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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF WATER

CAPITAL RESOURCES DEVELOPMENT COMPANY, L.L.C.
NORTH CANTON MINE
401 WATER QUALITY CERTIFICATION

PUBLIC HEARING

(COMMENTS MADE IN THE AUXILIARY ROOM)

TUESDAY, DECEMBER 6, 2011

5:00 P.M.

DONALDSON CENTER
250 SOUTH AVENUE D
CANTON, ILLINOIS

PATKES REPORTING SERVICE
(217) 787-9314

REPORTER: CARLA BOEHL, CSR #084-002710

1 PRESENT:

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 KURT NEIBERGALL
3 IEPA Staff Member

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I N D E X

PUBLIC COMMENTS BY:

PAGE

DOUGLAS D. SMITH

4

DUANE SPRAGUE

6

TRACY FOX

8

ROBERT MADSON

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1 STATEMENT BY DOUGLAS D. SMITH

2 MR. NEIBERGALL: This is a comment
3 in reference to the 401 Water Quality Certification
4 for the North Canton Mine, and I will keep time.

5 State your name.

6 MR. SCHMIDT: My name is Douglas D.
7 Schmidt, S-C-H-M-I-D-T.

8 I would like to thank the
9 hearing panel for following the rule of law that's
10 established by Illinois state statutes and giving
11 the public the opportunity to have its voice heard.

12 I reside in the city of Cuba.
13 I have sat on the city council for the past ten and
14 one-half years and have served as mayor the last six
15 and one-half years. I do have a background in
16 municipal water supply dating back to 1978, working
17 for the largest investor-owned water provider in the
18 United States.

19 Though the biggest share of my
20 knowledge is on the distribution side of the
21 operation, I do have some limited knowledge on the
22 production side also. The issue at hand is not one
23 that lacks of importance and surely commands the
24 attention of those concerned. I truly do have an

1 interest myself, as the City of Canton is the water
2 provider for the City of Cuba and many other
3 surrounding communities.

4 I have been given no reason by
5 the City of Canton to question the permitting of the
6 North Canton Mine. I also have not a reason to
7 question the judgment of the IDNR or the IEPA, as I
8 have worked with both agencies in the past and those
9 experiences would not afford me any reason to
10 challenge their judgment. I also feel the oversight
11 of the Illinois Attorney General and even our
12 Governor to be sufficient checks and balances.

13 I remain confident that the
14 permitting of the North Canton Mine should go
15 forward, with much to gain in respect to the city of
16 Canton and the residents of Fulton County as a
17 whole. It would not be true to say I am putting
18 jobs and revenue ahead of public safety. These
19 opinions are mine and all based on the information
20 available to me and my understanding of that
21 information.

22 Thank you.

23 MR. NEIBERGALL: Thank you.

24

1 STATEMENT BY DUANE SPRAGUE

2 MR. SPRAGUE: My name is Duane
3 Sprague, D-U-A-N-E, S-P-R-A-G-U-E.

4 My only concern with the mine
5 is it's too close to the watershed even though it is
6 going into six different ponds.

7 My second concern is alkaline
8 buildup from the discharge and flows into Copperas
9 Creek, which I guess it won't touch Copperas Creek
10 according to this.

11 And then my third one,
12 buildup, if not monitored or if they are not careful
13 with it, it could get in -- the alkali or even coal
14 dust could get into the ground water. Not
15 necessarily into wells but in the groundwater and
16 somehow get into Copperas Creek and down on into the
17 Canton Lake.

18 And that's all my -- that's
19 just my concerns right there. So I hope the
20 groundwater issue -- because it sounds as though the
21 water hasn't been taken into consideration. And the
22 reason I know about this is because my dad, who at
23 43 years -- his name was Dayton Sprague -- had
24 retired from International Harvester, when he was

1 laid off from the shop would work in the mines or on
2 the railroad, and that's what he always said, that
3 the mines couldn't be that near a watershed. But I
4 guess they didn't have the precautions back then
5 that they do now.

6 So that's just -- that's my
7 comments. And hopefully with these six ponds, that
8 will take care of the problem; there won't be no
9 groundwater problem. So, because once it gets into
10 the ground, it can seep into the groundwater and get
11 into Copperas and, you know, I am just more
12 concerned about the water supply.

13 And another thing, you said
14 this -- I don't know how much coal the geologists
15 have found around that one area, but a lot of my
16 friends have been saying that that will be out of
17 operation, they will strip that mine, in three to
18 six months and move on, so. But that's just their
19 opinion.

20 And that's it.

21 MR. NEIBERGALL: Thank you.

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1 STATEMENT BY TRACY FOX

2 MR. NEIBERGALL: 401 Water Quality
3 Certification.

4 MS. FOX: Right, the water quality
5 certification.

6 MR. NEIBERGALL: Will you restate
7 your name?

8 MS. FOX: Yes. I am Tracy Fox,
9 T-R-A-C-Y, F-O-X, 15215 North Ivy Lake Road,
10 Chillicothe, Illinois 61523.

11 I am also a recreational user
12 of the Copperas Creek watershed. I am an avid field
13 birder. I do Christmas counts in both the
14 Chautauqua Circle and the Tazewell County Circle and
15 I have at times done South Peoria County. I am
16 familiar with where it drains into the Illinois
17 River, and I understand that anything that happens
18 upstream of that point is going to affect the whole
19 watershed.

