

1 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

2

3 IN THE MATTER OF:

RENEWALS OF

4

NATIONAL POLLUTANT DISCHARGE )

5 ELIMINATION SYSTEM (NPDES) )

permits for MIDWEST GENERATION, )

6 L.L.C., JOLIET 9 and 29 )

GENERATION STATIONS, )

7 )

Permit No. IL0002216, Joliet 9 )

8 Permit No. IL0064254, Joliet 29 )

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10 REPORT OF PROCEEDINGS had in the  
11 above-entitled matter, at the Joliet Junior  
12 College, 17840 Laraway Road, Weitendorf  
13 Agricultural Education Center, Joliet, Illinois,  
14 on the 27th day of February, 2013, at 6:30 p.m.

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17 MR. DEAN STUDER - HEARING OFFICER

18 ILLINOIS EPA PANEL PRESENT:

19 MR. SCOTT A. TWAIT

MR. STEPHEN F. NIGHTINGALE

20 MS. DEBORAH WILLIAMS

MR. JAIME RABINS

21 MR. DARIN LeCRONE

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1           HEARING OFFICER STUDER: Good evening. My  
2 name is Dean Studer, and I'm the Hearing Officer  
3 for the Illinois Environmental Protection Agency.  
4 On behalf of Director, John Kim and Bureau of Water  
5 Chief, Marcia Willhite, I welcome you to tonight's  
6 hearing. My purpose tonight is to ensure that this  
7 proceeding runs efficiently and according to rules.

8           This is an informational hearing  
9 before the Illinois EPA in the matter of renewals  
10 of National Pollutant Discharge Elimination System,  
11 NPDES permits for Midwest Generation, L.L.C.,  
12 Joliet 9 and 29 Generating Stations. The Illinois  
13 EPA has made a preliminary determination that these  
14 projects meet requirements for obtaining permits  
15 and has prepared draft reissued permits for review.

16           The authority for the Illinois EPA  
17 to reissue these permits is contained in Section 39  
18 of the Illinois Environmental Protection Act,  
19 415 ILCS 5/39. In pertinent part, this section  
20 reads, It shall be the duty of the Agency to issue  
21 such a permit upon proof by the applicant that the  
22 facility, equipment, vehicle, vessel or aircraft  
23 will not cause a violation of this Act or  
24 regulations thereunder. The decision by the

1 Illinois EPA in this matter will be based upon the  
2 technical merits of the applications as they relate  
3 to compliance with this statute and regulations  
4 promulgated under it. The Agency decision will not  
5 be based on how many people desire for the permits  
6 to be issued or on how many people desire for the  
7 permits not to be issued, but rather on compliance  
8 with the law and regulations.

9 Issues at the hearing this evening  
10 will be limited to those associated with the  
11 re-issuance of these permits. Jaime Rabins, the  
12 Permit Engineer in the Division of Water Pollution  
13 Control of the Agency will provide additional  
14 information on this permit re-issuance in his  
15 opening remarks, and will -- excuse me, which will  
16 be made following my opening statement. Other  
17 issues relevant to tonight's hearing include  
18 compliance with the requirements of the Federal  
19 Clean Water Act and the rules set forth in 35  
20 Illinois Administration Code, Subtitle C, potential  
21 impacts to receiving waters from the proposed  
22 discharges, and water quality in the receiving  
23 waters. I also wish to point out that while we do  
24 have someone from the Bureau of Land here with us

1 this evening, the Bureau of Land permit is not the  
2 subject of this hearing and the land permit is not  
3 open for comments this evening. If the subject  
4 matter of your comments begin to drift away from  
5 NPDES issues and into Bureau of Land issues, I may  
6 interrupt and ask that you move to your next  
7 relevant issue. Let's try and keep the issues  
8 relevant to the NPDES permit.

9                   The Illinois EPA is holding this  
10 hearing for the purpose of accepting comments from  
11 the public on these draft permits. This public  
12 hearing is being held under the provisions of the  
13 Illinois EPA's procedures for permit and closure  
14 plan hearings which can be found in 35 Illinois  
15 Administrative Code, Part 166, Subpart A and in  
16 accordance with the requirements of the Illinois  
17 Pollution Control Board NPDES regulations at  
18 35 Illinois Administrative Code Sections 309.115  
19 through 309.119. Copies of these regulations are  
20 available at the Illinois Pollution Control Board  
21 website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us), or if you do not  
22 have easy access to the web, you may contact me and  
23 I will get a copy for you.

