
6 impact me, but woe to those people that live downstream  
7 in Warrentonville and maybe if the wind blows right, maybe  
8 in Naperville too. An argument was made earlier about  
9 being built close to schools, well, unless summer school  
10 is in session, it's not going to really matter too much  
11 except for the homeowners nearby, on the other hand,  
12 unless they have summer programs running at those  
13 schools.

14 A big concern that I have is I think the

15 totally ridiculous idea of storing millions of gallons  
16 of fuel in tanks above ground. What's the leakage --  
17 not just the leakage implication, but what if there is  
18 some type of vandalism and you now have a million  
19 gallons of fuel, which is not going to be absorbed by  
20 the ground, where is it going to go?

21                   Look back in -- I was watching the Discovery  
22 Channel a couple weeks ago and saw a major disaster that  
23 wiped out a school because they had piled up  
24 mine-pilings and it got absorbed by water and it wiped

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1 out a school and killed 100 kids, so I haven't seen the  
2 siting and all that, but I just think that storing over  
3 1 million gallons of fuel in above-ground tanks is just  
4 ridiculous.

5                   And those are my opinions and if anyone wants  
6 to have further questions about them, I would be happy  
7 to go over them with you. Thank you very much.

8                   HEARING OFFICER JACKSON: Thank you. Our final  
9 presenter who has actually signed in on the sheet this  
10 evening is Mr. Nesvig. As he's coming up to speak to  
11 the board, I will ask if anyone else is in the audience  
12 who would like to speak to the Board this evening? Yes,  
13 okay.

14 MR. NESVIG: Thank you. I live in Wilmette. I  
15 am a licensed professional electrical engineer.

16 HEARING OFFICER JACKSON: Could you please spell  
17 your name for the record, sir? Could you spell your  
18 name for the court reporter?

19 MR. NESVIG: Nesvig, N-e-s-v-i-g. My formal name  
20 is Elliot, E-l-l-i-o-t.

21 HEARING OFFICER JACKSON: Thank you very much.

22 MR. NESVIG: For the last eight years, I have  
23 been chairman of the Energy Commission for the city of  
24 Evanston. I know an awful lot about Commonwealth Edison

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1 and I also know a lot about how to operate generating  
2 plants, distribution systems, transmission systems. I  
3 am a little discouraged over the fact that I am standing  
4 before a Pollution Control Board who does not seem that  
5 based on their questions of some of the people who have  
6 spoken here today, do not seem to have done their  
7 homework.

8 On that sour note, I'll tell you a little  
9 more. ComEd sold their coal plants last year and they  
10 sold them to Southern California Edison. You'll find it  
11 under emission energy which is owned by ComEd, but not  
12 by Southern California Edison and recently Mission  
13 Energy purchased a marketing group primarily to market

14 the power from the coal plants and, furthermore, the  
15 agreement that Mission Energy had with Commonwealth  
16 Edison is such that Commonwealth Edison is only  
17 obligated to take their output -- some of their output  
18 during the next four years, but it would dwindle down to  
19 the point where they will only have 25 percent left that  
20 they have to take at the end of the four years.

21 So it might be interesting to find out just  
22 exactly what ComEd has in mind because ComEd is also the  
23 one that had selected these sites for these peaker  
24 plants. So basically I sort of look at this sort of

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1 thing is that we're really being strung along by ComEd  
2 and I don't like that. Furthermore, if you go back --  
3 and I should tell you that the reason that I even got  
4 this close to some of the peaker plants, I owe to Terry  
5 Voitik who suggested that I go to the Zion IEPA -- yeah,  
6 the Environmental Protection Agency meeting back on  
7 August the 14th.

8 And during that meeting -- and by the way, if  
9 you like to have it, the transcript is available. I  
10 would recommend that you get it and read it from cover  
11 to cover and one of the things that I believe you will  
12 come to the conclusion on is that you ought to thank all

13 these gals who have been getting to be very  
14 knowledgeable about what happens when you start  
15 generating electric power and you don't know what you're  
16 doing. Some of this is nonsense.

17           If you look at -- and it was indicated a  
18 little earlier by Susan Zingle when she was commenting  
19 about the amount of power that's going to be available  
20 and I was particularly impressed with the fact that she  
21 has really done her homework and if I had some need for  
22 an attorney right now to present something for me, I  
23 would certainly want to hire her because I thought she  
24 did a great job, and it's all for free which I think you

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1 ought to remember, but anyway getting back to where I  
2 was.

3           When I first found out about this was Terry  
4 Voitik's article in the July 16th Sunday Tribune, which  
5 talks about the peaker power plants, and that also had  
6 this map of the area around Chicago, the collar counties  
7 and I was particularly impressed with the fact that  
8 while they were thinking about peaker power plants in  
9 some 22 different locations, but then I got down to  
10 Elwood and I found out that Elwood not only had a plant  
11 operating, but they received a permit for another one  
12 and they also had two more permits under review. That

13 caused me -- based on the idea that multiplying by four  
14 against some 20 or 22 got me up to a pretty high number  
15 as far as number of plants.

