

1 New York, DEC, which is, while I think we might
2 disagree on exactly what the appropriate execution is,
3 I think what you're doing is a significant step beyond
4 what Illinois EPA is doing.

5 MR. HARNETT: Thank you very much for both coming
6 in and putting up for -- with some extended
7 questioning.

8 It's been very helpful to us.

9 ANN ALEXANDER: Would you like a written copy of
10 this?

11 MR. HARNETT: If you could leave it with Graham
12 right at the corner, that would be good.

13 Our next speaker is Susan Zingle of the Lake
14 County Conservation Alliance.

15 SUSAN ZINGLE: Good morning.

16 MR. HARNETT: Good morning. You will have 15
17 minutes for your presentation or talk part of it, and
18 as you get 2 minutes left, I will give you a warning.

19 SUSAN ZINGLE: Okay. Thank you so much. I will
20 caution you, I have nowhere near as technical as the
21 prior witness; but I bring a very interesting
22 perspective, and that is one of the public who's been
23 dealing with this for about the last four years.

24 Lake County Conservation Alliance is a

1 grassroots environmental group in, not surprisingly,
2 Lake County, Illinois. We have been around for about
3 ten years, and we -- we look at a number of
4 environmental issues including transportation, land
5 use, open space, water, air quality, and so forth.

6 Our interest in -- in permitting began when
7 Illinois deregulated its electric generating industry,
8 and we had natural gas-fired peaker plants literally
9 coming up on every street corner, as the EPA said, just
10 like McDonald's. There was just -- at one point there
11 were 96 applications for construction permits
12 outstanding.

13 And there were just communities and
14 neighborhoods all over the -- particularly the
15 Chicagoland area that were just confused and outraged
16 and didn't understand what was going on.

17 So we started attending hearings and over the
18 course of time became much more educated.

19 Well, once you get past the construction
20 permit, down the road comes the operating permit. And
21 we did attend the beginning training in St. Louis
22 followed by the advanced training in North Carolina.
23 So we do have some -- although I'm still -- consider
24 myself a layperson, I do have an understanding of the

1 basic tenets of what goes on in a permit.

2 We are fortunate to have a fairly good working
3 relationship with individuals at the IEPA; we actually
4 had a retirement party for one of the hearing officers;
5 the permit writers laugh when they see us pull into the
6 parking lot for a hearing. We know before we even go
7 in what we're all going to be saying.

8 But that individualized good personal
9 relationship doesn't seem to transfer into a good
10 institutional relationship. There is still an
11 institutional mindset, as far as I can see, that wants
12 to be obtuse, that wants to block information, that
13 wants to make this difficult.

14 If I can understand this, it's not difficult.

15 There is a benefit to both of industry and the
16 public in having a good, clear, understandable permit.

17 If I can't understand what's in a permit, how
18 can a 27-something-year-old engineer sitting at a power
19 plant that's got to fill out the forms understand what
20 he's doing or how it could work out?

21 If he looks up and see yellow smoke when he's
22 supposed to see white, or it's more opaque than it's
23 supposed to be, the only thing that's ever going to
24 happen is he's never going to look up again, because

1 he's not going to know what to do with that information
2 or what the impact of that is.

3 We would like to -- we would like to work to
4 resolve some of those things.

5 I think one of the most important issues for
6 any person that wants to read a permit is what in
7 Illinois they call a project summary, or I think more
8 officially is the statement of basis.

9 What is going on here?

10 How many turbines, how many generators, how
11 many megawatts, how is it fired?

12 Can it burn oil; does it burn gas; does it burn
13 garbage; does it burn coal?

14 What is going on here?

15 Most of the time we can't tell.

16 It may say that it's a generator, but it won't
17 say how many megawatts or won't give you any details on
18 what the fuel is.

19 They have a very rote format, and they plug in
20 the name of the plant, and they plug in the location;
21 and that's it.

22 And by the way, I am on the mailing list, so I
23 get every single public notice considering air issues
24 that the IEPA sends out. Believe me, I know what they

1 say.

