

1 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
2 Proposed Issuance of 401 Certification to Prairie
3 Coal Company, LLC, Lost Prairie Mine in Perry County

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10 Report of the Proceedings of the Public Hearing held
11 on March 21, 2012, at 7:00 p.m., at Pinckneyville
12 Junior High School, State Route 154, Pinckneyville,
13 Illinois, before Sharon Valerius, Notary Public and
14 Certified Shorthand Reporter #084-003349 for the
15 State of Illinois.

16 Before Hearing Officer
17 DEAN STUDER
18 Illinois EPA
19 1021 North Grand Avenue East
20 P.O. Box 19276
21 Springfield, IL 62794-9276

22

23 EPA PANEL:
24 Mr. Scott Twait
25 Ms. Stefanie Diers
 Mr. Keith Runge

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1 MR. STUDER: Okay. We'll go ahead and
2 get started. Good evening. My name is Dean Studer,
3 and I'm the hearing officer for the Illinois
4 Environmental Protection Agency. On behalf of
5 Interim Director John Kim and Bureau of Water Chief
6 Marcia Willhite, I welcome you to this hearing.
7 Illinois EPA believes that these public hearings and
8 the overall public comment process are a crucial part
9 of the certification review process.

10 As hearing officer, my primary purpose
11 tonight is to ensure that this proceeding is run
12 properly and in accordance with established rules and
13 in an orderly and efficient manner. Therefore, it is
14 not part of my role to respond to issues regarding
15 the certification process or the proposed
16 certification, but will defer these issues to the
17 technical staff here with me on the hearing panel.

18 However, I will assist those members
19 from the public wishing to comment at this hearing to
20 stay focused on the relevant issues. I point out
21 that we have a limited amount of time for this
22 hearing, and the hearing panel will be responding to
23 issues primarily only when clarification is
24 necessary. We are primarily here to listen to your
25 concerns.

1 This informational hearing is being
2 held by the Illinois Environmental Protection
3 Agency's Bureau of Water under the provisions of 35
4 Illinois Administrative Code, Part 164, Procedures
5 for Informational and Quasi-Legislative Public
6 Hearings, and 35 Illinois Administrative Code, Part
7 395, Procedures and Criteria for Certification of
8 Applications for Federal Permits or Licenses for
9 Discharges into Waters of the State.

10 Copies of these regulations are
11 available at the Website for the Illinois Pollution
12 Control Board at www.ipcb.state.il.us, or if you do
13 not have ready access to the Web, they are available
14 from me on request.

15 I wish also at this point to provide a
16 note of clarification. Again, the anti-degradation
17 fact sheet for the 401 Certification indicates a
18 watershed of approximately 1.06 square miles at the
19 point of discharge. In the anti-degradation
20 assessment for the NPDES proceeding, the watershed is
21 listed as 0.91 square miles for the same location.
22 Obviously, both of these cannot be correct.

23 I point out that these numbers are
24 derived from USGS Illinois Streamstats Basin
25 Characteristics Program. These variations are due to

1 slight differences in input values used by the
2 computer in determining the watershed area. But more
3 importantly, both values are far below the five
4 square miles needed for a nonzero 7Q1.1 flow in this
5 area of Illinois.

6 The purpose of this hearing is to
7 provide an opportunity for the public to present
8 information to the Illinois EPA regarding the review
9 of the Section 401 Water Quality Certification
10 application associated with Prairie Coal Company,
11 LLC, Lost Prairie Mine. I note that Illinois EPA
12 conducted a public hearing regarding the National
13 Pollutant Discharge Elimination System (NPDES) Permit
14 for this facility earlier this evening.

15 If issues are raised during the hearing
16 regarding the NPDES permit, I will ask you to submit
17 your concerns to the Illinois EPA in writing and
18 specify Lost Prairie Mine NPDES in that submittal. I
19 point out that the written comments will continue to
20 be accepted on the NPDES permit action, as well as on
21 the 401 Water Quality Certification, through April
22 20, 2012.