24                   An informational hearing means

1 exactly that. This is strictly an informational  
2 hearing. It is an opportunity for you to provide  
3 information to the Illinois EPA concerning this  
4 permit or these permits. This is not a contested  
5 case hearing.

6 I'd like to explain how tonight's  
7 hearing is going to proceed. First, I will have  
8 the Illinois EPA panel introduce themselves and  
9 provide a sentence or two regarding their  
10 involvement in these permit processes. Then Permit  
11 Engineer Jaime Rabins will speak regarding the  
12 draft permits. This will be followed by further  
13 instructions as to how statements and comments will  
14 be taken during this hearing and as to appropriate  
15 conduct during this hearing. Following these  
16 additional instructions, I will provide an  
17 opportunity for the permit applicant to make a  
18 brief opening statement and then the public will  
19 speak.

20 If you have not signed a  
21 registration card at this point, please see Barb  
22 Lieberoff in the registration area and she will  
23 provide you with one. You may indicate on the card  
24 that you'd like to make oral comments tonight.

1 Everyone completing a card legibly or providing  
2 their business card to Ms. Lieberoff tonight or  
3 submitting written comments during the comment  
4 period will be notified when the Illinois EPA  
5 reaches a final decision in this matter. A  
6 responsiveness summary will be made available at that  
7 time.

8 In the responsiveness summary the  
9 Illinois EPA will respond to all relevant and  
10 significant issues that were raised at this hearing  
11 or submitted to me prior to the close of the  
12 comment period. The comment period in this matter  
13 will close on March 29th 2013. I will accept  
14 written comments as long as they are post marked by  
15 March 29th.

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

24 During tonight's hearing and during

1 the comment period, relevant comments, documents  
2 and data will also be placed into the hearing  
3 record as exhibits. Please send all written  
4 documents or data to my attention. And that's Dean  
5 Studer, Hearing Officer, regarding Midwest  
6 Generation Joliet NPDES Permits, Illinois EPA, 1021  
7 North Grand Avenue East, P.O. Box 19276,  
8 Springfield, Illinois, 62794-9276. This address is  
9 also listed on the public notice for the hearing  
10 tonight. Please reference Midwest Generation  
11 Joliet NPDES Permits on your comments to help  
12 ensure that they become part of this hearing  
13 record. The NPDES permit number for these  
14 facilities are IL0002216 for the Joliet No. 9  
15 Generating Station, and IL0064254 for the Joliet  
16 No. 29 Generating Station. In addition, e-mail  
17 comments will be accepted if sent to  
18 epa.publichearingcom@illinois.g-o-v, and that's  
19 e-p-a.p-u-b-l-i-c-h-e-a-r-i-n-g-c-o-m@  
20 Illinois-i-l-l-i-n-o-i-s-g-o-v. All e-mail  
21 comments should contain the words Midwest  
22 Generation Joliet NPDES Permits or one of the  
23 permit numbers, which are IL0002216 or IL0064254 in  
24 the subject line of the e-mail to help ensure that

1 they are included in the hearing record for this  
2 matter. Please make sure that the words are  
3 spelled correctly as e-mails are electronically  
4 sorted and distributed and may not make it into the  
5 record if the words in the subject line are  
6 misspelled. When your e-mail arrives, the system  
7 should send you an automated reply if the e-mail  
8 was received before the comment period ends and the  
9 e-mail has been properly sorted and distributed.  
10 Please note that the server can become quite busy  
11 in the minutes before the record closes, so you may  
12 want to make -- take this into account when  
13 submitting your comments, as electronic comments  
14 received at or after the stroke of midnight at the  
15 date -- as the date changes from March 29th to  
16 March 30th will not be considered timely  
17 following -- excuse me -- timely filed.

