

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

ILLINOIS POLLUTION CONTROL BOARD

PLEXUS SCIENTIFIC CORPORATION,	)	
	)	
Petitioner,	)	
	)	
vs	)	No. PCB 01-120
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

The following hearing was held  
before HEARING OFFICER BRADLEY HALLORAN, taken  
before GEANNA M. IAQUINTA, CSR, a notary public  
within and for the County of Cook and State of  
Illinois, at the Bolingbrook Village Hall, Room  
100, 375 West Briarcliff Road, Bolingbrook,  
Illinois, on the 2nd day of May, A.D., 2001,  
scheduled to commence at 9:30 a.m., commencing at  
9:45 a.m.

1 A P P E A R A N C E S:

2

ILLINOIS POLLUTION CONTROL BOARD  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
(312) 814-8917

3  
4  
5 BY: MR. BRADLEY HALLORAN, Hearing Officer

6

HEDINGER & HOWARD,  
1225 South Sixth Street  
Springfield, Illinois 62703  
(217) 523-2753  
BY: MS. MARGARET HOWARD

7  
8  
9

Appeared on behalf of the Petitioner,

10

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
1021 North Grand Avenue  
P.O. Box 19276  
Springfield, Illinois 62794  
(217) 782-5544  
BY: MS. RACHEL DOCTORS

11

12

13

14

Appeared on behalf of the Respondent.

15

MEMBERS OF THE ILLINOIS POLLUTION CONTROL BOARD  
PRESENT:

16

17

Ms. Marili McFawn

18

Ms. Alisa Liu

19

Mr. Anand Rao

20

21

22

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

I N D E X

THE WITNESSES:

	PAGES
RICHARD KWASNESKI.....	25
WILLIAM MAINS.....	40
MARK SYLVESTER.....	72
GEOFFREY CARTON.....	156
DONALD SUTTON.....	182
JEFFREY SPRAGUE.....	204

L.A. REPORTING (312) 419-9292

4

1           HEARING OFFICER HALLORAN: Good morning.  
2 My name is Bradley Halloran. I'm employed by the  
3 Illinois Pollution Control Board as a hearing  
4 officer. I'm also assigned to this matter. I'll  
5 note for the record that today is Wednesday, May  
6 2nd, in the year 2001. It's approximately 9:45.  
7 This was noticed up at 9:30, but we were awaiting  
8 an Illinois Environmental Protection Agency  
9 witness.

10           It's also my pleasure to mention that  
11 we have Board Member Marili McFawn here with us  
12 today as well as technical unit Anand Rao and  
13 Alisa Liu, and I will add that before a  
14 respective witness steps down, they may or may  
15 not ask further questions of the witness to  
16 clarify.

17           Are there any members of the public  
18 here today? I don't see any hands. So at  
19 present, there's no members of the public, and if  
20 there were members of the public, they'd be  
21 allowed to testify subject to cross-examination,  
22 and there will be a period for public comment.

23 We'll discuss that in a posthearing brief.

24 This matter has been noticed pursuant

L.A. REPORTING (312) 419-9292

5

1 to the Board's regulations and has been publicly  
2 noticed in a local newspaper here, and the county  
3 -- Will County that is affected and will be  
4 conducted in accordance with Section 104, Subpart  
5 B, and 101, Subpart F.

6 I will also note for the record that  
7 I will not be making the ultimate decision in  
8 this matter. The decision is left to the Board  
9 comprised of seven members throughout the state  
10 appointed for their environmental expertise. My  
11 job is to ensure an orderly transcript, clear,  
12 concise, and rule on evidentiary matters here at  
13 the hearing today.

14 Would the parties like to introduce  
15 themselves, please?

16 MS. HOWARD: My name is Margaret Howard,  
17 and I represent Plexus Scientific Corporation.  
18 My first witness will be Mark Sylvester, the  
19 vice-president of Plexus Scientific, and Geoff  
20 Carton, who is the --

21 MR. CARTON: Senior technical staff.

22 MS. HOWARD: -- senior technical staff.

23 HEARING OFFICER HALLORAN: Thank you. Ms.

24 Doctors.

L.A. REPORTING (312) 419-9292

6

1 MS. DOCTORS: My name is Rachel Doctors.

2 I'm representing the Environmental Protection

3 Agency, and my first witness will be Donald

4 Sutton. He's the manager of the permit section

5 for the Bureau of Air, and I have with me also

6 today Martin Tippin, who's the field -- I forgot

7 your title.

8 MR. TIPPIN: Field operation section.

9 MS. DOCTORS: (Continuing.) -- field

10 operation section and Jeffrey Sprague, who's with

11 our modeling unit and air quality planning.

12 HEARING OFFICER HALLORAN: And I would ask

13 to have counsels keep their voices up as well as

14 the witnesses. Thank you very much.

15 Any preliminary matters we have to go

16 into before opening statements?

17 MS. HOWARD: No. We're taking care of

18 everything as we go along.

19 HEARING OFFICER HALLORAN: Without further

20 ado, Ms. Howard, would you like to give your

21 opening?

22 MS. HOWARD: Sure.

23 MS. HOWARD: Good morning. I

24 represent Plexus Scientific Corporation. Plexus

L.A. REPORTING (312) 419-9292

7

1 is requesting a five-year variance from 35  
2 Illinois Administrative Code 237.102, which  
3 prohibits open burning. This request is made  
4 pursuant to 35 Ill. Administrative Code 237.103,  
5 and that section of the regulation provides that  
6 open burning of wastes creating a hazard of  
7 explosion, fire, or other serious harm, unless  
8 authorized by other provisions in this part,  
9 shall be permitted only upon application or the  
10 grant of a variance as provided by the  
11 Environmental Protection Act and by the Pollution  
12 Control Board's procedural rules.

13 I'd like to note for the record  
14 there's no mention of owners or operators in that  
15 section 237.103 as was stated in the Agency's  
16 recommendation on page 13.

17 Plexus has been hired to  
18 decontaminate buildings and process equipment on  
19 the load assemble package, known as the LAP area,

20 of the former Joliet Army Ammunition Plant in  
21 Will County. There are also a few areas where  
22 some vegetation and brush need to be burned on  
23 the LAP area and one site called M6 on the  
24 manufacturing side of the plant.

L.A. REPORTING (312) 419-9292

8

1 The term decontaminate in the context  
2 of this variance request is defined as the  
3 removal by open burning or flashing of explosive  
4 potential for the buildings and process equipment  
5 that were exposed to open and uncontained  
6 explosives.

7 This explosive potential is due to  
8 the residual explosives that fell on floors,  
9 collected on concrete floors, settled or  
10 condensed onto beams and equipment during the  
11 explosive load assemble and package process.

12 By removing the explosive potential  
13 from sites which are identified as L7, L17, L14,  
14 L16, L15, L19, L18, L10, L8, L9, L1, L2, L3, L11,  
15 L34, and M6, Plexus will be rendering these sites  
16 safe for further environmental remediation work  
17 for transfer of sections of the property to the  
18 United States Department of Agriculture for



19 service for the Midewin National Tallgrass  
20 Prairie and for future development of planned  
21 industrial parks.

22                   Plexus as well as other individuals  
23 and entities connected with the redevelopment of  
24 the plant will suffer an arbitrary or

L.A. REPORTING (312) 419-9292

9

1 unreasonable hardship if this variance is  
2 denied. Plexus filed its petition for a variance  
3 on March 5th of 2001. The Board issued an order  
4 requesting supplemental information from Plexus  
5 on April 5th, 2001.

6                   In response, Plexus filed some of the  
7 supplemental information requested on April 20th,  
8 2001. Some of the other information the Board  
9 requested has been obtained and we'd like to  
10 submit that information at this time. First, the  
11 Board requested that we explain the significance  
12 of a three-mile radius from the plant. As stated  
13 on page seven of Plexus' supplemental  
14 information, that three-mile radius was requested  
15 by the Agency, and based on that request, we have  
16 set that radius from the location of one of the  
17 buildings, in particular, it's referred to as

18 1-10 in the L7 or group one site that has been  
19 identified and confirmed as having explosive  
20 contamination.

21 Two, the Board requested the number  
22 of people residing within three miles of the LAP  
23 area boundaries. Plexus was able to determine  
24 the population within the three-mile radius from

L.A. REPORTING (312) 419-9292

10

1 building 1-10 as being 1,049. In addition, based  
2 on census information provided by the three  
3 population centers around the plant, Plexus  
4 determined that Wilmington has a population of  
5 approximately 8,000; Symerton has a population of  
6 approximately 106, and Elwood has a population of  
7 approximately 1,700. We were unable to determine  
8 the total population within the three miles of  
9 the entire LAP area boundary.

10 Would you like me to put a map up  
11 with that at this point? Can we go off the  
12 record for a second?

13 HEARING OFFICER HALLORAN: Off the  
14 record.

15 (Discussion had  
16 off the record.)

17 MS. HOWARD: Just to let you know, this is  
18 Exhibit F, which is the same exhibit. This is  
19 the blown up version of Exhibit F from the  
20 petition, and as you can see, there's group one  
21 and the town of Symerton is just to the south,  
22 Wilmington is to the southwest and then Elwood is  
23 up in the north, and group one is where that  
24 building 1-10 is located. The nearest resident

L.A. REPORTING (312) 419-9292

11

1 from building 1-10 is approximately 1,100 meters  
2 due south from group one. Do you want to point  
3 that out? It's due south from that building  
4 1-10.

5 Number four, the Board requested the  
6 nearest business that Plexus could identify, and  
7 that is approximately 1.6 miles from building  
8 1-10 in Symerton. Five, the nearest park --

9 MR. RAO: Clarification?

10 HEARING OFFICER HALLORAN: Sure.

11 MR. RAO: There's a town called Manhattan  
12 also in the region. Is it outside the three-mile  
13 radius?

14 MS. HOWARD: I have not seen it on any of  
15 the maps that we've received while we've been

16 trying to gather this information. It's  
17 something that we could clarify for the Board.

18 MR. RAO: That would be helpful.

19 MS. HOWARD: It's called Manhattan.

20 MR. RAO: Yeah.

21 MS. HOWARD: We'll look at that and I'll  
22 keep going.

23 HEARING OFFICER HALLORAN: Thank you.

24 MS. HOWARD: I think I just stated the

L.A. REPORTING (312) 419-9292

12

1 nearest business was approximately 1.6 miles.  
2 Number five, the Board requested the location of  
3 the nearest park. We've determined that the  
4 nearest park is located in Wilmington  
5 approximately four miles from building 1-10.  
6 Number six, the Board requested location of the  
7 nearest school. The nearest school is also  
8 located in Wilmington, and that is approximately  
9 four miles from building 1-10.

10 Number seven, the Board requested  
11 additional information regarding the current and  
12 future uses of the Deer Run Industrial Park. We  
13 have asked Mr. Richard Kwasneski, director --  
14 executive director for the Joliet Arsenal

15 Development Authority to testify at this hearing,  
16 and he will address those issues when I call him  
17 as a witnesses.

18                   Number eight, the Board requested  
19 information regarding the current and future uses  
20 of the Midewin National Tallgrass Prairie. We  
21 have asked Mr. Bill Mains, an environmental  
22 engineer for Midewin, to testify at this  
23 hearing. He's present. He will also discuss  
24 those issues.

L.A. REPORTING (312) 419-9292

13

1                   Getting back to the Manhattan -- the  
2 town of Manhattan. According to the state map  
3 that we have, it is approximately three miles  
4 northeast of the area that we're talking about  
5 from building 1-10, and it is --.

6                   MR. CARTON: It's going to be greater than  
7 three miles from any area that would potentially  
8 be burned on the site.

9                   MS. HOWARD: I don't think we need to  
10 enter the state map as an exhibit.

11                   HEARING OFFICER HALLORAN: I'll take  
12 notice.

13                   MS. HOWARD: But just to give you a

14 reference point.

15 HEARING OFFICER HALLORAN: Ms. Margaret  
16 Howard is showing Mr. Rao the map at present.

17 MS. HOWARD: Number nine, the Board  
18 requested additional information about the  
19 current and future uses of the Abraham Lincoln  
20 National Cemetery. I have attempted over the  
21 past three weeks to talk with somebody by the  
22 name of Billy Murphy at the cemetery who's very  
23 familiar and I am assuming that he is in charge  
24 of the cemetery.

L.A. REPORTING (312) 419-9292

14

1 Mr. Murphy was out of town for much  
2 of that time. I was able to finally talk with  
3 him on April 26th, 2001. He requested e-mail  
4 regarding the information we needed, and I sent  
5 him an e-mail on April 27th. However, I've not  
6 heard back from him. I'd like to enter my e-mail  
7 as an exhibit demonstrating our good faith effort  
8 in trying to obtain that information for the  
9 Board as requested. So this would be our Exhibit  
10 Number -- Letter Z.

11 HEARING OFFICER HALLORAN: Ms. Doctors?

12 MS. DOCTORS: I have no objection.

13 Margaret has shared the -- Ms. Howard shared the  
14 exhibits with me prior to the hearing.

15 MS. HOWARD: How many copies do you need?

16 HEARING OFFICER HALLORAN: Well, one is  
17 fine.

18 MS. HOWARD: If you need, we can count  
19 some extra ones out later on.

20 HEARING OFFICER HALLORAN: Wait a minute.  
21 Are these marked yet?

22 MS. HOWARD: No. I wasn't sure where we  
23 were going to start. So I've got stickers if you  
24 want or if you want to just mark them.

L.A. REPORTING (312) 419-9292

15

1 HEARING OFFICER HALLORAN: Let me take a  
2 look at your stickers. And this is offered as  
3 Exhibit Z following the order of exhibits  
4 presented in the petition and then in the  
5 supplemental information document.

6 There being no objection, Exhibit Z  
7 is admitted.

8 MS. HOWARD: Number ten, the Board had  
9 requested information on the types and number of  
10 people who would be allowed in the restricted and  
11 unrestricted areas on open burn or flashing

12 days. That issue will be addressed in testimony  
13 presented by Mr. Mark Sylvester of Plexus.  
14 Finally, number 11, the Board requested  
15 information about whether any federal agency  
16 holds any environmental permit that might be  
17 affected by the granting of this variance. In  
18 particular, they mentioned NPDES permits or air  
19 permits. I sent two FOIA requests both dated on  
20 April 13th, 2001, to the bureau of water and the  
21 bureau of air. I received one permit from the  
22 bureau of water and it's for the Joliet Army  
23 Ammunition Plant. However, this facility has  
24 been closed. So this permit is no longer

L.A. REPORTING (312) 419-9292

16

1 active.

2 I'd like to enter both the FOIA  
3 request letter and the resulting NPDES permit  
4 together as an exhibit, and that would be AA if  
5 counsel doesn't have objection. That would be  
6 Exhibit AA, the letter and the permit.

7 HEARING OFFICER HALLORAN: Ms. Doctors, do  
8 you have any objection to this Exhibit AA.

9 MS. DOCTORS: No, I have no objection.

10 HEARING OFFICER HALLORAN: Exhibit AA will



11 be admitted into evidence.

12 MR. RAO: I have a question for Ms. Howard  
13 regarding this issue.

14 Ms. Howard, were you aware of any  
15 permits issued by other federal agencies other  
16 than IEPA?

17 MS. HOWARD: Oh, you mean to get permits  
18 from the other federal agencies? I thought you  
19 meant ones that were held by other federal  
20 agencies that had to do with the site.

21 MR. RAO: Yeah.

22 MS. HOWARD: For example, the cemetery or  
23 --

24 MR. RAO: No. You mentioned that you had

L.A. REPORTING (312) 419-9292

17

1 contacted the IEPA with a FOIA request to see if  
2 there were permits?

3 MS. HOWARD: Right.

4 MR. RAO: Did you contact any of the  
5 federal agencies and see if they had issued any  
6 permits?

7 MS. HOWARD: No, I did not. I didn't  
8 contact them because that's not how I interpreted  
9 the request in the Board's order, but it is

10 something that if you like, we can --

11 MR. RAO: It's just a point of  
12 clarification.

13 MS. HOWARD: Yes.

14 The letter the bureau of air  
15 produced, one construction permit for MKM  
16 Engineers of Stafford, Texas, for the  
17 construction of an explosive waste incinerator.  
18 This facility has not been constructed yet, and  
19 in this permit request, lifetime operating permit  
20 was denied at this time, and if there's no  
21 objection, I'd like to enter both the letter and  
22 the resulting permit in as Exhibit BB.

23 HEARING OFFICER HALLORAN: BB as in boy?

24 MS. HOWARD: Yes.

L.A. REPORTING (312) 419-9292

18

1 HEARING OFFICER HALLORAN: Ms. Doctors,  
2 any objection to Exhibit BB?

3 MS. DOCTORS: None.

4 HEARING OFFICER HALLORAN: Exhibit BB is  
5 admitted.

6 MS. HOWARD: Given this information,  
7 Plexus does not believe that there are any  
8 federal agencies that hold any environmental

9 permits that would be affected by the granting of  
10 this variance.

11                   As you can imagine, Plexus has been  
12 very busy gathering this information since the  
13 Board's order of April 5th. Over the past four  
14 weeks, Plexus and the Agency have continued to  
15 work together to provide the requested  
16 projections of ambient air quality concentrations  
17 as well as addressing concerns raised in the  
18 proposed conditions submitted by the Agency in  
19 its recommendation. This continued open  
20 communication has resulted in several  
21 stipulations which we'd like to present to the  
22 Board after Plexus amends two sections of its  
23 Exhibit L, which was submitted with its  
24 petition.

L.A. REPORTING (312) 419-9292

19

1                   First, there was a section -- we'd  
2 like to amend Exhibit L to have a paragraph  
3 inserted on page two of the revised work  
4 breakdown structure, and what it does is it  
5 inserts a paragraph that details what and how  
6 Plexus will deal with lead-based paint that's  
7 found on the site. It is actually one of the

8 Agency's conditions, and what we're doing is  
9 we're transferring it into one of the exhibits  
10 and thereby we'll be able to take it out of the  
11 conditions.

12 Do you have any objection to it being  
13 admitted? I think we're at CC.

14 HEARING OFFICER HALLORAN: Right.

15 Correct.

16 MS. DOCTORS: No.

17 HEARING OFFICER HALLORAN: What is this,  
18 again, Ms. Howard?

19 MS. HOWARD: This is a paragraph that is  
20 supposed to be inserted on page two of the  
21 revised work breakdown structure of Exhibit L,  
22 and I have a specific description on the top of  
23 the sheet to describe exactly where you would put  
24 it inside that document.

L.A. REPORTING (312) 419-9292

20

1 HEARING OFFICER HALLORAN: Okay. Thank  
2 you. Ms. Doctors, any objection to Exhibit CC?

3 MS. DOCTORS: None.

4 HEARING OFFICER HALLORAN: Exhibit CC  
5 entered and admitted.

6 MS. HOWARD: The second amendment to that

7 very same exhibit --

8 MR. RAO: Do you have a copy of them?

9 MS. HOWARD: Sure. I have several, so  
10 help yourself.

11 HEARING OFFICER HALLORAN: I guess while  
12 we're at it, Ms. Howard, if you do have copies of  
13 the exhibits that you're handing me, if you have  
14 copies for Mr. Rao and Ms. McFawn, that would be  
15 greatly appreciated.

16 MS. HOWARD: I do have extra copies of  
17 everything.

18 MS. McFAWN: For the record, let's note  
19 that Exhibit L, as I understand, actually has two  
20 parts to it, the first being a conceptual plan  
21 for demolition and the second being the revised  
22 work breakdown structure; is that correct?

23 MS. HOWARD: Correct.

24 MS. McFAWN: And you are amending the

L.A. REPORTING (312) 419-9292

21

1 revised portion?

2 MS. HOWARD: Right.

3 MS. McFAWN: Thank you.

4 MS. HOWARD: Can I go on with the next one  
5 or are you still looking?

6 HEARING OFFICER HALLORAN: Go ahead.

7 MR. RAO: You can go ahead.

8 MS. HOWARD: The second amendment is also  
9 to that same exhibit. It would be an insert on  
10 page 14 of the postburn section of the conceptual  
11 plan, and we would be replacing the last sentence  
12 in the paragraph that's titled ash testing and  
13 removal with a paragraph that discusses the  
14 actions that Plexus agrees to take with regards  
15 to ash. The sentence that's going to be removed  
16 is the sentence that says that ash will be left  
17 on site. If there's no objection, this will be  
18 Exhibit DD.

19 HEARING OFFICER HALLORAN: Ms. Doctors, do  
20 you have a copy of the exhibit?

21 MS. DOCTORS: It's coming by me, but I've  
22 seen it. I have no objection.

23 MS. McFAWN: Just for the record, Counsel,  
24 and the other Board members, this is the last

L.A. REPORTING (312) 419-9292

22

1 page. Page 14 is actually the last page of the  
2 conceptual plan.

3 MR. RAO: On the copy that we have,  
4 there's no page numbers.

5 MS. McFAWN: Exactly.

6 MS. HOWARD: That's one of the  
7 oversights. We apologize.

8 MS. McFAWN: That's okay.

9 MS. HOWARD: We did, like I said, on each  
10 of these sheets, we explained in detail where it  
11 will be inserted.

12 MS. McFAWN: Yes, you did.

13 MS. HOWARD: So it should be put in the  
14 right place.

15 HEARING OFFICER HALLORAN: There being no  
16 objection, Exhibit DD admitted.

17 MS. HOWARD: With that taken care of,  
18 Plexus and the Agency would like to enter the  
19 following stipulations with respect to conditions  
20 submitted on pages 20 through 25 of the Agency's  
21 recommendation, and these stipulations deal with  
22 Subpart D under general conditions, Subpart E  
23 under the preburn activities, and Roman numeral  
24 IV under the management of ash, and both counsels

L.A. REPORTING (312) 419-9292

23

1 have signed the document. That would be -- what  
2 exhibit are we on now?

3 HEARING OFFICER HALLORAN: EE.

4 MS. HOWARD: Do you want to take a copy of  
5 that at this point?

6 MR. RAO: Thanks.

7 HEARING OFFICER HALLORAN: Exhibit EE is  
8 admitted.

9 MS. HOWARD: Given these stipulations, out  
10 of 33 conditions that the Agency has proposed,  
11 Plexus in the end only objects to three of those  
12 33 conditions. Those conditions deal with in  
13 Roman numeral I, general conditions, Subpart B,  
14 Subsection One under complaints. We would  
15 propose to delete that condition. Roman numeral  
16 II under preburn activities in Subpart C, we  
17 would propose some alternate language, and under  
18 Roman numeral III, under open burning, flashing  
19 of buildings, equipment, and structures in  
20 Subpart D, we would also propose some alternate  
21 language, and we've put this language on one  
22 sheet. For the record, we'd like to enter it as  
23 an exhibit, and Mr. Sylvester will be referring  
24 to it later in his testimony. Any objections?

L.A. REPORTING (312) 419-9292

24

1 MS. DOCTORS: No. I'll only note that at  
2 some point the Agency will have to be responding,



3 but that can be done in testimony or in another  
4 way. I'm not agreeing to the content. I'm only  
5 agreeing that it be entered as a proposal.

6 MS. HOWARD: These are the issues left in  
7 contention basically.

8 HEARING OFFICER HALLORAN: Well, I'm not  
9 going to enter it at this point. I'll wait until  
10 the witness testifies. Exhibit FF is offered,  
11 but not yet entered.

12 MS. HOWARD: In addition to Mr.  
13 Kwasneski's and Mr. Main's testimony, Plexus will  
14 present two other witness, Mr. Mark Sylvester and  
15 Mr. Jeff Carton of Plexus Scientific  
16 Corporation. Plexus is confident that in  
17 considering all of the pleadings, evidence, and  
18 testimony presented and the Agency's  
19 recommendation that the Board will agree that a  
20 variance is an appropriate remedy in this case.  
21 Unless there's any objections, I'd like to call  
22 my first witness.

23 HEARING OFFICER HALLORAN: Let's hold on a  
24 minute. Thank you, Ms. Howard. Ms. Doctors, do

L.A. REPORTING (312) 419-9292

25

1 you have any opening?

2 MS. DOCTORS: I'd like to reserve my  
3 opening statement until before my witnesses  
4 testify.

5 HEARING OFFICER HALLORAN: Okay. Also,  
6 just for the record, I believe I neglected to  
7 reference the case number of this matter. This  
8 is Plexus Scientific Corporation versus the  
9 Illinois Environmental Protection Agency, PCB  
10 01-120.

11 With that said, Ms. Howard, you may  
12 call your first witness.

13 MS. HOWARD: I'd like to call Mr. Richard  
14 Kwasneski to the stand.

15 HEARING OFFICER HALLORAN: Step up and  
16 raise your right hand and the court reporter will  
17 swear you in.

18 (Witness sworn.)

19 WHEREUPON:

20 R I C H A R D K W A S N E S K I,  
21 called as a witness herein, having been first  
22 duly sworn, deposeth and saith as follows:

23 D I R E C T E X A M I N A T I O N

24 by Ms. Howard

L.A. REPORTING (312) 419-9292

1 Q. Could you please state your name and spell  
2 it for the record?

3 A. Richard Kwasneski. Obviously, Richard,  
4 R-i-c-h-a-r-d; Kwasneski, K-w-a-s-n-e-s-k-i.

5 Q. Where are you employed?

6 A. I'm the executive director for the Joliet  
7 Arsenal Development Authority.

8 Q. And could you tell the Board what JADA's  
9 mission is?

10 A. Joliet Arsenal Development Authority's  
11 mission is to create jobs and economic  
12 development that was lost at the Joliet Arsenal.  
13 There's approximately 3,000 acres that will be  
14 deeded over eventually to the Joliet Arsenal  
15 Development Authority, and it's our role to go  
16 ahead and recreate those into industrial parks to  
17 replace the jobs that were lost at the former  
18 Joliet Arsenal.

19 Q. Are you familiar with the variance  
20 petition that was filed by Plexus Scientific?

21 A. Yes.

22 Q. And how did you become aware of this  
23 petition?

24 A. Ms. Howard and also representatives from

1 Plexus met with myself, the chairman of our  
2 Board, and also the mayor of the city of  
3 Wilmington and did a presentation in regards to  
4 the locations of the potential burning and actual  
5 detailed simulation of when that would take  
6 place.

