

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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NORTH SHORE SANITARY DISTRICT, )  
)  
Petitioner, )  
)  
v. )  
)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent. )

STATE OF ILLINOIS  
Pollution Control Board

PCB No. 03-146  
(Permit Appeal)

**NOTICE**


To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Fred C. Prillaman  
Mohan, Alewelt, Prillaman & Adami  
1 North Old Capital Plaza, Suite 325  
Springfield, Illinois 62701-1323

Bradley P. Halloran  
Hearing Officer  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original (1) and nine (9) copies of a **MOTION FOR LEAVE FROM HEARING OFFICER TO FILE A SUPPLEMENT TO THE ADMINISTRATIVE RECORD** and the **SUPPLEMENT TO THE ADMINISTRATIVE RECORD** of the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, a copy of which is herewith served upon the Hearing Officer and the attorney for the Petitioner, NORTH SHORE SANITARY DISTRICT.

Respectfully submitted by,

  
\_\_\_\_\_  
Robb H. Layman  
Special Assistant Attorney General

Dated: May 9, 2003  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

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STATE OF ILLINOIS  
Pollution Control Board

**MOTION FOR LEAVE FROM HEARING OFFICER  
TO FILE A SUPPLEMENT TO THE  
ADMINISTRATIVE RECORD**

NOW COMES the Respondent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), and moves for leave from the Hearing Officer to Supplement the Administrative Record in this cause. In support of this Motion, the Illinois EPA states as follows:

1. The Illinois EPA filed the Administrative Record in this cause on April 11, 2003. The Administrative Record was compiled by the undersigned attorney, together with the assistance of two other Illinois EPA employees from the Division of Air Pollution Control's ("DAPC") Permits Section, Mr. Jason Schnepf and Mr. Christopher Romaine, who were directly involved in the permit application that is subject to this appeal.
2. A hearing in the above-captioned appeal is scheduled for Thursday, May 15, 2003.
3. In preparation of said hearing, the undersigned attorney met with both of the aforementioned Permits Section employees to discuss relevant points of the subject appeal. As part of those discussions, it was revealed to the undersigned attorney that six (6) background or informational documents, namely news clippings relating to both the Petitioner, NORTH

SHORE SANITARY DISTRICT ("NSSD") and mercury emissions affecting Lake Michigan, may have influenced the DAPC's Permits Section in making its permitting decision to request additional information.

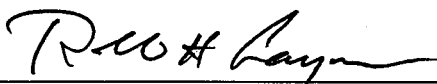
4. These documents were not included in the preparation of the Administrative Record in this cause. This circumstance appears to have been due to the nature of the documents, which consist of historical or background information that, in all but one instance, came into the Illinois EPA's possession prior to the receipt of NSSD's formal permit application.

5. The filing of the Illinois EPA's Supplement to the Administrative Record will not result in any hardship or prejudice to the Petitioner or any other person as neither the nature of the documents nor the Illinois EPA's reliance upon the same are controversial or out of the ordinary.

WHEREFORE, the Illinois EPA respectfully requests that the Hearing Officer grant leave for the filing of a Supplement to the Administrative Record in this cause or, in the alternative, order such relief as may be deemed appropriate.

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY



---

Robb H. Layman  
Special Assistant Attorney General

Date: May 9, 2003  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 524-9137

STATE OF ILLINOIS  
COUNTY OF SANGAMON

**AFFIDAVIT**

I, Christopher Romaine, being first duly sworn, depose and state that the following statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies that he believes the same to be true:

1. I am employed by the Illinois Environmental Protection Agency ("Illinois EPA") as a professional engineer. I am the Manager of one of the analysis units in the Division of Air Pollution Control's Permit Section whose offices are located at 1021 North Grand Avenue East, Springfield, Illinois. I have been employed with the Illinois EPA since 1976.
2. As part of my job responsibilities, I assisted in the preparation of a letter, entitled "Request for Additional Information," that the Illinois EPA sent to NSSD as it related to a construction permit application, Permit Application No. 01040045. By virtue of my involvement in said matter, I am familiar with the general issues presented in the pending permit appeal.
3. I have read the attached Motion for Leave to File a Supplement to the Administrative Record and, further, find that the facts set forth in said Motion are true and correct to the best of my knowledge and belief.

