ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF WATER

NEWTON POWER STATION NPDES PERMIT

PUBLIC HEARING

TUESDAY, AUGUST 30, 2011
6:00 P.M.
JASPER COUNTY COURTHOUSE
100 W. JOURDAN STREET
NEWTON, ILLINOIS

PATKES REPORTING SERVICE
(217)787-9314

REPORTER: LAUREL A. PATKES, CSR #084-001340

PANEL MEMBERS:

DEAN STUDER, Hearing Officer
ROBERT MOSHER
DARIN LeCRONE
BRIAN COX
AMY ZIMMER

STEFANIE DIERS, Agency Counsel

I N D E X

EXHIBITS

HEARING OFFICER STUDER: Good evening. My name is Dean Studer, and I am the hearing officer for the Illinois Environmental Protection Agency.

On behalf of Interim Director Lisa Bonnett and Bureau of Water Chief Marcia Willhite, I welcome you to tonight's hearing. My purpose tonight is to ensure that these proceedings run efficiently and according to rules.

This is an informational hearing before the Illinois EPA in the matter of a draft modified National Pollutant Discharge Elimination System (NPDES) permit for Ameren Generating Company Newton Power Station. The Illinois EPA has made a preliminary determination that the project meets the requirements for obtaining a permit and has prepared a draft modified permit for review.

The authority for the Illinois EPA issued this modified permit is contained in Section 39 of the Illinois Environmental Protection Act, 415 ILCS 5/39. In pertinent part, this section reads, "It shall be the duty of the Agency to issue such a permit upon proof by the applicant that the

facility, equipment, vehicle, vessel, or aircraft will not cause a violation of this Act or regulations hereunder."

The decision by the Agency in this matter will be based upon the technical merits of the application as it relates to compliance with the statute and regulations promulgated under it. The Agency decision is not based on how many people desire for the modified permit to be issued or on how many people desire for the modified permit not to be issued but rather on compliance with the law and regulations.

Issues at the hearing this evening will be limited to the proposed modifications. Brian Cox, Permit Engineer at the Agency, will outline these modifications in his opening remarks which will be made following my opening comment.

Other issues relevant to tonight's hearing include compliance with the requirements of the Clean Water Act and the rules set forth in 35 Illinois Administrative Code, Subtitle C, the antidegradation analysis, potential impact to the receiving waters from the proposed

discharge, and water quality in the receiving waters.

I also point out that the original hearing notice in this matter contained a typo. The original notice incorrectly identified Outfall 004 as receiving an increase in flow. The correct outfall is Outfall 001. The Agency found this error and corrected it in a revised public notice on August 16, 2011. The revised notice was posted on the Agency's web page and distributed to those on the notification list for this proceeding that had provided the Agency an e-mail address. I apologize for this error, and again, the correct outfall receiving an increase in flow is Outfall 001.

The Illinois EPA is holding this hearing for the purpose of accepting comments from the public on the draft modified permit. This public hearing is being held under the provisions of the Illinois EPA's procedures for permit and closure plan hearings which can be found in 35 Illinois Administrative Code, Part 166, Subpart A, and in accordance with the requirements of the Illinois Pollution Control Board NPDES regulations of 35

Illinois Administrative Code Sections 309.115 through 309.119. Copies of these regulations are available at the Illinois Pollution Control Board website at www.ipcb.state.il.us, or, if you do not have easy access to the web, you may contact me and I will get a copy for you.

An informational public hearing means exactly that. This is strictly an informational hearing. It is an opportunity for you to provide information to the Illinois EPA concerning the permit modification. This is not a contested case hearing.

I'd like to explain how tonight's hearing is going to proceed.

First, we will have the Illinois EPA panel introduce themselves and provide a sentence or two regarding their involvement in the permit process.

Then Permit Engineer Brian Cox within the Division of Water Pollution Control here at the Illinois EPA will speak regarding the draft modifications to the permit.

This will be followed by Paul Hardiek representing Ameren Energy Generating, and

he will be making a brief statement this evening.

Following this, I will provide further instructions as to how statements and comments will be taken during this hearing and as to appropriate conduct during the hearing. Following these additional instructions, I will allow the public to speak.

If you have not signed the registration card at this point, please see Mara McGinnis and she will provide you with one. You may indicate it on the card that you would like to make oral comments tonight. Everyone completing this card legibly or providing their business card to Ms. McGinnis tonight will be notified when the Illinois EPA reaches a final decision in this matter. A responsiveness summary will be made available at that time.

In the responsiveness summary, the Illinois EPA will respond to all relevant and significant questions that were raised at this hearing or submitted to me prior to the close of the comment period. The comment period in this matter will close on September 29, 2011. I will accept written comments as long as they are postmarked by

September 29th.

Illinois EPA is committed to resolving outstanding issues and reaching a final decision in this matter in an expeditious manner. However, the actual decision date in this matter will depend upon a number of factors including the number of comments received, the substantive content of those comments, staffing considerations as well as other factors.

During tonight's hearing and during the comment period, relevant comments, documents and data will also be placed into the hearing record as exhibits. Please send all written documents or data to my attention at Dean Studer, Hearing Officer, regarding Ameren Newton Power Station NPDES Modification, Illinois EPA, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. This address is also listed on the public notice of the hearing tonight. Please indicate the NPDES number or reference Ameren Newton Power Station NPDES modification on your comments. This will help ensure that they become part of this hearing record. The NPDES permit number for this facility is IL 0049191.

In addition, e-mail comments will also be accepted. They should be sent to epa.publichearingcom@illinois.gov. All e-mail comments should contain the words "Ameren Newton Power Station NPDES Modification" in the subject line of the e-mail to help ensure that they are included in the record in this matter.

Please make sure that these words are spelled correctly as e-mails are electronically sorted and distributed and may not make it into the record if the words in the subject line are misspelled.

Whenever your e-mail arrives, the system should send you an automated reply if the e-mail was received before the comment period ends and the e-mail has been properly sorted and distributed. Please note that the server can become quite busy in the minutes before the record closes, so you may want to take this into account when submitting your comments as electronic comments at or after the stroke of midnight as the date changes from September 29th to September 30th will not be considered timely filed.

I have marked the following

exhibits:

The public hearing notice is Exhibit 1.

The draft modified NPDES permit, public notice and fact sheet of July 14, 2011 is Exhibit 2.