2 So I would like to see, first of all, the
3 factual information, the listing of permit, the
4 attainment status, the construction and permitting
5 history. Is there a compliance history; has it been
6 inspected; are there other violations; should the
7 neighborhood be concerned about this?

8 And any corrective actions that may have been
9 taken. Because that is exactly what the public is
10 interested in. But the IEPA doesn't provide it.

11 Having all the requirements in one document as
12 opposed to a whole laundry list of old state operating
13 permits certainly has got to be an advantage to
14 everybody.

15 You'd lose the opportunity for conflicting
16 permits, for contradictory permits. And it's -- or for
17 losing a permit.

18 How do you know how many are out there?

19 I chase NPDES permits too, and they do it
20 fragmented, and you never know if you've got them all.

21 One permit in one place, even though it may
22 become massive, I think is a good thing.

23 We think on the whole that the IEPA agrees with
24 us. At -- at a hearing for the Title V permit for an

1 Aurora gas-fired peaker plant, he -- Jim Ross, who was
2 acting manager of the permit section, stated:

3 Now, these Title V permits are very detailed in
4 scope as compared to the previous state operating
5 permits. They have considerably more conditions and
6 requirements than were found in our previous permits.
7 Industry might not like that, but it's very reassuring
8 to the public.

9 But at a different hearing, Mr. McCluskey,
10 who's vice president of technical services for Midwest
11 Generation said:

12 We fully support this process and the
13 implementation of the Title V process as a means to
14 further -- to improve air quality within our
15 community and provide additional community as well as
16 regulatory oversight of our operations.

17 So if industry agrees and the EPA agrees, what
18 are we fussing about?

19 Some practical things that would make it easier
20 for us all, the FOIA process. If -- if we had more
21 information upfront, we would have to FOIA less; which
22 would save everybody time.

23 One of my first experiences with a permit --
24 and again, it was a construction permit, but I think

1 the process is the same -- the FOIA would have cost me
2 \$150 and could not have been delivered until after the
3 close of public comment.

4 And all I was asking for was the application.

5 It shouldn't be that hard.

6 So then I had to go to the public hearing and
7 have a hissy fit and have the hearing officer extend
8 the length of public comment until I could get my FOIA
9 fulfilled. But then the people at the hearing didn't
10 hear my comments as a result of getting that
11 information.

12 So the whole process came unglued.

13 If it -- if it -- the background information to
14 the permit is important. Make one more copy and put it
15 at the library.

16 Put it on a CD. Put it on the Internet. Don't
17 make me FOIA it.

18 What is -- unless there's something in there
19 that you don't want me to see, which is always -- I
20 have been doing this work now for ten years; that's
21 a -- paranoia is my first reaction. And it only makes
22 me dig further.

23 The cost of the FOIAs is prohibitive. And I
24 don't think necessarily benefits the EPA. I will tell

1 you the standard that I refer to is Kinko's. They're
2 open 24 hours a day, 7 days a week. They pick up, they
3 deliver, they do it while you stand there. And they do
4 it for 7 cents a page.

5 So if the EPA's got to charge me a quarter a
6 page, or God forbid 50 cents a page, it's obviously
7 deliberately obstructive. You're not supposed to be
8 making a profit on this. I don't mind maybe helping
9 you recoup your costs, but I do mind having it become
10 fiscally impossible for us to do this; particularly
11 while at the same time the EPA was not charging fees to
12 the industry for all these construction permits that we
13 were all running around working on.

14 So the industry gets a big free ride, but I
15 have to pay for my FOIAs. There's something wrong
16 here.

17 Another -- another suggestion on the FOIAs
18 would be they'll tell us, well, if you don't want to do
19 that, you can come to the office and read it.

20 I live in Wadsworth, Illinois, up by the
21 Wisconsin border. Springfield is a good solid four
22 hours away. And then I have to get there just during
23 business hours, which means I have to leave my entire
24 day's work to go down there to read a file and -- and

1 to pick those pages that I want copied.