23 Additionally, comment forms for both
24 the NPDES proceeding and this 401 proceeding are
25 available at the registration desk. The comment

1 forms for the NPDES permit, I believe, are on white
2 paper, and I think the forms for the 401 proceedings
3 are on green paper. Please be sure that you submit
4 your comments on the form appropriate for the proper
5 proceeding.

6 The process for this hearing regarding
7 the 401 Water Quality Certification will be as
8 follows. I will finish reading this opening
9 statement into the record. After that, the panel
10 from Illinois EPA will introduce themselves, giving a
11 brief overview of the Section 401 Water Quality
12 Certification process and their role in the Agency
13 review of the proposed project.

14 The Applicant will then be given an
15 opportunity to offer brief remarks if they so
16 desire. This will be followed by comments from
17 citizens, organized groups, and associations. People
18 will be called upon, excuse me, people will be called
19 one at a time to come forward to the podium and make
20 a comment on the record. This hearing is the only
21 opportunity that the public will have to make oral
22 comments on this 401 proceeding. After the hearing
23 is adjourned, comments must be submitted in writing
24 in order to be included in the record.

25 Comments may be submitted in hard copy

1 by regular mail or by e-mail. E-mailed comments
2 should be directed to Illinois Public Comment, excuse
3 me, that's E-P-A dot P-U-B-L-I-C-H-E-A-R-I-N-G-C-O-M
4 @ Illinois, I-L-L-I-N-O-I-S, dot gov, G-O-V.
5 E-mailed comments will be accepted if received by
6 midnight on April 20, 2012. Comments received at the
7 stroke of midnight as the date is changing to April
8 21, 2012, will not be considered timely filed.

9 E-mailed comments must specify Lost
10 Prairie Mine 401 in the subject line. E-mails at
11 publichearingcom@illinois.gov are automatically
12 sorted and distributed, so it is critical that the
13 e-mails contain the words "Lost Prairie Mine 401" in
14 the subject line exactly as indicated in the hearing
15 notice, to ensure that they make it into the record
16 and are considered.

17 When your e-mail arrives, the system
18 should send you an automated reply if the e-mail was
19 received before the comment period ends and the
20 e-mail has been properly sorted and distributed. I
21 note that the server can become quite busy in the
22 minutes before the record closes, so you may want to
23 take that into account when submitting your comments,
24 as electronic comments received after the stroke of
25 midnight on April 20 as the date is changing to April

1 21 will not be considered timely filed.

2 Comments sent by regular mail must be
3 postmarked no later than April 20, 2012. They should
4 be addressed to Dean Studer, Hearing Officer,
5 Illinois Environmental Protection Agency, Office of
6 Community Relations, Mail Code #5, Regarding Lost
7 Prairie Mine 401, and that's 1021 North Grand Avenue
8 East, P.O. Box 19276, Springfield, Illinois
9 62794-9276. This contact information is included on
10 the notice of public hearing as well as on the
11 comment forms.

12 The hearing notice is posted on the
13 Illinois EPA Web page. Once the hearing is adjourned
14 tonight, the comment period will remain open until
15 April 20, 2012. Please make sure that written
16 comments for this proceeding specify 401 Water
17 Quality Certification process for Lost Prairie Mine,
18 to avoid confusion with the NPDES proceeding.

19 If commenting on both proceedings, two
20 separate comment letters should be submitted, one for
21 the NPDES and one for the 401 Certification, as these
22 are separate proceedings, each with their own set of
23 regulatory requirements. Comments submitted in
24 writing will be considered in the same manner and
25 given the same weight as statements made on the

1 record during this hearing this evening.

2 After the record closes in this matter,
3 the Illinois EPA will develop a responsiveness
4 summary. The responsiveness summary will address the
5 significant issues raised during the hearing or
6 submitted in writing prior to the close of the
7 comment period. The hearing transcript and
8 subsequent responsiveness summary will be posted on
9 Illinois EPA's Website. The Agency will make every
10 effort to post the hearing transcript on our Website
11 in approximately two weeks. However, the actual
12 posting date will depend on when I get the transcript
13 back from the court reporter.