Further affiant sayeth not.

*Christopher Romaine*

Subscribed and Sworn  
To Before Me this 9<sup>th</sup> Day of May 2003

*Brenda Boehner*



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STATE OF ILLINOIS  
*Pollution Control Board*

PCB No. 03-146  
(Permit Appeal)

**SUPPLEMENT TO THE  
ADMINISTRATIVE RECORD**

NOW COMES the Respondent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), and by and through its attorneys and pursuant to the procedural requirements of the Illinois Pollution Control Board ("Board") set forth in 35 Ill. Adm. Code 105.212(a), files a Supplement to the Administrative Record in this cause.

1. This matter originates from a requested revision to an air construction permit that the Petitioner, NORTH SHORE SANITARY DISTRICT ("NSDS"), submitted to the Illinois EPA on February 12, 2003.
2. Following a preliminary review of the permit application, the Illinois EPA issued a Request for Additional Information to NSSD on March 3, 2003. NSSD subsequently filed a Petition for Permit Review (hereinafter "Petition") with the Board on March 7, 2003. The Illinois EPA received notice of the Petition on March 10, 2003.
3. The Illinois EPA filed the Administrative Record in this cause on April 11, 2003.
4. For reasons set forth in the accompanying Motion for Leave to File a Supplement to the Administrative Record that was directed to the Hearing Officer in this cause, the

Illinois EPA herewith is filing ten copies (i.e., a signed original and nine (9) duplicate copies) of the Supplement to the Administrative Record. One copy is being served, by both facsimile and first class mail, upon the Petitioner and one copy is being served, by both facsimile and first class mail, with the assigned Hearing Officer.

5. The supplemental materials to the Administrative Record consist of non-privileged documents, as were made only recently known and available to the undersigned attorney through other Illinois EPA personnel, that were relied upon by the Illinois EPA in making its permit decision to request additional information. A general description and referenced page numbers of those documents is set forth below and reflects a continuation of the earlier Administrative Record filed by the Illinois EPA:

<u>Document reference</u>	<u>Page</u>
J. News or informational clipping, dated February 13, 2003, concerning NSSD's plans for the Waukegan sludge processing plant.	124
K. News clipping from the Chicago Tribune, dated October 23, 2002, relating to NSSD's plans to build the sludge processing plant.	125-126
L. News clipping from the Chicago Tribune, dated October 15, 2002, relating to NSSD's purchasing of equipment to reduce mercury emissions at the sludge processing plant.	127-128
M. Letter to the Editor from Director Cipriano, Illinois EPA, published in the Chicago Tribune on August 19, 2002, relating to concerns about NSSD's proposed sludge-processing plant.	129-130
N. Facsimile cover page, dated August 2, 2002, and attached Congressional Record document, undated, concerning proposed federal legislation to reduce mercury emissions in the Great Lakes area.	131-133

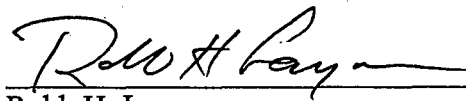
Document reference

Page

- O. News clipping from the News Sun, undated, that was contained within an email, dated July 15, 2002, from Tammy Mitchell to Christopher Romaine et al., concerning NSSD's proposed sludge processing plant. 134-135

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,



---

Robb H. Layman  
Special Assistant Attorney General

May 9, 2003  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217)524-9137

This filing is submitted on recycled paper.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of May, 2003, I did send, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, one (1) original and nine (9) copies of the following instrument entitled **MOTION FOR LEAVE FROM HEARING OFFICER TO FILE A SUPPLEMENT TO THE ADMINISTRATIVE RECORD** and the **SUPPLEMENT TO THE ADMINISTRATIVE RECORD** of the Respondent, ILLINIOS ENVIRONMENTAL PROTECTION AGENCY, to:

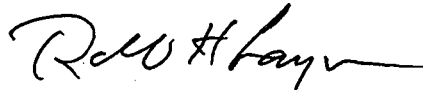
Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

and a true and correct copy of the same foregoing instrument, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Fred C. Prillaman  
Mohan, Alewelt, Prillaman & Adami  
1 North Old Capital Plaza, Suite 325  
Springfield, Illinois 62701-1323

Bradley P. Halloran  
Hearing Officer  
James R. Thompson Center  
100 West Randolph Street,  
Suite 11-500  
Chicago, Illinois 60601

In addition, true and correct copies of the same were sent on this same date, by facsimile, to both the attorney for the Petitioner and the Hearing Officer.