7 Q. In that meeting, did they explain exactly  
8 what their work entailed? How did they present  
9 that information?

10 A. Basically, there was a handout of  
11 information that was presented to myself and the  
12 other representatives from JADA and then also,  
13 again, a simulation that was done on a power  
14 point presentation in regards to specifically  
15 what would be done in regards to the burning of  
16 the buildings. It's pretty detailed  
17 explanations, and we had some questions and all  
18 those questions were clarified at that point.

19 Q. Do you believe their work will impact the  
20 development of Joliet Arsenal?

21 A. Yes. I believe that the work will impact  
22 it from the standpoint that the areas in question  
23 need to be cleaned up and the sooner that that  
24 happens, the better it will be for both of our

1 developments of our properties.

2 Q. Are you familiar with the Deer Run  
3 Industrial Park?

4 A. Yes. The Deer Run Industrial Park is one  
5 of our industrial parks. It's approximately 1800  
6 acres that's located at the northwest corner of  
7 the arsenal property. It's in orange on the map  
8 that's behind me. Again, it's approximately 1800  
9 acres. Approximately 700 acres is going to be an  
10 intermodal rail facility ran by the Burlington  
11 Northern Santa Fe Railroad.

12 Q. I was going to say Deer Run Industrial  
13 Park is in this area, which is -- this is also  
14 Exhibit E in the petition exhibits. It's just  
15 north of site nine as identified and then the  
16 intermodal transportation system is going to be  
17 in site eight, if I remember correctly?

18 A. That's correct. The intermodal is in that  
19 area, and then adjacent to that to the east,  
20 there will be located approximately 17 million  
21 square feet eventually of warehouse and  
22 industrial property.

23 Q. In your opinion, would any of the work  
24 that Plexus has proposed interfere with any of

1 the present or future uses of the Deer Run  
2 Industrial Park?

3 A. From what I can see on the LAP side near  
4 the Island City Industrial Park, which is located  
5 in the southern section of that map, there would  
6 be --

7 Q. Let me point that out just for a second.  
8 The Deer Run is in this area, and then the Island  
9 City Industrial Park in this area like where it's  
10 identified as L32, L11, L16, and L17 on that  
11 Exhibit E that was submitted with the petition.

12 First of all, if we start with the  
13 Deer Run Industrial Park as far as future uses.

14 A. Okay. I would -- the only thing that we  
15 have got a concern with is once the operational  
16 -- once the intermodal is operational, which  
17 will be sometime next year, there will obviously  
18 be trains entering an exiting the park, and we  
19 wouldn't want anything that would interfere with  
20 the scheduling of those taking place, and,  
21 obviously, that's going to be a continued  
22 operation 24 hours a day. So we wouldn't want  
23 anything that would have to interfere with that.

24 HEARING OFFICER HALLORAN: Could you

1 explain the intermodal transportation?

2 BY THE WITNESS:

3 A. Sure. The intermodal rail facility is a  
4 facility that handles freight bringing in --  
5 either coming in by rail and then exiting by  
6 truck or coming in by rail and exiting again by  
7 rail. So this facility will basically be -- can  
8 I point at the map?

9 HEARING OFFICER HALLORAN: Yes.

10 BY THE WITNESS:

11 A. The Burlington Northern Santa Fe rail line  
12 runs just to the west of the industrial park.  
13 The trains will actually be entering into the  
14 industrial park via a spur that's being  
15 constructed, and then there is an easement with  
16 the Army currently that will go down along what  
17 they call West TNT Road and then will enter the  
18 intermodal rail facility from the southern  
19 section and then basically be able to take the  
20 trains right back out to be able to go north or  
21 south on the Burlington Northern Santa Fe. So  
22 basically they'll be bringing freight in, taking  
23 freight out, and, of course, there will be  
24 freight that will be trucked out of the site as

1 well.

2                   So our only initial concern would be  
3 the area identified on this map as six has not  
4 been transferred to the Joliet Arsenal  
5 Development Authority that subsequently the  
6 Center Point Property is our development. That  
7 property is in the process of being cleaned up by  
8 the Army. We do have an easement through there.  
9 I think our only concern would be that if --  
10 wherever the burn would take place, we would want  
11 to make sure that it would not inhibit our  
12 ability to be able to go ahead and use that  
13 railing to enter and exit the park. We  
14 understand, obviously, the property needs to be  
15 cleaned up. Quite frankly, the sooner area six  
16 here can be cleaned up, the sooner it can be  
17 transferred and be able to put into uses for the  
18 industrial park with Center Point Properties.

19 BY MS. HOWARD:

20 Q.     And the property to the south then?

21 A.     The area that's to the southern section of  
22 this map is the Island City Industrial Park.  
23 It's outlined in brown, and, again, the areas are  
24 L16, L17, L32, and L11. We have -- we are in the



1 conceptual phase of looking at this industrial  
2 park. We don't have a developer. We don't have  
3 anything happening currently. Quite frankly, we  
4 would like to get this area cleaned up as quickly  
5 as possibly. We've extended that to the Army and  
6 also Plexus and their scheduling to be able to go  
7 ahead and get L16 and L17 and L11 transferred  
8 over to us so that we can start some planning for  
9 that. So we support obviously the cleanup or the  
10 burning in that area to be able to go ahead and  
11 start planning for that industrial park. The  
12 sooner that's done, the better off it would be so  
13 we can put some planning efforts together, and  
14 then obviously there's other buildings that are  
15 in the Midwin areas that don't directly affect  
16 the Joliet Arsenal Development.

17 Q. And these developments are important to  
18 the economic growth for the Joliet area in  
19 general?

20 A. Yes. The Deer Run Industrial Park is  
21 scheduled to have approximately 8,000 jobs when  
22 it's completed and it's over probably about a ten  
23 to 13-year period. We have no projections

24 initially right now in the Island City Industrial

L.A. REPORTING (312) 419-9292

33

1 Park down here in Wilmington, but, again, from a  
2 planning standpoint, it would be very good to be  
3 able to go ahead and have this cleanup done as  
4 quickly as possible so that we can go ahead and  
5 put forth a strategic plan for the Island City  
6 Industrial Park and start economic development  
7 and job creation in that area.

8 Q. I believe, Mr. Kwasneski, you sent a  
9 letter to the Board documenting the project and  
10 it was received in the clerk's office on March  
11 26th, 2001, and I just want to make sure that  
12 that is in the file.

13 MS. HOWARD: I believe you said that that  
14 was in our last phone conference.

15 HEARING OFFICER HALLORAN: What are we  
16 talking about, again, Ms. Howard?

17 MS. HOWARD: This was a letter in support  
18 that was submitted in March that was sent. There  
19 should be a total of four letters, one of those  
20 was from the Joliet Arsenal Development  
21 Authority.

22 HEARING OFFICER HALLORAN: Yes, I do have

23 that, and I believe that is in the record,  
24 administrative record.

L.A. REPORTING (312) 419-9292

34

1 MS. HOWARD: Thank you. I have no further  
2 questions for Mr. Kwasneski. If the Board has  
3 any questions.

4 MS. McFAWN: I have one question. I'm  
5 sorry. I have not -- I'm sure it's in the  
6 record, but I have not seen your letter of March  
7 to the Board. So I might be asking you something  
8 that's already in the record.

9 THE WITNESS: Sure.

10 MS. McFAWN: You mentioned that you met  
11 with Plexus and you had a thorough presentation.

12 When that was meeting?

13 THE WITNESS: The exact date, I don't  
14 know. I believe it was sometime in February or  
15 late February or March.

16 MR. CARTON: I believe it was --

17 THE WITNESS: No. It was earlier than  
18 that.

19 MS. HOWARD: It was March 20th.

20 THE WITNESS: And I think that is  
21 clarified in the letter actually.

22 MS. McFAWN: Okay.

23 MS. LIU: Good morning. The Exhibit E  
24 that we were provided in the petition is a

L.A. REPORTING (312) 419-9292

35

1 reduced version of the map that you're showing  
2 today. Is there a possibility we could get a  
3 full size version so we could read all of the  
4 text?

5 MS. HOWARD: Absolutely. We have extra  
6 copies of those.

7 MS. LIU: Thank you. Mr. Kwasneski, do  
8 you know if there's any industrial activity or  
9 development currently in the Deer Run or Island  
10 City Industrial Parks now?

11 THE WITNESS: Currently what's happening  
12 in the Deer Run Industrial Park site is there's a  
13 lot of earth moving that's taking place in this  
14 area where the intermodal rail facility will be.  
15 There are currently no buildings or no existing  
16 businesses there other than the construction  
17 activity that is taking place.

18 The intermodal rail facility, parts  
19 of it will as scheduled be operational sometime  
20 next summer. So currently there are none, but we

21 anticipate the intermodal rail facility actually  
22 being open sometime next year. In the Island  
23 City Industrial Park down at the southern section  
24 of the map, there are no existing businesses and

L.A. REPORTING (312) 419-9292

36

1 no current activity as we speak.

2 MS. LIU: Since this variance will take  
3 place over a period of five years, how do you see  
4 the industrial activity or development proceeding  
5 over that time period?

6 THE WITNESS: I think in the Deer Run  
7 Industrial Park site, obviously the intermodal  
8 rail facility will be complete during that period  
9 of time and also some activity in the industrial  
10 park area that's actually to the northeast  
11 section of the Deer Run Industrial Park.

12 I don't believe there will be any  
13 impact on those businesses based upon the areas  
14 where they may have to burn, and in regards to  
15 the other section in the Island City Industrial  
16 Park site, as I previously testified, the sooner  
17 that we could get the areas in our section  
18 cleaned up, some of those buildings I believe may  
19 have a potential that we might have to have those

20 burned the better it would be for our development  
21 planning, and obviously it would be great if the  
22 Army would be able to expedite all that cleanup  
23 in the area, but we realize based upon the cost  
24 of what needs to take place, you know, we believe

L.A. REPORTING (312) 419-9292

37

1 that over a five-year period we'll be in a  
2 position where we'll be able to start that, and  
3 we don't believe the burn will really affect that  
4 process.

5 MS. LIU: What types of people would be  
6 allowed in those areas while the development was  
7 taking place?

8 THE WITNESS: The Deer Run Industrial Park  
9 site currently, obviously, it's all just  
10 construction employees. All of them go through  
11 pretty extensive training. The area in the  
12 Island City Industrial Park would basically be  
13 staff of the Joliet Arsenal Development Authority  
14 and any agents that we would have on our behalf.  
15 That would be pretty much it on our property.

16 MS. LIU: Whether you mention that the  
17 construction workers have extensive training,  
18 extensive training in what type of area?

19 THE WITNESS: Basically -- and I don't  
20 have the details of it, but we certainly could  
21 probably get that information provided. There's  
22 a memorandum of agreement that was signed between  
23 all the parties in regards to safety procedures  
24 and training activities that would have to take

L.A. REPORTING (312) 419-9292

38

1 place as employees would be on site for the  
2 construction activity in particular, and I think  
3 that's something that we could probably, you  
4 know, provide or I'm sure Ms. Howard could get it  
5 from the Army, and that details out the  
6 procedures and the training that would have to be  
7 available for anybody that would actually be  
8 physically on the site.

9 MS. LIU: Would that apply to employees  
10 that would be moving in once the intermodal rail  
11 system is ready for operation?

12 THE WITNESS: No, I don't believe so. I  
13 believe it's really for more construction  
14 activity that would take place because obviously  
15 once the areas are free and clear of any  
16 potential contamination that might be found,  
17 obviously, you know, there will be buildings

18 built and it will already have been reviewed and  
19 approved by the various agencies that are  
20 responsible.

21 MS. LIU: Are there members of the general  
22 public who are allowed in these areas without an  
23 escort at all?

24 THE WITNESS: Currently, no. Obviously,

L.A. REPORTING (312) 419-9292

39

1 once the industrial park is open, that area will  
2 be open to the public, you know, for vehicles or  
3 traffic and access to those businesses. The  
4 intermodal rail facility will be secured from the  
5 standpoint of anybody that would be entering that  
6 area would have to go through some security  
7 checks to be able to access the intermodal rail  
8 facility.

9 MS. LIU: Okay.

10 HEARING OFFICER HALLORAN: Ms. Howard,  
11 would you take -- attach that memo that we're  
12 speaking of to the posthearing brief?

13 MS. HOWARD: Dealing with the training of  
14 workers?

15 HEARING OFFICER HALLORAN: That's  
16 correct. Thank you. Any other questions from



17 the Board or technical unit?

18 MS. LIU: From a visual standpoint, I just  
19 have one more question. How are the industrial  
20 or future industrial park areas demarcated if at  
21 all? Is there a fence there?

22 THE WITNESS: Currently, there's fencing  
23 around the majority of the Deer Run Industrial  
24 Park site, and it is secured now with security to

L.A. REPORTING (312) 419-9292

40

1 be able to enter and exit that site. Once the  
2 intermodal rail facility will be open, that area  
3 will be secured, and then the balance of the  
4 industrial park will be open to access for  
5 vehicular traffic and other public use.

6 MS. LIU: Okay.

7 HEARING OFFICER HALLORAN: Ms. Doctors, do  
8 you have any cross?

9 MS. DOCTORS: No. I think it was covered.

10 HEARING OFFICER HALLORAN: If there's no  
11 further questions, sir, you may step down,  
12 please, so to speak. Thank you very much. Ms.  
13 Howard, your next witness.

14 MS. HOWARD: I'll call Mr. Bill Mains.

15 HEARING OFFICER HALLORAN: Off the

16 record.

17 (Discussion had  
18 off the record.)

19 (Witness sworn.)

20 WHEREUPON:

21 W I L L I A M M A I N S,  
22 called as a witness herein, having been first  
23 duly sworn, deposeth and saith as follows:

24 D I R E C T E X A M I N A T I O N

L.A. REPORTING (312) 419-9292

41

1 by Ms. Howard

2 Q. Could you please state your name and spell  
3 it for the record?

4 A. My name is William Mains, M-a-i-n-s.

5 Q. And where are you employed?

6 A. I'm employed at the Midewin National  
7 Tallgrass Prairie.

8 Q. What is your position at Midewin Tallgrass  
9 Prairie?

10 A. I am the environmental engineer.

11 Q. What is the Prairie's mission?

12 A. Under the Illinois Land Conversation Act,  
13 our mission is to restore a tallgrass prairie  
14 such as existed in Illinois prior to the

15 settlement or disruption of plowing, et cetera.

16 Q. Are you familiar with the variance  
17 petition that was filed by Plexus?

18 A. I read through it.

19 Q. Do you believe that the work Plexus  
20 proposes over the next five years adversely  
21 impacts the prairie in any way?

22 A. Not from the standpoint that what they're  
23 doing would be necessary as a step in cleaning up  
24 the property that would eventually come to us.

L.A. REPORTING (312) 419-9292

42

1 The stated concern we had was having to do with  
2 burning and air lobing, et cetera, and I will  
3 stipulate for the record that my experience in  
4 air is practically nil.

5 Q. The concern you have, I believe, relates  
6 to the burning of the prairie at certain times  
7 during the year; is that correct?

8 A. Yes. We have fairly small windows in the  
9 spring and the fall when we can burn under Forest  
10 Service rules which have tightened up  
11 considerably after what happened in New Mexico  
12 and the like. There's a very stringent set of  
13 requirements that we have to meet, and any -- our

14 only concern is that the decontamination or  
15 flashing would create a load that would impair  
16 our ability to burn during our short periods of  
17 availability. We would just like it known that  
18 we still want our ability to burn.

19 Q. And at Plexus, one of the conditions that  
20 we are willing to agree to in this variance has  
21 to do with notifying a representative of the  
22 Prairie when these burns are going to be taking  
23 place.

24 Would that help to alleviate the

L.A. REPORTING (312) 419-9292

43

1 concerns if this sort of timing issue could be  
2 worked out?

3 A. I would guess the timing issue  
4 coordination would probably take care of it, yes.

5 Q. Now, you sent, at our request -- we  
6 weren't sure Mr. Mains would be able to testify  
7 today. I had asked him to send us some  
8 information, and he has provided that.

9 Would you like the Board to accept  
10 this as an exhibit?

11 A. If you would like.

12 Q. I think it would be a good idea. It would

13 give the Board some information about the  
14 prairie.

15 MS. HOWARD: This would be, if counsel  
16 doesn't have an objection --

17 MS. DOCTORS: No. I have no objection.  
18 Yesterday I didn't get a chance to get through  
19 this thoroughly.

20 MS. HOWARD: Now, I know these are a  
21 different size that you gave me, but they all  
22 have been reduced. We have extra copies of this  
23 information too.

24 HEARING OFFICER HALLORAN: This would be

L.A. REPORTING (312) 419-9292

44

1 Exhibit GG. There being no objection, Exhibit GG  
2 is entered into evidence.

3 MS. DOCTORS: Let me just -- wait one  
4 minute, Margaret.

5 MS. HOWARD: For the record, we had  
6 received this information the day before I was  
7 leaving my office to come up here.

8 MS. DOCTORS: For the record, she shared  
9 it with me promptly.

10 MS. DOCTORS: Okay. I'm ready.

11 BY MS. HOWARD:

12 Q. Mr. Mains, when the prairie workers go out  
13 to do this type of work, how many hours in a day,  
14 for example, would they be out in the field to  
15 burn sections of the prairie? Is it an all day  
16 project where they're out there all day or are  
17 they out there for a couple hours at a time?

18 A. It's quite a conditional answer on that.  
19 A lot of it depends on exactly what happens. The  
20 size areas that will be burned on any one day  
21 must be a manageable size, and with limited  
22 manpower, it's a matter of how long it takes the  
23 fire to move through it. So it's a very  
24 imprecise answer. It would not be expected to

L.A. REPORTING (312) 419-9292

45

1 take a whole day. It could. It might take two  
2 or three hours. It depends on how fast it goes  
3 out.

4 Q. How many are the number of acres that you  
5 would burn at any one time on average?

6 A. Well, we haven't been able to do it yet.

7 Q. Any plans?

8 A. We have -- we have plans. We have other  
9 issues that we have to work out. One of them is  
10 getting the EA, environmental assessment,

11 completed and the decision made for the burns.  
12 In the long-term, it could easily be several  
13 thousand acres per year. In the near-term, it's  
14 a smaller area. Generally a burn -- here, again,  
15 you're talking various -- you might have  
16 something as small as five acres, but you might  
17 have 120 or 150 acres that is considered a burn  
18 for a particular day.

19 MS. HOWARD: We don't have any further  
20 questions.

21 HEARING OFFICER HALLORAN: Ms. Doctors, do  
22 you have any cross?

23 MS. DOCTORS: I need to look at something  
24 real quick.

L.A. REPORTING (312) 419-9292

46

1 HEARING OFFICER HALLORAN: While we're  
2 waiting, does the Board or the technical unit  
3 have any questions for Mr. Mains?

4 MS. LIU: Good morning, Mr. Mains. You  
5 mentioned that there was tight window in which  
6 you can conduct these prairie burns. What would  
7 that window be again?

8 THE WITNESS: It's in the spring and in  
9 the fall. It has to do with timing of plant

10 growth cycles and bird nesting and weather and  
11 that's -- so it's not entirely, fixed, but, for  
12 instance, I think we're out of the spring now.  
13 The seeds have basically sprouted.

14 MS. LIU: Does that window occur over a  
15 period of days or does it stretch out to weeks?

16 THE WITNESS: It's weeks, but a month  
17 would be a long time.

18 MS. LIU: Okay. Have you discussed your  
19 concerns about conflicting schedules with your  
20 burns and with Plexus' burns with them?

21 THE WITNESS: I have not at this point.  
22 As I said, we're in the environmental assessment  
23 stage in our burns, and so we don't have any  
24 burns on a piece of paper where I can say I want

L.A. REPORTING (312) 419-9292

47

1 to do these at a particular time.

2 MS. LIU: But within the next five years  
3 you anticipate --

4 THE WITNESS: Within the next five years,  
5 I would foresee we will both be operating out  
6 there. I would think that we could coordinate  
7 our timing.

8 MS. LIU: To your knowledge, is there a



9 permit required to do a prairie burn?

10 THE WITNESS: Well, okay. My  
11 understanding is that one is not required  
12 however, our policy is to meet the requirements  
13 of a permit. So we basically have to treat it  
14 like we had to get a permit.

15 MS. LIU: On the map behind you on Exhibit  
16 E, could you show us what portions of the  
17 ammunition plant will be converted into the  
18 tallgrass prairie eventually and what portions  
19 are actually part of the tallgrass prairie now?

20 THE WITNESS: Everything that is in yellow  
21 has the potential to become --

22 HEARING OFFICER HALLORAN: Mr. Mains,  
23 could you raise your voice?

24 THE WITNESS: Everything in yellow has the

L.A. REPORTING (312) 419-9292

48

1 potential to become part of the Midwin. There  
2 are, I think, four kinds of land. There's --  
3 included in the original legislation and included  
4 in the original transfer, there's -- actually, to  
5 make it more simple for this situation, there's  
6 land which the legislation designated to be  
7 transferred to us, and then there's land that can

8 be transferred to us at the Army's option, and  
9 both kinds exist in this yellow area.

10 For instance, these LAP lines, I  
11 believe, are at the Army's option to offer to  
12 us. The secretary of agriculture, as I recall,  
13 has right of first refusal. On the other hand,  
14 the Army could retain them forever if they wanted  
15 to. In fact, the blue is not a bad estimate of  
16 the land that is at the Army's option. It's  
17 probably not perfect, but it's close.

18 MS. McFAWN: So that would be the yellow  
19 area outlined in blue?

20 THE WITNESS: Yes. I know these four  
21 are. They're optioned. I believe some of the  
22 rest of these that have fairly extensive  
23 contamination are also at their option.

24 MS. McFAWN: By these four, you're

L.A. REPORTING (312) 419-9292

49

1 referring to L7, L10, L8, and L9?

2 THE WITNESS: Yes, I was.

3 MS. LIU: And you show us what portion of  
4 this yellow area is now considered part of the  
5 tallgrass prairie?

6 THE WITNESS: Yeah. On the manufacturing

7 side, everything that is not surrounded by a red  
8 line, which is yellow -- I mean, the yellow  
9 inside the red line is not ours at this point.  
10 On the load assemble package side, the areas  
11 surrounded in blue are not ours. A good chunk in  
12 through here is not ours because there were  
13 quantity distance arcs for Allign Tech when they  
14 were still operating until September 30th of last  
15 year.

16 MS. LIU: Could you indicate what part you  
17 just circled with your finger there?

18 THE WITNESS: This area up to Central Road  
19 and down sort of Oklahoma in size shaped area.

20 MS. McFAWN: So actually it's south  
21 Central Road and it's out on the western edge of  
22 the load assembly package area?

23 THE WITNESS: That's good.

24 MS. McFAWN: And it would be designated

L.A. REPORTING (312) 419-9292

50

1 L31, L20 kind of? No? That's what I see on my  
2 map.

3 THE WITNESS: Well, there's a bunch of  
4 stuff that's not designated in here, but, yes,  
5 L15, L14, 31, 20, 18, and 19, L4, this whole area

6 south of Central Road here over to about where my  
7 hand outlines.

8 MS. HOWARD: That is -- the witness is  
9 indicating to the east of L3.

10 THE WITNESS: Right.

11 MS. McFAWN: Okay. So if you were to  
12 extend Road One west -- south, you could square  
13 it off using Central Road, an extension of Road  
14 One west, and you would have the southwest block  
15 of land there.

16 THE WITNESS: That's approximate, yes,  
17 because we do have some of this warehouse area  
18 here. We don't have this bunker field, for  
19 instance.

20 MS. McFAWN: L13?

21 THE WITNESS: Right. And we don't have  
22 L27 warehouses.

23 MS. McFAWN: Now we've moved to the east  
24 side of the property, right?

L.A. REPORTING (312) 419-9292

51

1 THE WITNESS: Correct. L28 bunkers we do  
2 not have. There's a firing range at L33 we don't  
3 have. There's what's called an ordinance area  
4 here in L34 we don't have. Obviously, L1, L2,

5 and L3 we don't have. The old salvage yard up  
6 here at L5 we also do not have. So that's pretty  
7 close.

8 MS. LIU: Does Midewin have any buildings  
9 or structures on the prairie?

10 THE WITNESS: We currently have  
11 approximately 100 plus the bunkers. We have 392  
12 bunkers that have been given to us, and 100 --  
13 about approximately 100 other buildings. The  
14 environmental assessment for demolition of those  
15 buildings has been completed. The statement --  
16 sorry. A decision was issued last Tuesday. We  
17 could go Tuesday. It's now in its 45-day appeal  
18 period for -- that's simply to allow us to go  
19 ahead and demolish them if we have the funding.

20 There's approximately, I don't know,  
21 another seven or 800 buildings yet to go that we  
22 don't have yet.

23 MS. LIU: Does Midewin have an office  
24 building on for its administrative purposes?

L.A. REPORTING (312) 419-9292

52

1 THE WITNESS: Right there at the end of my  
2 little finger is a former farmhouse and a set of  
3 trailers which is our administrative site right

4 now.

5 MS. HOWARD: That is directly west of L16.

6 THE WITNESS: Yes.

7 MS. HOWARD: Right next to Highway 53,  
8 that little patch there.

9 THE WITNESS: And we're at the stage of  
10 trying to award construction contracts for  
11 administrative site construction at that same  
12 location.

13 MS. LIU: When do you anticipate  
14 construction beginning?

15 THE WITNESS: Oh, I can tell you it was  
16 supposed to start already. There's been delays  
17 in issuing the award.

18 MS. McFAWN: What are you going to build?

19 THE WITNESS: An administrative office  
20 building.

21 MS. LIU: Is the current office, the  
22 farmhouse and the trailers, manned on a regular  
23 basis by staff?

24 THE WITNESS: Yes.

L.A. REPORTING (312) 419-9292

53

1 MS. LIU: Are visitors allowed in those  
2 spaces?

3           THE WITNESS:  They can come on to our  
4 administrative site, and we have an active  
5 volunteer organization that comes out and does  
6 work.  There's a lot of meticulous handwork  
7 having to do with separating seeds and all the  
8 rest of that.  It's hard to mass-produce prairie  
9 plants is what it gets down to.

10                 We have programs with local school  
11 districts called the Mighty Acorns who come out  
12 and do various things.  I think they've been  
13 concentrating on farmsteads because there's -- I  
14 forget how many families were bought out to do  
15 this.  It was numerous.

