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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF WATER ANNUAL HEARING

WEDNESDAY, SEPTEMBER 21, 2011  
1:30 P.M.  
1021 N. GRAND AVENUE EAST  
SPRINGFIELD, ILLINOIS

PATKES REPORTING SERVICE  
(217) 787-9314

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

1 PANEL MEMBERS:

2 DEAN STUDER, Hearing Officer

3 AMY WALKENBACH  
4 Section Manager  
5 Watershed Management Section

6 J. GEOFFREY ANDRES  
7 Section Manager  
8 Infrastructure Financial Assistance Section

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1 HEARING OFFICER STUDER: Good  
2 afternoon. We're going to go ahead and get started.

3 My name is Dean Studer, and I  
4 am the hearing officer for the Illinois  
5 Environmental Protection Agency. This is the Bureau  
6 of Water annual hearing, and I'll start by reading  
7 this opening statement into the record.

8 This is an informational  
9 hearing. It's being held by the Illinois  
10 Environmental Protection Agency's Bureau of Water.  
11 The purpose of the hearing is to provide an  
12 opportunity for the public to understand and comment  
13 on three programs administered by the Bureau of  
14 Water; specifically:

15 1. The Revolving Loan Program  
16 for Drinking Water and Waste Water;

17 2. The Water Quality  
18 Management Plan; and

19 3. Section 319(h) Financial  
20 Assistance for Nonpoint Source Pollution Control  
21 Program.

22 Geoff Andres, Manager of the  
23 Infrastructure Financial Assistance Section, will  
24 present information on the Revolving Loan Program.

1 Amy Walkenbach, Manager of the Watershed Management  
2 Section, will present information on the Water  
3 Quality Management Plan and Section 319(h) Financial  
4 Assistance for the Nonpoint Source Pollution Control  
5 Program.

6 After the presentations are  
7 concluded, those in attendance will be given the  
8 opportunity to make comments on these programs.

9 This public hearing is being  
10 held under the provisions of the Illinois EPA's  
11 Procedures For Informational and Quasi-Legislative  
12 Public Hearings, which can be found at 35 Illinois  
13 Administrative Code Part 164. Copies of these  
14 procedures can be accessed on the website for the  
15 Illinois Pollution Control Board at  
16 [www.ipcb.state.il.us](http://www.ipcb.state.il.us), or if you do not have easy  
17 access to the worldwide web, copies can be obtained  
18 from me on request.

19 Comments given during the  
20 hearing do not have to be in writing but after  
21 today's proceedings, comments must be submitted in  
22 writing. This is the only opportunity that you will  
23 have to make oral comments on the record in this  
24 proceeding.

1                   Once the hearing is adjourned,  
2 the comment period will remain open through October  
3 21, 2011. Written comments do not have to be  
4 notarized. Comments may be submitted by regular  
5 mail or by e-mail. E-mail comments should be sent  
6 to [epa.publichearingcom@illinois.gov](mailto:epa.publichearingcom@illinois.gov). E-mailed  
7 comments must specify "BOW 2011 Annual Hearing" in  
8 the subject line and will be accepted until midnight  
9 on October 21, 2011.

10                   Please keep in mind that  
11 e-mail comments are electronically sorted, so it is  
12 important that the words in the subject line be  
13 spelled correctly.

14                   If your e-mailed comments are  
15 received by the server before the close of the  
16 comment period and if you have correctly indicated  
17 the appropriate hearing in the subject line, you  
18 should receive an automated reply from the server.

19                   Please note that the server  
20 can become quite busy just before the close of the  
21 comment period, so you may want to take this into  
22 account when electronically filing your comments.

23                   Comments sent by mail must be  
24 postmarked no later than October 21, 2011. Comments

1 should be addressed to Dean Studer, Hearing Officer,  
2 regarding Bureau of Water Annual Hearing, Illinois  
3 EPA, 1021 North Grand Avenue East, P.O. Box 19276,  
4 Springfield, Illinois 62794-9276. This information  
5 is also part of the public hearing notice as is the  
6 information regarding e-mail submittal of comments.

7                                   After the record closes in  
8 this matter, Illinois EPA will prepare a  
9 responsiveness summary. In the responsiveness  
10 summary, Illinois EPA will respond to the relevant  
11 and significant comments raised at this hearing or  
12 submitted to me prior to the close of the comment  
13 period. The responsiveness summary and hearing  
14 transcript will be posted on the Illinois EPA's  
15 website. It is my goal to have the transcript  
16 posted in two to two and a half weeks, but the  
17 actual date will depend on when I get the transcript  
18 from the court reporter.

19                                   Any person who wishes to make  
20 oral comments today may do so as long as the  
21 comments are relevant to the issues which are being  
22 addressed at this hearing. Please indicate that you  
23 wish to make a comment on your registration card and  
24 persons will be called to make comments in the order

1 in which they have completed the numbered  
2 registration cards.

3                               If you want to make oral  
4 comments but have a time constraint, please let Jay  
5 Timm at the registration table know and we will try  
6 to call on you earlier rather than later, or you can  
7 give your written comments on one of the comment  
8 forms that I can make available to you, and I will  
9 include it as an exhibit in the hearing record.

10                              If anyone has other relevant  
11 documents that they wish to submit, please let me  
12 know and I can enter them into the record as  
13 exhibits.

14                              Please keep conversation and  
15 noise levels to a minimum so that the court reporter  
16 can hear and accurately transcribe these  
17 proceedings. If you have a cell phone or pager with  
18 you, please silence it at this time if you have not  
19 already done so, which I will do right now also.

20                              Persons making comments will  
21 initially be limited to nine minutes until everyone  
22 who wishes to speak has had a chance to do so. If  
23 you have lengthy comments to make, please submit  
24 them to me in writing before the close of the



1 comment period, and I will make sure that they are  
2 included in the hearing record as an exhibit.

3 I will now enter preliminary  
4 documents into the official hearing record as  
5 exhibits.

6 Exhibit Number 1 is the notice  
7 of public hearing.

8 Exhibit Number 2 is the Draft  
9 Intended Use Plan from Water Pollution Control.

10 And Exhibit Number 3 is the  
11 draft intended use plan from the Division of Water  
12 Pollution Control, excuse me, from the Public Water  
13 Supply.

14 On behalf of Interim Director  
15 Lisa Bonnett and Marcia Willhite, Chief of the  
16 Bureau of Water, I thank you for attending and  
17 participating in this hearing.

18 I will now ask that Geoff  
19 Andres come forward to begin his presentation.  
20 Following Mr. Andres' presentation, I will let Amy  
21 Walkenbach present information on the Section 319(h)  
22 program and on the Water Quality Management Plan.

23 Following Ms. Walkenbach's  
24 presentation, I will provide instructions on how

1 oral comments will be taken at this hearing and will  
2 begin the process of calling those forward that have  
3 indicated on their registration cards that they  
4 desire to speak at this hearing.

5 If you have not registered,  
6 you may want to fill out a registration card at this  
7 time if you have not already done so.