2 I've done it. I've done it on more than one
3 occasion, sometimes driving down and back in the same
4 day. But it -- it leads to a confrontational attitude
5 that you really don't want me in that kind of mood when
6 I'm coming to the public hearing.

7 You know?

8 Let's all be nice here.

9 Okay. Public notice is -- is a lot the same.
10 People are very concerned about what goes on near them;
11 and they are inherently suspicious of something that --
12 that -- a big plant that may make noise or may emit
13 things near them. So the newspaper ads as opposed to
14 the legal notices are a very good thing. And the
15 bigger they can be, the better.

16 But there's been a new trick coming on where
17 they'll list several projects in one notice. And I
18 think that that is confusing and unfair; because you
19 may read the top line and not realize that your project
20 is farther down the list. Each one deserves its own
21 notice and its own explanation of what's going on
22 there.

23 I think the IEPA still may be a little
24 concerned about the intensity of public comment. When

1 all those speak peaker plants were going on, they were
2 contentious, and we went to hearings that routinely had
3 3- and 400 angry people. And the hearings routinely
4 went on until eleven o'clock or midnight.

5 Well, so now it comes time for the Title V
6 permit, all those people had to sign in to get into
7 that hearing.

8 As a follow-up, did the EPA go back to those
9 people and say, okay, this plant's been running now for
10 a couple years and we've got its Title V permit, why
11 don't you come to the hearing and let's talk about it?

12 No. They did not. Do they go -- do they get a
13 GIS map or go to the tax assessor's office and look at
14 the PIN numbers and get those properties that are

15 closest to the plant?

16 No.

17 One of the things that they did during the
18 construction permit phase, they would schedule the
19 hearings on the night that the village board meets.

20 So local officials who need to know what's
21 going on or may have questions to ask are denied that
22 opportunity.

23 We raised all kinds of grief. And when they
24 did the Title V permits, they did it again.

1 They have scheduled hearings on religious
2 holidays. So the church across the street has 400 cars
3 in the parking lot, and two or three of us are sitting
4 over at the Title V hearing.

5 Those people want to know. They should be both
6 places.

7 And at some point -- those kinds of things have
8 happened often enough that it's -- it's not an
9 accident. At the very least they are just simply
10 refusing to look at the outside elements if not
11 deliberately scheduling around them.

12 Scheduling in meeting rooms that don't have air
13 conditioning in the middle of August. Ah, come on, you
14 know. What does it take?

15 And these are the people that I like.

16 You should see when I'm angry.

17 We need a dedicated community relations
18 officer. I can understand that an engineer or a permit
19 writer who -- whose head -- first of all, he's an
20 engineer, he's a technical person, and his head is into
21 chemicals and percentages and standards -- isn't going
22 to necessarily want to deal with an angry citizen. Nor
23 should he have to.

24 But the community relations officer needs to

1 remember who he serves; that it is his job to serve the
2 community and, difficult as it is, bridge that gap
3 between the technical people and the laypeople, who
4 have every right to know what's going on.

5 The one thing I will praise the EPA on, that
6 they are generous with their public hearings. During
7 the peaker-plant process they just made a blanket
8 decision that they were going to have hearings on all
9 of them. And although that's dwindled somewhat now
10 that the crisis is over, normally if we want a hearing,
11 we get one without any kind of fuss. And I would
12 encourage everybody else it take that model.

13 Jim Ross, who was an acting permit manager,
14 said:

15 And now some comments on tonight's hearing. We
16 are here to provide you with information and, perhaps
17 more importantly, to listen to your comments and
18 concerns. Your comments can and do often affect the
19 content of the permit or even the final action that is
20 to be taken on the application. So please make your
21 concerns known to us.

22 That's exactly right. Couldn't have said it
23 better.

24 Now all we have to do is make sure that they

1 mean it.

2 Some technical things that have come up with
3 Title V permits that did impact us, one is
4 streamlining.

5 I am all for streamlining.

6 Let's make everything as quick and easy as we
7 can. But let's identify what we took out. Let's not
8 use streamlining as an excuse to gut regulations out of
9 existing permits and make us proofread every single
10 line of every single permit to find what was changed.