20 I am especially concerned
21 about the way that this mitigation for some of the
22 effects is being handled. Specifically, the Sierra
23 Club presented evidence that they had done some
24 biotic sampling which found a number of types of

1 microorganisms: Caddis flies, Damsel flies, all
2 kinds of things that could be food for fish, food
3 for birds, food for amphibians.

4 They also found evidence of
5 fish, and they contend that the company's
6 documentation and studies were based on a cursory
7 visual inspection, that they did not pull any water
8 samples, they did not put anything under a
9 microscope to look for invertebrates, and yet they
10 concluded that these streams would not be impacted,
11 that these headwaters that are going to be basically
12 obliterated by the mine project are not going to be
13 impacted at all.

14 I urge the EPA to look more
15 closely at this evidence and seriously consider that
16 a finding of no impact is not warranted in this
17 area.

18 It appears to me, and I have
19 not reviewed the entire record, that there was a
20 change in order to move some of the sedimentation
21 ponds from the Middle to the West Branch of Copperas
22 Creek -- or from the West to the Middle Branch of
23 Copperas Creek. And that was done, I would guess,
24 because of the drinking water supply to Canton Lake.

1 that have the highest water quality.

2 I find it a horrible
3 alternative that we are going to be dumping sediment
4 from the mining operation through two ponds and
5 letting it flow out down this West Branch of
6 Copperas Creek which is one of the few areas that
7 people who are trying to preserve the Illinois River
8 and trying to do stabilization, trying to do
9 restoration products, that instead we would be
10 flushing mine discharge through it. That just seems
11 like a horrible oversight.

12 And, furthermore, there is
13 going to be roughly nine, ten thousand linear feet
14 of stream that are going to be destroyed in the
15 creation of these sediment ponds. And I also find
16 it somewhat difficult to understand how the Illinois
17 EPA could consider it an acceptable mitigation plan
18 when there is only going to be 3,000 feet of
19 riparian corridor created to compensate for this
20 10,000 foot loss and instead they are counting the
21 shoreline of the sediment ponds in part of the total
22 linear footage for the mitigation.

23 I think that is absolutely
24 wrong. I am not a professional biologist. However,

1 I have spent a lot of time counting birds, counting
2 butterflies, and I am quite familiar with plant
3 communities. And the types of plants, the types of
4 insects, the types of amphibians that occur along a
5 moving stream, are greatly different from the types
6 of flora and fauna that are encountered around a
7 barrow pit alongside the road, a farm pond or
8 anything like that. There is really no comparison.

9 Different birds use the
10 habitats. You don't find the same Canada Geese and
11 Coots and Pie-billed Grebes in streams. You find
12 those in ponds. There are Water Thrushes, there are
13 Arcadian Fly Catchers. There are different birds
14 that use riparian corridors. And I don't think,
15 when we are looking at a stream that's in the top
16 percentile of water quality for the Illinois River
17 Bluffs Watershed as well as replacing it with some
18 dugout ponds that are used to settle toxic sludge, I
19 don't think that's a fair trade, not for wildlife,
20 not for the people of Fulton County and not for the
21 state of Illinois.

22 Again, all of the materials
23 submitted by this company needs to be reviewed with
24 the utmost scrutiny. The Illinois EPA cannot take

1 any of the bland assertions of a company with over
2 300 violations to be anything but assertions. I
3 urge the Illinois EPA to reject this classification
4 ruling that will allow this project to move forward.

5 Thank you.

6 MR. NEIBERGALL: Thank you.

7 STATEMENT OF ROBERT MADSON

8 MR. NEIBERGALL: In the matter of
9 the 401 Water Quality Certification for the North
10 Canton Mine.

11 MR. MADSON: Yes. I have been
12 around Canton Lake where I have seen them actually
13 dredge in the coves, and there is some funky looking
14 stuff comes out of there. There is -- it smells. I
15 think some of the heavy metals or solids that they
16 are talking about are already there. I think that
17 years ago they should have put a retaining basin in
18 ahead of Canton Lake to kind of catch some of the
19 farm runoff and some of the mines that were up that
20 way, some of the runoff in earlier years. And I
21 think they need to go do a sample throughout Canton
22 Lake and see what's in that sediment.

23 And I still think that they
24 need a sediment pond ahead of Canton Lake, not just

1 at the coal mine, but they need something ahead of
2 Canton Lake to slow that water down and to collect
3 that sediment for capture.

4 I think that's about all I
5 have to say.

6 MR. NEIBERGALL: And could you
7 restate your name please and spell it?

8 MR. MADSON: It is Robert Madson,
9 M-A-D-S-O-N.

10 MR. NEIBERGALL: Thank you.

11 AUXILIARY ROOM SESSION CONCLUDED

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1 STATE OF ILLINOIS)
)SS
2 COUNTY OF MACOUPIN)

3 C E R T I F I C A T E

4 I, Carla J. Boehl, a Notary Public and Certified
5 Shorthand Reporter, do hereby certify that on said
6 date the foregoing statements were taken down in
7 shorthand by me and afterwards reduced to
8 typewritten form by me, and that the foregoing
9 transcript contains a true and accurate translation
10 of all such shorthand notes.

11 Given under my hand and seal this 15th day of
12 December, 2011, at Springfield, Illinois.

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Certified Shorthand Reporter
Lic. #084-002710

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