Exhibit 3 is the Combined Notice of Public Hearing and of the Draft Modified Permit.

The Revised Notice of Public Hearing dated August 16, 2011 is Exhibit 4.

Exhibits 5, 6 and 7 are comment letters.

I will now ask the Illinois EPA panel to introduce themselves and provide a sentence or two as to their review in this particular project.

MS. DIERS: Stefanie Diers, legal counsel.

MR. MOSHER: Bob Mosher, Water Quality Standards, and I participated with other members of the unit in preparing the review of the antidegradation assessment.

MR. COX: Brian Cox. I'm the

permit writer on this for the Industrial Unit for the Permit Section.

MR. LeCRONE: Darin LeCrone. I'm the manager of the Industrial Unit.

MS. ZIMMER: Amy Zimmer. I'm Manager in the Groundwater Section, and I review groundwater quality of the site.

HEARING OFFICER STUDER: Next, Paul Hardiek of Ameren Generating will come and make an opening statement.

MR. HARDIEK: Good evening. I am Paul Hardiek, Technical Services Superintendent for Ameren Energy Generating.

I sincerely appreciate the opportunity to address the public and the Agency tonight.

This permit modification will enable Newton Energy Center to utilize existing ash treatment facilities with little, if any, environmental impact.

The Newton Energy Center is one of Ameren Energy Generating Company's key electrical generating facilities. The company has invested hundreds of millions of dollars in

wastewater and air emission projects at Newton. Those investments will continue in the future.

We have installed a supplemental cooling pond to reduce our thermal discharge to the Newton Lake. We have installed boiler combustion controls to reduce nitrogen oxide (also known as NOx) emissions. In fact, NOx emissions from the two units rank among the lowest in the country. Since 1995, NOx emissions at Newton have been reduced by nearly 70 percent while generation has increased over 20 percent.

At Newton, boiler exhaust gasses are treated with activated carbon to reduce mercury emissions. We are currently installing wet flue gas desulfurization equipment (also referred to as "scrubbers") that will substantially reduce sulfur oxide emissions. The Newton Energy Center has an excellent record of environmental compliance as evidenced by our air and wastewater discharge records.

Construction of the scrubbers and supplemental cooling pond equipment as well NOx and mercury emission control equipment illustrates Ameren's commitment to the environment. The

commitment began when the facility was constructed and Newton Lake was created. Ameren authorizes the Illinois Department of Natural Resources to manage the property which is known as the Newton Lake State Fish and Wildlife Area for the public's use.

Newton Lake is well known as a successful fishing and hunting area. In fact, Newton Lake was featured in an April 2011 Outdoor Illinois magazine article that reported the lake produces some of the largest bass in Illinois. The lake hosts 70 to 80 fishing tournaments each year. Surrounding land is used for public outdoor activities including hunting, hiking, horseback riding and picnicking. Newton Lake was also one of two locations where river otters were reintroduced to Illinois.

The Newton Energy Center also provides well-paying jobs for the local community. The facility employs approximately 170 full-time employees as well as additional contractors who invest their earnings in the nearby area.

In closing, this permit modification is necessary for continued responsible and efficient operation of the Newton Energy Center.

Thank you.

HEARING OFFICER STUDER: I will now go over the rules for making comments during the hearing.

As hearing officer, I intend to treat everyone here tonight with respect and in a professional manner. I ask that the same respect be shown by the hearing panel and members of the audience. You may disagree with or object to some of the statements and comments made tonight but this is a public hearing and everyone has a right to express their comments on this draft permit modification and the issues related to it. Arguing or prolonged dialogue will not be permitted.

I remind everyone that we have a court reporter here making a verbatim record of tonight's hearing. For her sake and in the interest of keeping an accurate transcript of tonight's hearing, I ask that noise levels in the room be kept to a minimum. If you have a cell phone, please silence it at this time if you have not already done so. Applause, booing, hissing and jeering will not be tolerated during this hearing.

I will arrange to have the

transcript of this hearing placed on the Illinois EPA web page linked with the Draft Modified Permit and Hearing Notice. The actual posting date will depend on when I get the transcript from the court reporter. Typically it's two to three weeks after a hearing.

You are not required to provide your comments orally. Written comments are given the same consideration and may be submitted to the Illinois EPA at any time within the public comment period which ends just before midnight on September 29, 2011. Although the Illinois EPA will continue to accept comments through that date, tonight is the only time that Illinois EPA will accept oral comments. Any person who wishes to make an oral comment tonight may do so as long as the statements are relevant to this permit modification.

If you have lengthy oral comments, it may be helpful to submit them to me in writing before the close of the comment period, and I will ensure that they are included in the hearing record as an exhibit.

Please keep your comments relevant to the issues involved with the permit

modification. If your comments fall outside the scope of this hearing, I may ask you to proceed to your next relevant issue.

For the purposes of allowing everyone to have a chance to comment, I will initially allow everyone nine minutes to make comments. This should also allow everyone who desires to speak to do so.

After everyone has had an opportunity to speak, if time permits, I will allow those who initially did not desire to speak to do so.

If time still permits, I will return to those who ran out of time initially yet still have comments.

Please avoid repetition. If anyone before you has already presented a statement or comment that is contained in your comments, please skip over those issues when you speak.

Once a point is made, it makes no difference if the point is made 99 times, it will be considered on its merit and addressed in the responsiveness summary.

Please remember, all written

comments submitted before the end of the comment period whether or not you say them outloud at this hearing this evening will become part of the official record and will be considered.

When it is your turn to speak, please come forward to the podium in the center and speak clearly. State your name and, if applicable, any governmental body, organization, or association that you represent.

If you are not representing a governmental body, an organization or an association, you may simply indicate that you are a concerned citizen or a member of the public.

For the benefit of the court reporter, I ask that you spell your last name. If there are alternate spellings for your first name, you may also spell that if you desire.

Comments are to be directed to members of the hearing panel. This will help to ensure that an accurate transcript of your comments is made in the record. People who have requested to speak will be called upon in the order of the registration cards.

Are there any questions

regarding the procedures that I will use this evening in conducting this hearing.

Okay. With that, we'll go ahead and open the floor for comments, and the first person is Cindy Skrukrud.

MS. SKRUKRUD: Hi. My name Cindy Skrukrud, C-i-n-d-y S-k-r-u-k-r-u-d, and I'm the Clean Water Advocate for the Illinois Chapter of the Sierra Club.