16                 So there are zero old farmsteads  
17 where you can sift through the dirt and look for  
18 artifacts, et cetera.  Otherwise, that's  
19 escorted, and basically all other visitors are  
20 escorted except for a few volunteers who engage  
21 in bird monitoring activities who have to get out  
22 there at 4:30 in the morning in the summertime.  
23 So, you know, basically they're signed up as  
24 volunteers, and they're allowed to go unescorted.

L.A. REPORTING (312) 419-9292

54

1           MS. LIU:  What parts of the area on this

2 map are the volunteers allowed access to?

3 THE WITNESS: Well, they're allowed access  
4 to our land, but not the Army's land, and they  
5 have to know which is which. In many areas, you  
6 could wander across the line and not really know  
7 the difference.

8 MS. LIU: So how would they know which is  
9 which?

10 THE WITNESS: They'd have to be familiar  
11 with the map and where they are.

12 MS. LIU: Do you provide them some kind of  
13 a --

14 THE WITNESS: Well, they're provided with  
15 lots -- I don't directly deal with the  
16 volunteers, but, yes, they're provided with  
17 information, et cetera.

18 MS. LIU: And you feel comfortable that  
19 they understand that information and will respect  
20 it?

21 THE WITNESS: Yes, I do.

22 MS. McFAWN: When the volunteers come on  
23 unescorted, is your group aware that they will be  
24 there? Do they have to reserve the time and let

L.A. REPORTING (312) 419-9292



1 you know that they're coming on early morning  
2 hours?

3 THE WITNESS: They are supposed to  
4 coordinate with the people that coordinate the  
5 volunteers, yes. I have to plead ignorance on  
6 exactly how all that's done.

7 MR. RAO: Mr. Mains, when do you  
8 anticipate the park to be generally open to the  
9 public?

10 THE WITNESS: That's a good question. One  
11 of the points in our environmental assessment for  
12 demolition was that we can't let the public out  
13 unescorted because we have these wonderfully  
14 attractive buildings that the kids would just  
15 love to climb all over and fall out of, et  
16 cetera.

17 So we need to get our attractive  
18 nuisances taken care of, and currently the  
19 contaminated Army areas, I believe, are all  
20 fenced, and so a decision would have to be made  
21 at what point can the public be admitted versus  
22 what form of security would have to be applied,  
23 and that becomes a decision that's obviously made  
24 with consultation with the Army because we are,

1 by default, also responsible for tight security  
2 even along the outside fence that is the primary  
3 site security.

4 MR. RAO: Is it going to happen in the  
5 next five years or it might take longer than  
6 that?

7 THE WITNESS: There may be some areas  
8 which open. For instance, we don't have any  
9 buildings over here.

10 MS. McFAWN: Over here meaning the  
11 manufacturing area?

12 THE WITNESS: Yes. Sorry. The  
13 manufacturing area. Sorry. Excuse me. Yes, we  
14 do have some buildings, but they are easy to get  
15 rid of buildings. They are small and I think  
16 there's only five of them. I could see the  
17 manufacturing area side becoming open, but it  
18 would depend on the risk presented by the  
19 unenclosed nontransferred lands, and I can't  
20 speculate on that at this time.

21 HEARING OFFICER HALLORAN: Ms. Doctors, I  
22 think we're at cross.

23 C R O S S - E X A M I N A T I O N

24 by Ms. Doctors

1 Q. I wanted to know how many acres -- I guess  
2 I also wanted to know as part of your  
3 environmental assessment, have you done any  
4 estimates --

5 HEARING OFFICER HALLORAN: Mr. Mains, you  
6 can sit down. Ms. Doctors, could you restate  
7 your question.

8 BY MS. DOCTORS:

9 Q. I was wondering as part of your  
10 environmental assessment whether you've done any  
11 estimates of the emissions that would be  
12 generated by your prairie burns, and if you  
13 expect to be doing it -- let me ask you that  
14 one.

15 A. I believe there have been estimates made.  
16 I would clarify that in the forest service, fire  
17 is a totally separate operation from, for  
18 instance, environmental. So I can say, yes, I  
19 think they've looked at it, but, no, I haven't,  
20 and I really don't know exactly what they've  
21 done.

22 Q. Okay.

23 A. I know for our human health risk  
24 assessment, we try to estimate emissions in terms

1 of human exposure. That was buried back in the  
2 envelope, but you get an idea of the size of what  
3 we are looking at.

4 Q. Do you know what the results were?

5 A. Basically, that group decided that  
6 exposure from burning itself was a more  
7 significant source than any -- we were more  
8 concerned with residual contamination, and we  
9 determined that exposure from burning itself was  
10 -- presented more of a risk than any residual  
11 contamination would on a mass basis, which is --  
12 which may be immaterial to your question.

13 Q. Yeah. That's a good -- that's  
14 interesting information.

15 I guess my question is when do you  
16 foresee that you're going to start these prairie  
17 burns?

18 A. Well, it's one of those things that keeps  
19 getting moved to each successive window, and  
20 we've gone by the third window now that I've been  
21 around for. Right now, we're hoping to be able  
22 to do it in the fall. The appeal process can  
23 slow us down considerably and the decisions made  
24 from environmental assessments. So I would hate

1 to speculate on exactly when we will be able to  
2 do such a thing.

3 Q. Have there been any objectors to open  
4 burning?

5 A. The decision has not been issued;  
6 therefore, no.

7 MS. DOCTORS: That's all.

8 HEARING OFFICER HALLORAN: Ms. Howard, any  
9 redirect?

10 MS. HOWARD: No.

11 HEARING OFFICER HALLORAN: Any questions  
12 from the Board or technical unit?

13 MS. McFAWN: I have a couple questions. I  
14 was looking at Exhibit GG, which was just  
15 submitted today, and it's a letter presumably  
16 authored by Frank Koenig, and he is prairie  
17 supervisor.

18 What is your relation with him? You  
19 said you're the environmental engineer for the  
20 prairie. Can you explain how your office is set  
21 up?

22 THE WITNESS: I work for him.

23 MS. McFAWN: You work for him?

24 THE WITNESS: I work for him.

1 MS. McFAWN: And how many environmental  
2 engineers are there?

3 THE WITNESS: One.

4 MS. McFAWN: So you're in second command,  
5 so to speak, of what goes on?

6 THE WITNESS: No. Actually, we are  
7 undergoing a reorganization, but at this very  
8 moment still everyone works for Frank Koenig.

9 MS. McFAWN: And how many employees are  
10 there?

11 THE WITNESS: Approximately, 25.

12 MS. McFAWN: What other kinds of jobs are  
13 there under his supervision?

14 THE WITNESS: We have restoration  
15 technicians, foresters, public affairs officer,  
16 prairie park land coordinator, facilities  
17 engineers, engineering tech, recreation  
18 coordinator, recreation technician. We have a  
19 business clerk, a receptionist. We have a NEPA  
20 coordinator. We have a landscape architect, and  
21 we have seasonal employees.

22 MS. McFAWN: As environmental engineer,  
23 are you in charge of this document that's now

24 been sent out for public review in the draft

L.A. REPORTING (312) 419-9292

61

1 stage which is the environmental -- you keep  
2 referring to it as --

3 THE WITNESS: The environmental  
4 assessment?

5 MS. McFAWN: Yes.

6 THE WITNESS: For demolition?

7 MS. McFAWN: Is it for the demolition?

8 THE WITNESS: That's the only one I was  
9 directly involved with. We're currently in  
10 appeal on the agricultural lease one that I was  
11 not directly involved with. I'm not directly  
12 involved with burn or the wetland restorations or  
13 the other items listed in the Midwin Reporter.

14 MS. McFAWN: You are not?

15 THE WITNESS: I am not directly involved,  
16 no.

17 MS. McFAWN: So the environmental  
18 assessment plan, is that what it's called?

19 THE WITNESS: I think it's just called  
20 environmental assessment.

21 MS. McFAWN: Okay. And that's the one  
22 that's currently been released for a 45-day

23 comment period?

24 THE WITNESS: It's in the appeal period.

L.A. REPORTING (312) 419-9292

62

1 The decision was issued and it's in the appeal  
2 period.

3 MS. McFAWN: And this is for demolition?

4 THE WITNESS: That one is for demolition.

5 MS. McFAWN: Demolition of buildings?

6 THE WITNESS: Of buildings.

7 MS. McFAWN: Those would be the buildings  
8 in the manufacturing area or on both sides of the  
9 property?

10 THE WITNESS: The buildings are on both  
11 sides, but only on our land.

12 MS. McFAWN: And these demolitions will be  
13 done separate from those that Plexus is  
14 proposing?

15 THE WITNESS: Correct, and one could --  
16 well, one condition of us receiving these was  
17 that they were already clean to begin with. So  
18 that's why I'm saying separate.

19 MS. McFAWN: I see.

20 THE WITNESS: We don't plan to do flash  
21 burns or anything like that.



22 MS. McFAWN: Oh, okay. Thank you for  
23 making that clarification.

24 So the building will just be taken

L.A. REPORTING (312) 419-9292

63

1 apart?

2 THE WITNESS: Correct.

3 MS. McFAWN: I was reading the Midwin  
4 Quarterly, and you've opened some hiking trails.

5 Would those mean that those are open to the  
6 public?

7 THE WITNESS: Those are and I believe  
8 they're outside our fence.

9 MS. McFAWN: The Newton and Henslow  
10 interim hiking trails you believe are outside of  
11 the fence?

12 THE WITNESS: Yes. I believe you take  
13 Explosive Road off of Route 53 heading toward  
14 gate ten, and you park in the parking lot there  
15 that's also used for hunting access and the  
16 trails head out north and south from that point,  
17 but they are west of the east fence. They're  
18 east of the east fence of the manufacturing area,  
19 yes.

20 MS. LIU: Can you point that out, please?

21 THE WITNESS: Sure. This is Explosive  
22 Road right here, and that's our main gate  
23 entrance into this manufacturing site. This is  
24 the fence. It goes like this. We own land

L.A. REPORTING (312) 419-9292

64

1 out -- obviously out past the fence that was also  
2 Army bunker area, and I know that Henslow -- one  
3 heads north into here and the other heads south  
4 this way. That's what I believe.

5 MS. LIU: Could you indicate how far  
6 south?

7 THE WITNESS: The map is in the --

8 MS. McFAWN: It would be attached to the  
9 quarterly newsletter then?

10 MS. DOCTORS: Right. It's like the fourth  
11 page.

12 MS. McFAWN: Would that be the Henslow  
13 Interim Trail?

14 THE WITNESS: Correct.

15 MS. McFAWN: And the Newton Interim Trail  
16 on the right of that piece of paper?

17 THE WITNESS: Yes. It's a north and a  
18 south loop from that parking lot at gate ten.

19 MS. McFAWN: Gate ten is at --

20 THE WITNESS: Where explosive Road crosses  
21 the gate -- crosses the fence.

22 MS. McFAWN: Now, Mr. Koenig in his letter  
23 says that he is worried about burning activities  
24 of Plexus precluding the ability to perform

L.A. REPORTING (312) 419-9292

65

1 prairie burns. If I've understood your testimony  
2 correctly, right now you haven't discussed that  
3 concern yet with Plexus or anyone else?

4 THE WITNESS: It has not come to that  
5 point, no.

6 MS. McFAWN: You haven't -- have you  
7 discussed the need of permits for open burning at  
8 the prairie with the Illinois EPA?

9 THE WITNESS: I personally have not.

10 MS. McFAWN: Has anyone in your office, to  
11 your knowledge?

12 THE WITNESS: I would expect they had, but  
13 I can't say that.

14 MS. McFAWN: Okay. Because you're not in  
15 charge of those burns or intimately familiar with  
16 them?

17 THE WITNESS: Right.

18 MS. McFAWN: Now, you said the burns have

19 been -- the need for burns has been identified.

20 THE WITNESS: Burns are a standard prairie  
21 restoration and maintenance management tool.

22 MS. McFAWN: Will there be any kind of  
23 environmental impact statement issued concerning  
24 those burns or anything like that?

L.A. REPORTING (312) 419-9292

66

1 THE WITNESS: I believe there's an EA  
2 listed in the quarterly for the prescribed  
3 burning.

4 MS. McFAWN: Okay.

5 HEARING OFFICER HALLORAN: Mr. Rao or Ms.  
6 Liu?

7 MS. LIU: Mr. Mains, you mentioned that  
8 there was hunting allowed in that area too.  
9 Would that extend beyond the interim paths that  
10 are available to the public?

11 THE WITNESS: Yes. Currently, it could  
12 change, but what has happened in the past is on  
13 the manufacturing side, they allow hunting  
14 further north of McArthur, I believe, and down in  
15 this area. In 1999, there was hunting up here,  
16 but not in 2000.

17 MS. McFAWN: You're pointing to the

18 northeast corner of the manufacturing --

19 THE WITNESS: Correct, up where what we  
20 call Brown Circle was, but that's no longer -- it  
21 wasn't in 2000 with that. All hunting was down  
22 here.

23 MS. McFAWN: Down here being the southwest  
24 corner of the manufacturing area?

L.A. REPORTING (312) 419-9292

67

1 THE WITNESS: Yes.

2 MS. McFAWN: Actually, the yellow part of  
3 that piece of property?

4 THE WITNESS: Yes.

5 MS. LIU: Besides hunting and hiking, are  
6 there any other types of outdoor activities  
7 recreational in nature that are allowed?

8 THE WITNESS: There are bird watching  
9 groups. We do conduct, you know, escorted guided  
10 tours, and some of those tours are bird watching  
11 tours by which I guess qualifies as a  
12 recreational activity.

13 MS. LIU: Is there any camping allowed?

14 THE WITNESS: At this time, there's no  
15 camping.

16 MS. LIU: How about fishing?

17 THE WITNESS: No fishing either.  
18 MS. LIU: Biking?  
19 THE WITNESS: Did you say biking?  
20 MS. LIU: Yes.  
21 THE WITNESS: Oh, okay. I believe there  
22 was a biking event probably a year ago. I think  
23 it was more of a test to see -- get a group of  
24 bikers together and see if they liked the route,

L.A. REPORTING (312) 419-9292

68

1 et cetera. I think it only happened once.  
2 MS. LIU: Earlier this morning Plexus  
3 mentioned that they would be willing to, as one  
4 of the conditions of the variance, notify the  
5 Midewin Prairie when they were planning to have  
6 an open burning event.  
7 On those scheduled days, would you  
8 alter the access to the prairie to school groups  
9 and volunteers, et cetera?  
10 THE WITNESS: If we need to. That would  
11 depend on exactly where they are burning, et  
12 cetera. If they were burning at one end of the  
13 load assembly packing area and we had kids going  
14 to the other end of the manufacturing area, that  
15 might not be a particularly -- there may be no

16 reason to curtail that.

17 MS. LIU: Would you have, say, a distance  
18 measurement that you would use to help identify  
19 when that need would occur?

20 THE WITNESS: No. That I don't know.  
21 That would have yet to be worked out, I suppose.  
22 There was burning last summer which I think the  
23 way it worked out there was no school on at the  
24 time. So basically we just need to let our own

L.A. REPORTING (312) 419-9292

69

1 employees know that they were going to run into  
2 roadblocks and if they saw smoke rising not to  
3 get alarmed.

4 MS. LIU: Do your employees receive any  
5 other kind of information about the activities  
6 that Plexus will be conducting?

7 THE WITNESS: Did you say will they?

8 MS. LIU: Have they already?

9 THE WITNESS: At this point -- at this  
10 point, no. We don't know when it's going to  
11 happen for one thing. Right now, we have  
12 undisclosed ordinance people, DOT disposal people  
13 working for the Army and running around doing  
14 what they need to do, but also blocking off our

15 roads. So that's what we're dealing with  
16 currently is trying to get around to get work  
17 parties moved around, et cetera.

18 MS. LIU: The basic instruction to the  
19 prairie employees is to respect Plexus'  
20 roadblocks and things of that nature?

21 THE WITNESS: That's our standard  
22 approach, yes.

23 MS. LIU: When the public comes to visit,  
24 are they informed at all of the activities that

L.A. REPORTING (312) 419-9292

70

1 would be taking place for the decontamination if  
2 they were to perhaps visit on one of those days  
3 when an open burn was occurring?

4 THE WITNESS: If they were there -- if we  
5 had a tourist, we probably would not schedule a  
6 tour on a day when there was a burn. If we knew  
7 ahead of time, we would probably simply avoid  
8 that day. Our guided tours tend to be on  
9 weekends.

10 MS. LIU: How many people go on these  
11 tours in a given season?

12 THE WITNESS: In a given season, a few  
13 hundred.



14 MS. LIU: So maybe a few hundred in the  
15 spring and another few hundred in the summer and  
16 another few hundred in the fall?

17 THE WITNESS: That sounds like a  
18 reasonable estimate. I mean, right now our  
19 schedule only runs through the beginning of June,  
20 and I wouldn't know what's going to happen past  
21 that.

22 MS. LIU: Thank you very much, Mr. Mains.

23 HEARING OFFICER HALLORAN: Any further  
24 questions? Ms. Howard, I don't know where we're

L.A. REPORTING (312) 419-9292

71

1 at now, any further redirect or re-redirect?

2 MS. HOWARD: No.

3 HEARING OFFICER HALLORAN: Ms. Doctors,  
4 any recross?

5 MS. DOCTORS: No.

6 HEARING OFFICER HALLORAN: You may step  
7 down, Mr. Mains. Thank you very much. I think  
8 we'll take a ten-minute break. Thank you.

9 (Break taken.)

10 HEARING OFFICER HALLORAN: We had a short  
11 recess. It's approximately 11:28. Ms. Howard  
12 was going to call her third witness, I believe.

13 MS. HOWARD: Before we do that, during  
14 this last break, counsel for the agency and I  
15 discussed one of the issues that we believe has  
16 been raised. It has to do with whether there  
17 would be some interference between prairie burns  
18 taking place on site and the burns taking place  
19 by Plexus, whether these would be coordinated.

20 We've stipulated, and counsel is in  
21 agreement with the stipulation, that Plexus will  
22 not be burning on the days that the prairie burns  
23 are scheduled, and, as a matter of fact, given  
24 the short time frame that that they have to work

L.A. REPORTING (312) 419-9292

72

1 within both the fall and the spring seasons,  
2 we're willing to give them first choice of which  
3 dates they're going to need to do their burns,  
4 and then we will simply work around them, and  
5 that should not be a problem.

6 MS. DOCTORS: That's correctly stated.

7 HEARING OFFICER HALLORAN: The stipulation  
8 is so noted in the record. Thank you.

9 MS. HOWARD: I'd like to call Mr. Mark  
10 Sylvester to the stand.

11 HEARING OFFICER HALLORAN: Sir, raise your

12 right hand and Geanna will swear you in.

13 (Witness sworn.)

14 WHEREUPON:

15 M A R K S Y L V E S T E R,  
16 called as a witness herein, having been first  
17 duly sworn, depose and saith as follows:

18 D I R E C T E X A M I N A T I O N

19 by Ms. Howard

20 Q. Could you please state your full name and  
21 spell it for the record?

22 A. My name is Mark Sylvester. The last name  
23 is spelled S-y-l-v-e-s-t-e-r.

24 Q. Where do you reside?

L.A. REPORTING (312) 419-9292

73

1 A. In Columbia, Maryland.

2 Q. Are you the individual whose affidavit was  
3 submitted with the variance petition attesting to  
4 the facts as set forth in that petition?

5 A. I am.

6 Q. Could you please briefly describe your  
7 educational background?

8 A. I have a bachelor's degree in  
9 environmental engineering from Johns Hopkins  
10 University. I have a master's degree in

11 environmental health engineering from Johns  
12 Hopkins School of Public Health.

13 Q. I'm showing the witness a resume that's  
14 titled Mark A. Sylvester.

15 Is that an accurate depiction of your  
16 resume?

17 A. Yes, it is. Yes. This is my resume.

18 MS. HOWARD: We'd like to enter it as the  
19 next exhibit. I think I've lost count.

20 HEARING OFFICER HALLORAN: H. Ms.  
21 Doctors, any objection?

22 MS. DOCTORS: No.

23 HEARING OFFICER HALLORAN: Exhibit HH will  
24 be admitted.

L.A. REPORTING (312) 419-9292

74

1 BY MS. HOWARD:

2 Q. Where are you currently employed?

3 A. Plexus Scientific Corporation.

4 Q. And are you familiar with the Joliet Army  
5 Ammunition Plant?

6 A. Yes, I am.

7 Q. Could you describe the site in terms of  
8 the miles from one end to the other to give the  
9 Board a better perspective on the size and the

10 area that we're discussing? This is also using  
11 Exhibit E in the petition.

12 A. On Exhibit E, Route 53 bisects area north  
13 to south. The manufacturing area is  
14 approximately 14 square miles. The load assemble  
15 package area is approximately 22 square miles.  
16 The overall dimensions of the site appear to be  
17 approximately seven miles east to west and five  
18 miles north to south.

19 Q. Has Plexus been hired to do any  
20 decontamination work at the Joliet Arsenal?

21 A. Yes. We have been tasked by the Army  
22 Operation Support Command with decontamination of  
23 some facilities that formerly manufactured TNT on  
24 the manufacturing side. That project is

L.A. REPORTING (312) 419-9292

75

1 complete. We've recently been tasked with  
2 similar decontamination activities on the load  
3 assemble package side and what's called group  
4 one. The facility locator is L7.

5 Q. When you performed the work on the  
6 manufacturing side of the plant, was that  
7 pursuant to a provisional variance granted to the  
8 Board or by the Board?

9 A. Yes, it was. Plexus petitioned the Board  
10 for a provisional variance to allow open burning  
11 virtually of an identical character to that  
12 described in the current petition.

13 Q. And over what period of time and how many  
14 burns did you conduct over a particular period of  
15 time during that?

16 A. We conducted nine burns during the  
17 allotted 45-day period that began the 6th of  
18 January and terminated in mid-February.

19 Q. Were there any problems with that burn in  
20 terms of coordinating with anybody that was on  
21 site from other facilities such as the prairie or  
22 workers in the industrial park areas?

23 A. There were certainly no problems. There  
24 was coordination with the other Army-sponsored

L.A. REPORTING (312) 419-9292

76

1 activities on the site as well as with the folks  
2 from Prairie.

3 Q. And did Plexus successfully -- would you  
4 term the completion of that project as  
5 successful?

6 A. Yes. The project was completed to the  
7 Army's satisfaction. All the decontamination was

8 done without injury or accident. All the  
9 material that was in the formerly contaminated  
10 facilities was removed and recycled and the  
11 project is closed.

12 Q. Are you aware of what that portion of the  
13 site where that work was done, what's happening  
14 to that portion of the site at this point, where  
15 it's being transferred in terms of land transfer  
16 or entity?

17 A. The TNT facility and the 7,000 linear feet  
18 of wastewater that we decontaminated and removed  
19 are located in parcel M6. I'm not aware of what  
20 the status of that particular property is, but  
21 it's in the process. It was held up for transfer  
22 because of contamination that existed and the  
23 fact that there was no heretofore recognized as  
24 safe means of demolishing and removing the

L.A. REPORTING (312) 419-9292

77

1 contamination until we came in and did what we  
2 did. I'm not aware of what the status of that  
3 land is.

4 Q. What is the principal purpose of your  
5 work?

6 A. The nature of the work that we've been

7 tasked to do is essentially decontamination. The  
8 Army regulations recognize that once explosive  
9 contamination has occurred on manufacturing items  
10 that the only -- the only acceptable means of  
11 addressing that contamination is heat treatment.

12 HEARING OFFICER HALLORAN: Off the  
13 record.

14 (Brief pause.)

15 BY MS. HOWARD:

16 Q. Mr. Sylvester, were you finished answering  
17 that question? It was the principal purpose of  
18 the work that you've been tasked to do.

19 A. The principal purpose of the work is  
20 decontamination. It's to address the residual  
21 explosive material contamination on manufacturing  
22 items. The manufacturing side, the TNT plant,  
23 the load assembly package side has a variety of  
24 bomb and mine and other manufacturing lines, and

L.A. REPORTING (312) 419-9292

78

1 there is still explosive contamination and TNT,  
2 composition B, RDX-type contamination on those  
3 pieces of equipment that has to be addressed  
4 before they can be safely demolished.

5 Q. What is your position in relation to the



6 explosive decontamination work that is scheduled  
7 for the Joliet Arsenal?

8 A. I am the project manager for Plexus. I'm  
9 also the vice-president.

10 Q. Could you describe the steps beginning  
11 with the planning stage of what's involved in  
12 flashing a building?

13 A. The initial phase of the work is work  
14 planning. The first step there is a review of  
15 historical documentation to discern what  
16 activities -- what the records show the  
17 activities were that occurred in the buildings.  
18 We get some expectation as to where contamination  
19 might still be.

20 Following that, we do an on-scene  
21 survey and marking of buildings indicating where  
22 there are -- there is detectable explosive  
23 contamination and also looking for PCB components  
24 and evaluating the potential for lead paint and

L.A. REPORTING (312) 419-9292

79

1 for radioactive sources.

2 Following that information, we  
3 compile the survey data into a work plan that  
4 we've prepared as we prepare and submit it to OSC

5 for their approval.

6 Q. Excuse me. OSC stands for?

7 A. I'm sorry. OSC is the Army Operation  
8 Support Command. In addition to preparing work  
9 plans, we prepare standard operating procedures  
10 which are specific detailed step-by-step  
11 operational guides that structure the work that  
12 we do.

13 Following the work planning process  
14 after work plans have been prepared and approved,  
15 we mobilize heavy equipment, materials,  
16 supervisors, laborers, operators, and asbestos  
17 and lead removal technicians as necessary to  
18 phase in to the removal of the field portion of  
19 the work. The first step is removal of flaking  
20 lead paint because it is flaking and it does tend  
21 to spread. You want to collect it first and  
22 remove it to the extent that it's possible to do  
23 so safely.

24 The second step is removal of the

L.A. REPORTING (312) 419-9292

80

1 bulbs, ballasts --

2 Q. I'm sorry. Before you go on, in terms of  
3 the issue of removing the lead-based paint

4 safely, could you explain a little bit of what  
5 you mean as to why it may not be feasible to go  
6 and remove everything?

7 A. The removal of lead paint from unsound  
8 surfaces where it has peeled is a relatively  
9 simple matter that doesn't require the use of a  
10 great deal of energy in terms scraping or sanding  
11 or doing any sorts of things that would be done  
12 in a conventional lead abatement.