11 We're not sure that the monitoring in the Title
12 Vs are adequate. And one -- for one example, the
13 Illinois EPA shall consider the use of other coal as
14 base fuel if acceptable monitoring data has been
15 submitted by the permittee or a compliance stack test is
16 submitted to show particulate matter compliance.

17 We don't know how or where that federal
18 requirement is covered in the Title V permit.

19 We have concerns with people, we have plants
20 that burn both oil and gas, and we would like to know
21 -- and in the bigger coal-fired plants it's just
22 amazing what comes out of there.

23 We want to know -- we had a real difficulty
24 with cluster permitting. There were so many peaker

1 plants that came together, but they came out over time.
2 When it came time to do their Title V permits, they
3 issued them all within a two-week period.

4 So they had been writing permits over a period
5 of months, which we never saw. And they all came out
6 in a lump. All following the same format. So that if
7 we had concerns or questions, we could get a hearing on
8 one, but the others went through wrong, in my opinion.

9 And there wasn't a thing we could do.

10 Is that deliberate?

11 Yes, of course it's deliberate. It makes me
12 angry.

13 Same thing with Title V permits. They issued
14 several for major sources in a narrow geographical area
15 within a couple of days.

16 We can't read them all: They're complicated.
17 And the public isn't going to go to that many hearings
18 in a short period of time. And yet they deserve -- if
19 you've got industrial area, we have got a coal plant,
20 we have a sludge incinerator, we have peaker plants, we
21 have domestic plants, we have all of that. Don't lock
22 us out of being able to talk about them all.

23 Concurrent permitting. We're not sure how many
24 states do it. But it seems to mean that the public

1 comment period in the 45-day EPA review period start at
2 the same time.

3 So if we catch something, we only have a very
4 small window to let the EPA know, and by the time we're
5 done, nobody knows which version of which permit the
6 regulations are in that we're talking about.

7 I understand that that process may be approved,
8 but we strongly discourage it.

9 We had an argument in the past with the EPA
10 over missing Title V permits. And well before I was
11 involved there was a consent decree signed that the
12 Illinois EPA would catch up to date on all its Title V
13 permits by a certain date. But it didn't say "all," it
14 said there's this many outstanding and there's this
15 many yet to go, so by this date, you'll have them all
16 done.

17 Well, stupid us, we didn't specify that it had
18 to be the old ones first. So they took all these new,
19 actually easier to do, cleaner peaker plant permits and
20 counted them as part of their total in the Title V
21 update. And so the old coal-fired power plants that
22 didn't have Title Vs back then, still don't. But
23 technically they've agreed they've complied with the
24 consent decree.

1 That's dirty pool. Don't make us chase you.

2 We also notice that the tend -- the tendency is
3 to support industry. Which in a way I can understand.

4 But they were talking about money earlier.
5 During the peaker-plant craze they had 96 applications,
6 and they were issuing construction permits like one or
7 two a week.

8 Because the plants cannot begin to operate --
9 they can't even break ground without a construction
10 permit. So God forbid let's not delay industry, let's
11 get those shovels in the ground.

12 They can, however, continue to operate without
13 an operating permit, as oxymoronic as that sounds.

14 And so the Title Vs were put off because the
15 plants were running. It was fine with the EPA. The
16 fact that there was no compliance mechanism out there,
17 how do you prove that they're emitting the wrong stuff
18 if they don't have a permit?

19 The other thing for this is they can charge
20 fees for the Title V permit, they cannot for the
21 construction permits. So they did all of this on the
22 back of the taxpayers. And I resent that too.

23 And I had one or two more things, but that's
24 fine. Thank you.

1 MR. HARNETT: Shannon Broome?

2 MS. BROOME: Thanks for coming today.

3 SUSAN ZINGLE: Thank you.

4 MS. BROOME: So I -- I was interested -- I've done
5 a little bit of permitting in Illinois. And -- and I
6 share some of your concerns; although I don't have the
7 depth of experience that you do.