14 The Illinois EPA has made a tentative
15 determination to issue the Section 401 Water Quality
16 Certification in accordance with the provisions of 35
17 Illinois Administrative Code, Part 395. However, any
18 comments made as part of this hearing and the public
19 comment process may cause the Agency to request the
20 Applicant to revise the project to address the issues
21 raised.

22 This hearing is for the Section 401
23 Water Quality Certification. Issues that are
24 relevant in this hearing are those arising from the
25 application for the 401 Water Quality Certification

1 and the anti-degradation assessment specific to the
2 401 Certification that was included in the public
3 notice fact sheet for this 401 Certification
4 project.

5 Relevant issues include the mitigation
6 of wetland and stream impacts as they relate to the
7 401 Certification, impacts due to the discharge of
8 dredge and fill into surface waters or wetlands. Any
9 person who wishes to comment tonight may do so, as
10 long as the comments are related to the issues that I
11 have just listed or to the water quality
12 certification in some way, and also, as long as time
13 permits.

14 If you have filled out a registration
15 card at the door, you were asked to indicate if you
16 wish to speak at this hearing. Those that commented
17 at the earlier NPDES hearing should have been asked
18 if they also wished to comment at this hearing, and
19 if so, the registration card should have been so
20 marked.

21 Persons will be called forward to make
22 comments in the order assigned by the registration
23 card. If you wish to comment but have a time
24 constraint, please see Barb Lieberoff at the
25 registration area, and she will, and we will try and

1 call on you earlier in this proceeding. As an
2 alternative, you can make written comments on one of
3 the comment forms available at the registration
4 table, and I will include it as an exhibit in the
5 hearing record. Again, please make sure that your
6 comments are on the correct form. If anyone has
7 exhibits that they want to present into the hearing
8 record during the proceeding tonight, you should give
9 me a copy when you give your testimony.

10 For the purpose of allowing everyone to
11 have a chance to comment and to ensure an efficient
12 hearing process, I will give everyone nine minutes to
13 comment. Once everyone that desires to comment has
14 been given that opportunity, if time allows, I may
15 come back to those that have already spoken but ran
16 out of time, or to those that have desired to change
17 their mind to speak but hadn't already done so. If
18 you have lengthy comments, I'm requesting that you
19 submit them to me in writing before the close of the
20 comment period, and I will ensure that they are
21 included in the hearing record as an exhibit.

22 When it is your turn to comment, if
23 someone has said what you intended to say, you can
24 pass when your name is called. Persons coming
25 forward to testify should first clearly state their

1 name and, if applicable, identify any governmental
2 body or organization that they represent. You should
3 also spell your last name, so it can be accurately
4 recorded in the record. If there are alternate
5 spellings for your first name, you may also spell
6 your first name.

7 If you are representing yourself, you
8 can simply state that you are an interested citizen.
9 When you spell your name, I will start timing you. I
10 will attempt to indicate when you have 30 seconds
11 left, so that you can finish within the nine
12 minutes. At the end of the time limit, I will bring
13 the next person forward to make comments. In this
14 way, we'll be able to keep this hearing moving.

15 Comments should be, one, relevant to
16 the proceeding, as I've previously indicated; and
17 two, not repetitive. Please understand that making
18 the same point many times does not carry any more
19 weight in the record than the first time it is made.
20 Arguing or prolonged dialogue between Agency panel
21 members and the public will not be allowed. On a
22 similar note, I will not allow anyone other than the
23 person who has been given the floor to speak at one
24 time.

25 Because a verbatim record of this

1 hearing is being made for the administrative record
2 in this matter, I ask that you keep conversation and
3 noise levels to a minimum, so that our court reporter
4 can hear and transcribe everything that is being
5 said. Comments are to be addressed to the hearing
6 panel and the court reporter. If you have not
7 already done so, I'd ask that you please silence your
8 cell phones and pagers at this time.