---

Robb H. Layman  
Special Assistant Attorney General



# Exhibit J

February 13, 2003

Contact: Francis X. Lyons, Attorney at Law, Gardner, Carton & Douglas. 312/ 569-1444

**NORTH SHORE SANITARY DISTRICT TELLS COURT CONSTRUCTION OF ENVIRONMENTALLY CLEAN PROCESSING PLANT MUST BEGIN, PROJECT WILL HAVE ZERO TO BELOW QUANTIFIABLE MERCURY EMISSIONS**

*State Air Permit Requires Building to Begin*

*Technology Used Throughout Europe and US; Landfills Will Soon No Longer Be Required*

**WAUKEGAN** – The North Shore Sanitary District will begin constructing its environmentally clean sludge treatment plant in Waukegan, the district's lawyers told a Lake County judge today. At the same time the District says it has responded to concerns of state, local and federal officials and environmental groups and engineered a solution to reduce mercury emissions to range from zero to below quantifiable levels.

The District's lawyers say construction will commence over the objection of city officials, because it is scheduled to begin under the Illinois EPA air permit. The EPA permit mandates construction begins within a year of issuance.

"From the very beginning, the North Shore Sanitary District has worked to do the right thing for the people of this region and the environment. Constructing this processing plant is the right thing to do," said District lawyer Francis X. Lyons, former regional administrator of the U.S. E.P.A, Region V under President Clinton. "The District commends the leadership and contribution of the many local, state and federal officials and environmental organizations. In response to their comments, the project will include controls that will reduce the mercury emissions to below quantifiable levels. Not only is that a big improvement over the project's original scope, it is a vast improvement over the District's present day deposit of more than 30 pounds of mercury into its landfills. Nearby lakefront power plants are emitting nearly 1200 pounds of mercury compounds into the environment annually."

Lyons pointed out that besides treating the wastewater of nearly 350,000 citizens, the district's job is to protect the water and the rest of the environment. It also has a responsibility to perform these jobs in a fiscally responsible manner. In the meantime the following facts have added up to create a problem that the region and the district can no longer avoid. According to district General Manager Brian Jensen:

- The Sanitary District treats nearly 20 trillion gallons of wastewater from 350,000 residents every year. Development in the North Shore area continues unabated and demand on the system will grow exponentially.
- Every workday 12 semi-trucks carry wet sludge to nearby landfills. The district currently mixes the sludge with fly-ash in order to produce a stable disposable product, however the supply of fly-ash to the district will soon be terminated.
- While municipal bodies use landfills across the country, they are no longer cutting edge environmental technology. The District will no longer have landfill space in seven years, with little hope of getting a new landfill.
- Waste contains many potential toxins. Though sanitary districts across the country work very hard to contain risks, we know from local and national experience that landfills sometimes leak or worse.

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Exhibit K

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October 23, 2002



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# Lawsuit on table in sludge impasse

## Sanitary district may build plant, ignore Waukegan

By Marcia Sagendorph  
Special to the Tribune  
Published October 23, 2002

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North Shore Sanitary District officials plan to meet Wednesday to discuss whether to sue Waukegan after the City Council unanimously rejected the agency's proposal to build a sludge-burning plant on the Lake Michigan shore.

The sanitary district's directors also will discuss whether to immediately begin construction of a new plant after the city's vote, district general manager Brian Jensen said Tuesday.

"There is no basis for denying any of our requests," attorney Mark Furlane told alderman Mark Furlane Monday. Judiciary Committee voted Monday to support the plant. "Now we will see you in court."

"That's fine," Ald. Larry TenPas said here.

Later Monday, the full City Council voted to approve a zoning request that the sanitary district build the \$26 million plant. The agency has spent \$10 million on start-up costs and has received shipment of all the parts, with storage.