18 I will now ask Illinois EPA panel to  
19 introduce themselves and provide a sentence or two  
20 regarding their involvement in the review of this  
21 process. And then Jaime Rabins, Permit Engineer,  
22 will provide a brief statement regarding the permit  
23 applications and the draft reissued permits. We  
24 will start down at the end with Darin.



1           MR. LeCRONE: My name is Darin LeCrone, I'm  
2           the Manager of the Industrial Unit in the Permit  
3           Section of the Division of Water Pollution Control,  
4           and my unit is responsible for drafting permits for  
5           the Joliet stations.

6           MR. RABINS: I'm Jaime Rabins, the Permit  
7           Writer for the subject discharge permits.

8           MS. WILLIAMS: I'm Debra Williams, from the  
9           Division of Legal Counsel, and I try to look into  
10          any legal issues that have come up in the drafting  
11          so far and any that may come up tonight.

12          MR. NIGHTINGALE: Good evening. I'm Steve  
13          Nightingale. I'm the Bureau of Land Permit Section  
14          Manager. I'm not actually involved with the  
15          process here tonight, but we are involved with the  
16          permitting activities for the operation, the  
17          closure, post-closure care for the landfill at the  
18          site.

19          MR. TWAIT: Scott Twait. I work for Water  
20          Quality Standards Section. I work on the water  
21          quality standards that get put into the permit from  
22          water quality based effluent limits and work on the  
23          antidegradation.

24          HEARING OFFICER STUDER: Thank you. And,

1 Jaime, did you have some opening remarks this  
2 evening?

3 MR. RABINS: My name is spelled J-a-i-m-e  
4 R-a-b-i-n-s. The Joliet 29 station, located at  
5 1800 Channahon Road in Joliet, Illinois. A draft  
6 permit has been prepared for the facility for  
7 discharge in the Des Plaines River.

8 The station operates four  
9 tangentially fired boilers to supply steam to two  
10 generating units designated 7 and 8, rated at 565  
11 megawatts each. The station withdraws water from  
12 the Des Plaines River for condenser cooling and  
13 backwashing and condenser cooling water intake  
14 screens, on site supply wells supply house service  
15 water.

16 Waste water is generated from once  
17 through condenser cooling, conditioning boiler feed  
18 water, backwashing the condensing cooling water  
19 intake screens, sanitary, non-chemical, cleaning of  
20 plant equipment, ash handling and precipitation,  
21 which contacts the site.

22 The Joliet 9 Station is located at  
23 1601 South Patterson Road, and a draft permit has  
24 been prepared for discharges into the Des Plaines

1 River from that facility. This station operates  
2 one cyclone wet bottom boiler to supply steam to  
3 one generating unit designated Unit 6, rated at 327  
4 megawatts. The station withdraws water from the  
5 Des Plaines River for condenser cooling and house  
6 service water, on site wells supply water for the  
7 boiler and sanitary.

8 Waste water is generated from once  
9 through condenser cooling, conditioning boiler feed  
10 water, backwashing the condenser cooling water  
11 intake screens, sanitary, non-chemical cleaning of  
12 plant equipment, ash handling and precipitation,  
13 which contacts the site.

14 HEARING OFFICER STUDER: Thank you, Jaime.  
15 While the issues raised tonight may indeed be  
16 heartfelt concerns to many of us in attendance,  
17 applause is not appropriate during the course of  
18 this hearing. On similar note, hissing and jeering  
19 are also not appropriate and will not be allowed  
20 during this hearing.

21 Secondly, statements made tonight  
22 are to relate to the issues involved with the  
23 re-issuance of this permit. Specifically,  
24 statements and comments that are of a personal

1 nature or reflect on the character or motive of a  
2 person or group of people are not appropriate in  
3 this hearing. If statements or comments begin to  
4 drift into this area, I may interrupt the person  
5 speaking and ask that they proceed to their next  
6 relevant issue. As Hearing Officer, I intend to  
7 treat everyone here tonight in a respectful and  
8 professional manner. I ask that the public do the  
9 same. If the conduct of persons attending this  
10 hearing should become unruly, I am authorized to  
11 adjourn this hearing should the actions warrant.  
12 In such a case, Illinois EPA would accept written  
13 comments through the close of the comment period.