I thank you for holding this hearing tonight. I'm here on behalf of the members of the Sierra Club and citizens who make use of Newton Lake as a recreational resource concerned that the water quality in the lake is conducive to that use as a recreational destination. I appreciate that Ameren has worked with Illinois to establish the recreational area of Newton Lake.

I'm also pleased to hear that Ameren is going to be removing mercury from their air emissions but concerned about the proposed increases of coal ash that will be disposed in their coal ash pond that discharges to Newton Lake, so I've got a number of questions about mercury.

Our concerns stem from the

fact that the state has issued a statewide fish advisory for predator fish like large mouth bass that we heard are abundant in Newton Lake because of mercury that accumulates in their tissues and can pose a risk to people who eat that fish, especially sensitive populations, and that's the basics of the state's fish advisory.

I also have some questions about the permit conditions with regards to phosphorus. A cleanup plan, which is called, as you all know, it is called a TMDL plan, has been developed for Newton Lake. That plan says that we need to reduce phosphorus loading to the lake by 61 percent, so I'm concerned how does this permit help with that.

The lake is also listed for algal blooms, and we visited out at the lake today and we didn't see bad algal blooms but we certainly could see algae in the lake, and so I'm concerned about how the permit is written that will help Ameren be a part of the solution to the phosphorus problems in the lake.

And then I have other questions regarding the antidegradation assessment

and other permit conditions, so I'm just going to kind of move through my questions.

A couple of my first questions are based on the antidegradation assessment which is on page 3 of the fact sheet. Partway down the page, there's a section called "Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses," and in that paragraph, it's stated that Ameren had prepared a summary of proposed load increases and that loadings of most of these constituents in the discharge ash pond effluent will increase, but there's no listing of those constituents, so I wondered if you could list the constituents that are anticipated to increase in loading.

MR. MOSHER: We can do that. That list is found in some of the supporting documents that Ameren provided, so we can copy that out of the document, include it in the responsiveness.

MS. SKRUKRUD: Okay. Then I wanted to ask about -- you also make a statement here that the concentrations of most of these substances are predicted to remain at the same level, but I wonder when you have discharge to a lake as opposed to a

stream, is there modeling that you do to assess whether these pollutants have a potential for accumulating in the sediment or in the algae and other aquatic life in the lake since it's a bathtub as opposed to flowing waters?

MR. MOSHER: Well, the lake does discharge occasionally, so it's not simply a bathtub that never flushes or overflows, but the substances in the ash pond effluent are relatively low in concentration. There are no substances that we would have to model. I think there is a statement in the antidegradation review that says that some of the more soluble substances will remain in the lake water and eventually flush out of the lake. Some of the less soluble substances will probably become part of the sediment in the bottom of the lake, but the concentrations are so low that the sediment wouldn't become contaminated so to speak by those settling substances. They're not that prevalent. They're not that high in concentration that we would predict that there would be any kind of contaminated level or high level in those sediments.

MS. SKRUKRUD: Okay. Well, let me ask specifically then about mercury because that's

something that we're concerned about at very low levels.

The antidegradation statement says that mercury is expected to undergo a decrease in loading, and I wanted to know -- I understand that you've looked at some papers but I wondered if you have looked specifically at the mercury discharges here.

For example, what is the concentration in the mercury that's currently coming out of the ash ponds and what is the future concentration since we know the volume is going up. I wanted to know the numbers that showed that the loading would be going down.

MR. MOSHER: Well, you're right. We predict mercury loading would go down because of the carbon that is added to scrub it out of the air emissions, and there is some good evidence that the mercury stays with that carbon and that the carbon stays in the ash pond, sinks to the bottom of the ash pond.

I haven't seen a mercury result from the existing discharge that is done using the low level methodology that we've had for

the past few years. I suspect that the permit requires monitoring using that low level methodology.

MR. COX: The draft permit now requires monitoring of mercury using the method 1631E, and so we will be able to determine future concentrations that are discharged.

However, since the existing permit did not require that, we don't really have that data available.

MS. SKRUKRUD: Since we're moving off to that, I was going to look at -- my notes aren't very good about what special condition that is. Hang on. Oh, Special Condition 18.

MR. COX: Yes.

MS. SKRUKRUD: I had a question about that too. It says here, "Upon modification of the permit, Outfall 1 will be monitored for mercury on a monthly basis till 12 samples have been collected."

So my concern is, is the permit going to be modified, and is the ash pond going to be seeing the full daily loading of ash since we know practices are changing at the power

plant. Will those changes be in effect at the power plant when this permit requirement goes into effect or are those changes already occurring at the plant? Are we already getting increased ash disposal in the ash pond?

MR. COX: I believe from Generating Unit 1, the ash sluice has already been increased to an extent.

However, from Generating Unit 2, there is currently no flyash sluice water going to the holding pond.

MS. SKRUKRUD: And when is it anticipated that that will --

MR. COX: That is anticipated -- basically, it's going to occur if this modification takes effect.

However, if the modification is not yet finalized, then they cannot legally discharge the additional water to the ash impoundment.

MS. SKRUKRUD: Okay. So then my concern is that the monitoring proposed here reflect the worst case scenario when all the ashes that's proposed is going to be sent to the ash pond.

MR. COX: Yes, the monitoring will reflect that.

MS. SKRUKRUD: Okay. I kind of jumped around so I'm going to jump back.

Oh, so now, jumping to antidegradation, I wanted to ask about phosphorus, and there's some phosphorus monitoring proposed in the permit, but I question, how is that consistent with the TMDL for Newton Lake that says there needs to be a 61 percent reduction in loading to the lake.

And so my question is, are you asking Ameren to contribute to that reduction in phosphorus loading to the lake.

MR. COX: Yes. We've actually required phosphorus monitoring, and Special Condition 24 actually gives a schedule of compliance for phosphorus limitations.

MS. SKRUKRUD: So then do you have data that shows that --

MR. COX: Ameren provided data that the flyash increase will not increase the phosphorus loading to the discharge.

However, the phosphorus limitations that were put on there are supposed to

be representative of the sewage treatment plant discharges which they were given a waste load allocation in the TMDL, and therefore, we set the limits at our technology-based standards which will actually be less than the waste load allocations provided, and therefore, as long as they're meeting those technology-based standards, then they will be in compliance with the waste load allocation as well.

MS. SKRUKRUD: And that technology-based standard is 1 are you saying?