For months, the city and the sanitary district sparred over the plant, where sewage sludge dried and melted into a glasslike residue that was ground up and used to make ceramic tiles.

The sanitary district has said the plant is an alternative to burying sludge in a landfill. The city has argued that the plant would hurt its lakefront redevelopment effort, and that it would pose an environmental hazard because it would release mercury into the air.

The sanitary district treats sewage for about 350,000 people who live near the lakefront in Lincolnwood. The plant would turn 187,000 tons of sludge generated daily into 7.5 tons of a glasslike residue. A 23,000-square-foot building would be built on an unused parking lot at the agency's Waukegan Treatment Plant.

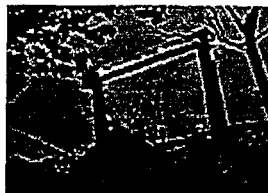
"Environmentally, this is the best treatment available for sludge," Jensen said. "We are environmentally conscious. Our main concern is the environment."

Yet environmentalists have been among the staunchest opponents of the plant, saying it would release mercury into the air and further pollute the lake.

Jensen said the sanitary district spent \$400,000 in the last year to find ways to reduce mercury emissions. He said they discovered a cyclone furnace that would reduce the emissions to a barely perceptible level.

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"It would be between zero to 1.8 pounds per year," Jensen said.

The Illinois Environmental Protection Agency issued a permit for the plant in March that wot emissions of up to 92 pounds of mercury per year.

The city sued the district in Lake County Circuit Court in December to stop it from building th

"We fully intend to build this facility in Waukegan," Jensen said. "It is our belief that a local a shouldn't tell a regional authority what to do."

Waukegan Ald. Sam Cunningham said he was frustrated with the "arrogance" that the distri toward the city.

"You're not going to come to our city and tell us what to do," Cunningham said.

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# Agency cites way to lower mercury

## Sanitary district tries to win OK for waste plant

By Susan Kuczka  
Tribune staff reporter  
Published October 10, 2002

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Hoping to silence its critics, the North Shore Sanitary District is spending \$375,000 on equipment it says will drastically reduce mercury emissions from a waste-treatment plant it wants to build on Waukegan's Lake Michigan shore.

With the equipment, the \$26 million plant would release no more than 1.7 pounds of mercury said James Swarthout, president of the district.

But critics say that still would be too

U.S. Rep. Mark Kirk (R-Ill.) and local environmentalists said Wednesday continue to oppose the plant, which

would be the first new source of mercury pollution in Lake Michigan in at least a decade.

"We ought to develop a solution that involves putting no new mercury into Lake Michigan," Kirk recently asked the U.S. Environmental Protection Agency to revoke the sanitary district's permit for the plant.

The plant proposal has drawn criticism on more than one front.

The City of Waukegan sued to block construction. City officials said the plant would hurt efforts to redevelop the downtown and lakefront. A Lake County judge ruled that the district must get approval for the plant. The district has appealed that ruling to the Illinois Appellate Court.

Environmentalists oppose the plant because of the mercury it would release. Lake Michigan's federal fish consumption advisory because of mercury contamination. Mercury is a naturally potent neurotoxin that can become concentrated in fish.

"The lake is already telling us there's too much mercury in it," said Cameron Davis, executive director of the Lake Michigan Federation, an environmental group lobbying lawmakers to block the plant.

The sanitary district treats sewage for an estimated 350,000 customers who live near the lake in Lake County. The new plant would allow the district to burn its sludge rather than bury it in a landfill that would replace the district's landfill operation near Zion.

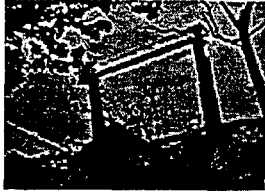
District officials said the amount of mercury the plant would release is small compared with that released by coal-fired plants, such as the one Midwest Generation operates in Waukegan, near the sanitary district's waste-treatment facility.

The Midwest Generation plant, which produces electricity, discharges at least 300 pounds of mercury annually into the atmosphere, said Doug McFarlan, company spokesman.

There are no restrictions on the amount of mercury the Midwest Generation plant and other plants release. The federal government is expected to issue mercury guidelines for those plants by next year, McFarlan said.

