

Critics jab NSSD spin on Whitman letter

■ Sludge processor:

Kirk emphasizes mercury concerns to Blagojevich

By Dan Moran

STAFF WRITER

WAUKEGAN — Opponents of the North Shore Sanitary District's proposed lakefront sludge processing plant accused NSSD officials of spinning the words of U.S. Environmental Protection Agency Executive Director Christine Todd Whitman earlier this week into an endorsement of the plan.

The NSSD issued a statement Tuesday under the headline "North Shore Sanitary District Supported by U.S. EPA," saying that officials were "pleased by the United States Environmental Protection Agency's conclusion that the district has followed all regulatory steps for the construction of a sludge drier/melter plant in Waukegan."

But the actual recipient of that April 16 letter, U.S. Rep. Mark Kirk, R-Highland Park,

NSSD

From page A1

said Thursday that the Illinois EPA, not the federal agency, will have the final say on the project's air-quality permit. Kirk added that government resistance to the sludge plant is widespread and could grow.

"The North Shore Sanitary District needs to realize that everyone is against them on this," said Kirk, adding that opposition includes local and regional elected officials.

"If I worked on our two (U.S.) senators, I'm sure they'd join us, too," he said.

Kirk, who wrapped up his two-week stint of active duty for the U.S. Navy at the Pentagon on Thursday, said he visited with Gov. Rod Blagojevich on Wednesday in Washington to discuss the proposed sludge plant.

"It was the primary topic of conversation," Kirk said. "He asked me about the situation, and I told him about our concerns about mercury emissions along Lake Michigan. I think it went very well."

But Kirk added that, in the immediate sense, he feels "the critical point" for the project will come May 15 when the state EPA conducts a public hearing in Libertyville on the NSSD's air-quality permit. That permit was slated to expire in March due to lack of progress on the plant, but the district appealed the expiration.

"Under the law, the primary decision maker on this is really the IEPA," said Kirk, who had written to Whitman earlier this year to detail concerns raised by Waukegan environmental attorneys about the plant's mercury emissions.

"If anything, our letter to the (U.S.) EPA bumped it up to the top of the Illinois EPA's list," Kirk said.

Brian Jensen, NSSD general manager, declined further comment Wednesday on the district's statement. He said he didn't want the situation to become more contentious. He did say that the district continues to monitor its options on the project as a legal challenge winds through the appellate courts and the city schedules a second review of the plan, as mandated in March by a Lake County judge.

"Opponents of the plan hope that if the project proceeds, a second review before environmental officials will spell defeat for the NSSD.

"Laurel O'Sullivan, staff counsel for the Lake Michigan Federation, said her interpretation of Whitman's letter is that the U.S. EPA wants the sludge concept to undergo more scrutiny.

"There needs to be more vigorous discussion on this," O'Sullivan said. "The overwhelming consensus is that new mercury uses should not be used along the Great Lakes."

O'Sullivan pointed out that in the letter to Kirk, Whitman focused more than once on the possibility of the NSSD putting the project

through a second permit review. Whitman wrote that "this potential new construction permit process provides an additional opportunity to work with the community" to address concerns.

"As the primary permitting authority, Illinois EPA has received the necessary information to issue the original minor (emissions) construction permit to the NSSD," Whitman wrote. "If the NSSD pursues a new construction permit, additional information can be obtained to assure all relevant emissions points of community concern are adequately addressed."

Her very next sentence was highlighted in the NSSD statement: "With the information that we have received from the Illinois EPA and the NSSD, it appears that the potential fugitive emissions from the condensate water at the plant would not have a significant effect on the project's VOM (volatile organic material) emissions."

But later in the letter, O'Sullivan pointed out, Whitman returned to the general theme that the original permit was approved with one set of information, while a second permit would need updated data.

"The (original) permit provided a limit of less than nine tons per year of VOM from the proposed modification," Whitman wrote, "and there was no research provided that would indicate that the proposed project's total VOM emissions would exceed the major source threshold of 25 tons per year. Any new application for a project would need to be re-evaluated on its own merits."

NSSD publicists also chose to highlight a statement Whitman made about the possible reduction of mercury levels from those included in the original permit application:

"These voluntary actions," she wrote, "can significantly reduce the potential mercury emissions and show a willingness by the NSSD to take steps to assure that its mercury emissions are minimized."

The full paragraph around that statement, O'Sullivan said, includes another apparent endorsement for a second permit review.

"In our discussions with the Illinois EPA and the NSSD, it appears that the NSSD is able to voluntarily reduce mercury emissions beyond their previously permitted levels," Whitman wrote. "During the potential re-permitting of the project, the NSSD should provide further information to the public outlining voluntary emission reduction opportunities and include these actions in the permit process."

Another opponent of the project, Verena Owen of the Lake County Conservation Alliance, echoed the call for more hearings.

"(District officials) don't want the permit to expire, but I certainly think there has to be a new public process," said Owen, describing the drier/melter concept as "new technology, unproven technology, and I don't think Lake County should be the Guinea pig on this."

The proposed process would involve taking truckloads of sanitary sludge and sending them through an enclosed drying bin at the NSSD's lakefront complex. The dried sludge would then be melted into a glass-like substance that could be sold as construction material.

NSSD officials say the process stands as an environmentally friendly alternative to depositing sludge in landfills. Opponents have touted such negatives as mercury emissions and the trucking of additional sludge to the lakefront.

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