8 Geoff?

9 MR. ANDRES: Hi. Welcome  
10 everybody. I am, as Dean said, Geoff Andres. I'm  
11 the Manager of the Infrastructure Financial  
12 Assistance Section, and so my role here at the  
13 hearing is really to outline the intended uses, the  
14 intended use plans for the Public Water Supply Loan  
15 Program and the Water Pollution Control Loan Program  
16 for Fiscal Year '12.

17 The two programs that we do  
18 manage are both members of the revolving loan fund  
19 family. They are combined federal/state programs  
20 that have been very successful over a long period of  
21 time. Right now both programs are coming off of a  
22 period of really unprecedented demand, and we've had  
23 a lot of things happening, so it's probably fitting  
24 that I really don't have prepared remarks today.

1 I'm going to kind of go  
2 through each of the programs, and I want to start --  
3 we do this every year. Normally I start with the  
4 water pollution control. This year I wanted to  
5 switch that up. We had something in public water  
6 supply that I think will help and form the later  
7 discussion.

8 At any rate, if you have a  
9 copy of our intended use plan, you can follow along.  
10 I just wanted really to hit the highlights of the  
11 various sections that are involved and what the  
12 purposes of the sections and what the real meaning  
13 of that is in this plan.

14 Again, right in the heading,  
15 Fiscal Year '12, Federal Fiscal Year '12, October 1,  
16 2011 through September 30, 2012, this plan will  
17 address that period of time.

18 We really have in the last  
19 couple of years tried to change our approach on the  
20 intended use plan to try and make it a little more  
21 user friendly, a little more of a guide to people as  
22 to what to expect in the program. We've had a lot  
23 of volatility in the program in recent years.

24 The first section's pretty

1 standard. The IUP requirements under the Safe  
2 Drinking Water Act, we list those every year as part  
3 of our application, part of our intended use plan.

4                                 On page 2, our long-term  
5 goals, our short-term goals, these are primarily  
6 unchanged from past years. You'll see a number of  
7 new things. I think probably the key thing to point  
8 out in terms of the short-term goals is item No. 6,  
9 the last item on page 3. We intend to implement a  
10 new loan system, a Windows-based loan system which  
11 is really going to change our approach, change our  
12 ability to administer the programs. We're going to  
13 implement that October 1st and run that alongside of  
14 our longstanding loan system. So that will be a  
15 major change that you will see this year.

16                                 Down on page 3, the program  
17 characteristics, I know these are probably the most  
18 important things that we are going to announce  
19 today. Included in this section are the loan terms  
20 for Fiscal Year '12 and how we're going to approach  
21 that.

22                                 Again, one of the major points  
23 to be made here is that our program, the Public  
24 Water Supply Loan Program, is going to continue to

1 try to address the Green Project Reserve that has  
2 been a part of our program the last three years.

3                               If you're familiar with our  
4 program at all, the Green Project Reserve was really  
5 initiated under the ARRA legislation, the American  
6 Recovery and Revitalization Act of 2009. Since that  
7 time, we have managed that requirement that 20  
8 percent of our application grant be awarded or  
9 loaned to projects that fit the Green Project  
10 Reserve requirement.

11                              For Fiscal Year '12,  
12 indications are that that may not be a requirement.  
13 It may be from the federal government a suggestion  
14 more than a requirement. In Illinois we plan to  
15 continue to make changes in our program and continue  
16 to prioritize some of those efforts. We think that  
17 the main impact in the Public Water Supply Program  
18 is going to be energy efficiency, water  
19 conversation, and system sustainability will be  
20 involved in that. We have some plans in those  
21 areas, and we will be making some changes there.

22                              The terms themselves, this  
23 fiscal year marks a return to our prior practice.  
24 Our rules define the loan rate for the program as

1 being one-half of the bond market interest rate.  
2 There's a specific definition that I won't get into,  
3 but essentially, we're one-half of the bond rate.

4                               It looks like for Fiscal Year  
5 '12 that that rate will go up from the current 1.25  
6 up to a level of 2.3 to 2.32, somewhere in that  
7 range. We'll finalize that at the end of this  
8 month. Through the first 11-1/2 months, the number  
9 would be 2.31. That could adjust slightly downward  
10 from here.

11                              Probably another very key  
12 element is that we are going to continue to use our  
13 principal forgiveness in the program in a very  
14 similar fashion to what we have in past years.

15                              In Fiscal Year '12, the loan  
16 rate, or, I'm sorry, in prior fiscal years, the last  
17 three fiscal years, we've essentially been operating  
18 under emergency rules that were really brought about  
19 by the ARRA program, the amount of funding and some  
20 of the unique requirements of that funding. Fiscal  
21 Year '12 is the first year that we will be back to  
22 the statutorily defined interest rates. In Fiscal  
23 Years '10 and '11, we're working with a rate of 1.25  
24 percent. So in Fiscal '12, you'll see a jump of

1 about one percent on interest. The principal  
2 forgiveness will be very similar; 25 percent  
3 principal forgiveness to any loan applicant that  
4 qualifies, and they would qualify by means of being  
5 below the statewide average on the median household  
6 income of the state. So a very similar approach.

7                   The one big change there is  
8 that the limitation that we have established for  
9 principal forgiveness will be dropped from two and a  
10 half million to one million. The reasoning behind  
11 that I think is that our program the last two years,  
12 the principal forgiveness program that we set up in  
13 anticipation of what was going to happen at the  
14 federal level was very successful, so successful in  
15 fact that we hurt our program long-term with the  
16 larger cap. The smaller cap is designed to still  
17 reward most small communities in the state, but we  
18 do have several large users in the program that two  
19 and a half million dollars in principal forgiveness  
20 each year is a very heavy hit to the program going  
21 forward, so we're going to ratchet that level down.

22                   The biggest thing that we will  
23 be doing with principal forgiveness this year that  
24 is different and is really the reason that I wanted

1 to start off with the Public Water Supply Loan  
2 Program is that in Fiscal Year '12 for the first  
3 time we want to try and institutionalize a program  
4 that we started with the Green Project Reserve and  
5 related to the Green Project Reserve.

6 In Fiscal Year '11, we have  
7 offered Small Systems Compliance Grant Program which  
8 is targeted to disadvantaged communities based on  
9 the community's income and based on a serious  
10 compliance problem in those communities. Very  
11 successful program. I think we received  
12 applications in the \$10 million range, and we had  
13 set-aside \$2 million. We're able to resolve or will  
14 resolve at the completion of those projects I  
15 believe it's 18 very serious compliance problems in  
16 small community water systems around the state.

17 In Fiscal Year '12, we will be  
18 using a portion of our principal forgiveness. Our  
19 estimated requirement, we will be required to  
20 forgive a total of \$9,967,800 in principal as a  
21 percentage of our capitalization grant. We plan to  
22 target \$2 million of that amount to the Small  
23 Systems Compliance Grant Program.

24 As we move along, I think



1 probably the next key section is probably the state  
2 match or even further down are availability of  
3 funds, the criteria and method for distribution of  
4 funds.