16 I was thinking about the amount of pollution  
17 this would be. There's nobody writing in the  
18 Environmental Protection Action for Illinois that I  
19 could find and somebody needs to do that, and it was  
20 also commented a little earlier about the idea that just  
21 the present ones alone would equal the nuclear power  
22 plants that ComEd has. This would make four times --  
23 give you a total of four times that. Has anybody asked  
24 ComEd what do they have in mind for us? Why do we need

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1 all this power produced in Illinois? We don't need it  
2 here.

3 It might cause you to think about the fact  
4 that they are merging with Peco Energy in Philadelphia.  
5 You know you could transfer -- on a transmission system,  
6 you could transfer the power from Chicago to  
7 Philadelphia. I thank you for letting me talk.

8 HEARING OFFICER JACKSON: Thank you. A  
9 representative from the Lake County Board if you could  
10 please state your name once again for the court  
11 reporter.

12 MS. COLE: Sure. My name is Sandy Cole and I'm a  
13 representative of the Lake County Board and I did sign  
14 in, but I did cross off my name. My comments will be  
15 brief. Because of what I heard here tonight, I'd like  
16 to thank you all and I will again speak in Lake County  
17 with a more prepared statement. I am grateful for your  
18 time, your patience, your sense of humor. Your  
19 attentiveness to these folks has been more than what  
20 I've seen from the elected officials in a long time, so  
21 I thank you and I once again will speak to you.

22 To the people that spoke tonight, I am  
23 astounded at the commitment. I am also surprised I'm  
24 probably the only elected official left here, but I do

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1 this because you give me such a rush. Your dedication  
2 and your passion of all of you tonight has been amazing.  
3 Your information, your knowledge of peaker plants is  
4 greater than any elected official I know. It just is.

5 MS. ZINGLE: And that's a sad statement.

6 MS. COLE: And that's a sad statement. You will  
7 know more than any elected official coming out of these  
8 three hearings and that's a sad statement. These people  
9 here tonight, and I've talked to many of them and worked  
10 with several of them, they're tired, they're frustrated.  
11 Some of them have double mortgaged their homes. Shame

12 on government. Shame on me. They're doing the job we  
13 should do, the government should do.

14 I thank you for filling in for us elected  
15 officials. I'll speak for all of us, although some of  
16 them will not be very happy that I do. You're going to  
17 do something for us that, for some reason, we didn't  
18 take it upon ourselves to do.

19 We've done little things, moratoriums, little  
20 things on our ordinances, but we really are -- we need  
21 you. We're relying on you. We hope that you could give  
22 us some sort of way in which -- as I'm pointing to the  
23 map -- all these municipalities and all the white area  
24 of unincorporated come together and work together so

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1 that this guy here (indicating) isn't putting a peaker  
2 plant in that's affecting this guy here (indicating).  
3 So thank you very much. That's really all I have to  
4 say. I appreciate all your time and your commitment.  
5 Thank you.

6 HEARING OFFICER JACKSON: Thank you, Ms. Cole and  
7 we'll see you in Lake County.

8 MR. GOEBEL: There was one thing I forgot to  
9 mention.

10 HEARING OFFICER JACKSON: Sure.

11           MR. GOEBEL: There is one thing I forgot to  
12 mention is that the utilities have existing plans for  
13 what's called distributed generation and what  
14 distributed generation is is a particular facility, for  
15 example, has a certain size switch board and service  
16 coming into the building and what the utility would do  
17 is give them say a ten minute notice and let's them save  
18 30 percent of their rate for the entire year if in a  
19 ten-minute notice for ten days a year for up to a  
20 six-hour period they would disconnect from the grid and  
21 run their own generator.

22           Many of these facilities have existing  
23 equipment to do such a thing, not even connecting it to  
24 the grid and other restrictions thereof, but to use

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1 existing plants just to do what's called an  
2 interruptible and I think that again as the other  
3 engineer said is that what's in mind from ComEd? I mean  
4 what are some of their ideas? Is anyone ever asking  
5 them? I don't think. Is anyone ever asking EPRI? Is  
6 anyone asking any of the other nationwide boards that  
7 make recommendations to many of the utilities  
8 nationwide?

9           And I think distributor generation is one of  
10 those plans that can be used to save off some of

11 these -- the need for just so much peaker plants and I  
12 think that nowadays the EPA has put on pollution  
13 controls on a number of these engines, and, yes, albeit  
14 much smaller. Distributed generation and proper  
15 application can alleviate a great deal of this power  
16 demand on certain peak times that have the direct  
17 implication on pollution and it's just another thing to  
18 consider as a view above the forest or the trees rather  
19 than stuck in the trees. Thank you.