8 But have you looked at any of the other state
9 Web sites and seen, you know -- you mentioned as CD or
10 Internet access. And I was just wondering if you had
11 seen like Indiana's Web site and thought that would be
12 really helpful to you or --

13 SUSAN ZINGLE: We had seen Indiana's Web site. I
14 was also looking even at citing regulations and things
15 in other states at the time.

16 And there are individual -- I would have to go
17 back and actually -- which I'm happy to do for you,
18 make a list of those things that we thought were
19 helpful.

20 One of the things that Illinois does well is
21 they do have a permit database on the Internet. So I
22 don't have to call and FOIA a copy of the permit, I can
23 go on line and look at it.

24 MS. BROOME: You can get that.

1 SUSAN ZINGLE: I can get that fairly easily; and
2 it's got to save the EPA time.

3 The down side is they don't necessarily put
4 every permit out there. So if you're concerned about
5 permits overall and you want to scroll down the list,
6 and you think it's all okay, there may be permits out
7 there that are not on the Internet which you don't know
8 about.

9 Which becomes -- when you get to a Title V or
10 you're doing an air modeling and you want to know
11 what's surrounding you within the ten miles, you may
12 not be able to find them all.

13 MS. BROOME: And this is more of a comment of
14 agreement on -- that your comment about how brief the
15 descriptions are. And in Illinois they actually are
16 remarkably brief compared to other states. Other
17 states don't have three pages on it, but they do
18 provide, you know, it burns oil and gas, it's --
19 however many hours of watts, or the capacity of the
20 reactor or whatever.

21 SUSAN ZINGLE: Right.

22 MS. BROOME: You know already, but I'm just saying
23 that I -- I think maybe some other state models might
24 be something that we could recommend to try and spread

1 best practices there.

2 SUSAN ZINGLE: And there's a question of whether it
3 even meets the regulations requiring a statement of
4 basis if all you have is a project summary which says
5 the plant's on East Harrison Street in Rockford; is
6 that really complying with the law.

7 MR. HARNETT: Kelly Haragan?

8 MS. HARAGAN: I had a question about something I've
9 experienced trying to get documents from an agency.
10 And I don't know if it's a common problem. I want to
11 see if you had encountered it.

12 When I'm at a distance from, you know, where
13 the documents are located and I'm trying to get things
14 mailed to me rather than going and looking through the
15 files, I'm sometimes told that the agency won't go
16 through the file and pull the document I'm looking for,
17 that my option is either to copy the whole file or to
18 travel and look through the file.

19 And I was wondering if you ever get that
20 response, or if they'll actually go through and pull
21 what you're looking for.

22 SUSAN ZINGLE: I've never had that particular
23 situation. And again, it comes down to good working
24 relationships. The young lady at the FOIA department

1 at IEPA has turned herself inside out, including coming
2 in early in the morning and meeting me in the parking
3 lot because I had meetings and I had to have
4 information; and she was willing to come in early and
5 hand it to me.

6 It goes back to the institutional idea. Even
7 when I read through the whole permit and -- there were
8 events and there were conversations between the agency
9 and the -- and the industry; and I realize when I get
10 home, gee, there was stuff missing. So it's not a
11 matter that they won't give it to me, they just don't
12 put it in the file in the first place, and then they
13 deny it exists.

14 And then when we start to escalate and it
15 starts to get tense and they start to threaten, oh,
16 then magically they find it, but maybe we can't have it
17 because it's a trade secrets.

18 Well, excuse me; what trade secrets exist these
19 days about peaker plants?

20 How complicated is a natural gas simple cycle
21 turbine?

22 There are no trade secrets.

23 So they started denying things like what
24 turbine is it; is it a GE mainframe?

1 Now all of a sudden they won't tell us.

2 Is it an aero-derivative?

3 They won't tell us. And we have to dig into
4 the detail to start to find that stuff out.

5 You know, stop wasting everybody's time. I'm
6 going to get the information; give it to me the first
7 time I ask.

8 MR. HARNETT: Bernie Paul?

9 MR. PAUL: Thank you for your comments. I think
10 they are very helpful, and the constructive way you
11 presented them is helpful too.