MR. COX: I believe 1 for the 30-day average and 2.0 for the daily maximum.

MS. SKRUKRUD: And do you have any data on what the current concentration is from that outfall?

MR. COX: I don't believe that we do. We have several samples that were submitted as part of applications for a previous NPDES renewal, but it was not required to be monitored as part of the previous permits; therefore, we have a small data sample but not very many data points.

MS. SKRUKRUD: Okay. Then I had a question on permit page 6.

First, I wanted to know what is the applicable water quality standard for sulfate in Newton Lake. So what's the water quality standard that needs to be met in the lake?

MR. MOSHER: I don't recall that we calculated that. We may have, and we can report that in the responsiveness summary, and if we haven't yet calculated it, we certainly can do that to list what the hardness and chloride based sulfate standard would be for Newton Lake, cite specifically for Newton Lake. So we'll provide that.

MS. SKRUKRUD: Yeah, because you must have calculated it because you have a mixing zone in Special Condition 4.

MR. MOSHER: Well, the predicted sulfate concentration is 120 milligrams per liter which is well under what the water quality standard is probably by ten times.

So I don't know why we would have said there's a mixing zone for sulfate.

Do you know?

MR. COX: I don't.

And that was regarding Outfall 006?

MS. SKRUKRUD: Yes.

MR. COX: Which the modification does not affect Outfall 006. The modification is relevant to Outfall 001 and Outfalls A01 and 003 which are only reflective of the phosphorus limitations that were implemented from the TMDL.

MS. SKRUKRUD: Okay. I see what you're saying. So that's a carryover from the older permit.

MR. COX: Exactly, and the existing.

HEARING OFFICER STUDER: We've gone for a little over nine minutes.

MS. SKRUKRUD: I'm good. I mean, I have more questions, but this is a good stopping point.

HEARING OFFICER STUDER: I'll let you go ahead. Are you ready? Okay.

I forgot to let Brian go through his opening which went through all of that too. I was just informed of that, so I'm going to let him do that, and, Cindy, we'll come back to you in fairness to you because you weren't privy to what he was going to read. I apologize for that.

All right. I'm taking things out of order.

Go ahead, Brian.

MR. COX: The draft modifications include increases in flow from the secondary ash pond discharge to Outfall 001 from 8.31 MGD to 17.2 MGD; the addition of phosphorus limitations at Outfalls A01 and 003; the addition of phosphorus and additional metals monitoring at Outfall 001; the addition of influent monitoring to include total suspended solids and phosphorus; and a revision in Special Condition 22 to reflect a name change for a currently used additive.

The first reason for the increased flow at Outfall 001 is due to errors in previous flow calculations. As a result, the draft permit requires flows through Outfall 001 to be measured using a continuous flow meter instead of being calculated.

The second reason for the increased flow at Outfall 001 is due to the installation of an activated carbon injection system which was required to control mercury and SOx air emissions from both generating units.

Previously, Newton Power Station sold the majority of their flyash to be used as an additive in the cement industry. The installation of the activated carbon injection system has caused the commingling of flyash and activated carbon which has resulted in unmarketable flyash.

As a result of the flyash being unmarketable, Ameren proposed an increase in flyash sluice water from Generating Unit 1, the addition of flyash sluice water from Generating Unit 2, and an increase in wastewater sump flows. These flows will discharge to the primary ash settling pond which is tributary to the secondary ash settling pond which discharges through Outfall 001.

The addition of phosphorus limitations at Outfalls A01 and 003 have been included in the draft permit due to the implementation of the Little Wabash River II TMDL which was approved November 12, 2007 and included a waste load allocation for the Newton Power Station's Sewage Treatment Plant discharges.

Additional details regarding the aforementioned modifications are provided on

page 2 of the public notice/fact sheet.

I will do my best to answer any questions regarding the draft modified permit. However, please understand that some questions may require additional research or correspondence with other Agency staff, and responses to these questions or comments will be available once the Agency makes its decision.

HEARING OFFICER STUDER: Thanks, Brian, and I apologize for the confusion. I'm saying, Brian, did you make your statement? And he says no.

MR. MOSHER: Can I clarify one of my responses to Cindy at this time?

HEARING OFFICER STUDER: Yes. Go ahead.

MR. MOSHER: Looking at the draft permit, I note it does indicate there's mixing for sulfate. I think that might be irrelevant from the time that the sulfate standard was 500 milligrams per liter instead of what it is now. It's slightly higher than that.

And I also should note that there is a boron mixing zone that also is set to be

not needed anymore in the boron standard as we anticipate the board will adopt that soon which is also higher than what it was or is now.

So I would anticipate that Special Condition 4 in the permit could be further modified to remove mention of mixing zones where it's not needed anymore. We can take that under advisement when we get back.

HEARING OFFICER STUDER: We'll come back to you, Cindy, unless you wanted to go forward.

Traci, you were next in line.

MS. BARKLEY: Good evening. My name is Traci Barkley, T-r-a-c-i. Barkley is B-a-r-k-l-e-y. I'm a water resource scientist for the Prairie Rivers Network and a state affiliate of the National Wildlife Federation, and we're a nonprofit organization that strives to protect the rivers, streams, and drinking water for Illinois residents. Much of our work focuses on policies such as the Water Act, the Safe Drinking Water Act, how they're used in Illinois and laws that are intended to protect our water and our environment.

We're here on behalf of our members that live and recreate in Newton Lake and in

the Wabash River watershed and may be adversely affected by the discharge of pollutants that may degrade water quality.

I also would echo Cindy's sentiment, that we're pleased that there have been investments made through the power station at cleaning the air for folks in the area and downwind. I think, unfortunately, working for river organizations, we see too often that there are major investments made on the air side without following that all the way through, and we see many pollutants pulled out of the air that then are discharged into waters of the state, and we'd like to see the investments on behalf of the environment, both the air and the water.

It's disconcerting to see that more ash is proposed to be passed through treatment ponds that were meant for a certain amount of pollution, and really, I think many signs indicate that those ash ponds should be retired and that there are more advanced appropriate ways to handle ash. So we're not happy to see that not only is the wet ponds not being phased out but they're proposed to be used by doubling of flyash.

So I guess to start out, our first question is what is the anticipated life of the power station?

When the evaluation under antidegradation of different ways of treating the ash was considered, I wonder what time frame the Ameren station was looking at. Are we looking at ten years more of operation, 30 years? Because that makes a difference in which of those alternatives might be economically feasible.