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Swarthout said it is unfair for critics to single out the sanitary district's plans.

"We collect about 33 pounds of mercury a year, but with this new system, we'll be able to get 1.7 pounds of it," Swarthout said. "The big issue for us has been with the mercury, and I think that's the issue."

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The plant would use a drying and melting process to convert sludge into a ceramic or glass that could be used in road construction. The process would release some mercury into the air where it could eventually make its way into Lake Michigan.

The Illinois EPA approved the project in March and issued a permit to the district that would allow it to emit up to 92 pounds of mercury per year.

The district has spent \$10 million in start-up costs.

Swarthout said the district plans to hire a New Jersey firm, Croll-Reynolds Clean Air Technology, to reduce mercury emissions from its new plant.

James Reynolds, owner of Croll-Reynolds, said the district plans to purchase two stainless steel melter units that use carbon to capture mercury that has been vaporized in the melter.

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"Think of it like a piece of charcoal that has nooks and crannies and passageways that can capture mercury as it goes through the carbon bed," Reynolds said. He said his firm has applied the technology in other industries that want to eliminate mercury emissions.

The absorbent carbon beds would have to be replaced every three to five years. Swarthout said the district is willing to do so, if it helps make the plant a reality.

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VOICE OF THE PEOPLE (LETTER)

# Working to protect the state's waters

Renee Cipriano, Director  
Illinois Environmental Protection Agency  
Published August 12, 2002

Springfield -- The Illinois Environmental Protection Agency applauds the Tribune's concern for reducing the levels of mercury in our environment. The Illinois EPA has taken a leadership role in that effort through a variety of ongoing programs and initiatives.

I do wish to note, however, that whatever good intentions were the basis of the Aug. 2 editorial "Incinerate this plan" were tarnished by some misconceptions about mercury and Lake Michigan, and the North Shore Sanitary District's proposed sludge-processing plant.

The fish advisory issued in March by the Illinois Department of Public Health was not issued because "the lake [Lake Michigan] is already saturated with mercury," as stated in the editorial. The advisory applies to all waters of the state and was issued because of the general concern over methylmercury accumulation in predator fish.

Low to moderate levels of mercury have been found in sampled fish in Lake Michigan. Indeed, the primary contaminant of concern for Lake Michigan predator fish is, instead, polychlorinated biphenyls (PCBs).

Also noteworthy is the fact that all of the open-water areas of Lake Michigan are fully supporting public water-supply and aquatic-life use, a further indication that the lake is not "saturated" by mercury.

Regarding the North Shore Sanitary District, the editorial asserts that "there is no state or federal limit on mercury emissions for this kind of incinerator." In fact, this facility falls under the federal National Emissions Standards for Hazardous Air Pollutants (NESHAP). Under NESHAP, the mercury emissions standard applying to the facility would be approximately 7 pounds per day or 2,555 pounds per year. The permit issued by the Illinois EPA restricts mercury emissions to no more than 92 pounds annually, however, and the district has indicated it anticipates actual emissions to be significantly lower.

The Illinois EPA needs no impetus to focus its attention on Lake Michigan and mercury reduction and elimination. The Illinois EPA has been working aggressively with medical facilities and through our Household Hazardous Waste Collection Program to reduce and safely dispose of mercury-containing items. In the past year, we held several mercury thermometer exchanges around the state and supported legislation that would have prohibited the sale and distribution of mercury thermometers in Illinois.

In addition, Illinois EPA has recently received funding from the Great Lakes

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Protection Fund that will be used for additional mercury collections, including at schools and retirement communities, as well as expanded scientific analysis of the sources of mercury in the air and water.

The amount of mercury from power plants and other industrial sources has been continually monitored by the Illinois EPA. Under state legislation passed last year and President Bush's Clear Skies Initiative, it is the agency's objective to address a multipollutant strategy at the state level to reduce toxic air pollutants, including mercury.

We agree wholeheartedly with the editorial's conclusion that "Lake Michigan is precious." Rest assured, the Illinois EPA has worked and continues to work aggressively with citizens, industry and other agencies to protect Lake Michigan for generations to come.