12 I have two questions. One deals with your
13 concern about the concurrent permit review, the
14 overlapping public comment period, and the EPA 45-day
15 review period.

16 I'm familiar with this in a couple other
17 jurisdictions, and it's my understanding that if there
18 are any public comments received, whether from the
19 source or from the general public, that that sort of
20 presses the pause button on the EPA 45-day review
21 period, and that pause button isn't pressed again to
22 restart it until the agency has addressed those
23 comments.

24 Is that how the process works in Illinois?

1 SUSAN ZINGLE: I'm -- I think Verena would like to
2 answer that.

3 MS. OWEN: I think I can answer that in ways and
4 even Susan can.

5 It is now. In the beginning there was still
6 another deadline or IEPA was showing a deadline to make
7 sure the number of permits they agree to issuing we had
8 straight concurrent permitting.

9 Now we have a gentleman's agreement -- and it's
10 all it is; there's nothing in writing -- that the
11 minute they get a public comment, we will have sequence
12 permitting.

13 But this is only since beginning of this year.
14 In the past, yes, we had concurrent permitting.

15 MR. PAUL: I know in Indiana they have the
16 Memorandum of Understanding between the IDEM and U.S.
17 EPA that put that in effect. So I think that Illinois
18 had a similar document.

19 The other question I have for you, you made a
20 comment about the source being able to construct with
21 its construction permit and then being able to operate
22 without operating permit. And you had some concerns
23 about that.

24 Do the construction permits that the sources

1 are issued contain operating requirements that once
2 they are put into motion or they begin emitting, that
3 they have to meet emission limits and other operating
4 standards?

5 SUSAN ZINGLE: Well, they do. They do. They'll
6 have a total limit on the amount of emissions that come
7 out or a total limit on hours, or they will have some
8 of that. But there's a lot more reality to an
9 operating permit about who can challenge and what has
10 to be reported.

11 The Title V permits are much more detailed, and
12 the Title V permits come after the testing. The
13 construction permit is written on estimates. Which I
14 don't even -- don't want to go into that.

15 But it's pure natural gas, it's pretty easy.
16 But when it's a sludge incinerator and you don't even
17 know what's in the sludge, that's a little bit
18 trickier.

19 MR. PAUL: I guess my question is did the
20 construction permits that are issued contain all the
21 applicable requirements?

22 Again, in my experience in different -- a few
23 different jurisdictions, every construction permit we
24 get looks like a Title V permit except it has --

1 SUSAN ZINGLE: Not in Illinois. Not in Illinois.
2 The construction permits -- we've had instances
3 where -- where I live up north, we're right at the
4 Wisconsin border. And a simple cycle natural-gas-fired
5 plant that was built in Wisconsin had 119-page permit.

6 So the next time a source wanted to build a
7 peaker plant, they came over the border into
8 Wisconsin -- or into Illinois, and they built a plant
9 that burns both natural gas and oil, and I think the
10 permit was maybe 10 pages.

11 No; they are very, very high level. Very high
12 level.

13 Enough to agree that maybe the plant could be
14 built, that it's likely to be able to meet the
15 standards, but not -- but I wouldn't go to the bank on
16 it.

17 And I think there's -- there's legal
18 ramifications about who can enforce it and how it can
19 be enforced from just a construction permit versus an
20 actual final operating permit.

21 MR. HARNETT: Bob Palzer?

22 MR. PALZER: Thank you very much for coming. You
23 made a lot of excellent points; and certainly had a
24 number of experiences that I've had over the years.

1 One of the items that is of great concern to me
2 that you mentioned -- and I'm not sure you're going to
3 have a -- a suggested fix, but I think that some of the
4 committee should look at -- and that is what
5 information is truly proprietary information that there
6 is a justified reason for that not being made available
7 as compared to information that is withheld that really
8 rightfully should be there so that not only -- well,
9 that the public can give the oversight that helps in
10 the permitting process.