13 In this circumstance, it's very  
14 important at this stage of the game that we not  
15 create any sparks. There are explosive materials  
16 that have been exploded in these buildings as a  
17 result of the remaining explosive material  
18 burning and propagating or exploding. So we have  
19 to balance the risks associated with --  
20 remediating lead paint against the risk  
21 associated with applying too much energy to the  
22 removal of the lead paint thereby causing a spark  
23 and creating a problem.

24 Q. And you were going on about the ballasts.

L.A. REPORTING (312) 419-9292

81

1 A. After lead paint removal, the next step is  
2 removal of bulbs and ballasts, mercury switches,

3 and radioactive sources, if any. In the prior  
4 work, we didn't find any radioactive sources  
5 because they are routinely used in the  
6 manufacturing of explosives and explosive  
7 components. It's one of the survey items that we  
8 do routinely.

9 Q. And when you mentioned prior work, were  
10 you referring back to the manufacturing side when  
11 you did the 45-day variance?

12 A. Yes. Okay. After the removal of those  
13 hazardous materials, the next step is removal of  
14 friable asbestos. There are places within these  
15 buildings where steam pipes or other heated  
16 surfaces have friable asbestos pipelining or bulk  
17 insulation on them. That's removed in accordance  
18 with the state of Illinois any NESHAP  
19 requirements, and following that, the last step  
20 in hazardous material removal is the removal of  
21 nonfriable asbestos. The buildings in LAP group  
22 one are made of concrete steel structures and  
23 transite, which is a composite of concrete and  
24 asbestos fiber skins.

L.A. REPORTING (312) 419-9292

82

1 Q. For the record, let's clarify that. LAP

2 group one is also referred on Exhibit E as L7, I  
3 believe; is that correct?

4 A. Yes. In the south end of the  
5 manufacturing -- pardon me, the load assemble  
6 package side of Joliet, that portion meaning east  
7 of Route 53.

8 Q. You're on the last step.

9 A. And the last step is removal of nonfriable  
10 asbestos. Up until this time, it's important to  
11 maintain as much enclosure, if you will, for the  
12 other operations. Once all the other hazardous  
13 materials have been removed, the nonfriable  
14 transite asbestos-containing panels are removed,  
15 again, in accordance with the Illinois rules.  
16 The screws that hold them onto the structure  
17 steel members are -- the heads are snapped off or  
18 the screws are backed out so that you don't break  
19 the panels as you take them down off the  
20 building.

21 What you're left with at that point  
22 in the case of the buildings in group one is a  
23 concrete floor slab. The largest of them is  
24 building 1-10 we'll talk about later. It's

1 approximately 350 feet long and 50 feet wide. It  
2 gets divided into sections that are 20 to 30 feet  
3 wide where individual unit operations of the  
4 manufacturing process were carried on.

5           So you have a concrete blast wall,  
6 reinforced concrete, typically 12 to 18 inches  
7 thick every 20 or 30 feet going across the short  
8 dimension of the building, and you have the  
9 process equipment, and you have the remaining  
10 steel structure, and you have whatever process  
11 piping, water piping, and vacuum piping that  
12 remain.

13           So at that point, all of the  
14 hazardous materials have been removed, and the  
15 building is ready for burn preparation.

16 Q.    Would it be accurate to describe this as  
17 the building being basically a cement shell?

18 A.    At this point, it's virtually all cement  
19 and steel, concrete and steel.

20           About that stage of the game, the  
21 next item is burn preparation. One of the things  
22 that -- the key that we want to accomplish in the  
23 open burn is to raise all of the equipment  
24 surfaces above 570 degrees.

L.A. REPORTING (312) 419-9292

1 Q. The equipment as well as the cement  
2 walls?

3 A. All of the surfaces that are potentially  
4 or could have been exposed to open uncontained  
5 explosive. This is both -- this is not just an  
6 exercise in decontaminating the equipment.  
7 Typically, during the manufacturing process,  
8 explosive material at some point was dust and at  
9 some point was liquid, and in either case it  
10 often was spilled or could have been deposited  
11 onto flat surfaces in the case of dust and nooks  
12 and crannies and holes in walls and floors in the  
13 case of liquid explosive width or  
14 water-containing explosive solution.

15 So the object of the exercise is to  
16 raise all of the surfaces at 570 degrees or  
17 higher, which is the temperature point Fahrenheit  
18 at which TNT degrades. Now, if you raise TNT to  
19 that point in a manner where it's not contained,  
20 if you will, it will melt and burn in a manner  
21 similar to sterno material.

22 Q. When you state that it's not contained,  
23 that is --

24 A. It's not sealed. If this bottle contained

1 -- if it was a pressure vessel, some kind of  
2 steel container and contained a small quantity of  
3 TNT and it was raised above 570 degrees while  
4 this was -- the stopper was closed, there is a  
5 potential that it would explode like a pipe  
6 bomb. If you open that container or tank or  
7 vessel or run a pipe or pump flute so that  
8 whatever gases are generated can be vented, under  
9 those circumstances, as I said, the TNT  
10 deflagrates or degrades to one of its  
11 constituents without them.

12                   So the next stage of the process in  
13 burn preparation is to ensure that all of the  
14 vessels and enclosed metal structures, including  
15 pipelines, vacuum lines, pump volutes, anything  
16 that may have contained explosive is vented or  
17 opened in a manner that will allow gases that are  
18 generated to be vented.

19 Q.     And since the outside walls of these  
20 buildings, for example, building 1-10, could you  
21 describe if you were standing on the outside of  
22 1-10 prior to the burn, can you see through this  
23 building so that -- this building is not  
24 contained?



1 A. Not at all.

2 Q. So you wouldn't have this risk of  
3 explosion, of the actual building exploding, it  
4 would be an explosive contamination that would  
5 actually burn?

6 A. That's right. The buildings are designed  
7 with that in mind. The reason that the concrete  
8 blast walls are in place is if there was an  
9 unfortunate event in one process area that it  
10 wouldn't propagate and injure the other people  
11 and injure other equipment further down the  
12 line. So the buildings were designed to fail  
13 outward and the transite skin didn't represent  
14 any sort of pressure enclosure.

15 Our concern with regard to the  
16 remaining equipment in the buildings is that it  
17 all be open so that we don't create a  
18 circumstance where because we have a piece of  
19 pipeline and two valves both closed that we  
20 create a pipeline sort of event. The object of  
21 the exercise is to open holes or valves on both  
22 flanges in a manner that makes all of that work  
23 open. Typically, the safest way to do that is  
24 actually the use of explosives. We use small

1 items called perforators that are used  
2 principally in the oil well drilling business.  
3 They're designed to create a hole in steel, and  
4 they're about the size of an egg, and they're  
5 placed onto a steel surface that you want to  
6 create a hole in and they're ignited using a  
7 detonation chord.

8                   This sort of equipment is used or is  
9 set up by folks at Plexus that are former Army  
10 explosives operators, folks that are trained in  
11 the Army and Exploded Works School of Heating,  
12 and they operate under a set of standard  
13 operating procedures that are prepared and  
14 approved in advance by the Army.

15                   When we've opened all of the  
16 equipment so that there's no reasonable  
17 possibility of explosion during the burn, the  
18 next step is to place dunnage pallets and  
19 ammunition boxes are what we've used in the past  
20 throughout the building, especially in and around  
21 the process equipment. There is -- so far there  
22 has been an ample supply of ammunition boxes and  
23 pallets. They span 50 years old. They make  
24 excellent firewood. It's a hot, a very clean

1 fire. One of the -- one of the stipulations in  
2 the last variance was that we inspect and verify  
3 that none of these boxes or pallets were brush  
4 treated with any preservative that would cause a  
5 problem.

6 Q. And that same condition is also contained  
7 in what --

8 A. Yes, in our work plan and in the  
9 conditions for the variance that's at issue.

10 After -- as the -- as the dunnage is  
11 being placed in the buildings, we place  
12 temperature monitoring probes and devices so that  
13 we can verify postburn what the temperatures were  
14 inside the equipment and in some places where we  
15 believe the most heat is going to be needed to be  
16 applied in order to reach the necessary  
17 temperature, and, finally, we establish  
18 firebreaks. The firebreak is an opening in the  
19 weed cover around the buildings to prevent the  
20 propagation of the fire outside of the building  
21 and into the surrounding  
22 grassland. That's typically accomplished by  
23 running a small bulldozer and creating what looks  
24 like a road of dirt, plowing, and removing one

1 dozer blade of weed mat to have an open soil  
2 boring.

3                   Our experience in the past on the  
4 nine burns that we did in the year 2000 was that  
5 we didn't have any propagation. The firebreaks  
6 were completely successful in preventing any  
7 carryover into the grassland. So that completes  
8 the burn preparation phase.

9                   The next step is the burn itself.  
10 There the operational steps are a last check on  
11 all the conditions in the variance for  
12 compliance. We have meteorological conditions  
13 that have to do with ensuring that the emissions  
14 that are generated do move off the site, but  
15 don't move off the site too fast. We have a  
16 meteorological condition relating to the  
17 management of potential explosions of fires, that  
18 we not create a risk of an explosion when we have  
19 a very low cloud ceiling or an overcast  
20 condition. That's an Army requirement, and it  
21 has to do with the possibility that shock waves  
22 associated with explosions could propagate off  
23 the bottom of the cloud mass and cause a

24 problem.

L.A. REPORTING (312) 419-9292

90

1                   So we require wind conditions of  
2 greater than five and less than 15 miles an hour  
3 and at least 20 percent opening in cloud cover  
4 and ceiling greater than 2000 feet. There are  
5 also requirements that we make final  
6 notifications to the emergency response  
7 authorities. The last time it was the Elwood  
8 Fire Department. This time, it would be both  
9 Elwood and Wilmington. At that point, we close  
10 the roads. We've established in advance where  
11 the road closures are going to be in order to  
12 create an exclusion zone.

13                   We close the roads with barriers and,  
14 if necessary, road guards to make sure that  
15 nobody -- if there is some activity adjacent to  
16 us that we're concerned about, onlookers,  
17 curiosity seekers, we'll put an individual at the  
18 road closure to ensure that nobody moves the  
19 barrels. Signs are posted indicating that this  
20 activity is going on and listing cell phone  
21 numbers for the project manager if anybody has  
22 any need or concern or comes to the road closure

23 and needs to make any contact with the Plexus  
24 management they can do so.

L.A. REPORTING (312) 419-9292

91

1                   Once the exclusion zone is secured  
2 and we have physically driven over all the roads  
3 inside the exclusion zone to ensure that we  
4 didn't miss anybody, we post a fire watch.  
5 That's the individual who stands in the upwind  
6 direction outside of the QDR. We ignite the fire  
7 using the procedures described in the variance  
8 petition. The ignition sequence is a small  
9 amount of black powder which, in turn, ignites  
10 fuel oil which, in turn, ignites straw, which, in  
11 turn, ignites the dunnage. The only purpose of  
12 the fuel oil is to ensure that the straw ignites  
13 and does so reasonably rapidly, and the last step  
14 in the burn is watching the fire for  
15 propagation.

16                   Everybody steps outside of the  
17 exclusion zone. We maintain the fire watch for  
18 six to eight hours by which time the fire has  
19 burned down the embers. We maintain the  
20 exclusion zone postings for 24 hours. After the  
21 conclusion of 24 hours, we send the explosive

22 safety officer, who is a volunteer, in to take a  
23 look at the conditions and ensure that there is  
24 no remaining fire, that the thermal monitoring

L.A. REPORTING (312) 419-9292

92

1 equipment is intact and he makes determinations  
2 as to whether it's safe to re-enter. At that  
3 point, if he makes that determination, we take  
4 down the road postings and enter the site and  
5 start the postburn phase.

6 Q. Before you get to the postburn phase, from  
7 the point in time when the burn has begun, can  
8 you give us a time frame as to the amount of time  
9 that the flames would be actually visible and  
10 that there would be the most emissions that would  
11 be given off at that point from the dunnage and  
12 fuel oil?

13 A. The flames are -- in the prior burns, the  
14 flames are typically visible to the fire watch  
15 for at least two and typically not more than four  
16 hours. At that point, all of the wood is reduced  
17 to glowing red embers, and we, at that point,  
18 don't get very intimate with it, but on those  
19 occasions where the fire watch location is such  
20 that we could look down into the building, that's

21 what we observe, the actual visible flame is  
22 typically gone in four hours, and at that point,  
23 you see heat rising.

24 Q. I didn't mean to interrupt you. You were

L.A. REPORTING (312) 419-9292

93

1 going on to the postburn.

2 A. Postburn. After the explosive safety  
3 officer says it's okay to re-enter and the signs  
4 are taken down, we inspect the area and look at  
5 the temperature monitors and retrieve the  
6 temperature monitoring equipment that's installed  
7 in the equipment itself and the manufacturing  
8 equipment and determine whether or not we've been  
9 successful in meeting the target temperatures.  
10 In all nine of the burns that we conducted last  
11 year, the temperature significantly exceeded the  
12 570-degree target temperature.

13           Once we've established that that's  
14 the case and the equipment is safe to remove, we  
15 remove the equipment and the building steel. All  
16 in -- in the case of the burns conducted last  
17 year, some of the concrete -- a good deal of the  
18 concrete remained, the concrete structure around  
19 the building, but all the steel and the debris



20 associated with the equipment was removed,  
21 examined, and certified in accordance with Army  
22 regulations one truckload at a time before being  
23 released to a scrap yard.

24 When the debris has been removed, the

L.A. REPORTING (312) 419-9292

94

1 area is cleaned up and restored. If we have  
2 burned up any grass in areas where we created a  
3 firebreak, we go back and reseed and stabilize so  
4 that we have -- we don't need to set an earth  
5 control problem, and the last step is the  
6 preparation of the final report documenting  
7 what's been done and providing that information  
8 to the Army.

9 Q. And in this case, that final report would  
10 also be provided to the Agency according to some  
11 of the conditions that we've already agreed to?

12 A. Yes.

13 Q. Is this -- the steps that you've just  
14 described, is this the same process that all nine  
15 burns were conducted during the process on the  
16 manufacturing side?

17 A. Yes.

18 Q. And is this the same step or process that

19 you will be conducting for the other burns on the  
20 LAP side?

21 A. Yes. The approach is virtually  
22 identical.

23 Q. What's the effect of flashing on the  
24 materials? We might have already covered this,

L.A. REPORTING (312) 419-9292

95

1 but the effect of flashing on materials that have  
2 explosive potential?

3 A. By raising the surfaces of those materials  
4 above 570 degrees, you destroy the explosive  
5 nature of whatever residual explosive material  
6 may be encrusted on them so that they're safe to  
7 handle and be treated as scrap. It's a way of  
8 reducing the classification of the scrap in Army  
9 parlance from three X, which is restricted use,  
10 to five X, which is unlimited release so that the  
11 scrap can be removed and recycled.

12 Q. Looking at Exhibit E, could you point out  
13 the area in which the work was done for the  
14 provisional variance on the manufacturing side?

15 A. Yes. All of the work that we did was in  
16 M6, the manufacturing area, which is located in  
17 the north central section of the manufacturing

18 area. There were four TNT manufacturing  
19 buildings that were in the north central section  
20 of M6 and 7,000 feet of contaminated pipeline  
21 that ran principally north south through the M6  
22 area.

23 Q. Was there any bulk explosive recovered in  
24 that area?

L.A. REPORTING (312) 419-9292

96

1 A. Yes. During the dismantlement of the red  
2 water pipeline, we found that over 300 pounds of  
3 explosive material was essentially encrusted TNT  
4 that accumulated between the insulation of the  
5 pipeline and the steel shell surrounding it.  
6 That material was consolidated and transferred to  
7 the Bureau of Alcohol, Tobacco & Firearms for  
8 disposition.

9 Q. While you're up there at the map, could  
10 you give the Board an idea of the order in which  
11 you proposed -- I'm sorry.

12 MS. DOCTORS: I'm sorry. Can you move the  
13 map back so I can see and the Board members?

14 THE WITNESS: You mean I'm not  
15 transparent?

16 BY THE WITNESS:

17     A.     Using the long arm, this is M6. This is  
18 the area where we conducted the operations under  
19 the provisional variance. It's our understanding  
20 from the other parties involved, the economic  
21 development folks and the Newman Prairie folks  
22 that their wish is that these remaining Army  
23 parcels be released starting with the south most,  
24 and the decision to work first on area L7, group

L.A. REPORTING (312) 419-9292

97

1     one, was driven by that requirement.  
2             Group one is also the largest group,  
3 the buildings are the largest of their class, and  
4 the entire facility is a larger scale than most  
5 of the other operations, but the selection of  
6 group one was driven principally by the request  
7 on the part of the economic development folks to  
8 start moving away from the southern boundary in  
9 order to release the property in that manner, and  
10 we would expect to continue that. Obviously, the  
11 Army's priorities become our properties, but as  
12 of now, our expectation is that we would move in  
13 a generally northward direction applying priority  
14 in groups L16 and 17 and then to group 10, eight,  
15 and nine, L10, eight, and, if you will.

16 BY MS. HOWARD:

17 Q. I'm showing the witness Exhibit S, which  
18 was submitted with the supplemental information.

19 A. Thank you.

20 HEARING OFFICER HALLORAN: Ms. Howard, I'm  
21 not sure if mine is marked. Were the Exhibits  
22 marked in supplemental information?

23 MS. HOWARD: Yeah. It should down on the  
24 lower right corner of the page.

L.A. REPORTING (312) 419-9292

98

1 HEARING OFFICER HALLORAN: I've got it.  
2 Thank you.

3 MS. HOWARD: Okay. We're all there.

4 BY MS. HOWARD:

5 Q. Has Plexus determined which buildings in  
6 each of the L sites have to be flashed?

7 A. We have determined which buildings in  
8 group one that we plan on flashing and made a  
9 preliminary determination in the other groups  
10 based on historical records.

11 Q. And have you estimated the emissions that  
12 would be discharged?

13 A. Yes, we have.

14 Q. And were those results provided to the

15 Board in Plexus' supplemental information  
16 document that was filed with the Board on  
17 April 20th?

18 A. Yes, we have.

19 Q. We'd like you to summarize those results,  
20 and we'd like to begin with Exhibit T.

21 Could you explain to the Board  
22 exactly what information is provided in that  
23 exhibit?

24 A. In response to the Board's request for

L.A. REPORTING (312) 419-9292

99

1 additional information concerning estimated  
2 emissions for groups other than group one, we  
3 made a preliminary evaluation of the structures  
4 in the other groups that are the subject of this  
5 variance in order to anticipate the number of  
6 buildings within those groups because they are  
7 all somewhat different or to anticipate which  
8 buildings might require flashing in order to be  
9 decontaminated.

10 Based on those choices and the  
11 reported building footprint size, we made an  
12 estimate of the emissions associated with  
13 flashing under the same conditions and

14 assumptions as we projected for group one,  
15 specifically that we pile over the entire  
16 footprint of the building wood in the form of  
17 pallets or boxes to a depth of at least three  
18 feet, and we used that quantity of wood to  
19 estimate the emissions that we've projected for  
20 the remaining groups.

21 Q. And could you summarize the information  
22 that was included in Exhibit U, in particular,  
23 tables three and four?

24 A. Again, in response to the request by the

L.A. REPORTING (312) 419-9292

100

1 Board for an estimate or description of the  
2 anticipated impact to human health for the  
3 environment of these emissions, we retained a  
4 specialist in air dispersion modeling, a firm  
5 named Tetrattech and asked them to evaluate the  
6 emission data that we had provided along with the  
7 meteorological assumptions built into the  
8 variance conditions to try and project what the  
9 ambient air concentrations for the air pollutants  
10 carbon monoxide, NOX, particulate matter,  
11 particulate matter ten, volatile organic  
12 compounds, sulfur oxides, and lead, those being

13 the constituents that have national ambient air  
14 quality standards.

15           The modeler proposed to use the model  
16 called OBODM, which was developed in conjunction  
17 with EPA and is available on its web site, which  
18 is designed specifically to evaluation of the  
19 open burning or open detonation of explosives.  
20 It's a dispersion model that takes inputs  
21 including meteorological conditions, stability  
22 assumptions, and emission rates and projects  
23 ambient air concentrations in all directions  
24 including the direct downwind direction at given

L.A. REPORTING (312) 419-9292

101

1 distance intervals.

2           In this case, the modeler suggested  
3 that we examine ambient air concentrations at 100  
4 meter intervals using polar coordinate  
5 arrangement so that we look at 36 different  
6 directions, the 180-degree orientation being  
7 directly downwind. We found not surprisingly  
8 that the highest concentrations projected were on  
9 that 180-degree orientation.

10           Table three of Exhibit U summarizes  
11 those ambient air conditions for the pollutants



12 that I mentioned at 100, 1,000, 2,000, 3,000,  
13 4,000, 5,000 meters from the site, and table four  
14 compares the maximum one-hour average  
15 concentration projections based on the  
16 assumptions inherent in the model for those  
17 pollutants and compares them to the primary  
18 standard which is expressed. The modeler  
19 volunteered to us that the use of one-hour  
20 averaging time in the operation of the model is  
21 an extremely conservative assumption, and under  
22 the circumstances, we felt that it was warranted  
23 in order for us to be able to characterize these  
24 conditions as unlikely to be exceeded. So this

L.A. REPORTING (312) 419-9292

102

1 is a projection of those data which we have  
2 depicted in Exhibit B as concentration and  
3 distance.

4 Q. What we've done is we've -- this Exhibit B  
5 is all six of the figures that were submitted in  
6 the supplemental information?

7 THE WITNESS: Are these visible or do you  
8 have copies of these exhibits so that you can  
9 look at them at your desk?

10 MR. RAO: We have copies.

11 BY THE WITNESS:

12 A. What we have is depictions again where  
13 concentration on the coordinate and distance from  
14 the site. The first one in the upper left is  
15 oxides of nitrogen and what the picture depicts  
16 is a maximum NOX concentration of approximately  
17 1100 micrograms per cubic meter at 100 meters  
18 from the burn site declining rapidly to below the  
19 annual standard of approximately 400 meters from  
20 the burn site.

21 This is -- the standard here is an  
22 annual standard, I am not an expert in ambient  
23 air quality standards. We do have one in the  
24 room, but from my perspective, this is a standard

L.A. REPORTING (312) 419-9292

103

1 that would give us at least some index of whether  
2 the air concentrations were of significance from  
3 a human health standpoint. This standard is  
4 applicable as something that is breathable  
5 healthy air to breathe 365 days a year. The burn  
6 event obviously is a one-day event.

7 The second graph is a similar  
8 depiction showing or projecting lead  
9 concentrations. In this one, the lead

10 concentration projected starts at above the  
11 calendar quarter standard number and drops at 200  
12 meters to below what would be healthy breathable  
13 air over a 91-day period.

14 BY MS. HOWARD:

15 Q. Mark, before you move on, could you  
16 explain the two lines that are on each of those  
17 charts?

18 A. For reference in order to put some  
19 perspective on the nature of the distances  
20 involved, on each of these drawings we've  
21 identified the distance to the site boundary from  
22 building 1-10. The emissions here are all  
23 focused on the emission estimates from building  
24 1-10 because it was the largest building and had,

L.A. REPORTING (312) 419-9292

104

1 therefore, the largest emissions. The distance  
2 to the site boundary from building 1-10 is  
3 approximately than 1,000 meters a kilometer. The  
4 site boundary and the nearest residence are both  
5 in the due south direction across -- I apologize  
6 for the geography. One second. It's the south  
7 boundary of the arsenal.

8 So from a perspective standpoint,

9 we'll show this in plane view in a moment, the  
10 areas where there's an excursion upon which is  
11 not an applicable standard, but perhaps an index,  
12 a very conservative index of breathable air,  
13 those excursions occur well inside the facility  
14 fence and, in turn, inside the distance to the  
15 nearest residence.

16                   With regard to PM 10, the projections  
17 as you can see are sitting right on the x axis.  
18 We are in no way close to the standards. The  
19 same is true of carbon monoxide and oxide, sulfur  
20 oxides. There is no ambient air standard for  
21 volatiles, but these data as we've discussed  
22 elsewhere in looking at the guideline on  
23 limitations of volatile organics were well below  
24 the threshold of state concern with regard to VOM

L.A. REPORTING (312) 419-9292

105

1 emissions.

2                   In summary, this depiction I think  
3 indicates that those emissions that we've  
4 projected in our calculations will not be  
5 dispersed very far relative to the size of the  
6 site. In order to see that in plan, we have  
7 modified Exhibit F to add to it two concentric

8 circles.

9 MS. HOWARD: This is now Exhibit  
10 W. It was submitted with the  
11 supplemental information.

12 HEARING OFFICER HALLORAN: Thank  
13 you.

14 BY THE WITNESS:

15 A. On Exhibit W, we've placed two concentric  
16 circles starting at the center of building 1-10.  
17 The first of the circles is a 200 meter radius  
18 circle which depicts the threshold at which the  
19 lead concentration projected for the emissions  
20 from building 1-10 crosses the calendar quarter  
21 standard. The second circle, the larger one, is  
22 a 400 meter circle which depicts the threshold at  
23 which the nitrogen oxides projected concentration  
24 crosses the annual ambient air quality

L.A. REPORTING (312) 419-9292

106

1 threshold.

2 As you can see from the depiction,  
3 the 200 meter radius circle is entirely contained  
4 within the group one fence. The 400 meter circle  
5 escapes that fence on two sides by approximately  
6 50 meters in each direction. In both cases, the



6 are on the right.

7 BY THE WITNESS:

8 A. So the point is that QD arc in this case,  
9 I'm not sure what the maximum credible event for  
10 group one would be because the safety plans  
11 aren't finished, but it is likely that that QD  
12 arc could extend beyond this 400 meter  
13 limitation. Whichever of those is larger would  
14 be the defining perimeter for the exclusion  
15 zone. We'll talk about exclusion zones a little  
16 bit later. Is there anything else?

17 BY MS. HOWARD:

18 Q. Just to clarify for the record, Exhibit T,  
19 is it true that that provided estimated emissions  
20 per year over the proposed five-year plan?

21 A. Exhibit T projected based on a presumed  
22 set of project execution dates that resulted in a  
23 total number of 39 burn events. It projected a  
24 total of 350,000 square feet flashed over the

L.A. REPORTING (312) 419-9292

108

1 five-year period. That was broken down into a  
2 series of buildings, and as I said before, those  
3 buildings have a presumed number of square feet  
4 of wood coverage which, in term, generated

5 emissions. The total projected volatile organic  
6 emissions over the life of the project was 35,000  
7 pounds or approximately 17 tons.