MR. COX: I honestly don't recall the life of the power plant. However, I know the life of the actual ash impoundments were designed to exceed the life of the actual power plant itself, and therefore, they are designed to be able to handle the additional loading.

MS. BARKLEY: It seems like some of the assumptions of the antidegradation assessment were that there were previous markets for the ash material and now because of the increased metals from the activated carbon injection system, that is now considered unmarketable.

So I'm interested in what previous markets existed for the ash material and

what attempts were made to now market the changed higher concentration of ash now.

MR. COX: We'll have to respond to that in the responsiveness summary after we consult with Ameren to see what other markets they actually looked at.

MS. BARKLEY: And I would argue that those are things that should be in the antidegradation assessment because those are assumptions that much of the rest of the antideg assessment were based on.

I also I guess at this point would say to Mr. Mosher, I think your response on having the pollutants for which additional loading is expected, for that to be in the documents that are not publicly noticed doesn't meet the spirit of the antideg.

You know, I understand that the antidegradation assessment addressed boron sulfate and total suspended solids, but for all of the other pollutants for which increases in loading is expected, I think that should have to be in the antidegradation assessment as well and be publicly noticed.

Then I wonder if mine filling of the ash material was considered as an alternative.

MR. COX: I believe it was considered. However, the source of the coal is nowhere near the actual facility, and therefore, it would have to be hauled. I honestly don't remember how many miles away it would have to be hauled, but it's nowhere near the facility. Therefore, that was an option that they excluded.

MS. BARKLEY: Okay. And I also wondered why there was no cost estimate provided for the option to remove metals through microfiltration, demineralization or reverse osmosis treatment.

MR. MOSHER: When we provide you with the list of metals, concentrations projected to be in the effluent, you will note that they are very low concentrations, and possibly you'll agree that the methods you just mentioned aren't very efficient when you're already very low in concentration.

And then, of course, there's things like boron that aren't even responsive to some of those treatment methods.

MS. BARKLEY: So those treatments

maybe were eliminated because they weren't effective or useful for what was being proposed to be removed?

MR. MOSHER: I think another way of saying this is that the emphasis of alternatives analysis went not so much treatment because the concentrations are so low. Treatment isn't called to mind when increases in loading are being proposed.

We had them look at a lot of preventive type alternatives to the loading rather than treating a very dilute wastewater.

MS. BARKLEY: Can you describe what preventive measures were suggested by the Agency?

MR. MOSHER: I think we list those in the antidegradation review.

I don't know if we want to take the time to read what's in the public document there but...

MS. BARKLEY: Well, I can review it.

I just, when I looked at the alternatives, I see landfilling using the existing ash ponds and additional treatment. I guess, and I'll look again, but nothing came out to me as

preventing additional pollutant loading for the existing system.

So then I wondered with the flue gas sulfurization system that the representative from Ameren mentioned, I wondered when you expect that to be added at the power plant?

And then, as follow-up, if this permit reflects additional pollutant loading, that that would come from ash scrubber sludge.

MR. COX: We've not been informed of an exact date that they expect it to be added. However, I believe a number of just a few years was thrown out at one point.

MS. BARKLEY: Okay. Then I guess in the responsiveness summary, I think it would be good for the agency to respond to why this permit is addressing one major outflux of pollutants knowing that in the near future there are going to be more because in terms of antidegradation, that's not looking at the full anticipated impact in Newton Lake. Instead, it's handled in a way that really doesn't address what is likely to impact the aquatic uses in the long run because with the scrubber sludge, if there is a discharge, I'm not sure how

you propose to handle it, but that would likely result in additional releases of boron, chlorides, sulfates, metals and ammonia.

MR. COX: That would be a separate modification that we'd have to address at that time.

MS. BARKLEY: Okay. Then I wanted to note that in many locations unfortunately in our state and nationwide, coal ash is degraded on public ground and surface waters adversely impacting consumptive agricultural/industrial uses. I won't go into why the pollutants for coal ash are bad, but I guess I'd like to point out that Ameren has already demonstrated the feasibility of handling coal ash in a dry manner at the Coffeen Power Station, so one of our big questions is why it's not being proposed here, and in our comments that we'll submit in writing, we've done an evaluation of the economic guidance from USEPA that determine whether it's a reasonable solution or not, and numbers we run appear that it very much looks to be a reasonable solution, and we'd like to see that implemented here.

So when I look at groundwater monitoring results from other coal ash ponds, we

obviously have problems in our state, and I note that the ash ponds here are located in the floodplain of the two tributaries going to Newton Lake, so I wondered if either Ameren or Illinois EPA has been monitoring groundwater between those ash ponds and the tributaries to Newton Lake detecting groundwater pollution.

MS. ZIMMER: There are four groundwater monitoring wells on site, one upgradient and I believe three downgradient of the ash pond. They've been monitoring I think since earlier this spring. So we have results from one quarter so far so, yes, there is some monitoring going on.

HEARING OFFICER STUDER: You're going to have to speak into the mike because it's going to be very difficult for everyone to hear.

MS. BARKLEY: Can you describe -- are you familiar with the results of the groundwater monitoring?

MS. ZIMMER: In general I am.

MS. BARKLEY: Are there any groundwater quality at the three downgradients?

MS. ZIMMER: There are exceedances of some constituents at this point. We don't know

enough from one sample data to know what those exceedences are as we don't know background at the site upgradient background, and also, there is a landfill on site that is being managed by Bureau of Land, groundwater management zone, and so we need more data to determine what may be from that landfill and what may be from the ash impoundment.

MS. BARKLEY: Okay. So right now, Illinois EPA has one quarter's worth of groundwater data that shows that there are exceedances of some constituents downgradient to ash pond but has a permit out on public notice that would increase the loading, increase the amount of ash that's going through those ash ponds and the loading of multiple constituents to the lake. Is that right?

MS. ZIMMER: Yes.

MS. BARKLEY: So then our organization would request that this permit be put on public notice until the extent of the groundwater problems has been completely investigated at those ash ponds so that problems that are known of now are not exacerbated by something that would be permitted, I don't know, let's say 20 years in the future would continue to exacerbate groundwater

problems.

Is there any evidence that there is a link between those ash ponds to Newton Lake through the groundwater?