5                                   Another program change this  
6 year is going to be the overall limitation to any  
7 single loan entity will be capped at \$7,500,000.  
8 That is a change. The last two fiscal years, that  
9 maximum loan has been capped at a level of ten  
10 million dollars. Again, we don't anticipate that  
11 affecting a large number of projects in the state.  
12 It will affect some large users. We have a number  
13 of large users in the state that have received  
14 \$10 million loans and will receive them again. We  
15 want to try to ratchet that down in recognition of a  
16 smaller program this year.

17                                   Program size this year is  
18 going to be reduced from the past several years. I  
19 think that will be a little more apparent when we  
20 talk about water pollution control, but if you look  
21 at Section G, Available Loan Resources, what we are  
22 going to reflect or what we are reflecting for  
23 Fiscal Year '12 is a total program level of  
24 \$78,500,000. That's down slightly from what we've

1 managed the last couple fiscal years. We had a  
2 hundred million in the program last year and 108  
3 million the prior year, a year before that.

4                               What I will point out on that  
5 is that it's much more in line with program size in  
6 prior years, and again, I think most of you, if  
7 you're familiar with our program, it's been on  
8 steroids the past three years largely as a result of  
9 the influx of money that came in through ARRA and  
10 the effects of that carrying on over the last couple  
11 of fiscal years.

12                              The \$78.5 million level is  
13 probably higher than any level that we've been able  
14 to offer in a nonleverage bond year or an ARRA  
15 affected year in the history of the program, so it's  
16 still a very healthy program for public water  
17 supply. That is based on some cuts in our federal  
18 grant.

19                              What we have done for both  
20 programs this year is we have limited our estimate  
21 of what's available from the federal government  
22 based on their actions over the last few months of  
23 the session. We had a report, president's budget I  
24 think for public water supply. The public water

1 supply was not affected as heavily, but the  
2 president's budget I believe recommended somewhere  
3 around \$37 million. The House committee's cut to  
4 that program is what is reflected in our report  
5 here. We believe that it will be very hard to add  
6 back to the numbers that were in that first House  
7 report that came out.

8                                 So the federal grant which is  
9 33,226,000 is actually a fairly pessimistic number  
10 from our point. That number could rise. Obviously  
11 it could go down as well. The state match is  
12 \$6,645,200. Loan repayments, 26,628,800, which is  
13 significantly higher than in past years. Fund  
14 equity drawdown is \$12 million for a subtotal or a  
15 total of \$78,500,000 in the program this year.

16                                 Loan repayments are  
17 significantly higher in past years reflecting the  
18 activity of a past couple years with a lot more  
19 repayments, and I think probably the last comment  
20 that I have is that, again, we're going to have a  
21 significant demand for loan funds in Fiscal Year '12  
22 that's going to exceed our available funding, and I  
23 think that's the reason primarily for the  
24 limitation, 27.5 million in program fundings for any

1 loan entity.

2                                   Okay. The Water Pollution  
3 Control Loan Program, the larger of the two  
4 programs, again, the first couple of pages are  
5 primarily there to meet requirements of the USEPA  
6 and what's contained in our IUP. Again, I think the  
7 most significant goal this year is our conversion to  
8 the new loan system.

9                                   A point I want to make in  
10 terms of the program characteristics is, again, both  
11 programs will be managed in very similar fashion.  
12 The rate again will be defined as half the bond  
13 market rate, so same rate in both programs; very  
14 likely 2.31 percent.

15                                  Principal forgiveness terms  
16 will be identical. 25 percent to any loan applicant  
17 with a median household income below the statewide  
18 average to a maximum of \$1 million.

19                                  Again, we will have a  
20 principal forgiveness requirement of \$9,325,800. In  
21 the Water Pollution Control Program, we really  
22 expect to exceed that amount, and we don't have a  
23 similar program in place as we do with the Small  
24 Systems Compliance Grant Program. We will not be

1     advancing that this year.

2                             Our plans for the future: We  
3     have in place in our Watershed Management Section,  
4     and I think Amy will talk about that, we have the  
5     Illinois Green Infrastructure Grants Program.

6                             The difference between that  
7     program and small systems is that there's another  
8     year of funding in place for the IGIG program, the  
9     Illinois Green Infrastructure Grant Program. We  
10    will be managing that program again separately  
11    through the Watershed Management Section.

12                            We are looking at  
13    institutionalizing as well green infrastructure  
14    practices, urban stormwater programs that are being  
15    managed right now under the IGIG program, and that  
16    will be a big change very likely next year in our  
17    IUP.

18                            The financial assistance  
19    limitation in the Water Pollution Control Program,  
20    the larger program, will be a maximum to any single  
21    entity of \$15 million; the sole exception being the  
22    Metropolitan Water Reclamation District of Greater  
23    Chicago will be limited to a maximum amount of  
24    \$75 million.

1                   That division really reflects  
2 the intent of the state to fund as many worthwhile  
3 projects as practicable from our limited resources  
4 but also to recognize the major service population  
5 of the MWRDGC and its service area.

6                   I think probably the next  
7 thing I want to talk about are our available loan  
8 resources for the program for Fiscal Year '12.

9                   We are recommending in our IUP  
10 an overall funding level of \$200 million. That  
11 includes capitalization funds of \$31,086,000, state  
12 match of \$6,217,200; again, healthy loan repayments  
13 of 156,196,800, and fund equity drawdown of  
14 6,500,000 for a total of 200 million.

15                  Again, a very similar  
16 situation on water pollution control. Our demand  
17 again is going to exceed available funding, so we  
18 have trimmed the overall cap on what any loan can be  
19 from 20 million to 15 million in this program, a 25  
20 percent reduction, and the MWRDGC's allocation from  
21 a hundred million to 75 million; again, a 25 percent  
22 reduction in available funds.

23                  That's about all I have right  
24 now on the two programs. If anyone has any

1 questions, I can take them now or later.

2 HEARING OFFICER STUDER: Yeah,  
3 we'll go ahead with Amy Walkenbach's presentation,  
4 and we'll take questions on both programs at the  
5 same time.

6 I do want to remind everyone  
7 that both intended use plans, draft plans, are  
8 available on the Internet. I checked this morning,  
9 and they are posted along the same area as the  
10 hearing notice for this, so I have posted it on the  
11 web, and we will also post the transcript in the  
12 same general spot on the web when it's available.

13 Amy, would you like to make  
14 your presentation?

15 MS. WALKENBACH: All right. This  
16 afternoon's annual Bureau of Water hearing will  
17 address several issues and allow the public the  
18 opportunity to ask the Illinois EPA about the  
19 Illinois Water Quality Management Plan and Nonpoint  
20 Source programs and their priorities.

21 I will briefly describe the  
22 Illinois Water Quality Management Plan developments  
23 related to facility and watershed planning and  
24 priorities for the Clean Water Act's Section 319,





1 coordinate the three areawide water quality  
2 management plans covering 21 counties with the state  
3 plan covering the remaining 81 counties. The WQMP  
4 is composed of three areawide plans and the state  
5 plan plus all approved facility plans and all  
6 wastewater National Pollutant Discharge Elimination  
7 System (NPDES) permits, excluding industrial  
8 process, thermal and noncontact cooling water NPDES  
9 permits.