14                   Since we have a limited time in  
15 which to conduct this hearing, Illinois EPA staff  
16 members will be responding to issues primarily for  
17 clarification purposes. We are here tonight  
18 primarily to listen to environmental issues raised  
19 by the public. You may disagree with or object to  
20 some of the statements and comments made tonight,  
21 but this is a public hearing and everyone has a  
22 right to express their comments in this matter.

23                   Again, written comments are given  
24 the same consideration as oral comments received

1 during this hearing and may be submitted to the  
2 Illinois EPA at any time during the public comment  
3 period which ends just before midnight on  
4 March 29th 2013. Although we will continue to  
5 accept comments through that date, tonight is the  
6 only time that we will accept oral comments. Any  
7 person who wishes to make an oral comment may do so  
8 as long as the statements are relevant to the  
9 issues at hand and time allows.

10 If you have lengthy comments, please  
11 consider giving a summary of those comments during  
12 this hearing, and then you may submit comments in  
13 their entirety to me in writing before the close of  
14 the comment period, and I will ensure that they are  
15 included in the hearing record as an exhibit.

16 Please keep your comments relevant to the issues at  
17 hand. If your comments fall outside the scope of  
18 this hearing, I may ask you to proceed to your next  
19 issue. For the purpose of allowing everyone to  
20 have a chance to comment and to ensure that we  
21 conduct this hearing in a timely and orderly  
22 manner, I will impose a time limit of eight minutes  
23 per speaker. This should allow those that have  
24 expressed a desire to speak the opportunity to do

1 so. After everyone has indicated -- after everyone  
2 that has indicated a desire to speak has been  
3 provided that opportunity and provided the time  
4 permits, I may allow those who initially did not  
5 want to speak to do so. If time still permits, I  
6 will then go back to those who initially ran out of  
7 time. In the event that we cannot accommodate  
8 everyone who wishes to make comments this evening,  
9 you are asked to submit your comments to us in  
10 writing. Again, written comments are given the  
11 same weight as comments made orally at this  
12 hearing.

13 I stress that we want to avoid  
14 unnecessary repetition. Once a point is made, it  
15 makes no difference if the point is made once or  
16 whether it's made 99 times, it will be considered  
17 and will be reflected only once in the  
18 responsiveness summary. The final decision of the  
19 Illinois EPA will not be based on how many people  
20 support or oppose this project, but rather upon the  
21 application and the supporting documents indicating  
22 the facility will comply with applicable laws and  
23 regulations.

24 We have a court reporter here who is

1 taking a record of these proceedings for the  
2 purpose of us putting together our administrative  
3 record. Therefore, for her benefit, please keep  
4 the general background noise in the room to a  
5 minimum so that she can hear everything that is  
6 said. Illinois EPA will post the transcript for  
7 this hearing on our web page in the same general  
8 place where the hearing notice, draft permit and  
9 other documents in this matter have been posted.  
10 It is my desire to have this posted in about two to  
11 two and a half weeks following the close of the  
12 hearing. However, the actual posting date will  
13 depend on a number of factors, including when I get  
14 the transcript from the court reporter.

15           When it is your turn to speak, I  
16 will call your name. Please come forward to the  
17 podium and state your name for the record along  
18 with any governmental body, organization or  
19 association that you are representing. If you are  
20 not representing a governmental body, an  
21 organization or an association, you may simply  
22 indicate that you are a concerned citizen or a  
23 member of the public. For the benefit of the court  
24 reporter, I ask that you spell your last name. If

1       there are alternate spellings for your first name,  
2       you may also spell your first name. Once you spell  
3       your name, I will start timing you, and I will give  
4       you eight minutes to complete your comments.

5                       I ask that while you are speaking,  
6       that you direct your attention to the hearing panel  
7       and to the court reporter to ensure that an  
8       accurate record of your comments can be made.  
9       Prolonged dialogue with members of the hearing  
10      panel or with others here in attendance will not be  
11      permitted. Comments directed to members of the  
12      audience are also not permitted. Again, I remind  
13      everyone that the focus of this hearing is the  
14      environmental issues associated with the NPDES  
15      permit.

16                      Are there any questions regarding  
17      the procedures that will be used for conducting  
18      this hearing? Let the record indicate that no one  
19      raised their hand. I believe that Bill Naglosky,  
20      from Midwest Generation has an opening statement  
21      that he would like to make.