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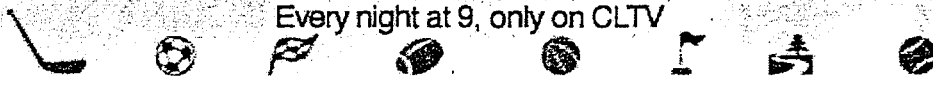
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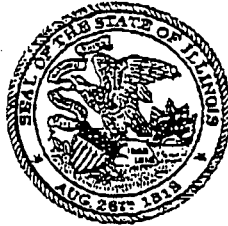


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Exhibit N

Xc I. C. Romane  
K. Kuntzman

# GOVERNOR GEORGE H. RYAN



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Date: 8/2/02

Pages: 3

To: Dave Kolaz cc: Lynne Padovan

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Phone: \_\_\_\_\_

URGENT       FOR REVIEW       PLEASE COMMENT       PLEASE REPLY

From: Anna Hui (202) 624-7764

Comments: \_\_\_\_\_  
Dave - Here are Congr. Kirk's  
opening remarks introducing HR 5261.  
Text not available yet online.  
Call me. Anna

Intro remarks for HR 5261

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Congressional Record article 2 of 4

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**STOP MERCURY EMISSIONS -- (House of Representatives - July 18, 2002)**[Page: H4920] GPO's PDF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Kirk) is recognized for 5 minutes.

Mr. KIRK. Mr. Speaker, the Great Lakes are under attack from many environmental threats, such as invasive species, PCB contamination, and other aquatic pollutants. In the next week, along with the gentleman from Michigan (Mr. Upton), the gentleman from Michigan (Mr. Stupak), and the gentleman from Wisconsin (Mr. Kind), I will be introducing the Great Lakes Mercury Reduction Act, which will prohibit the issuance of new permits under the Clean Air Act that will result in the deposition of any additional mercury into the Great Lakes.

Our legislation seeks to halt new mercury pollution sources that would deposit further amounts of mercury into the Great Lakes. Currently, the technology does not exist to stop mercury emissions from already-permitted sources. Therefore, we should not allow construction of new mercury pollution sources.

Our legislation will not affect existing sources already permitted under the Clean Air Act, but rather, will halt addition of new sources of mercury that will further degrade the Great Lakes with mercury pollution. Airborne mercury is the dominant source of mercury in the Great Lakes; and according to the Lake Michigan Federation, \1/70\ of a teaspoon of mercury can contaminate a 25-acre lake. Mercury quickly bioaccumulates, contaminating the food chain and making the fish of the lakes inedible by humans.

The Federal Government must address mercury pollution, because sufficient reduction limits were not set in the Clean Air Act Amendments in 1990. The act only contained large general national emission numbers, and control studies monitoring the growing problems with mercury pollution. While the Clean Air Act required extensive studies of the potential dangers of mercury, it deferred much of the work on limiting mercury emissions to the States.

In 1997, the United States and Canada, as part of the Great Lakes Binational Toxics Strategy, met to address strategies for eliminating toxic substances in the Great Lakes. These talks resulted in each nation agreeing to address a number of toxic emissions, including mercury. According to this agreement, the United States will seek to reduce airborne emissions of mercury by 50 percent, and Canada by 90 percent by the year 2006.

President Bush and the Congress both made the elimination of mercury pollution an environmental

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priority of this Congress. In his Clear Skies Initiative, President Bush seeks to cut mercury emissions up to 69 percent and create the first-ever national cap for mercury emissions. Mercury emissions will be cut from current emissions from 48 tons to a cap of 26 tons in 2010, and 15 tons in 2018. Likewise, two similar proposals in Congress will seek to cap mercury emissions for the first time ever for air quality improvements.

In my district, Lake Michigan is the source of our drinking water, and the lake provides recreation in the summertime, and once provided fish for eating. We now know that Lake Michigan fish are harmful because of the toxins they contain. According to the EPA, each year over 3,000 pounds of mercury pollution are dumped into Lake Michigan, and 86 percent of that comes from direct atmospheric deposition. Recently, the North Shore Sanitary District obtained a permit from the Illinois Environmental Protection Agency to build a sludge sewage incinerator on the shores of Lake Michigan in Waukegan, Illinois. If construction commences, the mercury emitted from this sludge incinerator will be the first new source of mercury pollution in the Great Lakes in over a decade.