20 HEARING OFFICER JACKSON: Thank Mr. Goebel. You  
21 mentioned EPRI. Could you please clarify what that is  
22 for the record?

23 MR. GOEBEL: Electrical Power Research Institute.

24 HEARING OFFICER JACKSON: Thank you.

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1 MR. GOEBEL: There is another one and I can't  
2 think of the name of it offhand, but I probably could  
3 think of it in about another ten minutes or so. There  
4 are a number of governing boards that utilities send  
5 members or who have members of and they discuss things.  
6 You know, Reliant would be on that. ComEd definitely  
7 would. All the utilities either generating and some  
8 nongenerating utilities of members of these nationwide  
9 organizations that look into things like power quality

10 and system reliability and the like. Thank you.

11 HEARING OFFICER JACKSON: Thank you. Is there  
12 anyone else who would like to make a presentation to the  
13 Board this evening?

14 Seeing there are none, I want to thank  
15 everyone for your patience, this has been a long day  
16 starting at 3:00, and your attention to all of the  
17 speakers. Obviously, everyone who made a presentation  
18 to the Board tonight has put a lot of time and effort  
19 into this and all of the presentations were well thought  
20 out and very informative and I think I could speak on  
21 behalf of the entire Board saying that we very much  
22 appreciate all of the information you provided us with  
23 tonight and we take it into account. The Board will  
24 take it into account in their deliberations on this

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1 matter.

2 We do have two more collar county hearings  
3 scheduled and I just want to repeat those dates and  
4 times for you. The next one will be a week from today,  
5 September 14th in Joliet, same time as today beginning  
6 at 3:00. The location is Joliet Junior College. The  
7 exact building location information is on the  
8 information sheet. I believe we still have copies at  
9 the back of the room. The third collar county hearing

10 will be the week after that, September 21st, in  
11 Grayslake at the College of Lake County.

12 As I stated earlier, a transcript from  
13 today's proceeding will be available on the Board's  
14 website within three to five business days of today's  
15 hearing date. In you require a hard copy of that  
16 transcript, please contact the Board's clerk's office or  
17 you could give me a call. My name, telephone number and  
18 e-mail address is on that public information sheet as  
19 well. I think that's it. Do we have any closing  
20 remarks from any of the Board members.

21 MR. GOFF: A question.

22 HEARING OFFICER JACKSON: Yes.

23 MR. GOFF: After the meetings are held, what is  
24 your next step? What is your time line as far as

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1 deliberating?

2 HEARING OFFICER JACKSON: The last hearing is  
3 scheduled for October 5th and 6th in Springfield. We'll  
4 have a 30-day public comment period following that, so  
5 we will take in written public comments up to  
6 November 6th. The Board at this point expects to  
7 provide an informational order to Governor Ryan by the  
8 end of this year, so the deliberations will -- we are

9 proceeding on an expedited basis ourselves with these  
10 inquiry hearings and the deliberations that will follow  
11 thereafter.

12 The last board meeting this year is Thursday,  
13 December 21st, so at this point in time, December 21st  
14 is the date that we expect to finalize that  
15 informational order and present it to Governor Ryan.  
16 That's the time frame at this point.

17 MR. GOFF: But no moratoriums obviously up to  
18 that point in time?

19 HEARING OFFICER JACKSON: At this point, it's  
20 premature to make any kind of statement in that regard.

21 MR. GOFF: So currently the plants under  
22 construction can keep working and building seven days a  
23 week and get in under your time frame, right?

24 HEARING OFFICER JACKSON: That's my understanding

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1 at this point, yes.

2 MR. GOFF: Okay. I just want to be clear on it.

3 HEARING OFFICER JACKSON: All right. I think  
4 we're adjourned and for those of you that plan to attend  
5 the next hearings, we'll see you then. Thank you for  
6 your time and attention.

7 (End of proceeding.)

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1 STATE OF ILLINOIS )  
2 COUNTY OF DUPAGE ) SS:

3 I, Michele J. Losurdo, Certified Shorthand  
4 Reporter of the State of Illinois, do hereby certify  
5 that I reported in shorthand the proceedings had at the  
6 taking of said hearing, and that the foregoing is a  
7 true, complete, and accurate transcript of the

8 proceedings at said hearing as appears from my  
9 stenographic notes so taken and transcribed under my  
10 personal direction and signed this \_\_\_\_\_ day of  
11 \_\_\_\_\_, 2000.

12

13

14

15 Notary Public, DuPage County, Illinois  
16 CSR No. 084-004285  
Expiration Date: May 31, 2001.

17

18 SUBSCRIBED AND SWORN TO  
19 before me this \_\_\_\_\_ day  
of \_\_\_\_\_, A.D., 2000.

20

\_\_\_\_\_  
Notary Public

21

22

23

24

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