22                      I do want to clarify a point with  
23      the sound system tonight, and that is that since  
24      the microphone at the podium and the microphone



1 that I am using are on the same channel, it will be  
2 necessary for you to turn the microphone on when  
3 you start to speak and to turn it off when you are  
4 done, as only one microphone at a time will work  
5 here. So I'll turn mine off so that you'll be able  
6 to hear Mr. Naglosky.

7 MR. NAGLOSKY: William Naglosky  
8 N-a-g-l-o-s-k-y, representing Midwest Generation.

9 Thank you, Hearing Officer Studer.

10 My name is Bill Naglosky. I'm the Director of  
11 Joliet Generating Station operated by Midwest  
12 Generation. I appreciate the opportunity to  
13 provide comments at this hearing.

14 Our company will continue to provide  
15 written comments on the provisions of the Joliet  
16 NPDES permits through the ongoing review process  
17 being managed by the EPA.

18 Tonight on behalf of 250 colleagues  
19 at Joliet Station and our 600 co-workers at Midwest  
20 Generation sites, I simply want to present brief  
21 comments for the public record about our commitment  
22 to environmental responsibility.

23 NPDES permits focus on the use and  
24 management of water at our site, including

1 protection of the waterways from which we withdraw  
2 water to cool our boilers, management of the ponds  
3 and use for temporary storage of coal ash produced  
4 by the combustion process that generates  
5 electricity.

6 Water management is a significant  
7 round-the-clock task at Joliet Station. We have a  
8 record of proactive preventative actions that  
9 demonstrate how seriously we take this area of  
10 environmental compliance and responsibility.

11 Shortly after we began operating  
12 Joliet Station in 1999, we undertook a voluntary  
13 preventative project to replace hundreds of feet of  
14 piping to further protect against any risks that  
15 ash could leak into the environment. We have  
16 installed new protective liners in two of the three  
17 ash storage ponds at Joliet Station. And as agreed  
18 with the EPA last year, we will be replacing the  
19 liner in a third pond this year.

20 When continuous monitoring of our  
21 landfill gave us concern that meant that blasting  
22 at a nearby quarry could impact our operations, we  
23 tested nearby residential wells. And even though  
24 no cause for concern was found, we voluntarily

1 drilled deeper wells for nearly 20 residents to  
2 mitigate any potential or long-term risks.

3           When we learned that another  
4 neighboring quarry might be drained for the use as  
5 a landfill for construction and demolition debris,  
6 we were concerned that this could lower the water  
7 level in our quarry. So we bought the neighboring  
8 quarry to eliminate that risk.

9           Every day in the heat of the summer  
10 we run a sophisticated computer model to monitor  
11 the impact of our operations on water temperature  
12 in the Des Plaines River. Especially in the heat  
13 of summer, we often curtail our output of the plant  
14 to ensure compliance with water temperature  
15 regulations intended to protect aquatic habitat.

16           In short, we take compliance with  
17 regulations for our water use and management very  
18 seriously. The regulations are detailed and  
19 demanding and we respect their intent. It is in  
20 this spirit that we are here tonight to listen  
21 respectfully to public comment. And in that  
22 spirit, we continue to work with the agency on the  
23 issuance of renewed NPDES permits that are both  
24 protective of the environment and fair and

1 reasonable for our operations.

2           We recognize that we have  
3 responsibility to the community in the way we run  
4 our plants. We communicate regularly with Will  
5 County Environmental Network and other community  
6 organizations and our neighbors, with water issues  
7 often a major topic of discussion.

8           We have an open door policy to  
9 anyone who has a question or concern about  
10 potential environmental impacts. Our employees and  
11 our families also live here. They take pride in  
12 our operations. On their behalf, we will continue  
13 working to be a good neighbor and to ensure that  
14 environmental compliance is our top priority each  
15 hour of every day. Thank you.

16           HEARING OFFICER STUDER: Thank you,  
17 Mr. Naglosky. The first person is Steve King, and  
18 I do want to remind speakers that in order for us  
19 to conduct, I do ask that you turn off the mic when  
20 you finish speaking. Steve King will be the first  
21 person, if he's here, and would come forward to the  
22 podium.