10                                   The WQMP addresses control of  
11 pollution sources, maintenance of stream use and  
12 water quality standards, protection of groundwater  
13 resources and control of hydrologic modifications.

14                                   In addition to assuring sound  
15 economic and environmental decision-making, the WQMP  
16 is intended to serve as a tool to protect the  
17 federal and state investment in pollution control  
18 facilities. The original WQMP has been frequently  
19 amended to reflect specific changes in various  
20 program elements.

21                                   This year, the WQMP is amended  
22 to reflect 59 facility plan approvals, nine facility  
23 planning area boundary changes, two new municipal  
24 NPDES permits, no new watershed-based plans, and

1 incorporation of the Illinois Nonpoint Source  
2 Program.

3 Listings of the facility plan  
4 approvals, FPA changes enacted and new municipal  
5 NPDES permits are available at today's hearing for  
6 those who would like a copy, and they are presented  
7 as Exhibit 4.

8 HEARING OFFICER STUDER: Thank you,  
9 Amy.

10 MS. WALKENBACH: This past year,  
11 the Nonpoint Source Unit has been working to update  
12 our Nonpoint Source Program for Illinois. This is a  
13 long overdue process. We last did an update in  
14 2001. A copy of the updated program can be found on  
15 our Illinois EPA nonpoint source web page.  
16 Appropriate comments that are received as part of  
17 the hearing process will be integrated into the  
18 program immediately and addressed in the  
19 responsiveness summary for this hearing.

20 However, this program will  
21 undergo a review and update prior to each year's  
22 annual hearing, so with that in mind, we will take  
23 comments on the program through July 1, 2012 for  
24 consideration in the program update during the 2012

1 annual hearing.

2                                   Some of the things you will  
3 see in our program:

4                                   A gap analysis of our old  
5 program; did we do what we said we would do in that  
6 program;

7                                   New milestones for our  
8 program;

9                                   Current nonpoint source  
10 impaired waters and their sources;

11                                   State activities to address  
12 nonpoint source pollution;

13                                   A revamping of the 319 grant  
14 priorities.

15                                   A point that we try to  
16 emphasize in the program is that the program is not  
17 just the 319 grant program but entails the many  
18 things occurring in Illinois that affect our waters  
19 in a positive or negative fashion.

20                                   I look forward to any comments  
21 you may have after reviewing the document, and I  
22 apologize that I was not able to afford you the  
23 opportunity to see the document prior to the  
24 hearing. Planning efforts always take longer than I

1 think they should.

2                                 Next I will present the  
3 priorities for the Federal Fiscal Year 2013 Nonpoint  
4 Source Pollution Control Grant Program Work Plan.

5 As state and federal budgets are reduced, requests  
6 for this competitive grant program have increased  
7 throughout the years. At a time of decreased  
8 Section 319 budgets and increased project requests  
9 for funding, USEPA guidance has become more  
10 restrictive as to the types of projects that can be  
11 funded. To facilitate future applications and  
12 project planning, we will formally announce the  
13 Federal Fiscal Year 13 priorities. The following  
14 four criteria will be used to prioritize 319 project  
15 funding. Project proposals demonstrating one or  
16 more of the following criteria will be given the  
17 highest priority to receive Federal Fiscal Year 13  
18 funding:

19                                 Implementation of a  
20 watershed-based plan, a plan that meets the nine  
21 minimum elements as described in USEPA Section 319  
22 Guidance;

23                                 Implementation of a total  
24 maximum daily load implementation plan;

1                   Watershed-based planning; and  
2                   Projects including an  
3 evaluation component, either environmental or  
4 social, with priority to those projects with both  
5 evaluation elements.

6                   Furthermore, with our new  
7 program complete, we will now announce priority  
8 watersheds for watershed-based planning and  
9 implementation activities. These watersheds are  
10 based on the rotating watershed monitoring program.  
11 Each watershed will be a priority once every five  
12 years, one year for planning purposes, one year for  
13 implementation.

14                   This is not to say that all  
15 our funds will be spent in these watersheds but that  
16 they will receive priority over another watershed  
17 with a similar proposal.

18                   Furthermore, activities in  
19 these watersheds in second and higher order stream  
20 segment watersheds will receive priority over first  
21 order or mainstem stream watersheds.

22                   For 2013, watershed planning  
23 activities will be prioritized in Mississippi River  
24 South, Mississippi River Central, Mississippi River

1 North Central, Upper Illinois River, Mazon River,  
2 Vermilion River (Illinois River Basin), Green River  
3 and Cache River;

4 Implementation activities in  
5 Rock River Basin, Des Plaines River, Salt Creek of  
6 the Sangamon River, Upper Sangamon River and Big  
7 Muddy.

8 All other types of projects,  
9 research, demonstration and site specific  
10 restoration/protection will continue to be  
11 considered as funding allows. The 319 application  
12 deadline remains August 1st for the 2012 deadline.  
13 The applications are due in-house on or by close of  
14 business.

15 To end my testimony today, I'd  
16 like to briefly present another area of focus for  
17 the Bureau. Nutrients in our waterways has become a  
18 high profile issue for Illinois and the Mississippi  
19 River Basin, not just to protect our Illinois waters  
20 but also downstream waters. In an effort to find  
21 ways to reduce nutrients, we have identified six  
22 watersheds that have nutrient impairments identified  
23 and also have a total maximum daily load (or TMDL)  
24 developed for the listed nutrient or nutrients.

1 These six watersheds will be targeted for planning  
2 and implementation activities related to reducing  
3 nutrient losses. These six watersheds are:

4 Lake Bloomington and Lake  
5 Evergreen (one watershed), Lake Vermilion, Lake  
6 Decatur, Vermilion River (Illinois River basin),  
7 Salt Fork Vermilion River (Wabash River Basin) and  
8 Lake Mauvaise Terre.

9 A list of these watersheds and  
10 the 319 priority sheds for Federal Fiscal Year 2013  
11 are provided as Exhibit 5 and a copy is at the front  
12 of the room if you'd like one.

13 The Bureau, along with  
14 Illinois Department of Agriculture, Illinois  
15 Department of Natural Resources, and a stakeholder  
16 group consisting of affected entities, environmental  
17 advocates and scientists are working together to  
18 develop an Illinois Nutrient Strategy document.

19 With that, I thank you for  
20 your interest in our programs.

21 HEARING OFFICER STUDER: Thank you,  
22 Amy.

23 With that I'll go over just  
24 some brief instructions on comments that will be

1 taken during this hearing.

2                                 As hearing officer, I intend  
3 to treat everyone this afternoon in a professional  
4 manner and with respect. I ask that the same  
5 respect be shown to those raising relevant issues.  
6 While the issues discussed may indeed be heartfelt  
7 concerns to many of us here in attendance, this is a  
8 public hearing and everyone has the right to comment  
9 on issues relevant to these three water programs.  
10 However, I intend to conduct an orderly hearing and  
11 I will monitor what is said to ensure that the rules  
12 are followed.