11 Do you have -- want to make any comment?

12 I -- you don't -- you may not have an answer.
13 But it is a concern that I have.

14 SUSAN ZINGLE: I -- I don't. I mean, I have a
15 business background. And some of the -- some of the
16 businesses I was in were regulated, but not by the EPA;
17 it was more FTC, SEC, different kinds of regulation.

18 But there was nothing we could hold back. I
19 mean, when I worked in advertising, if the FTC wanted
20 to know what we had it on sale and what prices we had
21 on sale for and how long we had it on sale, we told
22 them. And if we had future plans, and they wanted to
23 know that too, we told them; because we weren't allowed
24 to say no.

1 And -- and with that -- maybe that knowledge
2 would have benefitted another retailer?

3 That was just too bad. They were in the
4 business of protecting the public from scams.

5 And I don't know why some of that doesn't take
6 place here.

7 I don't know what is really truly cutting edge
8 or what new ideas a source may have that truly gives it
9 a competitive advantage that would not want to share.

10 And I wouldn't necessarily want to violate
11 that, but I think they hide behind competitive analysis
12 or trade secrets when they just don't want us to know
13 something.

14 And a long run, it's to their detriment. The
15 more suspicious people get, the harder it is for them
16 to locate their plants.

17 MR. HARNETT: Steve Hagle?

18 MR. HAGLE: Hi, Susan. Thank you for coming.

19 SUSAN ZINGLE: Sure.

20 MR. HAGLE: I'm interested in your thoughts on
21 adequate notice, public notice.

22 One of the things that has come up in our state
23 is -- I mean, we do -- in Texas we do a newspaper
24 notice elsewhere in the paper, some other section of

1 the paper; and it's just a very short notice, a little
2 blurb. And it directs people to the legal section
3 where we have a long explanation of the processes that
4 people can go through, and what the facility is
5 emitting, and all of that kind of information.

6 And that's -- in some of the major cities like
7 Houston and Dallas that's a pretty expensive. Now for
8 the Dows and Exxons of the world, that may be okay.
9 But we do have some smaller Title V sites, and we're
10 talking 3- to 4,000 dollars for that notice, especially
11 the piece elsewhere in the newspaper.

12 And so -- and what we found is we really don't
13 get a lot of comments or responses to the notice.

14 The other thing that we do in Texas is require
15 them to put signs up around the facility.

16 SUSAN ZINGLE: That's a good idea.

17 MR. HAGLE: And those signs don't contain hardly
18 any information except they're going to build X, Y, Z
19 here at the site. And that's where I feel like we get
20 more comments from the public, especially the local
21 public.

22 And the other thing that I wanted to know
23 about -- I mean, New York has an environmental notice
24 bulletin that gets sent out for -- updated every week

1 that's up on the Web site. It's very good, explains
2 what type of facility's being built and -- I mean,
3 what's your thoughts on the best way to do that?

4 SUSAN ZINGLE: If the law requires public notice in
5 the newspapers, then -- then I still think it's
6 valuable. I think a lot goes in to how it's worded.

7 If it is so technical and it talks about Title
8 V or CAAPP, people still don't know what that is. Get
9 it down to the level that someone reading the newspaper
10 say this is a power plant, and this is your chance to
11 talk about what it emits, and is it complying, and come
12 to the hearing. Market it a little bit instead of just
13 narrowly complying with the technical language in the
14 law.

15 I think -- I hadn't even thought about signs at
16 the site. That's a wonderful idea. And we do that
17 here with development permits; why wouldn't we do it
18 with Title V or construction permits as well?

19 The follow-up on -- on post cards aren't cheap
20 exactly; but you know in advance when that hearing's
21 going to be. You could mail bulk. And you could mail
22 to a certain radius around that plant and have
23 something go right into their homes.

24 But again, put it in layman's English; what

1 this means to you as a citizen. Not the technical EPA
2 Title V language that nobody but people that have taken
3 the course know what it means.