23           MR. KING: My name is Steven King S-t-e-v-e-n  
24 K-i-n-g. Hopefully you have the right person. I'm

1 speaking on -- I guess on behalf of Midwest  
2 Generation and as a conservationist.

3 HEARING OFFICER STUDER: Can you speak into  
4 the mic.

5 MR. KING: Is that better?

6 HEARING OFFICER STUDER: Lift it all the way  
7 up.

8 MR. KING: Hello, my name is Steven King  
9 S-t-e-v-e-n K-i-n-g. I'm here to represent Midwest  
10 Generation, also as a conservationist. I'd like to  
11 make note that I'm a hunter and a fisherman, and  
12 let you know as far as the intake that we take in  
13 and the amount of debris, garbage that we pull out  
14 of the river is at a phenomenal rate.

15 I don't have facts, as far as how  
16 much debris is pulled out, but I know relatively  
17 over 50 plus dumpsters a year with just debris that  
18 we take out of the lakes to clean -- or the river,  
19 I'm sorry.

20 Also, the aeration some of the best  
21 fishing in the area is around where the cooling  
22 towers are at and the aeration that we supply back  
23 to the river. And I would like to make that note  
24 as a helpful response to this hearing. Thank you.

1 HEARING OFFICER STUDER: Thank you,  
2 Mr. King. Cindy Skrukrud. I think it's still on.

3 MS. SKRUKRUD: Still on, okay, great. So my  
4 name is Cindy Skrukrud, spelled C-i-n-d-y, last  
5 name spelled S-k-r-u-k-r-u-d. I'm the clean water  
6 advocate for the Illinois Chapter of the Sierra  
7 Club, and certainly share probably the feelings of  
8 everyone in this room, our need to protect the  
9 lower Des Plaines River and the groundwater  
10 resources in the Joliet area.

11 And so I just have a number of  
12 questions about the permits that I want to ask  
13 tonight. In some Cases probably to speed things  
14 along, I have questions that apply to both permits.  
15 So I'll just ask this question is for both or this  
16 question is for Joliet 29 or Joliet 9.

17 So I'm going to start off by asking  
18 some questions about coal ash issues at both  
19 facilities. And so my first question is, what  
20 reasonable potential analysis did IEPA conduct for  
21 the coal ash waste streams at both facilities.

22 MR. TWAIT: I've looked back and it does not  
23 look like we did a reasonable potential for the  
24 coal ash, but I will note that the water quality

1 standards are equivalent to effluent standards, and  
2 so if Jaime decided that effluent standards weren't  
3 necessary, they weren't necessary for water quality  
4 standards.

5 MS. SKRUKRUD: My next question is, did the  
6 agency consider requiring whole effluent toxicity  
7 testing and/or other bio-assessments to determine  
8 whether discharges for coal ash waste streams are  
9 causing impacts to aquatic life?

10 MR. TWAIT: The agency did not require  
11 bio-monitoring for this facility, and we've done  
12 bio-monitoring in the past on once through cooling  
13 water and we noticed that with the amount of  
14 dilution they have it's -- they're not going to  
15 cause an issue outside of the mixing zone.

16 MS. SKRUKRUD: Just as a follow-up to that.  
17 And what about outfalls other than the main outfall  
18 at each of the facilities? What about other  
19 outfalls that have coal ash streams contributory to  
20 them?

21 MR. TWAIT: On the internal outfalls, we  
22 don't require effluent toxicity testing, and we can  
23 go back and look at whether or not the coal ash  
24 outfalls need bio-monitoring. But most likely

1       there's enough dilution there that they couldn't  
2       reasonably be expected to cause an issue.

3               MS. SKRUKRUD:  So specifically, on Joliet 9,  
4       outfall 005, what about discharges from that  
5       outfall?  Both specifically -- specific to that  
6       outfall, has a reasonable potential analysis been  
7       done and bio-monitoring?

8               MR. TWAIT:  I would give the same answers for  
9       the other outfalls in general.  The water quality  
10       standards are set at the effluent standards.  And  
11       so if Jaime decided that there didn't need to be an  
12       effluent standard, then they have no potential of  
13       violating the water quality standard.  And I'll go  
14       back and actually look at that data once again just  
15       to verify that.