9 As hearing officer, I intend to treat
10 everyone here tonight in a professional manner and
11 with respect. I ask that the same respect be shown
12 to those that are raising relevant issues. While the
13 issues discussed tonight may indeed be heartfelt
14 concerns to many of us in attendance, this is a
15 public hearing, and everyone has the right to comment
16 on issues relevant to the Water Quality Certification
17 process.

18 However, I intend to conduct an orderly
19 hearing, and I'll closely monitor what is said, to
20 ensure that the rules that I have just outlined are
21 followed. If the conduct of persons attending this
22 hearing should become unruly, I am authorized to
23 adjourn this hearing should the actions warrant. In
24 such a case, the Illinois EPA would accept written
25 comments through the end of the comment period, which

1 is April 20.

2 Are there any questions for me on how
3 we will proceed in this hearing? Let the record
4 indicate that no one raised their hand. For the
5 record, I have entered the following exhibits into
6 the record. Exhibit 1 is the notice of public
7 hearing. Exhibit 2 is the public notice fact sheet.
8 I will now ask Agency panel members to introduce
9 themselves and briefly describe their role in the 401
10 certification process. This will be followed by
11 Keith Runge making a brief presentation regarding the
12 401 certification process. Keith, you want to
13 start.

14 MR. RUNGE: Hi. I'm Keith Runge. I'm
15 with Bureau of Water Permits Section.

16 MR. TWAIT: I'm Scott Twait, and I work
17 for the Bureau of Water also in Water Quality
18 Standards Section, and I work on the anti-degradation
19 assessment.

20 MS. DIERS: Stefanie Diers, legal
21 counsel for Illinois EPA.

22 MR. STUDER: Thank you. And with that
23 said, Keith, would you like to go through your
24 opening statement this evening.

25 MR. RUNGE: Projects that include the

1 discharge of dredged or fill material into waters of
2 the United States are required to be covered by a
3 permit issued by the U.S. Army Corps of Engineers
4 under Section 404 of the Clean Water Act. The
5 Illinois EPA issues water quality certification
6 pursuant to Section 401 of the Clean Water Act to the
7 Corps for the Section 404 Corps permit. Issuance of
8 the 401 certification does not have any effect or
9 bearing on what is required of Prairie Coal Company
10 by any other federal, state, or local regulations.

11 If issued, the water quality
12 certification is not an approval of any discharge
13 resulting from the completed mine facilities, nor an
14 approval of the discharge of the mine facility. The
15 project must also meet other applicable permit
16 requirements of the Illinois Pollution Control
17 Board. The 401 review is focused on potential
18 impacts to water quality due to the proposed
19 construction activity.

20 The Illinois EPA received an
21 application on June 17, 2009, from Prairie Coal
22 Company, LLC, for 401 water quality certification for
23 the discharge of dredged or fill materials associated
24 with the construction of an underground mining
25 facility. The project site is approximately 848

1 acres in size. The project site is proposed to
2 contain aboveground facilities that will support an
3 underground mining operation to extract bituminous
4 coal.

5 The two portals will be created to the
6 underground mine along with two airshafts for
7 ventilation. The surface facilities will include
8 roads, a rail load-out and transport system, coal and
9 soil stockpiles, coal refuse disposal facilities,
10 preparation plant, an office/maintenance building
11 with parking area, and sedimentation pond.

12 The proposal includes impacts to 3.48
13 acres of wetlands and 11,759 linear feet of ephemeral
14 streams tributary to Wolf Creek. For the wetlands
15 impacts, the mitigation plan proposes to restore
16 approximately 7.525 acres of forested wetlands
17 and .47 acres of emergent wetlands. Mitigation for
18 stream impacts are proposed using the Illinois Stream
19 Mitigation Method.

20 The Illinois EPA has reviewed the
21 certification application with regards to the
22 Illinois Water Quality Standards and the
23 certification regulations. Based on that review, the
24 Illinois EPA issued a public notice including the
25 anti-degradation assessment fact sheet on February

1 15, 2012, to seek public comments on the project.