MS. ZIMMER: We don't have enough data at this point to make any kind of determination. We have to wait until we have more data. We're asking for four quarters of data, and the next spring they're going to come in and discuss the results, and we're going to go from there and make some determinations on where they're going to go, what's going on, and what kind of action will be taken at that point.

MS. BARKLEY: So is the sampling that's being done right now able to detect water level so that you would be able to determine not just water quality-wise but stage?

MS. ZIMMER: You're asking if we have groundwater flow direction?

MS. BARKLEY: Yes.

MS. ZIMMER: Yes.

MS. BARKLEY: You do?

MS. ZIMMER: Yes.

MS. BARKLEY: Or you have the

ability to determine that.

MS. ZIMMER: Yes.

MS. BARKLEY: Are there active groundwater wells in the vicinity of Newton Lake?

MS. ZIMMER: We had asked Ameren to do a potable well survey within 2,500 feet of their facility which they did a while ago. There were I don't remember exactly how many wells. It wasn't numerous, but there were none detected downgradient of the ash pond.

MS. BARKLEY: So I wonder if the Agency or the applicant are doing anything to minimize potential pollution from this ash pond either to groundwater or to Newton Lake.

MR. LeCRONE: Did you ask us what we're doing to prevent or --

MS. BARKLEY: To prevent pollutants that are in the ash pond or will be in the ash pond from leaching into groundwater or from exceeding water quality standards at Newton Lake.

MR. LeCRONE: Well, as far as the groundwater goes, that's part of what our continued investigation, continued groundwater monitoring program will do.

Like Amy said, we need four quarters additional quarter sampling data, and at that point, we'll be meeting with Ameren to determine what next steps might be needed. Right now we don't have enough data to make any kind of full characterization to determine what an appropriate path might be.

As far as surface water goes, you know, we've got data on the discharge now. We've got additional metals monitoring requirements in the permit. I think there will be sufficient data at that point that, you know, we can demonstrate that our assumptions on water quality are correct, and that's kind of the purpose of the additional monitoring, that we have enough data once the discharge occurs to demonstrate there's not a reasonable potential to exceed other constituents.

MS. BARKLEY: Is there any reason why Illinois EPA can't prevent Ameren from moving more ash through the systems while this investigation is taking place?

It seems like, I mean, I was out at the site today, there's a lot of acreage out there. It seems like it could be held somewhere

else other than push through those ash ponds while the Agency determines how bad a problem exists.

MR. LeCRONE: Well, if you're talking like storing ash on the ground surface or something, I'm not sure that's going to be much of an improvement. You're going to have exposed stormwater and additional runoff issues that you may not have; you may not get the same settling you would in a ash pond, so I'm not sure that keeping it out of the ash pond and storing it on the surface somewhere other than in a landfill or something would be a viable alternative, but we'll consider any other suggestions you're making, but at this point, we evaluated our decision based on what they asked us for which was authorization to discharge increased loadings to the ash pond, and we based our decision on whether or not that proposal we feel complies with Clean Water Act regulations.

MS. BARKLEY: Isn't there already a landfill out there?

MR. LeCRONE: There is.

MR. COX: Yes, but it's already near capacity, and that is what they're doing right now to dispose of it in the meantime and until this

modification would get approved, and therefore, since it does have a limited life, then they would need to do something else even at the end of that life, and I know it's expected to expire very soon which is why they propose this modification.

MS. BARKLEY: Okay. Another thing that -- do I have a couple more minutes?

HEARING OFFICER STUDER: We've gone -- you're asking time-wise?

MS. BARKLEY: Yes.

HEARING OFFICER STUDER: We've gone the full length of time.

MS. BARKLEY: I can wait if somebody else wants to go.

HEARING OFFICER STUDER: Okay.

MS. BARKLEY: Okay. Thank you.

HEARING OFFICER STUDER: Is there anyone that hasn't spoken that would like to make a statement on the record tonight before I go back to those that have already commented?

Cindy, did you have additional questions that you would like to ask?

MS. SKRUKRUD: Yes. Thank you.

Unfortunately, in the

materials we get, it doesn't tell us -- I always get confused between the permit modification and the permit expiration, so I just wondered if you could tell me when does this permit expire. Wait. I found it. So January 31, 2012.

MR. COX: 2012.

MS. SKRUKRUD: So right now, this hearing is about the modifications you have described, but we will then be seeing another --

MR. COX: We'll have a separate renewal proceeding too.

MS. SKRUKRUD: Okay. Then, Brian, in your statement you talked about the discharges that were going to increase in volume, and I understand the flyash sluice water increase, but can you explain what the wastewater sump discharges are made up of and why those are also increasing?

MR. COX: There's a description on I believe page 2 of the permit. There's a double asterisk which states that wastewater sumps include soot blower thermal drains, ash hopper overflow, ash pit sumps, boiler house floor drains, strainer backwash, and other miscellaneous contributory flows, and these discharges are routed through a

45,000 gallon capacity oil/water separator before discharge to the ash pond system.

MS. SKRUKRUD: So it's not that there's going to be more ash created at the site. It's that ash isn't going to be leaving the site for other uses.

MR. COX: That's correct.

MS. SKRUKRUD: So I still wondered why -- are the wastewater sumps, are these all involved in moving of the ash from the plant to the ash pond?

I'm asking why those will increase.

MR. COX: I believe it has to do with the addition of the activated carbon injection rather than the actual addition of the sluice water, and I think it's basically due to the fact that there is more water being required now because of the sluicing, and therefore, the other flows are also going to increase slightly.

MS. SKRUKRUD: Okay. Thank you.

And then can you describe for me how this activated carbon looks? I'm trying to understand, you know, big chunks? I mean, Bob

testified that it's going to settle in the ash pond, so, you know, I think of activated carbon as fine particles, so I'm trying to understand how you're thinking that it's going to just settle in the ash pond and not be washed out into Newton Lake.

MR. LeCRONE: It's mainly because it's part of and mixed with flyash. I think it's all collected the same. It is a powder-activated carbon. I don't know what type of technology, every plant is a little different in how they collect it, but generally, it's collected with flyash, and it's mixed in with flyash, and it isn't really a separate waste product the way Ameren is doing it the way I understand.

So you're not going to see it separately in the ash mixture. It's just going to be part of the flyash mixture. It's all collected together.

I guess they can correct me if I'm wrong.