8           The state threshold of concern, 60  
9 percent of the PSD limit is 15 tons per year. So  
10 we're well below it, and we could execute --  
11 within that confine, we could execute virtually  
12 all of this work in a single year. Our  
13 expectation is because of Army funding  
14 limitations that that will not be the case. The  
15 Army told us to expect that it will take the full  
16 five years to execute this mission.

17 Q. Do the results of modeling indicate to you  
18 whether the flashing process or the emissions  
19 from the site at the Joliet Arsenal pose any  
20 environmental risk to the surrounding  
21 communities?

22 A. It is the nature of what we do to balance  
23 risks. There is no risk-free solution for  
24 addressing the explosive contamination problem at

L.A. REPORTING (312) 419-9292

109

1 the Joliet Arsenal load assembly pack area. We  
2 believe, we, Plexus Scientific, I think I can  
3 speak for the Army as well, we believe that this



4 is the safest solution taking into account real  
5 human health issues. A prior contractor removed  
6 scrap material from Joliet that wasn't properly  
7 heat-treated. The scrap material was released to  
8 the scrap yard where an individual who worked at  
9 the scrap yard put a torch on it and it killed  
10 him. That is a profound and unacceptable human  
11 health risk that has to be addressed.

12 We don't believe based on the results  
13 of the emission estimating we've done and the  
14 modeling that we've done more recently that the  
15 emissions associated with this process represent  
16 the risk to human health or the environment  
17 during the short period of the 39 burns. We  
18 believe that probably more significant safety  
19 risks associated with managing flammable  
20 materials and in preparing the building for the  
21 burns are manageable risks and that it's the  
22 appropriate disposition. The equipment in the  
23 building has to be removed. The material can't  
24 be left. An individual with a pocketknife can go

L.A. REPORTING (312) 419-9292

110

1 into one of these buildings and collect explosive  
2 material in significant quantity. That risk has

3 to be addressed.

4 Q. Could you give us an idea of what the --  
5 Strike that. I think we covered that. I'm  
6 moving right along here.

7 In terms of safety, the Board has  
8 requested information regarding the types of  
9 individual that would have access to the site on  
10 the flashing or burn days. Do you have any  
11 information in that regard?

12 A. I've prepared a statement describing the  
13 exclusion zone.

14 MS. HOWARD: And if possible, if there's  
15 no objection, I'd like to submit this statement  
16 into the record as an exhibit.

17 HEARING OFFICER HALLORAN: It would be  
18 Exhibit II. Any objection, Ms. Doctors?

19 MS. DOCTORS: No.

20 HEARING OFFICER HALLORAN: Exhibit II will  
21 be admitted

22 BY THE WITNESS:

23 A. I apologize for reading this, but to  
24 ensure that we have clarity, we've prepared this

L.A. REPORTING (312) 419-9292

111

1 statement. The exclusion zone will be

2 established prior to the burn at a minimum radius  
3 of 400 meters or the explosive safety quantity  
4 distance arc, whichever is greater from the  
5 center of the burn. Road blockades will be set  
6 up at all roads that lead to the exclusion zone.  
7 Once the burn is started, no personnel other than  
8 the Plexus site manager, site safety, or  
9 explosive safety officer will enter the zone for  
10 24 hours. That's complete exclusion of all  
11 individuals.

12                   One of three -- one of those three  
13 Plexus personnel will serve as a fire watch from  
14 an upwind position outside of the exclusion  
15 zone. The fire watch will maintain  
16 communications with local emergency services as  
17 was accomplished on prior burns. Other Joliet  
18 activity such as environmental contractor work  
19 and the usual work at the cemetery and the  
20 prairie, because they are outside of that zone,  
21 will continue as normal.

22 BY MS. HOWARD:

23 Q. Is there any risk to workers at this point  
24 if you were to conduct a burn in terms of the

L.A. REPORTING (312) 419-9292

1 cemetery people at the cemetery or some of the  
2 prairie workers that they had discussed that Mr.  
3 Mains had raised?

4 A. No. As I say, we have already done this  
5 successfully nine times. We've established an  
6 exclusion zone. We've been able to maintain the  
7 integrity of the exclusion zone each time without  
8 incident without having the meter reader or cable  
9 guy worked into it.

10 Q. Do you recall any meetings Plexus held  
11 with the Illinois Environmental Protection Agency  
12 at the site?

13 A. Yes.

14 Q. And was that meeting held on February 15th  
15 of 2001?

16 A. Yes, it was.

17 Q. As a result of that meeting, have we been  
18 able to come to some agreements on the conditions  
19 that are -- on some of the conditions that are  
20 presented?

21 A. Yes, I think so. We provided an extensive  
22 briefing to a large contingent from the various  
23 organizations within the Illinois EPA. A good  
24 portion of the briefing had to do with explaining

1 the processes. I've explained it this morning in  
2 more detail with better graphics, but,  
3 nonetheless, that was the object of the exercise  
4 was to tell them how we did what we did and why  
5 it was necessary to do it.

6                   Following that, we escorted them into  
7 several of the buildings in group one so that  
8 they could see what the equipment looked like and  
9 could witness firsthand where the contamination  
10 is and get some sense of the scale of the site as  
11 well as scale of the buildings. I think that  
12 it's fair to say there was a much greater  
13 understanding of the nature of the problem and of  
14 our approach to the solution after that meeting.

15 Q. Have you reviewed the Illinois  
16 Environmental Protection Agency's recommendation  
17 that was filed on April 26th, 2001?

18 A. Yes, I have.

19 Q. On page eight of that recommendation, the  
20 Agency states that sites L15, L18, and L19 have  
21 been classified as no further action for soils  
22 and groundwater.

23                   Are you familiar with that statement?

24 A. Yes.

1 Q. Why would Plexus plan to decontaminate  
2 these buildings if no further remediation is  
3 required?

4 A. The buildings on those sites that are  
5 contaminated still require that that  
6 contamination be addressed even though  
7 fortunately there is reported not to be any  
8 underlying contamination that requires work by  
9 others. If there is, indeed, contamination in  
10 those buildings, they still need to be addressed,  
11 and my understanding of the circle and rod is  
12 that they did not address above grade structures,  
13 but only so on groundwater contamination.

14 Q. Can these lands or sites be transferred to  
15 any other environmental entity if this  
16 contamination is not taken care of?

17 A. Absolutely not. It's a violation of Army  
18 regulations to transfer explosive decontaminated  
19 material to the public or to a sister government  
20 agency.

21 Q. Have you reviewed the proposed conditions  
22 in the recommendation?

23 A. Yes, I have.

24 Q. And does Plexus have any objection to

1 those conditions?

2 A. Yes, we do, in three cases.

3 MS. HOWARD: This is where the Exhibit FF  
4 will be submitted, if there's no objection.

5 HEARING OFFICER HALLORAN: Any objection?

6 MS. DOCTORS: Only for purposes of  
7 illustration, not for content.

8 HEARING OFFICER HALLORAN: Exhibit FF is  
9 admitted.

10 BY MS. HOWARD:

11 Q. Under general conditions --

12 MR. RAO: Ms. Howard?

13 MS. HOWARD: Yes.

14 MR. RAO: Do you have a copy?

15 MS. HOWARD: You know, I was just looking  
16 for one. It's probably in this stack.

17 THE WITNESS: I have one extra.

18 MR. RAO: Thank you.

19 HEARING OFFICER HALLORAN: Go off the  
20 record.

21 (Discussion had  
22 off the record.)

23 BY MS. HOWARD:

24 Q. Do you have any objections general to

1 condition B1?

2 A. Yes, I do. The proposed condition says  
3 that if a complaint is received that all burning  
4 and flashing have to stop until written  
5 authorization is received by the petitioner.  
6 That would be us. First, it presumes that  
7 complaints will be received. We've done this  
8 nine times without so much as a phone call, and  
9 we expect to be able to continue, and there is no  
10 set out procedure to address the evaluation of  
11 the complaint which gives me pause. We will have  
12 a substantial number of people and a substantial  
13 amount of equipment devoted to pursuing this  
14 effort and without some guidance from the Board  
15 as to what the metes and bounds of this complaint  
16 evaluation if such a complaint should occur  
17 exist, I'm concerned that we could end up as a  
18 result of a complaint, which either was not  
19 founded or perhaps had nothing to do with our  
20 operations or perhaps did have to do with our  
21 operations, but the operations were later  
22 determined to be completely within the guidelines  
23 set forth by the Board, we could have a  
24 substantial delay which would result in



1 additional risk and additional cost that's  
2 unnecessary.

3                   So it occurs to me in sort of the  
4 sense of fairness that given that this is an  
5 issue, this is a -- the variance is issued by the  
6 Board that if a complaint occurs that the Agency  
7 believes warrants a stop, on the first instance,  
8 I think we probably would because, A, we're good  
9 citizens and, B, people want to continue to do  
10 the work here, but beyond that, I think that  
11 given that the variance is sanctioned by the  
12 Board, it strikes me that the Board should be the  
13 decider with regards to the validity of any  
14 complaint that would essentially take away the  
15 variance.

16                   So it's not so much that I anticipate  
17 a complaint or a problem because I really don't,  
18 and we have a track record to prove it, but if  
19 this sort of a trigger is going to exist, there  
20 needs to be some ground rules and some procedure  
21 that says how it's going to be handled and some  
22 time line that says whatever is going to happen  
23 is going to happen in some time certain so that

24 we know what to expect. Otherwise, in the

L.A. REPORTING (312) 419-9292

118

1 interim, we have buildings that may be in the  
2 process of demolition or in the process of  
3 decontamination where we just have to stop.  
4 Again, I don't think that that's either safe or  
5 fair given the track record to date.

6 Q. And are you requesting this proposed  
7 condition be struck in its entirety?

8 A. I am.

9 Q. Under preburn activities, Subsection C,  
10 the proposed condition gives the Agency 30 days  
11 to review the information that Plexus is required  
12 to submit before the burn for consistency with,  
13 and I'm assuming they meant to say the Board  
14 order in there, and also requires Plexus to  
15 receive written approval before proceeding with  
16 burns.

17 Do you object to that condition?

18 A. Yes, as it is currently written. We've  
19 proposed alternate language which is to provide a  
20 suspense day that commits the Agency to reviewing  
21 and commenting in a reasonable length of time.  
22 We fully expect to engage them and to satisfy

23 them with whatever questions or comments they  
24 have about the individual work plan. We'd like

L.A. REPORTING (312) 419-9292

119

1 some time certainty so that we can schedule our  
2 work.

3 Q. And so then you don't disagree with  
4 submitting the site surveys?

5 A. Absolutely not. We have done -- we did it  
6 voluntarily on the last -- the last series of  
7 burns. There was no requirement in the variance  
8 that we do so, and we submitted it voluntarily  
9 well in advance of the burn and they were  
10 reviewed by IEPA without request for change.

11 Q. Moving on to Roman numeral III under the  
12 open burning and flashing of buildings, Subpart  
13 D, do you object to this condition?

14 A. Yes, I do, as it's written.

15 Q. And what is your objection based on?

16 A. The adequacy of fire protection is  
17 obviously a concern of ours. It's very important  
18 that we burn where we want to burn and we not  
19 burn where we don't want to burn. We believe  
20 that that determination is appropriately made by  
21 the -- by the cognizant authority, which is the

22 Wilmington Fire Department. The last time  
23 around, similarly, we coordinated with the Elwood  
24 Fire Department, and we were prepared to pay them

L.A. REPORTING (312) 419-9292

120

1 on standby to put apparatus on the site and the  
2 Elwood fire chief came out and looked at what we  
3 were doing and evaluated both before and after we  
4 had set the dunnage, evaluated the conditions,  
5 and made recommendations about how to proceed,  
6 and what was adequate regarding the firebreak and  
7 so on, and that was satisfactory to him and to  
8 us.

9 We expect to coordinate in the same  
10 way with the Wilmington fire chief who we've  
11 already briefed. It seems to us that they're a  
12 cognizant authority, and I guess my concern is  
13 that the Illinois EPA doesn't have a yardstick on  
14 fire protection adequacy and that review and that  
15 authority is a lot more appropriate to be vested  
16 with the guys that put out fires and the guys who  
17 would be called if something untoward happened.

18 Q. You mentioned that Plexus met with other  
19 entities, in particular, the Wilmington fire  
20 chief and the mayor of Wilmington.

21                   Was that -- did that take place on  
22 March 20th of 2001?

23     A.     Yes, it did.

24     Q.     And -- Strike that. Are you aware of some

L.A. REPORTING (312) 419-9292

121

1 additional letters that were sent to the Board?

2 One was from the Wilmington Fire Department that  
3 was received in the clerk's office on March 22nd,  
4 2001?

5     A.     Yes, I've seen a copy of that letter.

6           MS. HOWARD: I just want to clarify for  
7 the record that that was also submitted.

8           HEARING OFFICER HALLORAN: I believe we  
9 have a copy of that letter.

10 BY MS. HOWARD:

11     Q.     And also a letter from the mayor of  
12 Wilmington that was received in the clerk's  
13 office on March 30th of 2001?

14     A.     Yes. I've seen a copy of that letter.

15     Q.     And one other letter was from the  
16 Department of the Army that was received in the  
17 clerk's office on March 28 of 2001?

18     A.     Yes. I've seen a copy of that letter as  
19 well.

20 Q. Are you aware -- are all those letters in  
21 support of Plexus' proposed variance?

22 A. Yes.

23 Q. Do you believe if the Board were to deny  
24 the variance petition that Plexus would suffer an

L.A. REPORTING (312) 419-9292

122

1 unreasonable and arbitrary hardship?

2 A. Yes, I do.

3 Q. Could you tell us briefly why?

4 A. We've been charged by the Army with  
5 addressing a real significant environmental  
6 hazard that impedes the reuse of the Joliet  
7 Arsenal. The Army selected us because we have a  
8 great deal of experience in addressing these  
9 conditions. Based on our experience, the only  
10 viable way to do this, the only safe way to do  
11 this, to address the explosive contamination of  
12 the equipment as well as the buildings is to  
13 conduct an open burn like the burns that we  
14 conducted in our prior variance.

15 We believe that it's environmentally  
16 responsible and that from a safety perspective  
17 it's necessary to do that, and that approaching  
18 it in any other manner such as the individual

19 removal of pieces of equipment or attempts to  
20 decontaminate using means other than heat would  
21 both violate Army regulations and reasonable  
22 safety precautions associated with work around  
23 that sort of equipment. It's just the right  
24 thing to do.

L.A. REPORTING (312) 419-9292

123

1 MS. HOWARD: On that, we're finished with  
2 our direct examination.

3 HEARING OFFICER HALLORAN: I think if  
4 there's no objections, we'll take, say, a  
5 45-minute lunch break now. Board Member McFawn,  
6 would that be okay and we'll save your  
7 questions?

8 MS. McFAWN: Certainly, Mr. Halloran.

9 HEARING OFFICER HALLORAN: Thank you.  
10 Everybody be back here at 1:25, please. Thank  
11 you.

12 (Whereupon, further proceedings  
13 were adjourned pursuant to the  
14 lunch break and reconvened  
15 as follows.)

16 HEARING OFFICER HALLORAN: We're back on  
17 the record. We just got back from a lunch

18 break. It's approximately 1:45, and I want to  
19 note for the record, sir, the gentleman sitting  
20 behind Ms. Margaret's table, are you planning to  
21 submit public testimony?

22 MR. JEREMIAH: No. I'm just here as an  
23 observer.

24 HEARING OFFICER HALLORAN: Okay. On

L.A. REPORTING (312) 419-9292

124

1 behalf, I understand, of the Army?

2 MR. JEREMIAH: Yes, sir.

3 HEARING OFFICER HALLORAN: Thank you,  
4 sir. Sir, could you state your name, please?

5 MR. JEREMIAH: Yes. Timothy Jeremiah.

6 HEARING OFFICER HALLORAN: I believe Mr.  
7 Sylvester is still on the stand, and I remind you  
8 you're still under oath. I believe Ms. Howard  
9 had finished up direct.

10 Ms. Doctors, do you have any cross or  
11 do we have any other preliminary matters you want  
12 to discuss before we go into the cross?

13 MS. HOWARD: Rachel, before we go to  
14 cross, should I go ahead with this?

15 MS. DOCTORS: Let's go ahead. We've  
16 addressed one of the issues I would have had



17 crossed on.

18 MS. HOWARD: In the exhibit that we  
19 submitted on petitioner's requested changes and  
20 proposed conditions and that very first general  
21 condition B under complaints --

22 HEARING OFFICER HALLORAN: As Exhibit FF?

23 MS. HOWARD: Yeah. We'd like to read into  
24 the record an agreed provision that would replace

L.A. REPORTING (312) 419-9292

125

1 that and then we wouldn't have any other  
2 objection to it. It would read the Agency and  
3 Plexus has agreed to the following wording; if  
4 any complaint concerning air pollution as defined  
5 in 35 Ill. Administrative Code 3.02 is received  
6 concerning the activities authorized by this  
7 variance, comma, the petitioner shall not  
8 initiate any new burning, slash, flashing until  
9 the Agency has given written authorization that  
10 the petitioner may proceed, period. This written  
11 authorization must be received by petitioner  
12 within five working days from the Agency's  
13 receipt of the complaint, period.

14 HEARING OFFICER HALLORAN: Ms. Doctors, do  
15 you concur with that stipulation?

16 MS. DOCTORS: Yes, I do. I just want to  
17 correct the citation. It's from the Illinois  
18 Environmental Protection Act.  
19 MS. HOWARD: Oh, I apologize.  
20 MS. DOCTORS: Which is, I think, 41415 --  
21 MS. HOWARD: 415 ILCS 5/3.02 CS.  
22 MS. DOCTORS: Now, yes.  
23 HEARING OFFICER HALLORAN: Okay. The  
24 stipulation is so noted. With that matter out of

L.A. REPORTING (312) 419-9292

126

1 the way, Ms. Doctors, do you have cross for Mr.  
2 Sylvester?  
3 MS. DOCTORS: I just have a few  
4 questions.  
5 C R O S S - E X A M I N A T I O N  
6 by Ms. Doctors  
7 Q. I think you testified to this, and I just  
8 didn't catch it, Mr. Sylvester.  
9 Can you just give me a brief  
10 description of what the firebreaks are around the  
11 building?  
12 A. A firebreak is an area where we remove the  
13 vegetation and the root mat to interrupt the flow  
14 path of any sort of propagation outside the

15 building into the surrounding grass.

16 Q. How far from the foundation of the  
17 building does it go?

18 A. Depending upon access, there typically are  
19 small movable objects, outbuildings, pipelines,  
20 and so on that get in the way. Typically, it's  
21 less than 20 feet. We try and get the firebreak  
22 in as close to the building as possible.

23 Q. I've had some other clarifications. I  
24 talked to Ms. Howard about this. I just wanted

L.A. REPORTING (312) 419-9292

127

1 to get it into the record.

2 And then I want to ask you a couple  
3 questions about your site survey process.

4 A. Okay.

5 Q. You mentioned that you did some estimates,  
6 but I didn't know if you had actually seen all  
7 the buildings where you were making the emission  
8 estimates for?

9 A. Are you referring to groups other than  
10 group one?

11 Q. Yes, I am.

12 A. In the groups other than group one where  
13 we made emission estimates in response to the

14 Board's request, we did not individually inspect  
15 the buildings in the -- in the time period since  
16 the request was made. Geoff Carton and others at  
17 Plexus have experience that may have brought them  
18 into those buildings at one point or another over  
19 the past five years because they've been working  
20 at Joliet for a time, but we did not go through  
21 and do the kind of inspection and certification  
22 process that we have done for group one.

23 Q. So you do not necessarily know what you  
24 will find in each building?

L.A. REPORTING (312) 419-9292

128

1 A. That's correct.

2 Q. And that would be determined by your site  
3 survey when you go through --

4 A. That's exactly right. That becomes the  
5 basis for the submittal that we will make to the  
6 Agency.

7 Q. You've also indicated that the buildings  
8 in group one you will do a final like a resurvey  
9 to ensure safety or in case there's additional  
10 buildings that need to be flashed; is that  
11 correct?

12 A. One of the requirements of our contract

13 with the OSC is that at the conclusion of our  
14 work on group one we have to certify all 70  
15 buildings in group one. The basis of that  
16 certification will be a final survey probably  
17 with chemical testing on contact areas where  
18 presumably explosives could have been deposited.  
19 So for all of the buildings that we're not either  
20 demolishing or flashing in someplace, there will  
21 be a further examination, and the Army will get a  
22 certification building by building for all 70 of  
23 the buildings in the group.

24 Q. Those are my questions. Let me just check

L.A. REPORTING (312) 419-9292

129

1 and see if we have any additional ones. I guess  
2 I do have one more.

3 On the fire protection issue, is it  
4 you -- do you consider yourself the responsible  
5 party for making sure that there is fire  
6 protection on the site, appropriate safety  
7 equipment?

8 A. Yes. That's a contractual requirement as  
9 part of the relationship with the Army. We are  
10 required to provide fire protection in a  
11 satisfactory manner, and in order to do that, we

12 sought the advice of the local fire chiefs.

13 MS. DOCTORS: I have no further questions.

14 HEARING OFFICER HALLORAN: Ms. Howard, if  
15 you don't mind before we go on to redirect, Board  
16 Member McFawn or any of the technical unit have  
17 any questions for the witness?

18 MS. LIU: Sure.

19 MS. McFAWN: On that last point that Ms.  
20 Doctors just asked you about, that is not -- what  
21 do you mean when you say that adequate fire  
22 protection will be available at the Joliet site?  
23 Will it be there -- will the equipment be there,  
24 for example, when you start the burn or is it

L.A. REPORTING (312) 419-9292

130

1 just available to come if you need it?

2 THE WITNESS: We had originally expected  
3 that the fire chief would feel it was necessary  
4 to have a piece of apparatus actually physically  
5 on the scene, and when we asked the Elwood fire  
6 chief, we were prepared to make arrangements to  
7 do that and to absorb whatever costs that were  
8 associated with that. They said that they would  
9 prefer not to, that he felt that the risk of  
10 propagation in the circumstances that we had

11 developed and with the firebreaks that we've  
12 placed the risk was so small that he was  
13 comfortable that he could respond in the two or  
14 three minutes it would take to get the equipment  
15 there, and he would rather have the equipment in  
16 his yard.

17 MS. HOWARD: For clarification, are you  
18 referring to the work that you did during the  
19 45-day period on the manufacturing side?

20 THE WITNESS: That is all relative to the  
21 work that we did previously on that side of the  
22 plant and it frankly reflects in our objection in  
23 this case. We want to make sure that we have  
24 satisfied the Wilmington chief and the Elwood

L.A. REPORTING (312) 419-9292

131

1 chief, and they say that apparatus needs to be on  
2 scene, it would be there, but if they don't, they  
3 should have the final decision in that regard.

4 MS. McFAWN: And in this case, it would be  
5 just Wilmington, not Elwood?

6 THE WITNESS: I think we'll -- we have a  
7 relationship with the Elwood folks as well  
8 because they're almost equal distance. We'll be  
9 talking to both of them.

10 MS. McFAWN: The rule as you propose it,  
11 the conditions, as you propose it is for just the  
12 Wilmington Fire Department?

13 THE WITNESS: They are technically because  
14 53 separates the jurisdictional boundaries.  
15 Wilmington is the first responder to any sort of  
16 an event on that side of 53.

17 MS. McFAWN: Okay. I think you're  
18 probably the right person to ask. This language,  
19 I didn't copy the whole thing that was proposed  
20 to replace the language at condition one, B1, and  
21 as I understand it now, if the Agency receives a  
22 complaint, I assume it's the Agency -- no, no.  
23 It was followed up by if you receive a complaint,  
24 the other parts of the condition require you to

L.A. REPORTING (312) 419-9292

132

1 so inform the Agency, right?

2 THE WITNESS: Yes.

3 MS. McFAWN: So if a complaint is received  
4 concerning air pollution, right, even if that air  
5 pollution is authorized by the variance, you're  
6 willing to accept that the Agency can suspend  
7 operations having to do with new burns for five  
8 working days?



9 THE WITNESS: It is a compromise in the  
10 manner of compromises. I believe the Agency will  
11 act in good faith. First, I don't think we'll  
12 get a complaint, and, secondly, if we do, I think  
13 the complaint will be addressed in a timely  
14 fashion. Having a date certain, five days, is a  
15 suspense day that gives me some assurance that I  
16 don't have to send all my people and equipment  
17 home expecting a very long -- a very long  
18 discussion here. So it's an acceptable  
19 compromise.

20 MS. McFAWN: Okay. Now, it means you  
21 could finish the burn that you're engaged in, for  
22 instance, if the complaint comes in during the  
23 time of the burn, right?

24 MS. DOCTORS: Yes.

L.A. REPORTING (312) 419-9292

133

1 THE WITNESS: Yes.

2 MS. McFAWN: The Agency is indicating yes  
3 as well.

4 THE WITNESS: There would be no way to  
5 stop it.

6 MS. McFAWN: That's what I would assume,  
7 yes. So would you normally in this type of

8 activity go to a new burn within five days or  
9 would you wait for one to burn itself out and  
10 start cleaning it up? I mean, how closely do you  
11 do these separate burns?

12 THE WITNESS: In our prior experience on  
13 the other side, as I say, we did nine burns in 45  
14 days. It was the nature of the geography that we  
15 had -- we were burning smaller facilities, but we  
16 wanted to maintain control. So we didn't want to  
17 burn more than two adjacent facilities at a time,  
18 but we had a lot of little spots to do.

19 In this circumstance, we're proposing  
20 a total of four burns in group one, which right  
21 now is the only authorized activity at the site.  
22 We expect that the preparation associated with  
23 that would be a matter of months. So it's not an  
24 unreasonable expectation. It's not an

L.A. REPORTING (312) 419-9292

134

1 unreasonable condition to take a five-day delay  
2 between burns. That's why it seems to be a  
3 reasonable compromise.

4 MS. McFAWN: Thank you.

5 HEARING OFFICER HALLORAN: Any further  
6 questions from the panel?

7 MS. LIU: Good afternoon, Mr. Sylvester.  
8 Earlier this morning, Mr. Kwasneski had testified  
9 that Plexus presented a presentation to them on  
10 their proposed decontamination for JADA, and I  
11 was wondering if any similar presentation had  
12 been given to the Midewin Prairie people?