13                                 When I call your name, you  
14 should come forward to the podium. Please state  
15 your name and any governmental body, organization or  
16 association that you are representing. If you are  
17 representing yourself, you may simply indicate that  
18 you are a concerned citizen. When I ask that you  
19 spell your last name and if your first name has  
20 alternate spellings, you may want to spell that as  
21 well, and this way the court reporter may make an  
22 accurate account for our administrative record.

23                                 While speaking, please direct  
24 your comments to the hearing panel and project your



1 voice so that it can be heard.

2 Each speaker will be given  
3 nine minutes. After all that have desired to speak  
4 have been given that opportunity, if time still  
5 permits, those that ran out of time may be allowed  
6 to make additional comments.

7 Are there any questions on how  
8 I'll conduct or take comments this afternoon?

9 Okay. With that, Geoff has  
10 joined us again here at the hearing table, and the  
11 first person that has registered to speak is Cathy  
12 Edmiston.

13 Catherine, if you'd come  
14 forward to the podium.

15 MS. EDMISTON: My name is Catherine  
16 Edmiston, spelled with a "C", and E-d-m-i-s-t-o-n.

17 My concern is for the  
18 preservation of water in Illinois and it has been  
19 for some time. I own farm ground here and I grew up  
20 on a farm south of Springfield, and I have asked the  
21 question at probably five or six maybe now Bureau of  
22 Water annual meetings about the total number of  
23 miles of streams in Illinois, and it seems to me  
24 that this department should be able to tell us.

1 They used to. They used to have it printed in a  
2 book every so often the total number of miles of  
3 streams, and we need to be keeping track and  
4 citizens need to be speaking out about this whole  
5 thing because we know that water supplies are being  
6 destroyed in Illinois.

7 And so do you have an answer  
8 for me this year?

9 HEARING OFFICER STUDER: Again --

10 MS. WALKENBACH: Well, I can  
11 answer, and this is a little bit off topic but you  
12 can find the total miles of streams in Illinois,  
13 both monitored and not monitored, under our Draft  
14 2010 Integrated Report that is on our Internet  
15 website, and I can get you that address if you'd  
16 like. It is reported biannually.

17 MS. EDMISTON: I took that figure.  
18 I believe it told about 25 percent of the streams or  
19 something were tested, and so I took that and  
20 multiplied it times four and got an approximate  
21 number, and I saw from my original number that I had  
22 that you had printed in a booklet back about five  
23 years ago, I saw a drop showing that we have lost  
24 some fresh water supplies in Illinois.

1 MS. WALKENBACH: And again, this is  
2 off topic and I really think you need to talk to the  
3 monitoring folks, but the reason for that is because  
4 we actually have identified a much larger number of  
5 streams that were previously unidentified in our  
6 mapping abilities. We've been able to map a greater  
7 number of smaller headwaters, smaller streams than  
8 ever before because of electronic capabilities.

9 So the number of streams has  
10 increased whereas the monitoring has stayed level,  
11 but it looks like the percentages then go down.

12 I will refer you to Gregg  
13 Good, section manager of our monitoring programs,  
14 for more information on that.

15 HEARING OFFICER STUDER: What we  
16 are talking about here really is relevant to the  
17 next integrated report cycle, which there will be an  
18 integrated report published in 2012, and the subject  
19 matters that we're dealing with as far as  
20 impairments to waters are really germane to that.  
21 They are not germane to the three programs that  
22 we're discussing here today.

23 I can also get you some  
24 information regarding what we have planned for the

1 2012 integrated report and what our time schedule is  
2 for that as well, but I'm going to try to restrict  
3 what we talk about this afternoon to these three  
4 programs so that those that are here specific with  
5 those three programs can have their concerns  
6 addressed.

7 MS. EDMISTON: I see.

8 What was the name of the man  
9 again you referred me to?

10 MS. WALKENBACH: Gregg Good.

11 MS. EDMISTON: Gregg Good. And  
12 what's his title.

13 MS. WALKENBACH: Surface Water  
14 Monitoring Section Manager, and I can get you all  
15 his contact information.

16 MS. EDMISTON: Thank you. I would  
17 appreciate that.

18 You've got my card with my  
19 e-mail address, don't you?

20 MS. WALKENBACH: Yes.

21 MS. EDMISTON: Thank you.

22 HEARING OFFICER STUDER: The next  
23 person is Joyce Blumenshine.

24 MS. BLUMENSHINE: My name is Joyce

1 (J-o-y-c-e) Blumenshine (B-l-u-m-e-n-s-h-i-n-e).  
2 I'm a volunteer and member of the Illinois Chapter  
3 Sierra Club, and I'm here today out of concerns for  
4 my regional area, the heart of Illinois group,  
5 Sierra Club, but also statewide.

6 I first want to thank the  
7 staff of the Illinois Environmental Protection  
8 Agency, Hearing Officer Studer, and the many  
9 dedicated and concerned members of IEPA for whom we  
10 rely on for protection of our waters in the state.  
11 We thank you for your dedication and for your work  
12 on what's got to be very trying circumstances with  
13 the ever changing political and funding issues in  
14 the state. We do appreciate your work.

15 As a citizen here, I'm just  
16 making a few comments today regarding public water  
17 supply and safe drinking water and for two areas in  
18 my own backyard which if we don't advocate for them  
19 who else will.

20 So in Fulton County, we have a  
21 situation with Canton Lake, and I'm not sure if this  
22 can ever be on your priority watersheds but  
23 certainly that area has a source water protection  
24 area in that the watershed is deemed by your agency

1 to be of such significance that it is in your  
2 program yet your own agency under a different branch  
3 has approved a Draft 401 and a Draft NPDES for a  
4 1,043-acre strip coal mine in the watershed of the  
5 public water supply lake which affects 20,000  
6 people.

7 I hope you can understand the  
8 frustration and being confounded as a citizen how  
9 your own agency who has worked so hard to protect  
10 public water supplies on the other arm approves  
11 draft permits which to us, after watching this  
12 permit mutation for four years, looks like it's just  
13 been massaged and worked in a very unusual way to  
14 get to the point it's at.

15 Similarly, and I'm also done,  
16 in McDonough County regarding the industry mine  
17 which is in the LaMoine watershed which your agency  
18 has helped get grants and has significant work done  
19 to keep sedimentation and other concerns from the  
20 public water supplies, again, we have a strip mine  
21 that gets continuing new NPDES and 401 grant drafts  
22 which has 300 water permit violations, and we cannot  
23 understand why this happens.