MS. SKRUKRUD: And then the assumption is that then all settles very well in the --

MR. LeCRONE: Yes, that's the way

we understand it and what our assumptions are based on, yes.

MS. SKRUKRUD: Okay. Thank you.

Could you provide us with the documents that you reviewed? I think there was a USEPA document and the Electric Power Research Institute document that you relied on as part of your conclusions that the mercury loading was going to decrease.

MR. MOSHER: I think we can or at least provide the name of the website where you can get them.

MS. SKRUKRUD: Okay. Thank you.

And then I just wanted to follow up on what Traci spoke about in terms of examining the cost of alternatives, that Ameren had provided an affordability analysis of the flyash landfill alternative using the USEPA Economic Guidance For Water Quality Standards, and Kim Knowles at Prairie Rivers has reviewed those documents, and so based on Ameren's own worksheets, it appears to us that they have the liquidity, solvency and leverage to finance a dry ash landfill.

So my question is, how does

IEPA review those documents?

MR. MOSHER: The person who actually reviewed that isn't here tonight so we will try to respond as to just how that review is done in the responsiveness summary.

MS. SKRUKRUD: Okay. I think that's it. Thank you.

MS. BARKLEY: Traci Barkley, Prairie Rivers Network.

Going back to the mercury, well, the flyash and the activated carbon particles going into the lake, I just wonder from kind of an internal evaluation perspective for the antidegradation assessment how it can be considered that there will be no increase in loading of mercury because the assumption is made that it's balanced to the carbon particles because when I think of that in a physical way, I think that the particles, even though there will be some settling in the ash pond, there's bound to be some release into Newton Lake carrying with it mercury.

So I just wondered, aside from reviewing those two documents that would point to most of it staying in the ash pond if there was any

additional work done like looking at sister facilities or, you know, other facilities in the state or out of state that have used activated carbon and ash sluice in ash pond systems.

MR. MOSHER: We'll try to document in the responsiveness summary where we got our ideas that the carbon with the mercury absorbed onto it would stay in the ash pond.

We'll look through our sources and provide that to you.

MS. BARKLEY: My concern is that, and I remembered looking at this at the Coffeen Power Station, and I don't think the activated carbon was being used at that point but there were concerns about mercury that bound sediments, and that during antioxidant conditions, there would be a release of that mercury through things like physical turbulence from carp or storm events, that there were other either physical or chemical mechanisms that could release mercury that was previously found in supplements, and that's a concern here knowing that this is a heavily used recreational site and that folks are fishing there and are eating these fish that likely have mercury and would have more so

with more releases.

MR. MOSHER: Well, again, it's our understanding that mercury loading decreases for the lake and that the mercury stays in the ash pond, and I will try to provide the documentation as to why we had that understanding and do have that understanding.

MS. BARKLEY: In NPDES permits for some mine facilities, often we'll see a special condition that requires that the ponds, the sediment ponds be maintained for a certain capacity so that the actual function of the treatment is realized, and I didn't see anything in this permit that says that these ash ponds have to be maintained so they actually are getting that treatment.

So my concern is that if more ash is going to these ponds that they may fill up faster, and if there's more sediment and less water, they're more susceptible to being disturbed by physical disturbances.

So I wondered if the Agency considered any requirements of Ameren to maintain their ponds in a certain way.

MR. COX: The actual settling time

in the holding ponds can be up to 270 days, and so the settling time is very extensive, and therefore, we didn't really look at doing that because it was very overdesigned whenever it was originally implemented. However, we can take that into consideration whenever we do the final, before final issuance or before we make our final decision.

MS. BARKLEY: Are you saying 270 days residence time or --

MR. COX: Yes.

MS. BARKLEY: Okay. So it takes 270 days for that water to be replaced?

MR. COX: Ameren can correct me if I'm wrong on that, but I believe that was the number, roughly.

MR. LeCRONE: This primary ash cell is larger than most.

MS. BARKLEY: The slurry pond is on the Illinois gazetteer map.

Have fish tissue samples from Newton Lake been collected and analyzed for mercury or selenium?

MR. MOSHER: We'll have to get back to you with that. We don't know here but we'll ask

our people that do that monitoring.

MS. BARKLEY: Okay. And then the follow-up question would be, if not, are there plans to do so.

MR. MOSHER: We'll ask them that too.

MS. BARKLEY: Then the antidegradation assessment states that, quote, "Based on influent and effluent monitoring, Ameren determined that they had a net removal of total suspended solids for lake water that was used at the facility and passed through the ash pond and polishing pond. The analysis also determined that increased flow will continue to have a net removal of total suspended solids and that total suspended solids loading will not increase due to this increased discharge."

Can you expand on that?

MR. COX: Basically because the flow has increased the intake compared to the effluent, there is actually a reduction in the total suspended solids from that.

So even though there's an increase in flow and thus an increase in loading,

since the solids are actually settled out, there's actually going to be an overall reduction to the Lake Newton.

MS. BARKLEY: That's loading-wise?

MR. COX: Yes, that's loading-wise.

MR. MOSHER: So in other words, they're taking some of the silt out of the water from Newton Lake that came from farm fields or whatever, and in their process, they're settling it out, and the return water to the lake is less.

MS. BARKLEY: Okay. So then like Newton Lake is impaired for total suspended solids, so what will be discharged or -- I can't remember what the permit limit was.

Is the permit limit set so that there should be reduced concentration also of the total suspended solids?

MR. COX: The permit limit is based on 30 milligrams per liter for the 30-day average and 50 milligrams per liter for daily maximum, and therefore, as long as they're meeting that, they should still be sufficient just based on the fact that once you reduce the overall loading by the background concentrations that are already there,

the loading to the lake will be less.

MS. BARKLEY: Okay. And then the antidegradation assessment also states, quote, "The concentration of these substances (and it's referring to trace metals) are not significantly different from the background water entering the lake."

So I wondered, earlier in the antidegradation assessment, it says that the subject facility discharges to Newton Lake at a point where there's zero CFS flow existing upstream of the outfall, so I wondered where that background water quality information was taken from that would be considered comparable in trace metal concentrations.

MR. MOSHER: That's based on impacted waters in the area in the state. Again, you haven't seen the list of constituents in the concentrations that are predicted, so I guess you don't have a feel for what we looked at, and when you do see that, many of the constituents are below detection, and the ones that are detected are really typical of background conditions in Illinois.

MS. BARKLEY: Okay. So that background water is really ambient conditions in

most streams.