13 THE WITNESS: We did an initial briefing  
14 of the Midewin folks prior to doing the initial  
15 set of burns as part of the weekly coordination  
16 that occurs in Joliet. I don't believe there was  
17 a Midewin representative at the hearing. We had  
18 considered actually providing a presentation to  
19 the Board in the context of this hearing, but  
20 because it ran for over an hour, we thought that  
21 that time was probably better spent elsewhere.

22 MS. HOWARD: I don't mean to interject  
23 testimony as the attorney representing Plexus.  
24 Unfortunately, though, I'm the one that contacted

L.A. REPORTING (312) 419-9292

135

1 Mr. Mains on behalf of Plexus because I was  
2 trying to take care of some of the informational  
3 requirements while they are taking care of other  
4 modeling issues. What I can tell the Board is  
5 when I contacted Mr. Mains, I explained the

6 entire situation, and I offered to send him a  
7 copy of the petition, and then I did offer to  
8 have representatives from Plexus fly in to give  
9 them a presentation.

10 We didn't think about it at the time  
11 that we met with JADA, but we have offered it,  
12 and he said that it would not be necessary and  
13 that he was satisfied with reading the petition  
14 and talking. We also made available phone  
15 numbers and stuff for him to contact Plexus,  
16 which I don't believe he did.

17 MS. McFAWN: When you speak of he, who are  
18 you talking about?

19 MS. HOWARD: Mr. Mains.

20 MS. McFAWN: I thought he said -- is Mr.  
21 Mains -- excuse me. All right.

22 MS. HOWARD: From Midewin Prairie. So the  
23 offer was extended to him, but he did not feel  
24 that it was necessary.

L.A. REPORTING (312) 419-9292

136

1 THE WITNESS: I called Mr. Mains in this  
2 time period and left an offer by message to brief  
3 him, and he didn't return the call. We also made  
4 him aware that there was information on the

5 Plexus company web site describing it.

6 MS. LIU: Once these burns commence, how  
7 do you anticipate communicating with the people  
8 from the Prairie as far as offering them special  
9 instructions on which areas not to enter, things  
10 like that?

11 THE WITNESS: The only -- the only entry  
12 restriction that we anticipate is for the  
13 exclusion area. The exclusion area would be  
14 physically barriered by fencing and where -- as I  
15 said, where there are high traffic areas or we  
16 suspect that someone might feel the need to drive  
17 around a road barricade, we'll put an individual  
18 to stop them. In addition, there is a weekly --  
19 there is a weekly briefing, weekly review of  
20 events that goes on at the Army headquarters in  
21 Joliet that's attended by all contractor  
22 representatives as well as representatives for  
23 the Prairie. So they have a pretty good idea day  
24 to day. We have a relationship with them. They

L.A. REPORTING (312) 419-9292

137

1 need favors, we need favors.

2 MS. LIU: You referred to the term  
3 exclusion zone in your supplemental information

4 on page six. There's a term called no entry  
5 safety perimeter. Is that the same thing or is  
6 that a separate --

7 THE WITNESS: Yes. Those are synonymous.  
8 There is one -- there is one envelope that we  
9 don't want people in to ensure explosive safety.

10 MR. RAO: You mentioned this in response  
11 to Ms. Lui's question that this whole zone of  
12 exclusion is fenced or is it just the roadblocks  
13 that are placed?

14 THE WITNESS: We use -- we use fences  
15 where there are fences available. As a result,  
16 the exclusion zone typically is much larger than  
17 what's required. What we do is take a fence map,  
18 put our exclusion zone on it, and then determine  
19 where the fences are and where railroad gates are  
20 that have to be closed in order to keep folks  
21 out. So it winds  
22 being -- given the limited amount of activity in  
23 Joliet and the enormous size of the property  
24 relative to the size of our required exclusion

L.A. REPORTING (312) 419-9292

138

1 zone, we haven't had any problem in the past.

2 We had contractor operations. The

3 Army Corps. of Engineers, they were working in M6  
4 while we were there and we continued to work at  
5 the same time doing burns without any problem.

6 MS. LIU: Earlier you had mentioned that  
7 there is nothing that really remains in these  
8 building beyond steel and concrete.

9 Can you describe physically what  
10 stands in those buildings? Is it equipment, old  
11 furniture?

12 THE WITNESS: Very little in the way of  
13 office paraphernalia. These are pretty sparse  
14 buildings, and they were designed with one  
15 purpose in mind and that was making bombs. There  
16 are, as was mentioned before, there are 70  
17 buildings in group one, administrative functions,  
18 change houses, first aid houses, places to eat  
19 lunch, places to punch your time card, places to  
20 take a shower are all -- they're the other  
21 components that make up the 70 buildings. So  
22 there are lots of administrative places that may  
23 still have furniture or desks or raccoons in  
24 them, but those are -- the manufacturing

L.A. REPORTING (312) 419-9292

139

1 buildings are pretty sparse.

2                   Imagine a concrete handball court  
3 because each is in sections and is about that  
4 size, tall walls, a single opening in the wall  
5 big enough for a conveyor to pass through. So  
6 you have a unit operation, whether it was a  
7 machine that filled artillery shells with TNT or  
8 drilled holes to make fuses or some unit  
9 operation and a conveyor that came up to it and a  
10 conveyor that took the material away.

11                   The rest of the building is empty,  
12 concrete wall, concrete wall. The ceilings,  
13 where there were drop ceilings in place, the  
14 ceilings were transite. In large portions and in  
15 a large number of bays there is no drop ceiling  
16 so that you can see up two stories to a transite  
17 roof that was suspended some structural members.  
18 So when we go to do the burn, all that will be  
19 left are the steel bones that supported the  
20 transite, the equipment, and the concrete.

21                   MS. McFAWN: When you say the equipment,  
22 you mean the equipment like conveyor belts?

23                   THE WITNESS: Yes, the manufacturing  
24 equipment associated with the process.



1           MS. HOWARD:  If I could ask Mr. Sylvester,  
2 one example, one of the pieces of equipment we  
3 saw was called a melt kettle.  Could you explain  
4 to them what we're talking about, what it was  
5 used for, and then give them an idea of the size  
6 we're talking about, this piece of equipment?

7           THE WITNESS:  A melt kettle is a 300-gallon,  
8 would you say, 300-gallon liquid capacity kettle,  
9 which makes it five or six steel drums worth of  
10 capacity.  It was used to melt TNT.  It would  
11 come in -- it would come in on conveyor, be  
12 elevated to the third floor, third story area, be  
13 sprayed and poured into kind of a shoot into the  
14 melt kettle which sat installed, if you will,  
15 protruding through the ceiling of the first floor  
16 or floor of the second floor.

17                   Indirect heat in the form of steam  
18 was applied to create this molten condition and  
19 it had a paddle stirrer in it and it looked like  
20 a chocolate kind of a deal.  It would make molten  
21 TNT which is then discharged from the kettle down  
22 into the explosive components that were being  
23 made, but that process was a vertical process  
24 starting with dry pelletized or chipped TNT being

L.A. REPORTING (312) 419-9292

1 screened and then melted and then poured. So in  
2 that unit operation, on the first floor, you  
3 would have the item of interest, the gadget that  
4 was used to hold the containers.

5           Protruding between the first and  
6 second floor, you'd have two of these kettles in  
7 a room half the size of this room. A lot of  
8 explosive safety has to do with separation. This  
9 is very radioactive. The distance is very  
10 important. So there was a lot of empty space in  
11 these buildings.

12           These are not like a car  
13 manufacturing plant where there's all manner of  
14 things hanging from ceilings and walls and so  
15 on. It was one unit operation. So if it blew  
16 up, you lose that operation and the unfortunates  
17 that were working on it, but the remaining  
18 operations on either side aren't being harmed.

19           MS. HOWARD: Does that give the Board an  
20 idea of when we talk about equipment, the size  
21 that we're talking about?

22           THE WITNESS: It's a fair characterization  
23 to say most of these building are mostly empty.

24           MS. LIU: Would there be other

1 combustibles in those buildings beyond what you  
2 bring in to ignite the fire?

3 THE WITNESS: I can't really think -- I  
4 mean, for example, if there were uncontaminated  
5 foam, thermal insulation, something like that  
6 that would create that was not an explosive  
7 hazard, we take it out. We did that in several  
8 places on the manufacturing side because it  
9 didn't represent an explosive hazard, but it was  
10 going to create black smoke, but there's really  
11 very little of that.

12 The equipment, for the most part, is  
13 not insulated. It's bare steel. There is -- the  
14 utilities going to it are basically steam and  
15 fire suppression water and vacuum -- various  
16 vacuum receivers around the building, but from a  
17 pipe standpoint, that's about all there is in the  
18 way of piping. There's really very little.  
19 You're not going to find furniture, for example.  
20 There's not going to be a couch. That kind stuff  
21 would be in the out building which are not going  
22 to be burned.

23 MR. RAO: In the supplemental information  
24 regarding the frequency of flash burns, you

1 indicated that it depends on the -- you know, it  
2 could be given by Army funding the number and  
3 frequency of the burns. Although the schedule  
4 will be given by Army funding, do you have some  
5 kind of schedule where we know what's the highest  
6 frequency of burns that you may have?

7                   You mentioned that it may take, you  
8 know, months of preparation to, you know, collect  
9 the burn. So do you have any, you know,  
10 information that can tell us, you know, many  
11 burns you may have per month, per week, or per  
12 year, that basis?

13                   THE WITNESS: No, actually, I don't. It  
14 would depend on -- for example, in the prior, you  
15 know, prior experience, we conducted burns in  
16 some cases on consecutive days because the areas  
17 were relatively small and simple to prepare, and  
18 once we had done all of the hazardous materials  
19 removal, it was just a question of how long it  
20 would take to place the dunnage.

21                   I would say based on what preparation  
22 work we've done in group one where we have four  
23 very large buildings, thousands of square feet,  
24 that will take a very long time and there will be

1 a substantial separation. There are other groups  
2 where there is buildings as small as 200 square  
3 feet that clearly we could do several in a day or  
4 do them on consecutive days. You know, I'm not  
5 trying to be difficult. It just really depends  
6 on the size.

7                   We he projected in Exhibit T the  
8 estimated emissions by variance a year for  
9 Joliet. We've projected a sort of a for instance  
10 schedule that spreads out the -- spreads out the  
11 groups where we anticipate doing some work and  
12 where we anticipate doing some vegetation over  
13 the course of five years. As I said, it's my  
14 expectation that the Army's funding limitations,  
15 given that there are many environmental  
16 priorities, will not allow us to move any faster  
17 than completing this work in five years. If it's  
18 slower --

19                   MR. RAO: That would be my next question,  
20 whether the frequency of burns have implications  
21 on you complying with the national air quality  
22 standards. If you have, like, ten burns in a  
23 week, the emissions would that have any bearing  
24 on whether you will be in compliance with the NOX

1 or the National Ambient Air Quality Standards?

2 THE WITNESS: I really -- I would think --  
3 the most burns that we've projected during in any  
4 year is ten. Now, I can't guarantee you that  
5 there will be ten and no more than ten because I  
6 frankly don't know the details of all these  
7 circumstances, but we've projected a total of ten  
8 for year one and ten for year four. We've  
9 already established that the burns associated  
10 with the year one group one events are going to  
11 be separated by a number of days, perhaps a  
12 number of weeks just because it takes a long  
13 time. Most of the dunnage is placed by hand, and  
14 a 15,000 square foot building is a big building,  
15 but I can't conceive of a circumstance where even  
16 ten consecutive days of burning, which is highly  
17 unlikely given this is a combination of a funded  
18 piece of work and unfunded piece of work and  
19 three unfunded -- four unfunded vegetation burns  
20 that's not going to occur in consecutive days,  
21 but even if it did, what we've projected is the  
22 ambient air concentrations for one day at a time  
23 against a standard that presumes that that air is  
24 safe to breathe for a year. So the other 350

1 days a year, if you will, we did ten burns in one  
2 year, the other 350 days we have the source. I  
3 believe the majority of the National Ambient Air  
4 Quality Standards are annual in nature.

5 MR. RAO: Thank you. I had a question  
6 about whether Plexus has any contingency plan or  
7 contingency measures if things go wrong that you  
8 can implement during the burn or after the burn.  
9 You know, things like air quality monitoring or  
10 trying to see whether if there is any opacity  
11 problems that are being caused by the burn,  
12 things of that nature, and also, you know, in  
13 dealing -- if there are any problems that you may  
14 come across in terms of trying to inform people  
15 if there's any need for moving people away from  
16 this area.

17 Do you have any contingency measures  
18 at all or is it just what you have listed in your  
19 petition?

20 THE WITNESS: I'll answer that question in  
21 parts. Does Plexus have any contingency plans?  
22 Yes, we have plans associated with fire  
23 propagation. We have plans associated with any

24 sort of individual worker injury like he steps in

L.A. REPORTING (312) 419-9292

147

1 a hole and breaks his ankle, there's some  
2 requirement for emergency response. We have  
3 communications in place and advance briefings to  
4 the emergency responders to tell them.

5 HEARING OFFICER HALLORAN: Sir, could you  
6 keep your voice up, please?

7 THE WITNESS: Sorry. It's not usually a  
8 problem for me. With regard to contingency plans  
9 associated with opacity, we fully expect that  
10 there is going to be opacity. There will be  
11 smoke that is not transparent associated with  
12 this -- with this work. If you burn a prairie or  
13 if you burn wood in your fireplace, when you  
14 start a wood fire, you create smoke. There will  
15 be opacity for some period of time. I'd hate to  
16 go back to an old saw, but we've done this nine  
17 times. We've had no inquiries with regard to  
18 that smoke.

19 With regard to moving people, I  
20 cannot conceive of a circumstance where there  
21 would be any untoward fallout, untoward event  
22 associated with a burn that would require us to



23 have to move people other than propagation of a  
24 fire. We certainly have plans in effect

L.A. REPORTING (312) 419-9292

148

1 associated with fire protection and with  
2 propagation. If, for example, we were in the  
3 midst of a burn and a heavy wind came up and  
4 somehow the fire jumped the firebreak, that's a  
5 circumstance where we call the first responders  
6 and have the fire department and it's -- we're  
7 relying on their knowledge of how to put out  
8 grass fires because that's what they do. It  
9 seems -- it seems very unlikely that we'd have a  
10 circumstance that would require -- that something  
11 like that would get so far out of hand that we'd  
12 have to address the surrounding community in some  
13 manner. You know, I guess they do have prairie  
14 fires, and, again, my reliance is on the  
15 Wilmington and Elwood fire chiefs to know what to  
16 do if such a circumstance would occur. They  
17 certainly have advanced warnings.

18 MS. LIU: Somewhere in the petition there  
19 was made mention of a federal regulation under 40  
20 CFR 265.382 on open burning, waste explosives  
21 that requires that there is a minimum distance to

22 the property of others between the burn sites and  
23 other property, and I was wondering if there was  
24 a way that you could verify that all of the sites

L.A. REPORTING (312) 419-9292

149

1 that you're planning to burn do meet the federal  
2 minimum distance requirements?

3 MS. HOWARD: Can you identify -- was it in  
4 the narrative part of the petition or was  
5 it in an exhibit?

6 MS. LIU: I think it was in the original  
7 petition.

8 MS. HOWARD: If you can just give us a  
9 moment, maybe we can find this and help him  
10 answer the question.

11 HEARING OFFICER HALLORAN: We can go off  
12 the record.

13 (Discussion had  
14 off the record.)

15 HEARING OFFICER HALLORAN: We're back on  
16 the record.

17 THE WITNESS: Could you repeat the  
18 question? Let's try this again now that we have  
19 the cite.

20 MS. LIU: In the original petition, an

21 exhibit was provided I'm assuming as an example  
22 of the completion report of a decontamination of  
23 a similar-type project that made reference to  
24 relevant regulations and permitting of which

L.A. REPORTING (312) 419-9292

150

1 there was a federal requirement regarding minimum  
2 distances for open explosive burning.

3 I was wondering if you could simply  
4 verify that the proposed sites in this case would  
5 meet those federal distance requirements?

6 THE WITNESS: It appears that your  
7 reference is to the completion report for the  
8 continuous TNT manufacturing area and building  
9 855-4 decontamination dated March of 2000, page  
10 3-1. The distance cited in paragraph two as the  
11 regulation specified minimum distance from the  
12 burn site to the property of others is 670 feet.  
13 Yes, I believe in all circumstances for all of  
14 the buildings I believe that we will exceed a  
15 distance of 670 feet.

16 That regulation, I believe, is a RCRA  
17 interim status facility regulation of some  
18 description. We don't have a copy of it on hand,  
19 but if the essence of your question is will we be

20 more than 670 feet way, the answer is yes, from  
21 the property.

22 MS. LIU: Thank you for verifying that.

23 MR. RAO: Just a point of clarification.

24 The burn cites that you are -- are not subject to

L.A. REPORTING (312) 419-9292

151

1 RCRA, are they?

2 THE WITNESS: No. I do not believe that  
3 the activities that we're proposing to undertake  
4 are covered by RCRA.

5 MS. LIU: On page seven of the Agency's  
6 recommendation, they indicate that the original  
7 petition included a mention of site M6, but that  
8 fell outside of the LAP area and that it might  
9 not be officially included as part of this  
10 variance petition. It appears that you actually  
11 intend to do work there.

12 Was this going to be addressed in an  
13 amendment or in your posthearing briefs somehow  
14 so that it could be included?

15 MS. DOCTORS: Can we go off the record for  
16 a second?

17 HEARING OFFICER HALLORAN: We're off the  
18 record.

19 (Discussion had  
20 off the record.)

21 HEARING OFFICER HALLORAN: We're back on  
22 the record. We had a little discussion regarding  
23 the last question posed by Ms. Liu. Ms. Doctors,  
24 I had asked her to make a statement regarding the

L.A. REPORTING (312) 419-9292

152

1 question. Ms. Doctors.

2 MS. DOCTORS: Yes. I'd like to note that  
3 the Agency's recommendation noted that there was  
4 discrepancy in the notice. The notice referenced  
5 there's a Board regulation that requires that we  
6 say the geographic area where the variances take  
7 place. We limited the notice to the LAP area  
8 based on petitioner's -- on page seven of the  
9 petition that indicated that everything had been  
10 completed. Obviously it was completed in the  
11 manufacturing area, but when I went to list the  
12 sites that was writing the recommendation, I  
13 realized it was this M6 parcel, and so that's  
14 what the notice issue is.

15 The Agency does not have a strong  
16 position that the notice is faulty or is not  
17 faulty. It's putting this before the Board. I

18 mean, I've not done the research on the notice  
19 issue. There was a notice on the Joliet area,  
20 you know, for the Joliet site, but it did  
21 reference the area east of 53. It didn't include  
22 any area west.

23 MS. McFAWN: This is the newspaper  
24 notice?

L.A. REPORTING (312) 419-9292

153

1 MS. DOCTORS: Yes.

2 HEARING OFFICER HALLORAN: Thank you, Ms.  
3 Doctors.

4 MS. HOWARD: As far as Plexus is  
5 concerned, and this is something -- this issue  
6 I'd like to at least get a chance to do some  
7 research on it and maybe address it in a brief in  
8 more detail, but glancing here at the pollution  
9 variance notice that was in the petition, my  
10 understanding is the notice is supposed to give  
11 the public a general idea of activity that's  
12 going to be taken in their area as to any  
13 environmental concerns and give the public notice  
14 to come and appear before the Board at a hearing  
15 such as this and voice any concerns or  
16 questions.

17 I believe under the circumstances,  
18 considering that there really isn't anybody here  
19 from the public, I think the notice itself was  
20 sufficient in order to give people an idea that  
21 we're talking about the Joliet Army Arsenal and  
22 that it does straddle Highway 53, but I do  
23 believe that the petition or the notice in itself  
24 was sufficient, and if there were any concerns,

L.A. REPORTING (312) 419-9292

154

1 we would have members of the public here, and I  
2 think it was made very clear in his testimony  
3 today that, yes, M6 is on the west side, it's not  
4 on the east as the rest of the LAP area, but the  
5 work is exactly identical. The same precautions  
6 that are taken on the LAP side will be taken on  
7 the manufacturing side, and I think under the  
8 circumstances considering all the effort that has  
9 gone forward to present all of this information  
10 to the Board and to the public. I really would  
11 think that it would be a waste of state resources  
12 as well as that of my client to have to come back  
13 and go through this entire process then just for  
14 the M6 area.

15 So as far as I'm concerned, if the

16 Board were to determine or if the hearing officer  
17 were to make a determination that the notice was  
18 sufficient, then I would go along with that, and  
19 I think that would be a good determination. If  
20 not, I would have to go and do some more research  
21 into the issue itself.

22 HEARING OFFICER HALLORAN: I would reserve  
23 my ruling. For one, it's more of a dispositive  
24 type motion, but it is in the record and so

L.A. REPORTING (312) 419-9292

155

1 noted, but with that said, Ms. Liu, do you --  
2 MS. HOWARD: I'm sorry. Could I add one  
3 more thing too? In terms of the notice issue,  
4 too, I believe when you were talking about a  
5 notice -- let's draw an example. For example, if  
6 you're talking about the siting, notice in the  
7 siting, you're actually bringing a facility --  
8 you're trying to come into an area, for example,  
9 placing a pollution control facility within an  
10 area so you have public notice given to -- the  
11 notice published to give the public the  
12 opportunity to comment on the facility coming  
13 into an area.

14 In this situation, we're dealing with



15 a facility that's been sitting there for quite  
16 some time, and all that we're trying to do is to  
17 and remediate the facility and to take care of  
18 the explosive decontamination. So it's not a  
19 situation where the public is being asked to say,  
20 do you want this facility in your backyard, which  
21 then, yeah, under the circumstances maybe they  
22 weren't given enough notice for M6 to be brought  
23 into their backyard.

24 The bottom line here is M6 is already

L.A. REPORTING (312) 419-9292

156

1 there, and all we're trying to do is clean it  
2 up. So I think that distinction should also be  
3 kept in mind by the Board when they make the  
4 decision on this notice issue. Sorry. Thank  
5 you.

6 HEARING OFFICER HALLORAN: Thank you. Any  
7 further questions from the Board or technical  
8 unit? Ms. Howard, I think the ball is still in  
9 your court if you want to do any more redirect.

10 MS. HOWARD: No. I don't have anything  
11 more for Mr. Sylvester.

12 HEARING OFFICER HALLORAN: Ms. Doctors,  
13 any further cross?

14 MS. DOCTORS: No. I have no further  
15 cross.

16 HEARING OFFICER HALLORAN: Mr. Sylvester,  
17 thank you very much. You may step down.

18 Ms. Howard, you may call your next  
19 witness.

20 MS. HOWARD: And my final witness for the  
21 day. I'd like to call Mr. Geoff Carton.

22 (Witness sworn.)

23 WHEREUPON:

24 G E O F F R E Y C A R T O N,

L.A. REPORTING (312) 419-9292

157

1 called as a witness herein, having been first  
2 duly sworn, deposeth and saith as follows:

3 D I R E C T E X A M I N A T I O N

4 by Ms. Howard

5 Q. Could you please state and spell your name  
6 for the record?

7 A. My name is Geoffrey Carton,  
8 G-e-o-f-f-r-e-y, C-a-r-t-o-n.

9 Q. Where do you reside?

10 A. Columbia, Maryland.

11 Q. Could you briefly describe your  
12 educational background?

13 A. I've got a bachelor of science from the  
14 University of Rhode Island in resource  
15 development and additional course work at the  
16 University of Maryland in environmental studies.

17 MS. HOWARD: I'm handing the witness a  
18 copy of a resume.

19 BY MS. HOWARD:

20 Q. Is this your accurate resume?

21 A. Yes, ma'am.

22 MS. HOWARD: And if there are no  
23 objections, I'd like to enter that into evidence  
24 as an exhibit.

L.A. REPORTING (312) 419-9292

158

1 HEARING OFFICER HALLORAN: Any objections,  
2 Ms. Doctors?

3 MS. DOCTORS: None.

4 HEARING OFFICER HALLORAN: Exhibit is  
5 admitted.

6 BY MS. HOWARD:

7 Q. Could you please describe your  
8 professional background?

9 A. I've worked as an environmental scientist  
10 for the last 13 years, worked on a variety of  
11 mainly government facilities. I also worked for

12 -- under contract with the United States  
13 Environmental Protection Agency doing preliminary  
14 assessments and site investigation.

15 Q. Where are you currently employed?

16 A. If I could go back to that last question,  
17 for the last seven years, I've also participated  
18 in investigations and studies and explosive  
19 manufacturing and handling facilities.

20 Q. Could you please state where you're  
21 currently employed?

22 A. I'm employed at Plexus Scientific  
23 Corporation.

24 Q. What is your current position there?

L.A. REPORTING (312) 419-9292

159

1 A. I'm a member of the senior technical  
2 staff.

3 Q. What are your responsibilities as it  
4 applies to the Joliet Army Ammunition Plant?

5 A. For the work that we are discussing today,  
6 my responsibilities will be completion of the  
7 work plans and development of the final report,  
8 working on health and safety plans and doing some  
9 of the upfront coordination.

10 Q. What is some of the work that you've done

11 in relation to the plant over the past several  
12 years?

13 A. Starting in roughly 1995, Plexus was  
14 retained, and I was the project manager for  
15 reviewing the environmental activities, historic  
16 activities at the plant that could potentially  
17 impact the environment to assess them in terms of  
18 concerns relating to property transfer.

19 I spent two years compiling historic  
20 information on site, produced four reports. The  
21 first report covered the roughly 15,800 acres  
22 that were initially transferred by congress to  
23 the state of Illinois -- excuse me, to the United  
24 States Department of Agriculture.

L.A. REPORTING (312) 419-9292

160

1 Q. Could you give us some examples of how you  
2 gathered this historic information? Where does  
3 this historical information come from?

4 A. Much of the information was found in dusty  
5 binders in abandoned buildings. We went through  
6 a lot of the buildings to try and collect  
7 information.

8 Q. I'm sorry. When you talk about buildings,  
9 are you talking about buildings on the site?

10 A. Yes, ma'am.

11 We went through several hundred  
12 buildings on site to collect information to look  
13 at the current conditions. This was between is  
14 1995 and 1997. We visited the national  
15 archives. We pulled the annual histories and  
16 semiannual histories and reviewed them, and we  
17 had discussions with the command responsible for  
18 the facility. It was formerly known as the  
19 industrial operations command. We had contact  
20 with their chief historian. We've also collected  
21 popular literature on the facility and spoken to  
22 some former employees.