4 MR. HARNETT: Don van der Vaart?

5 MR. VAN DER VAART: Let me just -- from a state
6 resource standpoint I wanted to try to follow up on
7 what Steve said.

8 You're saying that you are not -- are you ready
9 to have the notification done purely through the
10 Internet or e-mails yet, or do you still think that the
11 newspapers have do be done?

12 SUSAN ZINGLE: I think the newspapers have to be
13 done. Because there's the -- the freaks like me that
14 need to get a life and do this all the time. The av-
15 -- this is meant to benefit the average person in the
16 neighborhood; and they're not going to go to an
17 Internet to look to see if there's a hearing on a
18 permit that they don't even know exists.

19 You have to get it in front of their face, and
20 you have to get it in terms that they can understand.

21 MR. HARNETT: And I have just one request for you:
22 If you could provide us additional details from your
23 experience on the kinds of documents that you think
24 ought to be more readily available --

1 SUSAN ZINGLE: Sure.

2 MR. HARNETT: -- when you're getting -- when the
3 Title V comments are going out there. And also some
4 information on just the charges that you're facing per
5 page for copying and FOIA.

6 And I'm assuming by what you were alluding to
7 too is that all of the plants you were interested in
8 were more local to your area where you live, but all of
9 the files, you would have had to go to Springfield to
10 get them.

11 SUSAN ZINGLE: Right.

12 MR. HARNETT: Okay. If you could give some idea of
13 timing of FOIA responses and things of that nature,
14 just some practical information on how hard is it to
15 get information would be useful.

16 MS. KADERLY: Could I add something as far as what
17 the agency charges for FOIAs and all that?

18 Have some understanding of whether the agency
19 has flexibility or whether those charges are mandated
20 by their laws. Sometimes some states have -- they
21 don't have much flexibility in what they're able to
22 charge or not.

23 MR. HARNETT: She may not be the right one to ask
24 that of.

1 MS. KADERLY: If you know.

2 SUSAN ZINGLE: I don't know; but they never use
3 that excuse, they never said, call your senator,
4 because we're forced to do this.

5 So at some point their fees are approved by the
6 legislature; but something like that I believe the
7 legislature simply rubber stamps whatever the EPA
8 wants.

9 That's a very good point. I will look into it.

10 MR. HARNETT: Bob, did you have something to add?

11 MR. PALZER: I will give you an example of a state
12 that does make an accommodation for needs of the public
13 to get information; and specifically, any data that's
14 requested of the Department of Environmental Quality
15 can be obtained at no charge by a qualifying nonprofit
16 organization that seeks a fee waiver. And I think
17 that's a wonderful way to get information that
18 otherwise would be prohibitive.

19 SUSAN ZINGLE: We do have that provision here, and
20 I have used it. But sometimes it's denied; because
21 they didn't like the wording in the letter; or because
22 they know what I'm digging for and they don't want me
23 to have it, or -- or because they didn't realize they
24 were supposed to do it.

1 So I've had it go both ways. Sometimes if --
2 if the timing is short, if I've only got a 30-day
3 public notice period, I'm not going to get into I'm a
4 not-for-profit and I can have this for free and have an
5 exchange of letters with an attorney. It's like I need
6 it right now; here's -- send it; here's my check, send
7 it.

8 MR. HARNETT: Thank you very much for taking the
9 time today and coming to talk to us.

10 And we'll take a 15-minute break and come back
11 at 10 after 10:00.

12 (A recess was had.)

13 MR. HARNETT: Okay. We're going to go ahead with
14 our next speaker, who is Carey Hamilton of the Ogden
15 Dunes Environment Council.

16 CAREY HAMILTON: This is where I sit?

17 MR. HARNETT: Yep. You will have 15 minutes to
18 speak, and I'll give you a warning at a two-minute
19 mark.

20 CAREY HAMILTON: Probably won't need to.

21 Is this -- you guys can hear me?

22 MR. HARNETT: Yep.

23 CAREY HAMILTON: Okay. Today I'm representing the
24 town of Ogden Dunes, Indiana, a community of 1300