24 Thank you very much.

1 HEARING OFFICER STUDER: Thank you,  
2 Ms. Blumenshine.

3 Jack Norman?

4 MR. NORMAN: I'll pass.

5 HEARING OFFICER STUDER: Okay.  
6 Thank you.

7 Cindy Skrukrod.

8 MS. SKRUKRUD: My name is Cindy  
9 Skrukrod; C-i-n-d-y S-k-r-u-k-r-u-d). I'm the clean  
10 water advocate for the Illinois chapter of the  
11 Sierra Club and appreciate this opportunity to hear  
12 about the plans for the agency's different programs  
13 and to be able to ask some questions.

14 I have first one question for  
15 Geoff about the Public Water Supply Loan Program.  
16 The Green Project Reserve, it talks about that  
17 you're expecting to fund programs that involve water  
18 conservation, energy efficiency and system  
19 sustainability, and I just wondered if you could  
20 explain what's meant by system sustainability.

21 MR. ANDRES: We've had really two  
22 different focuses in the programs.

23 When the Green Project Reserve  
24 requirement came out, it was obviously applied in

1 both programs. The focus of the green advocates,  
2 the Green Project movement, the project that we saw,  
3 were mostly on the water pollution control side. On  
4 the drinking water side we had, you know, very  
5 little focus, very few ideas being brought forth in  
6 terms of how you make this a green program so to  
7 speak.

8                                 So I think sustainability,  
9 system sustainability and capacity development are a  
10 couple of terms that are thrown around out there  
11 that we are trying to explore ways that we can make  
12 that applicable in our program.

13                                 I mean, I think that mainly  
14 what that means is, you know, we have systems out  
15 there, and in order to make them sustainable, you  
16 have to get the new infrastructure in place that is  
17 going to, you know, give them a base to work from  
18 for however many years. I mean, system  
19 sustainability is making sure that they have  
20 adequate systems in place.

21                                 Capacity development, we're  
22 looking at a variety of things. I mean, I think the  
23 main programmatic changes you'll see is on our  
24 priority scoring where we're going to be looking at,



1 you know, looking for and prioritizing capacity  
2 initiatives, water conservation planning, etc.,  
3 etc., but we also are looking and exploring at  
4 getting out there and getting into particularly the  
5 smaller systems to get them the engineering  
6 expertise or the planning expertise to put rates in  
7 place that are going to allow them to make these  
8 improvements in the future. That's what it is.  
9 It's all money.

10                                   And so, you know, we really  
11 are trying to get an initiative together where we  
12 can get out there, it's an educational thing, get  
13 out into the small systems, teach them; you know, do  
14 a rate survey, what do you need to make this system  
15 sustainable over the next 1,500 years.

16                                   So that's really what that  
17 means. It isn't particularly well-defined at this  
18 point. Again, very similar, Cindy, to we've got the  
19 priority scoring system on water pollution control  
20 which is going to be amended significantly within  
21 very likely the next year.

22                                   But I think the main thing as  
23 far as the Green Project Reserve, despite a little  
24 bit of fluctuation at the fed level where they're

1 now saying, well, maybe we shouldn't require that,  
2 we are going to continue with our plans we had  
3 before, and you'll see a change in both programs.

4 MS. SKRUKRUD: When I go to  
5 meetings talking about promoting water use  
6 efficiency, there's a lot of talk that you need, if  
7 you're going to try and promote more efficiency  
8 within your community, you need to make sure that  
9 you've structured your rates in such a way that  
10 people use less water, that you don't lose the money  
11 that you need to run your program.

12 So is there thoughts that in  
13 terms of system sustainability you would help fund  
14 planning that would help a community to figure out  
15 what their rate structure should be in the future?

16 MR. ANDRES: Well, at this point I  
17 don't think we have any initiative plan that we're  
18 going to be funding planning initiatives. I mean,  
19 we will be obviously prioritizing that; if a  
20 community has done that, we want to reward them for  
21 that, give them priority in our program, but we're  
22 still looking at capital projects in our program,  
23 and I think that's going to be the case, at least  
24 for the immediate future, because of the demand we

1 have, and if you syphon it off from planning, I  
2 don't see that happening. I see it more being a  
3 cooperative effort with University of Illinois,  
4 Rural Water, USDA, to get some people out and start  
5 talking to some of the systems, but not so much  
6 direct plan grants.

7 MS. SKRUKRUD: And I had a couple  
8 of questions for Amy, and I just can't write as fast  
9 as you can talk. I know I'll be able to read this  
10 in the transcript, but the plan where you did the  
11 gap analysis and new milestones, that's posted  
12 where?

13 MS. WALKENBACH: On our nonpoint  
14 source web page. I can get you a link if you would  
15 like one.

16 MS. SKRUKRUD: Yeah, or if you  
17 guys -- will the site where you've announced this  
18 hearing show a link to that?

19 HEARING OFFICER STUDER: Yeah, I  
20 will try and work with our IS people to get a link  
21 to that plan also on that page as well.

22 MS. SKRUKRUD: And then I had some  
23 questions about the priority watersheds for  
24 Section 319 grants.

1 I wanted to ask, how does the  
2 watersheds that are priorities for watershed  
3 planning and implementation this year, how does that  
4 fit into the five-year monitoring cycle? I'm sure  
5 that's part of it.

6 MS. WALKENBACH: No, that's a good  
7 question, that's a good question, and I didn't go  
8 into a lot of detail there. You will find a lot  
9 more detail in the program.

10 MS. SKRUKRUD: Okay.

11 MS. WALKENBACH: But what it's  
12 based on, it's furthering our rotating basin  
13 monitoring program, so it's an effort to monitor one  
14 year, do outreach the second year, do planning  
15 activities the third year, implementation activities  
16 the fourth year, and start over in the fifth year.  
17 And I hope I had those right.

18 MS. SKRUKRUD: Okay. So that what  
19 is in your rotation for, you know, what's being  
20 monitored right now this year will be a priority for  
21 planning grants in two years?

22 MS. WALKENBACH: Right.

23 MS. SKRUKRUD: Okay. Thank you.

24 MS. WALKENBACH: And that sets us

1 out a very specific schedule which helps us  
2 internally know what we should be planning on for  
3 priorities and priority locations but hopefully it  
4 will help watershed groups anticipate when funding  
5 priorities will be in their watershed.

6 MS. SKRUKRUD: Yes. That's  
7 helpful. I think that sounds like a good way to do  
8 it.

9 MS. WALKENBACH: And can I, since  
10 we're on this subject, there is a map at the back of  
11 the room as part of Exhibit 5. There are numbers  
12 associated with each of these watersheds. They are  
13 not exactly right on this map. However, all the  
14 watersheds that are priorities listed in my  
15 testimony are correct; if that made sense.

16 MS. SKRUKRUD: Ignore the map.

17 MS. WALKENBACH: Pretty much.

18 MS. SKRUKRUD: Okay. So it's  
19 monitoring, year 1; outreach, year 2; prioritization  
20 for planning, year 3; implementation, year 4; and  
21 then year 5...

22 Was there another year in  
23 there?

24 MS. WALKENBACH: Actually, it's two

1 years of planning. Planning is 2 and 3.  
2 Implementation is 4, or 3 and 4, and hopefully we  
3 set it out in the program much more easier to  
4 understand than me describing it.