23 Q. And for which sites on the Joliet Arsenal  
24 have you conducted this type of research?

L.A. REPORTING (312) 419-9292

161

1 A. The research covered the entire facility.  
2 Part of the research for the environmental  
3 baseline survey included walking every parcel of  
4 the property, at least doing rambling transcends  
5 to make sure that we had seen most of what there  
6 was to see at the plant.

7 Q. How many buildings are in group one?

8 A. There are 70 buildings in group one.

9 Q. This is Exhibit G, which was submitted  
10 with the petition, and it is a group one layout,  
11 which is also the L7 site that we've been talking  
12 about. Geoff, if you want to use the diagram to  
13 give a -- to help you along.

14 Could you please describe the process  
15 flow in group one?

16 A. In general, what they had here was a an  
17 assembly line for bombs and artillery  
18 ammunition. The innercomponents, the steel  
19 casings, and such would come in on the west side  
20 and the flow would generally be to the east, and  
21 when it exited, you would have a finished bomb or  
22 a finished artillery shell.

23 The explosives were brought in from  
24 the north side and they were stored, the

L.A. REPORTING (312) 419-9292

162

1 explosives and propellant along here along these  
2 railroad tracks so that explosives made it up  
3 with the inert components as they traveled down  
4 the line. Once again, what they do is they -- in  
5 designing these facilities, they put distance  
6 between the buildings. Should there be an  
7 accident, they did not

8 want -- they did not want to interrupt the  
9 manufacturing activities of the adjacent  
10 buildings. So what they have is quantity  
11 distance sites so should there be an explosion  
12 here, production could still continue.

13                   So what we have on 1-3, 1-3A were  
14 inert components where they stored the empty  
15 shells painted and such. They would move down to  
16 building 1-4, which is what we call the melt load  
17 building. The explosives would come in from  
18 1-5A, 1-7, 1-5B where they're brought into the  
19 plant and would go by conveyor. The conveyor is  
20 not a rubber belt. It's a steel chain conveyor  
21 with a panel on.

22                   It we would go into building 1-6  
23 where it would be declumped. The explosives  
24 would then be flowable. It would go by conveyor

L.A. REPORTING (312) 419-9292

163

1 up to building 1-4. Mark has previously discuss  
2 what occurred in that building. It would be  
3 melted. It would be poured into shells. It  
4 would move down this conveyor on the south side  
5 of these buildings. In 1-16 would be what we  
6 call a hot probe. As the explosive cooled, it



7 would shrink within the shell. They wanted to  
8 make sure that the shell was fully packed so that  
9 they get explosive tension out of it.

10 So they would do a hot probe to melt  
11 the explosive to make sure there were no voids,  
12 no fractures, no vales in there. They would top  
13 off, if necessary, the explosives there, and the  
14 finished projectile would move down into building  
15 1-10 were the funnels -- essentially, they would  
16 put a funnel into the nose of bomb or nose of the  
17 projectile, and these funnels then had explosives  
18 in them. They would have to knock the funnels  
19 out. They would then take a drill and drill a  
20 hole into the explosive.

21 The drilling of this generated dust,  
22 and that's certainly one of our concerns is the  
23 dust that would have been generated from that  
24 operation. An explosive chain of the projectile

L.A. REPORTING (312) 419-9292

164

1 requires a very sensitive explosive up front, a  
2 boosting explosive to take that very small  
3 explosive potential, but sensitive explosive, and  
4 transmit that and set off a more powerful  
5 explosion, and then that explosion would set off

6 the main charge which would be the main -- which  
7 would be the TNT that was poured in previously,  
8 which is a fairly insensitive explosive in this  
9 chain. It's the most insensitive explosive of  
10 the chain of events, but also the most powerful  
11 of explosives.

12                   After that was placed and assembled,  
13 it would go down here. Sometimes there are --  
14 they produce fixed and semifixed ammunition where  
15 a semifixed projectile is a projectile that has a  
16 separate case lining you can see for a bullet  
17 where they could be a separated bullet, can be  
18 separate off, which had an explosive charge, and  
19 the casing could be filled with propellant. The  
20 two pieces could be assembled together. That was  
21 in this type of ammunition.

22                   Then fixed would be the two  
23 components are permanently fixed together, and  
24 then there would also be components where there

L.A. REPORTING (312) 419-9292

165

1 is a separate bag where the propellant was loaded  
2 into.

3                   Then it's building 1-13. From 1-17,  
4 which was a magazine for the propellant, 1-14.

5 It would then -- the propellant would then move  
6 into 1-13, and the component were altogether put  
7 into a box and went down on truck or on ground,  
8 and that's pretty much the process within the  
9 group.

10                   There are a lot of outlying  
11 building. You see a whole series of little  
12 I-shaped buildings, these 1-18 buildings. If you  
13 actually went to the site and looked at these  
14 buildings, they're very serious because of the  
15 hazards here of not getting people out of the  
16 building rapidly and providing them a refuge.  
17 These buildings are actually what they call bomb  
18 proofs. There are eight sliding boards that come  
19 off the third story of each of these buildings so  
20 that people could exit the building as rapidly as  
21 possible. Should there be a fire in these  
22 buildings, should there be any problems, they  
23 would go into these bomb proofs and take refuge  
24 hopefully while the fire protection, plant fire

L.A. REPORTING (312) 419-9292

166

1 protection, addressed whatever fire or whatever  
2 event was present.

3 Q. How many building have to be flashed in

4 group one?

5 A. Of the 70 buildings we've identified, four  
6 to be flashed. Down on the main floor, building  
7 1-4, 1-6, 1-10, and 1-14.

8 Q. Have you done any other historical study  
9 or testing of the other L sites within the LAP  
10 area?

11 A. The environmental baseline survey covered  
12 all buildings, all groups, all areas that were  
13 owned by the Army at that time. Some these have  
14 since been transferred.

15 Q. And similar maps, such as that for this  
16 LAP area, were provided to Board in Exhibit I of  
17 the petition, correct?

18 A. Yes, similar drawings were provided to the  
19 Board.

20 Q. Based on your research of the buildings  
21 and structures on the LAP side of the arsenal,  
22 how many buildings do you estimate will need to  
23 be burn and flashed?

24 A. We came up with a preliminary estimate.

L.A. REPORTING (312) 419-9292

167

1 This was not based upon the same type of  
2 walk-through we did for group one, which was L7.

3 Our preliminary estimate was 56 buildings ranging  
4 in size from 183 square feet on up.

5 Q. And now considering that that's an  
6 estimate, how would you go and check your historical  
7 research on site?

8 A. We have a great vested interest in making  
9 sure that when we were done and when we walk off  
10 the site that these buildings are safe. We will  
11 be signing our names onto a piece a paper saying  
12 these buildings are now explosively safe and can  
13 be released.

14 We will go through and ground troop  
15 all historical data. What we have is a facility  
16 with a 50-year history of production of  
17 explosives and different operations, and one of  
18 their missions was investigating various  
19 manufacturing processes. We feel we've got a  
20 pretty good handle on that. That doesn't mean we  
21 know what each piece of equipment was. So we  
22 want to go through the buildings in detail. If  
23 we have to, we'll take our fluoroscope and look  
24 between the walls.

L.A. REPORTING (312) 419-9292

168

1 Q. What's a fluoroscope?

2     A.     Essentially, it's a fiberoptic device  
3     which would allow us to look through drain pipes,  
4     look into walls, look in wood that allow us to  
5     inspect various areas. We'll also do spot  
6     testing, chemical spot testing to test for the  
7     presence of explosives.

8     Q.     How is the identification of confirmed  
9     buildings requiring flashing documented?

10    A.     We have generated two exhibits, which were  
11    presented to the Board, Exhibits G and H.  
12    Similar exhibits -- similar information will be  
13    available for each group as we are tasked to do  
14    them.

15    Q.     I believe in the conditions, did we  
16    request we term those as the site survey?

17    A.     Yes.

18    Q.     Are the surveys for each site going to be  
19    sent to The agency prior to the burns being  
20    conducted?

21    A.     Absolutely.

22    Q.     If the Agency has any questions or  
23    concerns with any of the results of the survey,  
24    will Plexus work with the agency to address those

1 questions or concerns before the burns for the  
2 particular site take place?

3 A. Yes, we will.

4 Q. In this variance petition, Plexus has  
5 included sites L1, L2, L3, L11, L34, and M6; is  
6 that correct?

7 A. That is correct.

8 Q. Are there buildings or structures in these  
9 areas?

10 A. No, there are not.

11 Q. What is the concern at these sites?

12 A. The Army Corps of Engineers has been  
13 tasked to excavate contaminated soil and clear  
14 the ordinance from these sites. In order to  
15 clear the ordinance, these areas have live  
16 ordinance items from softball size submunitions  
17 to 40 millimeter grenades, which are extremely  
18 sensitive to movement. Once they have -- for  
19 example, a 40 millimeter grenade when fired it's  
20 got three centrifugal counterweights that  
21 separate as it rotates to allow a firing pin to  
22 drop into place.

23                   Once the firing pin drops into place,  
24 it does not detonate the first time. When it

1 falls to the ground, it is always alive, which  
2 means that should you touch it, should you  
3 disturb it, it is likely to go off. That is the  
4 device and the same with the submunitions that  
5 are always blown in place by the explosives  
6 experts. They are not moved by the experts, and  
7 these are present in these areas.

8 Q. One moment.

9 HEARING OFFICER HALLORAN: Off the record.

10 (Discussion had  
11 off the record.)

12 BY THE WITNESS:

13 A. To continue on on that note, as they clear  
14 the areas, it makes it a lot easier for these  
15 people to able to see their feet instead of  
16 walking through -- they much prefer that as they  
17 walk through. That's why we requested to grant a  
18 variance to allow the removal of vegetation by  
19 burning. At another Army facility within the  
20 last two years, they were clearing a similar area  
21 and one of the workers set a bucket down,  
22 unfortunately, on one of these items and it  
23 pretty much severed his foot.

24 The kill radius on a 40 millimeter



1 grenade is about 200 feet. So if it detonates in  
2 the air, the fragments go out in a radial fashion  
3 about 200 feet and the submunitions the kill  
4 radius is larger. They are -- these are items  
5 that are designed by very intelligent people with  
6 the goal to maim, injure, or kill, and they are  
7 sitting on the ground, and they must be removed  
8 before the Army can transfer the property.

9 BY MS. HOWARD:

10 Q. On some of these sites, we've discussed  
11 there was some brush on the sites. Could you  
12 explain how that affects the work with  
13 magnetometers?

14 A. Most of us have probably seen the movies  
15 about World War II where the guys have the  
16 magnetometers and it looks like they're trying to  
17 find rings on a beach. It's a very similar  
18 situation. They use very similar pieces of  
19 equipment where they swing it back and forth to  
20 try to identify metal on the ground.

21 Obviously, if the brush is thick, it  
22 impedes their ability to swing the tool to get  
23 into dense brush. It's very difficult. What we  
24 want to do is assist them to make their clearance

1 activities as efficient as possible to be sure  
2 nothing is left out. So not only to protect  
3 their health and safety, but the ultimate users  
4 of the land.

5 MS. HOWARD: That's all the questions I  
6 have.

7 HEARING OFFICER HALLORAN: Ms. Doctors,  
8 any cross?

9 C R O S S - E X A M I N A T I O N

10 by Ms. Doctors

11 Q. The only thing I noticed is in the  
12 petition it seemed to indicate there would be 39  
13 burns, but you just testified that you believe  
14 there would be 56.

15 A. We identified was 56 structures. Several  
16 of the buildings are very close together or very  
17 small. So we might, for efficiency sake, do two  
18 or three small buildings, but it's still subject  
19 to the stipulations. Absolutely. Like I said,  
20 some of the buildings are only 200 square feet.  
21 So we might do several very small buildings  
22 together.

23 MS. HOWARD: You also did some --

24 THE WITNESS: Yeah. Exhibit F identifies

1 our first cut on what we've begun, size of the  
2 buildings.

3 BY MS. DOCTORS:

4 Q. You just testified to the burn of  
5 vegetation?

6 A. Yes.

7 Q. Is it your opinion that there could also  
8 be an explosive potential when the brush is  
9 burned off?

10 A. That's not a potential.

11 Q. No, but is there an explosive potential?

12 A. Anything that is laying on the surface and  
13 subject to heat has the potential to detonate.

14 MS. DOCTORS: Thank you.

15 HEARING OFFICER HALLORAN: Any questions  
16 from the Board or the technical unit? Go ahead.

17 MS. LIU: Good afternoon, Mr. Carton. On  
18 page 17 of the Agency's recommendation, they note  
19 that other hazardous pollutants than those listed  
20 in the Plexus petition might be emitted during  
21 the decontamination process, such pollutants as  
22 formaldehyde, dioxin, furans, polycyclic organic  
23 matter, polycyclic aromatic hydrocarbons, but  
24 that individually their concentrations at the

1 property line would be insignificant.

2 I was wondering if Plexus concurred  
3 with the Agency's characterization of the types  
4 and the amounts of those pollutants being emitted  
5 possibly during this process?

6 MR. CARTON: Yes. We agree that the --  
7 that the types and amounts are likely to be  
8 insignificant.

9 MS. LIU: Earlier on in the Agency's  
10 recommendation on page 11, they indicate that  
11 they would like Plexus to address the removal of  
12 oil and bulk explosives in their preburn  
13 activities somewhere in the work plan, and I was  
14 wondering if Plexus was committed to doing that  
15 or if they had a different --

16 MR. CARTON: Absolutely, absolutely.  
17 Within the work plan of what we did list time was  
18 we inspected the equipment for the presence of  
19 oils and to address the PCB issue, obviously all  
20 transformers will be removed, but the more likely  
21 source of PCBs within the buildings is the  
22 fluorescent light ballasts and those are, of  
23 course, removed.

L.A. REPORTING (312) 419-9292

175

1 question. It was your testimony that there was  
2 an assumption that there are explosives, say,  
3 grenades or whatever laying on the ground or  
4 underneath the brush, whatever.

5 Is this area the same area that  
6 ornithologists or birders or Jane Hathaway types  
7 would be traipsing around?

8 MR. CARTON: Not at this time because they  
9 still are being -- they are fenced.

10 HEARING OFFICER HALLORAN: They are  
11 fenced?

12 MR. CARTON: Yes, sir. Each of the  
13 production areas is fenced as a separate fence.  
14 The plant itself -- the plant itself has a  
15 perimeter fence, which you can see on Exhibit E.  
16 So the entire property is fenced. The exterior  
17 fence is maintained. Each one of the groups also  
18 has a fence, a perimeter fence around it.

19 So L7, L8, L9, and L10 all have  
20 fencing. L11, which is one of the areas where we  
21 proposed burning vegetation, is also fenced, and  
22 the rest of the groups are, in general, fenced.

23 There are one or two exceptions. 1134 is a  
24 landfill that's currently being worked on. That

L.A. REPORTING (312) 419-9292

176

1 is not fenced, but they control the access.

2 HEARING OFFICER HALLORAN: I think Mr.  
3 Mains was testifying that sometimes the volunteer  
4 birders, I guess, bird watchers, have sometimes  
5 no idea where the line ends.

6 MR. CARTON: These areas are fenced. The  
7 Army has a great deal of concern wherever an  
8 ordinance is involved, particularly live  
9 ordinance.

10 HEARING OFFICER HALLORAN: Thank you, Mr.  
11 Carton.

12 THE WITNESS: I just want to point out  
13 that there is also a perimeter fence around L7.

14 HEARING OFFICER HALLORAN: Okay.

15 MS. LIU: In the unlikely event we needed  
16 to employ fire fighting, is there any concern of  
17 water runoff from a fire fighting activity?

18 THE WITNESS: No. The area is pretty  
19 flat. It's going to infiltrate. We're not  
20 really generating anything but ash really from  
21 wood really.

22 MS. HOWARD: To clarify that point also,  
23 in making sure that we had all of the information  
24 requested by the Board for the initial

L.A. REPORTING (312) 419-9292

177

1 information, in a conversation with Mr. Tom  
2 McSwiggen of the permitting section, bureau of  
3 water, I discussed and explained to him what we  
4 were looking for. I explained to him what the  
5 situation was and what the work was that we  
6 proposed, and I asked him if he thought that  
7 there might be any water concerns or any water  
8 issues there, and he said that there weren't any  
9 and that we wouldn't have to worry about it.  
10 Then we went onto discuss the FOIA request.

11 HEARING OFFICER HALLORAN: Mr. Carton,  
12 could you keep your voice up, please?

13 THE WITNESS: The fire fighters are kept  
14 outside the security perimeter. Their purpose is  
15 to prevent the spread of fire outside the  
16 restricted zone should. That is their main  
17 mission, and we absolutely do not expect that the  
18 fire to extend much beyond the footprint of the  
19 building.

20 MR. RAO: Mr. Carton, in response to Ms.

21 Doctors' questions regarding the potential for  
22 detonation in those particular sites where you  
23 want to burn the brush, are there any special  
24 precautions to take for those sites to protect

L.A. REPORTING (312) 419-9292

178

1 your personnel or people involved from such  
2 detonations.

3 THE WITNESS: The protection is distance.

4 MR. RAO: So that the, what do you call  
5 it, the distance will be based on --

6 THE WITNESS: Essentially, there will be a  
7 firebreak around the outside perimeter and a fire  
8 occurrence on that personnel would only fight  
9 fire outside of the exclusion zone.

10 MR. RAO: Thank you.

11 HEARING OFFICER HALLORAN: Any further  
12 questions? Any further direct or cross or  
13 anything? Thank you, Mr. Carton. You may step  
14 down or step aside.

15 Does that complete your  
16 case-in-chief, Ms. Howard?

17 HEARING OFFICER HALLORAN: Let's take a  
18 ten-minute break, please.

19 (Break taken.)



20 HEARING OFFICER HALLORAN: We're back on  
21 the record after about a ten, 12-minute break.  
22 It's about 3:12. The petitioner has finished  
23 with her case-in-chief. I believe it's the  
24 respondent's turn now with her case-in-chief.

L.A. REPORTING (312) 419-9292

179

1 Ms. Doctors.

2 MS. DOCTORS: Yes. The Agency's  
3 presentation will be brief. Most of its remarks  
4 are contained in its recommendation. I would  
5 just like to make a brief statement. As counsel  
6 for the petitioner noted, we had over 30  
7 conditions, and it appears that we've reached an  
8 agreement on all but two, and I'd like to just  
9 speak to what was going through the Agency's mind  
10 with regard to the preburn activity and the site  
11 review.

12 We were trying to do a balance, and I  
13 guess the Board will weight in on whether this  
14 was appropriate. Normally, when the Agency  
15 requests -- receives a petition for review and  
16 recommendation, the events that are to occur are  
17 certain. In this case, the events are not quite  
18 certain. They haven't completed the site

19 surveys, and we wanted an opportunity to review  
20 without having to -- if it was going to be the  
21 same type of activity, we didn't believe it  
22 warranted coming before the Board repeatedly.

23                   You know, there's quite a few sites,  
24 and it takes place over quite a few years. So we

L.A. REPORTING (312) 419-9292

180

1 didn't believe if -- if the Board gave us a Board  
2 order that set out the parameters in which these  
3 activities could occur, we believe just like we  
4 believe the Board regulation would review the  
5 permit application that we should be able to look  
6 and make a determination whether it was  
7 consistent with what was there, but if it wasn't  
8 consistent, then there needed -- if we had needed  
9 additional information or questions, then there  
10 needed to be a process, and we're kind of in that  
11 position because of the explosive burning  
12 regulation itself, that there is no permit.

13                   We can't -- the Agency does not have  
14 authority to give a permit for explosive  
15 burning. We are here before the Board because of  
16 their belief that this is an inherently dangerous  
17 activity. So they wanted to be the people who

18 have the authority to make this decision. So I  
19 don't know if the condition even oversteps that  
20 boundary of their authority.

21 So with that said, the Agency it's  
22 recommending and it would like to put in a  
23 comment also that the petitioner has worked very  
24 closely with us, and we've been working on this

L.A. REPORTING (312) 419-9292

181

1 since December, and that's -- you know, there's  
2 been a tremendous number of hours on their part  
3 and our part to collect and understand what this  
4 project entailed, and we are recommending that we  
5 bring Donald Sutton as my first witness. I'd  
6 like to call him.

7 HEARING OFFICER HALLORAN: Sure. Mr.  
8 Sutton.

9 MS. HOWARD: Excuse me. Could I just make  
10 one comment as to the comments that Rachel made?

11 HEARING OFFICER HALLORAN: Yes, you may,  
12 Ms. Howard.

13 MS. HOWARD: In terms of the conditions, I  
14 think that one of the things is is that we kind  
15 of have an agreement in this sense. We agree  
16 that the Agency doesn't have the authority to

17 issue the permits, and we agree that part of the  
18 issue is that these conditions do overstep the  
19 bounds between the Board's authority and the  
20 Agency's authority in respect to granting a  
21 variance for an explosives type of situation like  
22 what we're talking about, and that's exactly  
23 where our argument would be going if we were to  
24 have to brief this issue.

L.A. REPORTING (312) 419-9292

182

1 HEARING OFFICER HALLORAN: Thank you, Ms.  
2 Howard. Mr. Sutton, raise your right hand and  
3 the court reporter will swear you in.

4 (Witness sworn.)

5 WHEREUPON:

6 DONALD SUTTON,  
7 called as a witness herein, having been first  
8 duly sworn, deposeth and saith as follows:

9 DIRECT EXAMINATION

10 by Ms. Doctors

11 Q. Mr. Sutton, please state your background.

12 HEARING OFFICER HALLORAN: Could you speak  
13 up, please? I'm sorry.

14 BY MS. DOCTORS:

15 Q. Could you please state your background?

16     A.     Oh, my background is I have a bachelor's  
17     degree in thermal environmental engineering from  
18     the University -- Southern Illinois University in  
19     Carbondale. I also have a master's degree in  
20     environmental engineering from SIU Carbondale  
21     here in Illinois. I also have a PE license in  
22     state of Illinois and Iowa. I'm currently the  
23     manager of the permit section of the bureau of  
24     air, a job I've held since July of '91. I have

L.A. REPORTING (312) 419-9292

183

1     had 24 years' experience with the state of  
2     Illinois EPA and the bureaus of wastewater,  
3     water, and air.

4     Q.     Do you have any responsibility in the area  
5     of open burning?

6     A.     Yeah. I am responsible for signing on the  
7     burning permits we issue in accordance with Board  
8     rules. We issue approximately 900 open burning  
9     permits a year. There are mixed prairie  
10    restoration burns, fire training burns, and  
11    man-clearing activities. Predominately, I would  
12    say fire training burns are the most popular, but  
13    we issue about 300 open burning permits a year  
14    for prairie restoration.

15 Q. And have you reviewed the petition that  
16 was submitted?

17 A. Yes, I have.

18 Q. And what was your recommendation?

19 A. Based on a review of the petition and  
20 actually based on a site visit, I was on the  
21 February 15th site visit, when my recommendation  
22 was granted.

23 Q. And why did you recommend granting?

24 A. Well, I also conducted some literature

L.A. REPORTING (312) 419-9292

184

1 search, available alternatives to the disposal of  
2 explosive wastes. None of them addressed  
3 explosive waste disposal that's contained in a  
4 building. There are literature written on how  
5 you deal with exploded ordinances or waste scrap  
6 material from explosive manufacturing. None of  
7 them dealt with how you remove this material from  
8 a building or any large structure and even those  
9 particular literature searches still suggested  
10 that if you have exploded ordinances or waste  
11 that open burning of those waste was still the  
12 recommended method of disposal.

13 Having visited the site and

14 understanding the nature of this particular waste  
15 being able to get into pipe runs and cracks in  
16 the floors, it would be impossible to get into  
17 these areas and actually extract that material,  
18 in my opinion, other than that. So I could not  
19 come up with an method to even suggest as to how  
20 to go about decontaminating these buildings.

21 Q. We've had some discussion about the  
22 condition concerning review of the site survey.

23 What is your opinion in terms of --  
24 what is your opinion on this condition?

L.A. REPORTING (312) 419-9292

185

1 A. I think the reason we put the condition  
2 the way we did is we've seen the site surveys  
3 conducted to date. We obviously were involved  
4 and got the results from the provisional  
5 variance. If the work is done in the manner  
6 previously expressed, we have no problem.

7 Because this is a five-year variance,  
8 we do not know what they may -- how they want to  
9 go in the future. We assume they'll continue to  
10 do it in this fashion. If we're assured that all  
11 decisions made as far as which buildings to burn  
12 are arrived, that is, in the fashion they were

13 previously arrived at, I don't think we have a  
14 problem, but we have no guarantee of that, and as  
15 Rachel pointed out, they know what they want to  
16 do with the first group, but they haven't done  
17 detailed surveys of the rest of the groups. So,  
18 like I said, we're just not equipped to say how  
19 we would respond if we were presented with a  
20 different alternative or a different scenario  
21 than we've seen in the past.

22 Q. And we've also had some discussion about  
23 the fire protection provision.

24 How is that consistent or

L.A. REPORTING (312) 419-9292

186

1 inconsistent?

2 A. I think our concern is that these people  
3 are the ones that are conducting this burn. In  
4 our minds, they are responsible to assure that  
5 there is adequate fire protection. They don't  
6 have to provide that protection themselves, but  
7 they have to assure that it exists. We're a  
8 little concerned to say, well, let Wilmington  
9 worry about it, and Wilmington is not starting  
10 the fire. They're just hopefully going to be the  
11 ones that are going to put it out if one occurs.



12                   So our reaction is you have to have a  
13 plan, and if the plan goes -- well, if the plan  
14 goes awry, then you adjust the plan so it doesn't  
15 happen again. So we feel that Plexus is  
16 responsible to assure that there is adequate fire  
17 protection safety there in whatever manner they  
18 feel fit. Obviously, we're not equipped to  
19 address what is adequate fire protection.

20                   I guess the proof is in the result.  
21 If you have a burn and there's no adverse  
22 consequences, then you must have taken all the  
23 proper steps. If you have a burn and it gets out  
24 of control and there's a problem with that, one,

L.A. REPORTING (312) 419-9292

187

1 you're still on the hook because you had the burn  
2 and, two, you should adjust your process to  
3 accommodate that in the future. I think that was  
4 the point we were trying to make there.