2 MR. STUDER: Thank you, Keith. Do we
3 have anyone who is present at this hearing that was
4 not present at the NPDES hearing this evening?
5 Okay. For the record, no one raised their hand. Mr.
6 Kliche, did you want to make an opening statement, or
7 did you just --

8 MR. KLICHE: I'll just pass on my
9 statement on the record.

10 MR. STUDER: Okay. I will enter that
11 as an exhibit then. Thank you.

12 MR. KLICHE: Thank you.

13 MR. STUDER: With that said, we are
14 ready to take comments and questions from the
15 public. The first person is Rex Ferrero. And again,
16 when you come forward, if you'd state your name and
17 any organization or association that you represent,
18 and please spell your last name, and if you desire,
19 you may also spell your first name. I also ask that
20 when you're up front, that you speak directly into
21 the microphone, so that all in the room can hear.

22 MR. REX FERRERO: My name is Rex
23 Ferrero, F-E-R-R-E-R-O. I represent myself only.
24 I'm not looking for a job in the coal mine, but I
25 retired from Arch. I worked 23 years for them. And

1 I'd like for the Board to take into consideration
2 that they operated coal mines in Perry County, and
3 they had a really good record, and I think that's
4 worthwhile. That's all I have to say.

5 MR. STUDER: Thank you, Mr. Ferrero.
6 Melvin Ferrero?

7 MR. MELVIN FERRERO: Yes. My name is
8 Melvin Ferrero, F-E-R-R-E-R-O. I'm a landowner that
9 joins Arch. Two miles, two miles of my ground joins
10 Arch's ground. Their east line is my west line.
11 Arch has been a very nice corporation to this county;
12 probably helped pay for this school. And our concern
13 -- I'm a private individual. I represent nobody.

14 But our concern is jobs and help. The
15 county needs help. We have a high unemployment
16 rate. We'd like to see this mines go yesterday if it
17 was possible. Other than that, we have no interest.
18 I'm an old man. I don't need a job. But we would
19 like to see some new jobs come, and Arch is the
20 answer at this new mines.

21 Their ground and my ground join, so if
22 anybody's gonna' be hurt from this so-called sediment
23 pond, it should be me first up, because as soon as
24 the water leaves their ground, it's on me. Every bit
25 of their water is going on me, through me. Wolf

1 Creek runs through my property. And I have no
2 concerns whatsoever that they will take care of it if
3 such a problem arises. And that's my only concern.
4 I don't want to repeat myself. I done have some.
5 But if this mines doesn't go, it'll be a disaster,
6 because this county's almost that a'way right now.
7 Thank you.

8 MR. STUDER: Thank you, Mr. Ferrero.
9 The next person is Ron, is it Balch?

10 MR. BALCH: Balch.

11 MR. STUDER: Balch?

12 MR. BALCH: Balch, yeah. I have no
13 comment at this time.

14 MR. STUDER: You pass, Mr. Balch?
15 Okay. Very good. Steve, is it Glodo?

16 MR. GLODO: Glodo, yes. My name is
17 Steve Glodo, G-L-O-D-O. I'm a professional engineer
18 with Midwest Reclamation Resources, and Prairie Coal
19 Company hired our firm to prepare the applications to
20 obtain various permits for this project, and I would
21 like to enter in my written comments into the record.

22 MR. STUDER: Okay. Very good. I will
23 enter them as an exhibit. Thank you, Mr. Glodo.
24 Brian Perbix?

25 MR. PERBIX: Good evening. My name is

1 Brian Perbix, P-E-R-B-I-X. Thank you again for
2 holding this public hearing and allowing an
3 opportunity for those concerned about this proposed
4 mine to bring more information to light and ask
5 questions of those who will be ultimately responsible
6 for the protection of our most basic public right,
7 clean water.