5 MS. SKRUKRUD: And then I just  
6 wanted to follow up on the issue that Cathy was  
7 raising and Amy's response to that, that, you know,  
8 we are, with better technology, we're better able to  
9 count our headwater streams but we know from 401  
10 certifications that we are losing, destroying  
11 headwater streams.

12 So I think that is something  
13 we'd like to see as part of the biannual report on  
14 the waters of the state is, you know, what are we  
15 losing too in that period.

16 HEARING OFFICER STUDER: And I  
17 think it's important also as we go through this the  
18 process that you really do need to communicate with  
19 Gregg Good on that because --

20 MS. SKRUKRUD: Yeah, into that  
21 report.

22 HEARING OFFICER STUDER: Yeah, and  
23 I would suggest doing that soon because, I mean,  
24 we're already at, you know, ending 2011 which is

1 generally the end of the period for what's reported  
2 in the 2012 report, so it's important to...

3 MS. SKRUKRUD: Okay. Will do.

4 Thank you.

5 HEARING OFFICER STUDER: Thank you.

6 Stacy James.

7 MS. JAMES: Stacy (S-t-a-c-y) James  
8 (J-a-m-e-s), Prairie Rivers Network. Let's see, I  
9 think I just had a couple clarifying questions for  
10 Amy.

11 So when you talk about the  
12 nutrient priority watersheds, are they equally  
13 eligible for 319 as the watersheds listed as  
14 eligible for planning and implementation?

15 MS. WALKENBACH: It's going to  
16 depend on the project type. They would become a  
17 higher priority dependent on the nutrient aspect of  
18 the project and the nutrient either reduction or  
19 nutrient planning aspect of a project. They would  
20 become either a greater priority if that is already  
21 a priority watershed or they would become a greater  
22 priority if they were part of the nonpriority  
23 watersheds.

24 MS. JAMES: Okay. I've got a

1 follow-up on Cindy's question.

2                                 So the watersheds you have  
3 listed for planning and implementation, are those  
4 equal to the intensive basin survey watersheds?

5                                 MS. WALKENBACH: Yes, they are the  
6 same as the intensive basin.

7                                 MS. JAMES: So I could look at one  
8 of the maps you all have that says here's the color  
9 for this year and look to the next year and it would  
10 be what you have?

11                                 MS. WALKENBACH: Right.

12                                 MS. JAMES: All right. Okay.

13                                 So the plan, the nonpoint  
14 source management plan, that has been updated since  
15 2001, and the one you have on your website is the  
16 new one?

17                                 MS. WALKENBACH: Yes, that we are  
18 taking comments on.

19                                 MS. JAMES: And then when is that  
20 again?

21                                 MS. WALKENBACH: Comments will be  
22 due as part of this process October...

23                                 HEARING OFFICER STUDER: 21st.

24                                 MS. WALKENBACH: ...21st.



1                               We will continue to take  
2    comments until July 1 for incorporation into the  
3    2012 update. Our plan is to do an annual update to  
4    that plan as part of this process.

5                               MS. JAMES: So October 21 for this  
6    year and then to July for next year?

7                               MS. WALKENBACH: Right.

8                               HEARING OFFICER STUDER: Correct.

9                               MS. JAMES: And how are comments  
10   submitted?

11                              HEARING OFFICER STUDER: The  
12   comments for this proceeding...

13                              MS. JAMES: Oh, on the back of the  
14   sheet, follow directions?

15                              HEARING OFFICER STUDER: Yes.

16                              MS. JAMES: Okay.

17                              MS. WALKENBACH: After that, to me.

18                              MS. JAMES: Okay. And then I guess  
19   my last question was about the grants, the 319  
20   grants that were given out this year and not just  
21   this year but general practice. I was wondering how  
22   you go about, you know, in a case that, let's say a  
23   project is proposed that will put in this BNP but  
24   you know that the stream is impaired for a

1 particular contaminant. Do you make sure that the  
2 project is going to address that contaminant or  
3 could there -- I guess what's the basis for your  
4 decision in light of a TMDL being present in a 303  
5 stream?

6 MS. WALKENBACH: We look to make  
7 sure that the practice that is proposed addresses  
8 the pollutants or at least one or more of the  
9 pollutants identified as causing the impairment, so  
10 if it is something that is not going to address  
11 pollutants, we will not fund it.

12 MS. JAMES: Maybe I'll ask this on  
13 the side with you but I had a couple of questions  
14 about some of the projects.

15 It wasn't clear to me I guess  
16 how the project was going to address like, for  
17 example, a fecal coliform impairment, how  
18 stabilizing the stream bank would benefit fecal  
19 coliform problems, but I more so wanted to  
20 understand I guess your process for deciding what  
21 projects.

22 MS. WALKENBACH: And I can quickly  
23 go over our review process.

24 We have both internal and

1 external reviewers. Our sister agencies all  
2 participate and provide comments to us on the  
3 projects. Our regional office staff provide  
4 comments, often times very site specific comments,  
5 to the applications in their region. We have an  
6 internal review process that has at least one, if  
7 not two, very in-depth reviews, and then  
8 conversations with an in-house team to then develop  
9 our priorities.

10 MS. JAMES: And do you have a -- do  
11 you prioritize, well, it looks like you do, but if  
12 it's not in a TMDL watershed, is that a lower  
13 priority?

14 MS. WALKENBACH: If it is impaired  
15 but a TMDL that has not been developed, it has the  
16 same priority as one that has a TMDL?

17 Now, if it doesn't have a TMDL  
18 but has a watershed-based plan, it would receive a  
19 higher priority than the one with an impairment but  
20 no TMDL.

21 "Healthy" watersheds, those  
22 that have no impairments listed are eligible for  
23 receiving 319 funds. They are a very low priority  
24 for us, but if it is an unassessed watershed that

1    impairments can be surmised relatively easily even  
2    without the data, then we would prioritize that as  
3    an impaired watershed, not a healthy watershed.

4                   MS. JAMES:  And then what about  
5    rural watersheds versus urban projects and will you  
6    perhaps be shifting your prioritization given the  
7    nutrient focus now?

8                   MS. WALKENBACH:  No.  The nutrient  
9    focus is going to be a broader based programmatic.  
10  It's going to be a Bureau of Water focus.

11                   In 319, we really try to stay  
12  away from urban versus rural and judge our projects,  
13  our applications, the competitive applications,  
14  based on their ability to improve water quality.

15                   In the end, if we end up with  
16  all urban projects, that might be the case, or if we  
17  end up with all agricultural projects, that might be  
18  the case, but if we're all ag, and too, you have an  
19  urban and an ag project both coming out, we would go  
20  then with the urban so we'd get some more balance.

21                   MS. JAMES:  I think that's it.

22  Thank you.

23                   HEARING OFFICER STUDER:  Okay.

24  Thank you, Ms. James.

1                   Okay. We've gone through the  
2 registration cards.

3                   Is there anyone that has not  
4 spoken this afternoon that would like to speak?

5                   If you would come forward and  
6 state your name and spell your name for the court  
7 reporter, please.