My top environmental goal in this Congress is to protect Lake Michigan and the Great Lakes. Earlier this year, I chaired the Nuclear Fuel Safety Caucus, which sought the safe removal of nuclear waste from key environmental ecosystems in the Great Lakes burdened with nuclear waste on our shores. The approval of the nuclear waste resolution in this Congress will make our 10th district nuclear free upon completion of the National Nuclear Waste Repository. But now, Congress must focus its attention on mercury pollution in the Great Lakes.

Airborne mercury pollution is an issue which the Federal Government has ignored in years past. Further mercury pollution of the Great Lakes will irreparably damage our fragile ecosystem.

I urge Members to support our bipartisan legislation. We joined in this effort to end mercury pollution in the Great Lakes just this week, but passage of our bill will go a long way to fulfilling our international commitments to our Canadian allies and fulfill the promise of President Bush's Clear Skies Initiative on mercury. But most importantly, Mr. Speaker, it will protect the mothers and children of the Midwest who are most at risk for mercury pollution.

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Exhibit O



## **Chris Romaine - FYI: NSSD Minergy Plant / Politics / News Article**

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**From:** Tammy Mitchell  
**To:** Carson, Maggie; DRAGOVICH, Ted; Frost, Brad; Romaine, Chris; Schollenberger, Mark  
**Date:** 7/15/2002 10:51 AM  
**Subject:** FYI: NSSD Minergy Plant / Politics / News Article

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Zion, NSSD hit potential roadblock to minergy plant

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By A.J. Goldsmith  
SPECIAL TO THE NEWS SUN

ZION - Mayor Lane Harrison admits the federal government has him confused and somewhat angry.

Several weeks ago, President Bush significantly relaxed emission standards for power plants throughout the U.S.

Companies such as Midwest Generation in Waukegan no longer have the imperative to install additional expensive clean-air scrubbers, according to Harrison.

So, while electric utilities are getting a free pollution controls pass, U.S. Rep. Mark Kirk, R-Highland Park, has raised the hackles of Harrison and members of the North Shore Sanitary District by threatening to introduce legislation that will prohibit the NSSD from building its minergy plant along Lake Michigan.

"It is an election year," said Harrison, alluding to Kirk's threat this week to introduce legislation aimed at ending the addition of new sources of mercury into Lake Michigan.

"I understand that the proposed plant meets all the current air standard criteria of both the Illinois and federal Environmental Protection Agencies," the mayor said.

According to Harrison, NSSD sludge is now put into a landfill that was recently acquired by the city of Zion, which hopes to use the property for industry, parks and recreation.

But the 411-acre acquisition is contingent upon the NSSD getting approval for its minergy plant planned for Waukegan's lakefront.

Minergy takes more than 90 percent of the mercury out of sludge, the mayor said, adding that less than one-half of one percent is released into the atmosphere. It turns the sludge into a glass byproduct.

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The NSSD's EPA permit allows upward of 92 pounds of mercury per year to be released into the atmosphere, although the district's three advanced waste-water treatment plants only collect 33 pounds of mercury per year.

The district expects to install special filters to remove all but 7.6 pounds of mercury from the minergy process annually, while claiming that the form of mercury that will be emitted from the Waukegan plant will remain in the atmosphere for about a year and not get into Lake Michigan.

NSSD consultants estimate that by the time it actually comes out of the air it will be somewhere over the Atlantic Ocean.

"The small amount in the air is much less of a health factor than putting it into the ground and having it seep into ground water," Harrison pointed out.

NSSD officials claim the minergy process is the future of sludge disposal, eliminating landfill operations, saving huge amounts of land, protecting the environment and creating a usable by-product.

After the November election, Congressman Kirk will no longer represent the area north of Waukegan that includes Zion.

Harrison expects to take up the matter of the minergy plant with U.S. Rep. Philip Crane, R-Wauconda, who will represent Zion after November and U.S. Sen. Peter Fitzgerald, R-Ill.

07/13/02

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