8 Again, I'm presenting these comments on
9 behalf of the Prairie Rivers Network, as well as the
10 Illinois Chapter of the Sierra Club. And with these
11 comments, I'd just like to provide feedback on the
12 proposed 401 water quality certification plan to be
13 issued to Prairie Coal Company for impacts associated
14 with the aboveground facilities of the Lost Prairie
15 Mine in Perry County, Illinois.

16 As detailed below, that I'm going to
17 get into in a bit, we are concerned that the 404
18 permit issued by the Army Corps of Engineers fails to
19 comply with Section 401 of the Clean Water Act, as
20 well as the state's anti-degradation rules in several
21 important respects. In particular, the Applicant has
22 not protected the watershed by avoiding impacts, as
23 well as protecting existing and designated uses and
24 by adequately compensating for those impacts shown to
25 be unavoidable. For these reasons, we believe that

1 the Illinois EPA should deny the 401 certification of
2 this project until our concerns are taken into
3 account.

4 To highlight our first concern that the
5 Applicant has failed to adequately assess
6 alternatives that avoid impacts to wetlands and
7 streams, specifically what we're talking about here
8 is the fill with the construction of the in-stream
9 sedimentation basin. Certification under Section 401
10 of the Clean Water Act must include an assessment of
11 alternatives to proposed increases in pollutant
12 loadings that result in less of a load increase, no
13 load increase, or minimal environmental degradation.

14 This assessment must include
15 substantive information pertaining to costs and
16 environmental impacts associated with the
17 alternatives considered for evaluation. In effect,
18 what this means is that all technically and
19 economically reasonable measures to avoid or minimize
20 the extent of the environmental degradation must be
21 incorporated into the certification at issue here
22 tonight.

23 So it's the Applicant's duty to assess
24 alternatives. And what we found in the alternatives
25 assessment for this mine was lacking. We reviewed

1 the assessment and would like to ask the Agency why
2 they did not require the Applicant to consider
3 off-line sedimentation basins.

4 MR. RUNGE: This is something we'll
5 respond to in the responsiveness summary. Please
6 submit the question.

7 MR. PERBIX: Well, I'll just, as a
8 follow-up, mention that off-line sedimentation basins
9 are a proven technology that have been employed at a
10 number of mine sites in Ohio that we know of at
11 least. And at this site in particular, they would
12 provide the advantage of not mixing affected area
13 drainage to the north and west of the tributary with
14 unaffected drainage to the south and east of the
15 tributary stream in question.

16 And I would just put forward that we
17 are aware that in the past, the Agency has held that
18 off-line sedimentation basins might create disturbed
19 areas between the sedimentation basins and the stream
20 channel where the runoff might discharge off site
21 without passing through the NPDES discharge point.
22 However, we would contend that this is a relatively
23 simple challenge that the Applicant ought to be able
24 to overcome using a combination of best management
25 practices as well as alternate sediment control

1 structures, including diversion ditches, grading,
2 sediment curtains, filters strips, things of that
3 nature.

4 Furthermore, we believe that this would
5 help the Agency solve an issue that we raised here
6 tonight and in other 401 certifications for coal
7 mines in the past, and that's that we continue to
8 hold that Title 35 of the Illinois Administrative
9 Code, Section 301, Part 440 strictly prohibits the
10 use of natural waters of the state as treatment
11 works.

12 And we note that the construction of
13 off-line sedimentation basins would prevent what we
14 contend is the illegal degradation of water quality
15 within waters of the state, and again urge the IEPA
16 to require the Applicant to provide an economic
17 affordability analysis in accordance with USEPA's
18 Interim Economic Guidance for Water Quality
19 Standards.

20 Additionally, on that note, I would
21 also add that for the minimal degradation
22 alternatives put forth, well, that I discussed in the
23 NPDES hearing, there's also no economic affordability
24 analysis provided of any of those alternatives that
25 were considered. And we would urge the Agency to

1 require those, as well.

2 Our second main point, we'd like to
3 contend also that the Agency has failed to
4 demonstrate that existing uses will be fully
5 protected. Again, this site will affect downstream
6 segments within Swanwick Creek as well as Beaucoup
7 Creek. Impacts to those watersheds for downstream
8 uses must be considered as part of the 401
9 certification.