8                   MS. BATES: My name is Mary Bates.  
9 I live at 936 Vandalia Street in Hillsboro,  
10 Illinois.

11                   My question I think goes to  
12 the Nonpoint Source Management Program. I have two  
13 questions.

14                   The City of Hillsboro has  
15 applied for an NPDES to dump sewage into Middle Fork  
16 of Shoal Creek and Deer Run Mine is also dumping  
17 their pollutants from a slurry impoundment into  
18 Middle Fork of Shoal Creek.

19                   Has IEPA taken into  
20 consideration the cumulative effect of these two  
21 NPDES water permits?

22                   HEARING OFFICER STUDER: Okay. By  
23 the definition of nonpoint, these are point sources,  
24 and that's not the subject of this hearing. NPDES

1 discharges are point sources, so they're not  
2 relevant to the nonpoint source program but Amy...

3 MS. WALKENBACH: But they are  
4 relevant to the Water Quality Management Plan.

5 HEARING OFFICER STUDER: And Amy  
6 will address that. I want to make sure that you  
7 understand the programs because it's tough for  
8 everybody to understand where they fit in this.

9 Amy, maybe you can address  
10 this.

11 MS. WALKENBACH: My other  
12 personality will address that.

13 As part of the permitting  
14 process, yes, that cumulative effect will be taken  
15 into consideration as they do the antidegradation  
16 study. It is not -- it's something I report on  
17 through this Water Quality Management Plan. I can't  
18 speak to the specifics of that study because that's  
19 not my area of expertise, but I do know that that  
20 will occur, and if you want more information on  
21 those studies or how that study is done, I can get  
22 you that information.

23 MS. BATES: I do.

24 MS. WALKENBACH: Okay.

1 MS. BATES: And the other question  
2 is why is the City of Hillsboro required to test for  
3 heavy metals semiannually while Deer Run Mine is  
4 only required to test for heavy metals during  
5 construction and only once during construction and  
6 not until the permit renewal?

7 MS. WALKENBACH: I don't know, and  
8 again, that's a permit question and would go to our  
9 permit writer of which I'm only reporting what they  
10 have done through the past year.

11 MS. BATES: Would that be --

12 MS. WALKENBACH: That would be us.

13 MS. BATES: EPA?

14 MS. WALKENBACH: Yeah, that would  
15 be us.

16 MS. BATES: Okay. And who would  
17 that be?

18 HEARING OFFICER STUDER: I would  
19 have to look up the individual who was assigned  
20 those projects.

21 MS. BATES: Okay. If you could let  
22 me know, I'd appreciate that.

23 HEARING OFFICER STUDER: Okay.

24 MS. WALKENBACH: We can respond to

1 that easily. Thank you.

2 MS. BATES: Thank you.

3 HEARING OFFICER STUDER: Is there  
4 anyone else that has not spoken?

5 Jack Norman, if you want to  
6 come forward?

7 Jack.

8 MR. NORMAN: Jack Norman (J-a-c-k  
9 N-o-r-m-a-n). Sometimes it takes me longer than 20  
10 minutes to collect one thought. That's what  
11 happened today.

12 I have two questions for Amy  
13 which maybe overlap.

14 One, I have special interest  
15 in the Kaskaskia River and some of its major  
16 tributaries, and I don't see --

17 MS. WALKENBACH: You don't see it  
18 as a priority.

19 MR. NORMAN: -- the Kaskaskia on  
20 this list and wondered if you would like to comment  
21 on that.

22 The other one is where is it  
23 that these four steps in the process are described?

24 MS. WALKENBACH: I will start with



1 your second question. They are described in the  
2 Nonpoint Source Program Plan.

3 MR. NORMAN: Which is available  
4 how?

5 MS. WALKENBACH: It is on our  
6 website. Dean tells us he will put a link on the  
7 hearing site to this site, but if you also look  
8 under the nonpoint source web page or the watershed  
9 management section, you will find it.

10 MR. NORMAN: Okay. Thank you.

11 MS. WALKENBACH: And in that  
12 program, it describes this process of prioritizing  
13 watersheds. Every watershed, every one of the 33  
14 watersheds that are part of our rotating intensive  
15 basin program, once every five years they will be a  
16 priority for planning and for implementation.

17 So two years out of every five  
18 years, they're named. For instance, Kaskaskia will  
19 appear as a priority.

20 MR. NORMAN: Thank you.

21 HEARING OFFICER STUDER: Okay.

22 Thank you, Mr. Norman.

23 Is there anyone else that has  
24 not spoken this afternoon that would like to do so?

1                           Okay. Is there anyone that  
2 has already spoken that has any additional comments  
3 they would like to make on the record before we  
4 close this afternoon?

5                           MS. SKRUKRUD: I have a question.

6                           HEARING OFFICER STUDER: Okay.  
7 Cindy?

8                           MS. SKRUKRUD: So my question is  
9 for Amy about the nutrient priority watersheds.

10                           So each year can we expect  
11 that these same watersheds will appear on the list  
12 and new watersheds will be added to the list if they  
13 have a nutrient impairment and a TMDL has been  
14 completed?

15                           MS. WALKENBACH: These six  
16 watersheds we anticipate will be our nutrient  
17 priorities as long as nutrients are a priority.

18                           We anticipate adding other  
19 watersheds in the future that are more free flowing  
20 watersheds, in other words, stream watersheds and  
21 not impoundment watersheds, but by having a TMDL on  
22 a nutrient does not necessarily mean you will be  
23 added to this list. What we want to do is add  
24 different types of watersheds as we add them, but we

1 don't want to end up with the entire state being our  
2 priority.

3 MS. SKRUKRUD: So, for example,  
4 Eric and I have been working with others on the Fox  
5 River watershed. Certainly segments of the Fox  
6 River are listed for nutrients. We've been working  
7 on a computer model that's going to help us identify  
8 where are we getting the highest loading of  
9 nutrients into the watershed so that we can help  
10 prioritize where we should be putting our efforts.

11 So would that information then  
12 help us qualify better for --

13 MS. WALKENBACH: Yes, and I very  
14 much see that in our next iteration that the streams  
15 that we are adding, the stream watersheds we are  
16 adding are going to be those Chicagoland urban  
17 streams. We don't want to put them on a priority  
18 list until we have as much of the science together  
19 as we can get, and those are much more difficult  
20 systems to understand, as you know.

21 MS. SKRUKRUD: Okay. Great. Thank  
22 you.

23 HEARING OFFICER STUDER: Thank you,  
24 Ms. Skrukrud.

1                                   Is there anyone else that has  
2 any comments they would like to make on the record  
3 this afternoon?

4                                   Okay. If not, I thank you all  
5 for your attendance and your participation this  
6 afternoon and the hearing record is open until the  
7 21st of October.

8                                   This hearing is adjourned.

9                                   (Ending time: 2:50 p.m.)

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1 STATE OF ILLINOIS )  
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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 29, 2011.

\_\_\_\_\_  
Certified Shorthand Reporter