5                   MS. DOCTORS: I have no further questions  
6 of this witness.

7                   HEARING OFFICER HALLORAN: Ms. Howard, any  
8 cross?

9                   MS. HOWARD: No.

10                   HEARING OFFICER HALLORAN: The Board or

11 the technical unit, any questions?

12 MS. LIU: Good afternoon, Mr. Sutton. Did  
13 the Agency receive any comments or concerns from  
14 the Illinois Department of Natural Resources  
15 regarding this petition?

16 THE WITNESS: Not that I'm aware of.

17 MS. LIU: Okay. On page 22 of the  
18 Agency's recommendation under the conditions of  
19 the variance, section 3A1, the Agency would like  
20 to see the petitioner notify the nearby  
21 communities of Elwood and Wilmington.

22 How would they go about doing this  
23 notification?

24 THE WITNESS: I guess I'm not sure if the

L.A. REPORTING (312) 419-9292

188

1 department -- fire departments are actually part  
2 of the city government there or voluntary. If  
3 they're part of the city government, contacting  
4 the fire departments would be satisfactory with  
5 us.

6 MS. LIU: You're not looking for a letter  
7 to the mayor or a notice in the newspaper or  
8 something like that?

9 THE WITNESS: No.

10 MS. LIU: What is the reason for the  
11 notification, simply for the fire protection, or  
12 is it to make surrounding residents aware of any  
13 black smoke that they might see?

14 THE WITNESS: Well, primarily, I think  
15 that will accomplish both goals. If you let the  
16 fire department know, a person's first reaction  
17 to smoke is to call the fire department. So we  
18 think that solves both of those goals. The  
19 second thing is to contact us letting us know.

20 MS. LIU: Earlier this morning Plexus  
21 identified another smaller community that was  
22 nearby called Symerton.

23 Is there a need to notify them the  
24 way that you've asked them to notify Elwood and

L.A. REPORTING (312) 419-9292

189

1 Wilmington?

2 THE WITNESS: Again, I don't know if they  
3 have fire protection in Symerton. It wasn't a  
4 very large population.

5 MS. HOWARD: It's 106 person population  
6 there, and just to give you an indication, they  
7 do not have a school and they do not have a park,  
8 and when I did call their village hall to receive

9 -- to get the information on the population, I  
10 had to leave a message. So I don't think they  
11 have a full-time staff.

12 MS. LIU: Thank you.

13 Earlier on today Plexus also said  
14 that this activity wouldn't be subject to RCRA as  
15 far as they know. I noticed that --

16 MS. DOCTORS: This witness is not the  
17 appropriate person to address land questions.

18 MS. LIU: It's not a land question.

19 MS. DOCTORS: Okay.

20 MS. LIU: I noticed in one of the Agency's  
21 exhibit in their recommendation, Exhibit 11-B, is  
22 that presentation on permitting and open burn,  
23 slash, open detonation unit in California that's  
24 called History and Lessons Learned. The subject

L.A. REPORTING (312) 419-9292

190

1 site was Edwards Air Force Base, and in there is  
2 a mention of Edwards Air Force base applying for  
3 what they call a RCRA Part B, Subpart X permit  
4 for open burning, slash, open detonation to treat  
5 for waste propellants, explosives,  
6 and pyrotechnics.

7 Does that apply here?

8 THE WITNESS: Well, I read that particular  
9 article and I was somewhat intrigued, and I guess  
10 the number of hoops they have to jump through to  
11 try to get approval out there, but this was,  
12 again, my understanding, an ongoing disposal  
13 problem. This wasn't a recommendation problem,  
14 but, again, I'm not the RCRA expert. My reaction  
15 was that that was trying to get RCRA ordinance  
16 versus trying to decontaminate a building.

17 MS. HOWARD: I believe that's why this is  
18 considered a CRCA action rather than a RCRA  
19 action.

20 MS. LIU: Thank you for clarifying that.  
21 I appreciate it.

22 HEARING OFFICER HALLORAN: Any further  
23 questions from the Board or the technical unit?

24 MS. McFAWN: Yes, I have some questions,

L.A. REPORTING (312) 419-9292

191

1 mostly on the conditions, and I guess I would ask  
2 that if we could, Mr. Halloran, have either the  
3 Agency or Plexus address these questions I have.

4 HEARING OFFICER HALLORAN: Yes, whomever  
5 is able to answer your question.

6 MS. McFAWN: Or both or just one of you.

7 The reason is I was looking them over and, of  
8 course, this will be -- this is your suggestion  
9 language really for a Board order, and this  
10 language would be scrutinized by the Board, and  
11 while I cannot speak for them, I just have a few  
12 questions that hopefully will come up now rather  
13 than during our deliberations when we wonder what  
14 you all would have said.

15 Roman numeral II, the preburn  
16 activities, Plexus must notify the Agency within  
17 14 days after it receives notice and funding of  
18 its intent to conduct the site burn, I would  
19 assume, and expected completion date for a  
20 particular site. So this would be referring like  
21 to the site two survey or group two.

22 MS. DOCTORS: All future.

23 MS. McFAWN: All future. You do mean  
24 intend do conduct a site survey? Is that what's

L.A. REPORTING (312) 419-9292

192

1 meant by this?

2 MS. DOCTORS: Yes.

3 MS. McFAWN: And then sometimes this gets  
4 a little nitpicky. Bear with me.

5 And the expected completion date for

6 a particular site, is that the completion date  
7 for the survey?

8 MS. DOCTORS: Yes.

9 MS. McFAWN: Versus the burn?

10 MS. DOCTORS: Yes.

11 MS. McFAWN: Then at B, Roman numeral II,  
12 B-1, you ask that upon completion a copy be  
13 provided and it should include -- the site survey  
14 should include an estimated emission of criteria  
15 pollutants.

16 Would those criteria pollutants be  
17 the ones that they have identified in their site  
18 or group one site survey?

19 MS. DOCTORS: Yes. It's a NOx. It's the  
20 list -- I think the list is in, what, 247 of the  
21 -- I have to check, but it's at the end of the  
22 Board's regulations, SO2, NOx, CO.

23 MR. SYLVESTER: PM 10, CO, lead.

24 MS. DOCTORS: And lead.

L.A. REPORTING (312) 419-9292

193

1 MS. McFAWN: Why don't you, if you could,  
2 provide the Board with a cite, citation, that  
3 you're referencing either now or in writing to  
4 the Board during the comment period.

5                   We've used interchangeably the words  
6 brush and vegetation. Is the preferred word for  
7 purposes of such conditions brush? You were  
8 talking about vegetation burns, the conditions  
9 are -- use the word brush, and I just want to  
10 make sure we're using the word --

11               MR. SYLVESTER: Brush is probably clearer.

12               MS. McFAWN: Which is?

13               MR. SYLVESTER: Brush.

14               MS. McFAWN: Brush. Okay.

15                   This rewrite proposed by Plexus in  
16 the original condition, Roman numeral II, AC, I  
17 have a few questions about that. I assume that  
18 the Agency would agree with the clarifications  
19 provided at -- in Plexus' where they actually  
20 emphasis -- it reads the Agency shall have 30  
21 days from the date of submission to review the  
22 information contained in the site survey. Is  
23 that first sentence acceptable to the Agency?

24               MS. DOCTORS: You're talking about the

L.A. REPORTING (312) 419-9292

194

1 Agency shall have 30 days to review the  
2 information contained in the site survey, right,  
3 but --



4 MS. McFAWN: Because yours reads, the  
5 Agency shall have 30 days to review the  
6 information required in Subsection B of this  
7 section for consistency with the period.

8 MS. DOCTORS: Oh, with the Board order.

9 MS. McFAWN: Oh, is that right?

10 MS. DOCTORS: It's the Agency shall have  
11 -- let me think. I'm a little tired.

12 MS. McFAWN: Take a moment.

13 MS. DOCTORS: Yeah. The sense of it  
14 should be the Agency shall have 30 days to  
15 review the information required in Subsection B.  
16 So it's more than the stuff that -- in the site  
17 survey. It's also the estimate of criteria  
18 pollutants, the structures, and names of  
19 buildings. So it's all the stuff listed in B for  
20 consistency with the variance, with the Board  
21 order, whatever your order is, to make sure that  
22 whatever it is that they're proposing to do is  
23 consistent with what they've been granted to do.

24 MS. McFAWN: So that would be the standard

L.A. REPORTING (312) 419-9292

195

1 of your review?

2 MS. DOCTORS: Yes.

3 MS. McFAWN: Okay. The next sentence, if  
4 the Agency has comments or questions, it shall  
5 notify the petitioner in underwriting. Does that  
6 mean you will notify the petitioner of exactly  
7 what your questions are or just that you have  
8 them?

9 MS. DOCTORS: No. We should be notifying  
10 them of what are questions are within 30 days.

11 MS. McFAWN: Plexus suggests that you do  
12 that within 30 days. Is that an acceptable time  
13 frame for the Agency?

14 MS. DOCTORS: Yes.

15 MS. McFAWN: Plexus suggests that the  
16 language be changed in this condition, but you  
17 together, the petitioner and an Agency personnel  
18 will review the comments and questions and I  
19 assume together work to resolve any outstanding  
20 issues?

21 MS. DOCTORS: Right, and we don't object  
22 to working with them. That's not the problem.

23 MS. McFAWN: And you've already explained  
24 -- I believe you said at the outset that you --

L.A. REPORTING (312) 419-9292

196

1 when we started with the Agency's presentation

2 you were addressing this provision and you were  
3 explaining that you would like a written approval  
4 because you don't have the ability to permit in  
5 this case? Did I paraphrase that correctly?

6 MS. DOCTORS: That's correct, and also  
7 there would be a written record. If we raised a  
8 question and there were concerns, we need to have  
9 a paper trail that they've been resolved.

10 MS. McFAWN: Okay. This is going back to  
11 what you were discussing when you opened up the  
12 Agency's presentation. You were talking about  
13 someone overstepping their boundaries.

14 MS. DOCTORS: Yes. Ms. Howard has raised  
15 with me, and I'm just not sure, I haven't doesn't  
16 the legal research whether the Agency, because  
17 everything is required -- if you're going to do  
18 -- if you're going to burn explosive waste,  
19 that's really been left to the Board to make  
20 those determinations. So in a sense by us  
21 saying, okay, you don't need to come before the  
22 Board for each time, we've put ourselves in your  
23 place, I believe, but you can ask her to --

24 MS. McFAWN: Okay. I was wondering who

1 was overstepping their boundaries.

2 MS. DOCTORS: And we also haven't -- we  
3 specifically have not been given the authority to  
4 grant a permit in this case. So it's a  
5 determination of whether what we're suggesting  
6 really goes beyond, you know, our authority.

7 MS. McFAWN: Okay. Fair enough. Did you  
8 want to speak to that, Ms. Howard?

9 MS. HOWARD: No, not at this time.

10 MS. McFAWN: Okay. That's fine.

11 MS. DOCTORS: There is one other thing I  
12 would like to add that my technical person  
13 pointed it, and I don't believe Ms. Howard has an  
14 objection to it, which is he noted that if we had  
15 no objection to it or any comments that we should  
16 add a sentence that if the Agency has no  
17 comments, it may notify the petitioner before the  
18 expiration of the 30 days that it may proceed,  
19 that they don't have to wait out the clock if we  
20 don't have anything and we know sooner.

21 MS. McFAWN: We'll take that point under  
22 consideration. I think I know what you have in  
23 mind. On Roman numeral III A-1, the notification  
24 provisions, you would have them notify the Agency

1 and Elwood and Wilmington of the building at the  
2 site in case of land clearing the date and  
3 location of those facilities that will be burned,  
4 right?

5 MS. DOCTORS: Yes.

6 MS. McFAWN: I assume that the word flash  
7 and burn are interchangeable in this?

8 MS. DOCTORS: (Nodding head.)

9 MS. McFAWN: And then Elwood and  
10 Wilmington and that's because of their proximity  
11 versus their fire fighting capability?

12 MS. DOCTORS: (Nodding head.)

13 MS. McFAWN: Do of the ever parties  
14 believe that it might be beneficial to also  
15 notify the county?

16 MR. SYLVESTER: We have in the past.

17 MS. McFAWN: You have in the past?

18 MR. SYLVESTER: Yes. We notify the police  
19 and the county.

20 MR. CARTON: And the emergency management  
21 agency.

22 MS. McFAWN: That might be a good idea to  
23 add that since you have done it in the past. I  
24 just think that county government, they have a

1 lot of open space that they have to regulate.

2           At number two, the petitioner shall  
3 notify in writing prairie supervisors of Midewin  
4 National Tallgrass Prairie 24 hours prior to the  
5 burn. Since they are really the most proximately  
6 close neighbor, do you think 24 hours is enough?  
7 Since you said you have weekly meetings with them  
8 -- I'm addressing Plexus.

9           Since you said you have weekly  
10 meetings with them, the whole arsenal group,  
11 could you give them a little bit more notice so  
12 they can tell their volunteers not to come  
13 around?

14           MR. SYLVESTER: We will certainly give  
15 them more notice in the course of the weekly  
16 meetings. The idea here is a confirmation and  
17 even that's subject to weather conditions, and as  
18 we see this afternoon, you can't always predict  
19 the weather.

20           MS. McFAWN: And you know who to write at  
21 Midewin because it says you'll do this one in  
22 writing versus telephone?

23           MR. SYLVESTER: Yes.

24           MS. McFAWN: Condition number G under

1 Roman numeral III, opening burning shall be  
2 conducted in such a manner as to not create a  
3 visibility hazard on roadways, railroad tracks,  
4 or airfields. Can you actually accomplish that  
5 without restricting access?

6 MR. SYLVESTER: I suspect that with regard  
7 to roadways, the reference is to public roadways  
8 and not obstructing traffic on public roadways.  
9 We don't anticipate obstructing anything with  
10 regard to visibility on railroad tracks or  
11 airfields.

12 MS. McFAWN: And that's because you will  
13 not be over in the manufacturing side because  
14 they were talking about there --

15 HEARING OFFICER HALLORAN: If you're going  
16 to talk --

17 MR. CARTON: The train tracks are not  
18 constructed as of yet.

19 MS. McFAWN: So they should not be an  
20 issue when you do M6?

21 MR. CARTON: I can't address that at this  
22 moment. If there is a potential for them to be  
23 an issue, we will be working with property --  
24 with the folks to make sure there will be no

1 difficulty.

2 MS. McFAWN: You might want to look at G  
3 and see if you can ensure that you have that  
4 flexibility because it says you shall do it in  
5 such a manner as not to create visibility  
6 hazards. You might have to create a risk or  
7 visibility hazard and you just want to put them  
8 on notice or have them suspend operations and  
9 also it's not an issue that you will affect Route  
10 53 which is to your immediate west?

11 MR. CARTON: (Shaking head.)

12 MS. HOWARD: That train track issue was a  
13 new one for us today.

14 MS. McFAWN: Great. All of us learned  
15 something new, not just the Board. That was all  
16 I had on the conditions.

17 MS. DOCTORS: I would like Don Sutton just  
18 to address the railroad tracks visibility issue  
19 because we do have -- the Agency does have -- we  
20 didn't put this in, not as a routine thing, but  
21 because we add an opinion because Ms. Howard and  
22 I have discussed this.

23 MR. SUTTON: This is a standard  
24 prohibition in the 237 rules on burning. So open



1 burning is allowed in certain cases except you  
2 could never have those particular violations.  
3 That's why it's carried over. There's a standard  
4 condition on all open burning permits. If you  
5 have a situation that's going to cause smoke to  
6 go over a highway, you're not allowed to conduct  
7 burning when the wind is blowing in a particular  
8 direction.

9 MS. McFAWN: And so that's all they'd have  
10 to do --

11 MR. SUTTON: Right.

12 MS. McFAWN: -- to abide by G?

13 MR. SUTTON: They have a little -- it's  
14 more complicated, and once they start a fire,  
15 obviously from two to four hours, they have no  
16 control over that fire. That's when the greatest  
17 likelihood of opacity is going to be. So they  
18 have to -- I think it's based on meteorology and  
19 win projections, I assume they can conduct it.  
20 Also, having visited all these sites, they are  
21 extremely remote, and so I don't know if that's a  
22 great likelihood, but we had an occasion in one  
23 of my previously issued open burning permits for  
24 a prairie restoration where they did not follow

1 that particular rule, and when it crossed the  
2 highway, it caused a three-car accident, and we  
3 -- their initial reaction was to sue me for  
4 issuing the permit, and I go wait a minute, it  
5 clearly states they're not disposed to do this.  
6 So they went after the poor town in this case and  
7 they finally settled out of court. So there is  
8 some merit to that condition.

9 MS. McFAWN: I thought probably there  
10 was. I just wanted to be sure it worked in these  
11 situations. Thank you for your background on  
12 this and other sites.

13 HEARING OFFICER HALLORAN: Any further  
14 questions from anyone? Mr. Sutton, you may step  
15 down. Thank you. Ms. Doctors, anything  
16 further?

17 MS. DOCTORS: I don't know if I need to  
18 call him -- call this witness or if I -- I want  
19 to submit Mr. Sprague's testimony as written.  
20 Ms. Howard has agreed to this. I don't know if  
21 you have to swear the witness or I can just --

22 HEARING OFFICER HALLORAN: Is Mr. Sprague  
23 here?

24 MS. DOCTORS: Yes, he is.

L.A. REPORTING (312) 419-9292

204

1 HEARING OFFICER HALLORAN: I believe the  
2 rules state that as long as he's available for  
3 cross-examination -- how long is it? Is it  
4 written?

5 MS. DOCTORS: Yes. It's written. It's  
6 about five double spaced -- not even that. It's  
7 about -- no. It is five double spaced pages.

8 HEARING OFFICER HALLORAN: Any objection  
9 by Ms. Howard?

10 MS. HOWARD: No.

11 HEARING OFFICER HALLORAN: What exhibit  
12 would that be? That would be KK.

13 (Witness sworn.)

14 J E F F R E Y S P R A G U E.

15 MS. DOCTORS: Are you requesting that Mr.  
16 Sprague read his testimony into the record?

17 HEARING OFFICER HALLORAN: Well, you know,  
18 we could do that or as long as -- it would  
19 probably be easier if he did read it into the  
20 transcript. It would be all in one place, but  
21 maybe six of one and a half dozen of the other,  
22 but I will accept it as is, and if you have any

23 direct or any cross-examination of Mr. Sprague.

24 MS. DOCTORS: I don't have any questions.

L.A. REPORTING (312) 419-9292

205

1 HEARING OFFICER HALLORAN: Any objection  
2 to Exhibit KK?

3 MS. HOWARD: No.

4 HEARING OFFICER HALLORAN: Exhibit KK will  
5 be admitted. Is there any questions of Mr.  
6 Sprague? You may step down, sir. Thank you.  
7 Anything further in your case-in-chief, Ms.  
8 Doctors?

9 MS. DOCTORS: No. The Agency has nothing  
10 further.

11 HEARING OFFICER HALLORAN: Ms. Howard, any  
12 case in rebuttal?

13 MS. HOWARD: No.

14 HEARING OFFICER HALLORAN: This would be  
15 the time if there were members of the public that  
16 they would be allowed and welcome to take the  
17 stand and give their testimony. However, there  
18 are no members of the public here, and with that  
19 said, we could move to closing arguments, and  
20 that would be Ms. Howard.

21 MS. HOWARD: I'll reserve my closing

22 arguments for the brief if we have to.

23 HEARING OFFICER HALLORAN: Ms. Doctors?

24 HEARING OFFICER HALLORAN: The Agency will

L.A. REPORTING (312) 419-9292

206

1 also reserve.

2 HEARING OFFICER HALLORAN: Okay. With  
3 that said, we had talked earlier about the  
4 briefing schedule. The parties have indicated  
5 that they may or may not have to file a  
6 posthearing brief. What we have done is set May  
7 14th -- Ms. Doctors, are you available for a  
8 10:00 a.m. Telephonic status?

9 MS. DOCTORS: That's -- how does the  
10 afternoon -- yeah. Let's go ahead and set it for  
11 10:00. That's fine.

12 HEARING OFFICER HALLORAN: May 14th at  
13 10:00 a.m., and we'll discuss whether or not  
14 there will be posthearing briefs, however short  
15 -- however, after Ms. McFawn's questions, there  
16 may be a couple of questions. I want to know  
17 note, Ms. Howard, also you were going to submit  
18 that training memo that your first witness  
19 alluded to.

20 MS. HOWARD: Yes. I guess we will have

21 kind of a brief, maybe very brief, but we'll be  
22 submitting that. There was also a suggestion,  
23 and we're going to take a look at it as a  
24 transfer delineation map that the Army has.

L.A. REPORTING (312) 419-9292

207

1 Apparently, that indicates -- well, maybe Mr.  
2 Sylvester can explain what it's supposed to --

3 MR. SYLVESTER: It's a document that  
4 records in a graphic fashion what portions of the  
5 property are currently under Army control and  
6 responsibility and what portions are scheduled  
7 and under what circumstances and they can be  
8 transferred to the development authority or to  
9 the official of the WildLife Service.

10 MS. HOWARD: And Mr. Kwasneski suggested  
11 to me during one of the breaks that that might  
12 answer some of the questions you had asked  
13 earlier of the transferring of the property and  
14 the order in which it happened and under what  
15 circumstances. So if we could get a hold of  
16 that, we're going to be submitting that unless --  
17 I assume you wouldn't have any objection?

18 MR. SYLVESTER: It will cut down on the  
19 pointing.

20 MS. DOCTORS: You'll send us a copy?

21 MS. HOWARD: Right. Absolutely.

22 HEARING OFFICER HALLORAN: And also it  
23 appears the transcript should be ready by May  
24 14th. With that understood, I'm going to set

L.A. REPORTING (312) 419-9292

208

1 public comment -- May 22nd public comment is due,  
2 written public comment, and if there is comment,  
3 a rely, if any, due by May 29th, and if the  
4 parties need more time, we can talk about that if  
5 it comes up because of the mailbox rule and that  
6 kind of thing you may not have enough time, and  
7 there's a holiday in there, too, as well. Let's  
8 go off the record.

9 (Discussion had  
10 off the record.)

11 HEARING OFFICER HALLORAN: We're back on  
12 the record. Ms. Doctors, I think on second  
13 thought I'm going to have Mr. Sprague take the  
14 stand again, and he's still under oath, and just  
15 summarize his testimony and just identify that he  
16 did write this and kind of a quick summary of  
17 exactly was in his testimony for the record.

18 MR. SPRAGUE: My qualifications are I have

19 a bachelor of science degree in geology from  
20 Western Washington University, and I have  
21 performed graduate studies at the same university  
22 as well as the University of Illinois  
23 Champaign-Urbana in geology and soil science.  
24                   Since 1988, I've been employed by the

L.A. REPORTING (312) 419-9292

209

1 IEPA as environmental protection specialist  
2 within the modeling unit and that continues to  
3 this day.

4                   As far as my testimony goes, the --  
5           MS. DOCTORS: Did you prepare your  
6 testimony?

7           MR. SPRAGUE: Oh, yes. I did prepare my  
8 testimony. I had the prime responsibility for  
9 reviewing the emission estimates and the  
10 monitoring results that were submitted by Plexus,  
11 and I find that, indeed, I agree essentially with  
12 the results that they presented. They used a  
13 modeling tool that is appropriate for this  
14 particular situation. It's a very unique  
15 situation. They used very conservative  
16 assumptions in executing the model, which is  
17 certainly appropriate, and the emission estimates



18 that they derived are based upon standard AP 42  
19 emission factors. So that was quite appropriate  
20 in this case as well, and those aspects taken  
21 together I feel that the approach was quite  
22 correct.

23 That certainly would hit the  
24 highlights of the testimony. There's other

L.A. REPORTING (312) 419-9292

210

1 details that I certainly could go into if you're  
2 interested talking about those further, but by  
3 and large that addresses the main aspects.

4 HEARING OFFICER HALLORAN: Mr. Rao, any  
5 questions based dollars on that brief summary of  
6 Mr. Sprague? Ms. Liu?

7 MS. LIU: I have just one question. Do  
8 you feel that modeling that was done for building  
9 1-10 is adequate to characterize what might be  
10 expected from all of those other buildings?

11 MR. SPRAGUE: I think the approach that  
12 they took, and that approach is based upon USEPA  
13 emission factors. They applied those same  
14 emission factors to all the other buildings, not  
15 just 1-10. They used the same loading  
16 quantities, a certain amount of straw per square

17 feet, a certain amount of dunnage per square  
18 feet. That seemed fine as well. The amount oil  
19 that's being used is appropriate based, you know,  
20 on their experience for buildings of a certain  
21 square footage. So the only thing that would  
22 differ actually is the square footage between the  
23 buildings, and that being the case, I would say  
24 yes, that is appropriate. The only variable that

L.A. REPORTING (312) 419-9292

211

1 changes is really the square footage.  
2 MS. LIU: Thank you.  
3 HEARING OFFICER HALLORAN: All right.  
4 Thank you, Mr. Sprague. You may step aside. I  
5 think that's it. We've discussed the briefing  
6 schedule. We have a telephonic status conference  
7 on May 14th at 10:00 a.m. If there's nothing  
8 else, that concludes the hearing, and I  
9 appreciate your civility and have a safe trip  
10 home and trip to Maryland as well. Thank you all  
11 very much.

12 (Whereupon, these were all  
13 the proceedings held in the  
14 above-entitled matter.)  
15

16  
17  
18  
19  
20  
21  
22  
23  
24

L.A. REPORTING (312) 419-9292

212

1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF C O O K )

3

4 I, GEANNA M. IAQUINTA, CSR, do  
5 hereby state that I am a court reporter doing  
6 business in the City of Chicago, County of Cook,  
7 and State of Illinois; that I reported by means  
8 of machine shorthand the proceedings held in the  
9 foregoing cause, and that the foregoing is a true  
10 and correct transcript of my shorthand notes so  
11 taken as aforesaid.

12

13

14

---

GEANNA M. IAQUINTA, CSR

Notary Public, Cook County, IL  
Illinois License No. 084-004096

15

16

17 SUBSCRIBED AND SWORN TO  
before me this \_\_\_\_\_ day  
18 of \_\_\_\_\_, A.D., 2001.

19

\_\_\_\_\_  
Notary Public

20

21

22

23

24

L.A. REPORTING (312) 419-9292