MR. MOSHER: Generally in Illinois, yes.

MS. BARKLEY: Okay. Then the antidegradation assessment states that in January of 2009, Ameren installed an in-situ formed fiberglass liner on their existing discharge pipe from the secondary ash pond, and that the liner patched holes in the discharge pipe which slightly increased the flow to 001.

So I wondered, am I correct in understanding that this is the connection between the primary ash pond and secondary ash pond that the fiberglass liner was put underneath?

MR. COX: It's actually I believe the discharge pipe from the secondary ash pond to Lake Newton.

Is that correct?

MR. HARDIEK: Both.

MR. COX: Both. Okay. So both of them actually, so the overflow from the primary to the secondary and the discharge from the secondary to Lake Newton were both relined.

MS. BARKLEY: So it made it sound

like there were losses in water in those previous connections so I'm wondering if there were losses of water, that ash sluice water, if groundwater monitoring is being done in that area to see what impact those losses underneath might be.

MR. COX: We'll have to take a look at where the actual monitoring wells are in relation to the discharge pipe and we'll respond to that later.

MS. BARKLEY: Okay.

Then the mercury 1631 test, I wondered if -- and I should know this but I don't -- is that a water column test?

MR. MOSHER: Yes.

MS. BARKLEY: Is any mercury monitoring being done in the sediment of the Newton Lake?

MR. MOSHER: I'll ask that question of our monitoring people.

MS. BARKLEY: Then Cindy and I noted that there were two sewage treatment plant discharges, 1 through 001 and 1 through 003, but we didn't see any monitoring requirements or limits for fecal coliform. So is disinfection happening at

those two discharges?

MR. COX: Special Condition 9 references the use of chlorine. However, that's just used to control slime growths, odors, or as an operational control, and shall not exceed the limit of 0.05 milligrams per liter, and therefore, based on that, I believe that it does have a disinfection function.

However, I will have to recheck to see when that was granted or if one was granted and I'll get back to you.

MR. LeCRONE: That wasn't part of this modification so we didn't go back and look at that.

MR. COX: Right.

MS. BARKLEY: So then we would like to see that disinfection is taking place at both those outfalls or that there's a demonstration that there aren't going to be exceedances of the fecal coliform levels of concern considering there is contact recreation at Newton Lake.

Then 002 looks like it's in the middle of a long channel. 002 on that where it looks like monitoring would take place, it looks

like it's in the middle of a channel, and I wondered why 002 is where it is because it looks like the actual release of the cooling water is going to be much further upstream and closer to the plant.

So is there something special about that location?

MR. COX: Again, that wasn't related to this modification. I can look back at that and check to see if the outfall location is indeed correct.

MS. BARKLEY: And then I think -- I can't remember -- I think the monitoring at that outfall was continuous for temperature and total residual chlorine, so I wondered where the actual monitoring of temperature was because under I think the special conditions, there's a 26 acre mixing zone for temperature, so I wondered at what point monitoring of temperature was taking place.

MR. COX: For which outfall? Is that outfall 002?

MS. BARKLEY: 002.

MR. COX: Again, that wasn't part of this modification. Therefore, it was not reviewed.

MS. BARKLEY: Okay. The reason I have concern is because 002 looks like -- I know that this is a reservoir so it's flooded streams, but that section, that segment of what's called a lake looks much more like a stream environment, and so it looks like it could be inhabited by mussels, and I wondered if a mussel survey has been done anywhere in that region.

MR. COX: We'll have to respond to that later because, as I said, that wasn't reviewed since that outfall was not a part of the modification.

MS. BARKLEY: Okay. Then I'll put these comments out there and maybe these all could be part of the next hearing.

I just noted that the 316(b) evaluation was done in 1978, and maybe this is an appeal for the renewal, but since then, it's possible that the watershed has changed, that the residence time in the lake has changed, that the depth of the lake has changed, the cooling efficiency has changed, and that demonstration should be redone.

MR. LeCRONE: We'll be addressing

316(b) as we are all permits as they come up for renewal.

MS. BARKLEY: Okay. So then Special Condition 5, maybe this is a leftover from the last permit but it addresses if additional cooling, temporary supplemental cooling towers are built, and I wondered if any have been built.

MR. LeCRONE: We don't know. At this point, I don't believe there have been, but this was a construction authorization to allow them to add additional supplemental towers if so desired but that wasn't part of this modification, but that's the intent of that Special Condition 5.

MS. BARKLEY: So if they were to build supplemental cooling towers, would Ameren have to submit additional information to you in terms of changes in the water quality because there would be some concentration, whatever source water they're using which I'm guessing is Newton Lake, anything that's in there would be further concentrated through the cooling process that would change the discharge into 002.

MR. LeCRONE: We didn't review any of that as part of this modification, but typically,

they're only a portion of the flow, and it will have very little difference on water quality of the circulating water discharge, but again, that wasn't part of this. That's just in general. That wasn't part of this review.

MS. BARKLEY: Okay. Then I just have one final question about phosphorus.

The water quality standard at Newton Lake would be 0.05 milligrams per liter, but the effluent limit applied in here I think is a 30-day average of 1. So I understand that there's a waste load allocation that's been assigned to this facility, but I wondered if an evaluation had been done to determine whether this effluent limitation would allow for that lake water quality standard to be met.

I guess my question is, was the TMDL done using that 0.05 water quality standard, so then does it follow that if they meet this limit then that they would be further exacerbating that water quality?

MR. MOSHER: We'll ask our TMDL people for the answer to that question.

MS. BARKLEY: Okay.

I have no further questions. Thank you.

HEARING OFFICER STUDER: Thank you. Traci.

If there are no more questions or comments, I remind everyone that this hearing record will stay open until the 29th of September, and we'll accept written comments through that day.

I thank you all for your attendance at this hearing, and this hearing is adjourned.

(Ending time: 7:25 p.m.)

STATE OF ILLINOIS)
)SS.
COUNTY OF SANGAMON)

CERTIFICATE

I, Laurel A. Patkes, Certified Shorthand Reporter in and for said County and State, do hereby certify that I reported in shorthand the foregoing proceedings and that the foregoing is a true and correct transcript of my shorthand notes so taken as aforesaid.

I further certify that I am in no way associated with or related to any of the parties or attorneys involved herein, nor am I financially interested in this action.

Dated September 7, 2011.

_____
Certified Shorthand Reporter