10 Illinois' anti-degradation assessment
11 as raised in the 401, or excuse me, in the NPDES
12 hearing, also requires full identification and
13 characterization of existing uses of streams that
14 will be impacted both on site and downstream. While
15 we note that in the Aquatic Resources Report -- I
16 forget who prepared that -- in the Aquatic Resources
17 Report, the Applicant does provide physical
18 characterization of the streams on site, but there's
19 little information provided as to the chemical and
20 biological nature of the streams that exist on site
21 as well as immediately downstream.

22 So again, we would request that the
23 Agency require that full biological characterization
24 to be provided, in order that mitigation is
25 appropriately designed to compensate for lost

1 headwater stream function in these sites.

2 And now, finally I just want to close
3 with a note on the proposed mitigation plan. We
4 actually applaud the Applicant's plan to remove the
5 dam at the end of mining. We view this as a positive
6 step towards forgetting the negative impacts on water
7 quality of coal mining, and we do appreciate that.
8 However, again, like I said earlier, we feel that it
9 would be better simply not to construct a dam in the
10 first place, in order to not have to mitigate for
11 that damage.

12 And then the last note on the
13 mitigation plan. I'm not sure who to address this
14 one to. But would any of you be able to briefly
15 explain how the Agency has addressed the temporal
16 loss of nearly two miles of headwater streams that
17 would be destroyed by the sediment pond during
18 mining, in what way that's been accounted for?

19 MR. TWAIT: I'm not sure that -- I'm
20 not quite sure how they have, but we'll have to take
21 a look at that. It might be required as part of the
22 Illinois Stream Restoration?

23 MR. RUNGE: Illinois Stream Mitigation.

24 MR. TWAIT: Illinois Stream Mitigation.

25 MR. PERBIX: And so the concern, of

1 course, is that in the reports that we've seen so
2 far, we know that there's at least a ten-year
3 projected mine life. Again, if there's possibility
4 for expansion down the road, we could easily see 20
5 years of mining at this site. And so there's
6 concerns about just how long that headwater function
7 is going to be lost before mitigation happens, you
8 know.

9 We, of course, don't expect to be
10 concurrent, but we believe that the mitigation plan
11 should, you know, to some degree reflect that
12 temporal loss of stream function and in some way
13 attempt to compensate that for the intervening time
14 from when the disturbance happens to when mining and
15 reclamation is complete.

16 And then one last question that I
17 scrawled here. The wetlands that are proposed to be
18 left along the side, or well, I guess constructed
19 along the side of the reconstructed channel, how big
20 are those proposed to be? Does anybody know off the
21 top of their head? I ask, because as I recall, when
22 I was looking at the plans, it seemed like they were
23 getting close to being, you know, on the border
24 between forested wetlands and open water habitat.
25 And I just would like the Agency to address that in

1 the responsiveness summary. Thank you for your
2 time.

3 MR. STUDER: Thank you, Mr. Perbix. Is
4 there anyone here that has not spoken at this hearing
5 that would like to make a comment on the record?
6 Okay. Let the record indicate that no one raised
7 their hand. And with that, I thank you all for your
8 attendance at this hearing tonight. The record will
9 remain open for written comments through the 20th of
10 April, and this hearing is adjourned.

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1 STATE OF ILLINOIS)

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3 COUNTY OF JACKSON)

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6 I, Sharon Valerius, a Freelance Court
 7 Reporter for the State of Illinois, do hereby certify
 8 that I reported in machine shorthand the Public
 9 Hearing held on March 21, 2012, from 7:00 p.m. til
 10 7:30 p.m., at Pinckneyville Junior High School, State
 11 Route 154, Pinckneyville, Illinois; that I thereafter
 12 caused the foregoing to be transcribed into
 13 computer-aided transcription, which I hereby certify
 14 to be a true and accurate transcript of the same.

15

16 Dated this 24th day of March, 2012.

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FREELANCE COURT REPORTER

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