16               And in regards to the effluent  
17       toxicity testing, we think there's enough dilution  
18       in the receiving stream that toxicity wouldn't be  
19       possible outside the mixing zone.  But once again,  
20       we'll look at that issue and address that in the  
21       responsiveness summary.

22               MS. SKRUKRUD:  So we had submitted the  
23       environmental groups, the Sierra Club, Prairie  
24       Rivers Network, Citizens Against Ruining the



1 Environment, Natural Resource Defense Council -- am  
2 I going too fast? -- and the Environmental Law and  
3 Policy Center had all submitted comments when these  
4 permits were first out on public notice, and one of  
5 the things that we commented in there on was the  
6 USEPA June, 2010 Guidance for permitting coal ash  
7 waste streams.

8                   And so my question is, for both  
9 these permits, has the agency reviewed and utilized  
10 that Guidance?

11               MR. LeCRONE: We've seen that Guidance.  
12 We're aware of it; we've looked at it. It is  
13 Guidance. It's not a regulation; it's not a  
14 requirement that we absolutely follow it. And one  
15 thing that we have are 304 effluent standards are  
16 technology based effluent standards that are  
17 developed for Illinois.

18                   So we do compare discharges from any  
19 waste stream, including ash pond type discharges  
20 with our 304 effluent standards for compliance with  
21 those technology based effluent limits.

22                   We have not developed site specific  
23 technology based limits. As you are probably aware  
24 USEPA is considering new effluent limitation

1 guidelines for the industry. They are doing a more  
2 detailed analysis of that type to determine if  
3 there are any new effluent standards which are  
4 necessary on a national scale for the industrial  
5 segment and, you know, we will be following that  
6 process to see what develops there, but we have not  
7 developed any specific ones outside of the existing  
8 423 regulations or our own existing state effluent  
9 standards.

10 MS. SKRUKRUD: Thank you. I guess kind of  
11 just as follow-up to that. In the USEPA Guidance  
12 they talk about the pollutants that are expected to  
13 be found in coal combustion waste -- coal  
14 combustion residues that could be present in  
15 concentrations that are greater than water quality  
16 criteria.

17 And in both permits there is a  
18 special condition 15 that requires semi annual  
19 monitoring of effluent from outfalls 1 through 7 in  
20 the permit for Joliet 9. And then I believe, as I  
21 recall -- let me just check -- and I believe it's  
22 just for outfall 1 in Joliet 20 -- in the Joliet 29  
23 draft permit.

24 And one thing that you know if you

1 look at that USEPA Guidance some of the pollutants  
2 that they're concerned about are not included here  
3 in the pollutants that you're requiring semi annual  
4 monitoring. And those include aluminum, thallium  
5 chloride, nitrates and nitrites.

6 So that would be a recommendation  
7 that you might look back at that Guidance and at  
8 least include monitoring for those pollutants in  
9 the semi annual monitoring that you've got in the  
10 permit -- in both permits.

11 MS. WILLIAMS: We can respond to that in  
12 writing.

13 HEARING OFFICER STUDER: We have gone the  
14 time limit. However, if you've got a few more of  
15 these questions that deal with this train of  
16 thought, I will allow you to ask those before we  
17 move on to the next person. If it's a break, we'll  
18 come back to you once we get through the cards.

19 MS. SKRUKRUD: I've got one more question  
20 that I think follows this current discussion. And  
21 so as I just said, special condition 15 applies to  
22 a number of outfalls in the permit for Joliet 9.  
23 In the permit for Joliet 29, it only applies to  
24 outfall 001. And so I question why it didn't also

1 apply for outfalls 003, the abandoned ash disposal  
2 area runoff, and outfall 4, the fire sprinkler  
3 water, coal conveyor outfall.

4 So it seems like in one of the  
5 permits it was applied to, you know, numerous  
6 outfalls where there would be potential for these  
7 types of pollutants, but in the Joliet 29 permit  
8 it's only applied to the main outfall.

9 So I would suggest that at least  
10 that it should be applied to, in addition to  
11 outfalls 003 and 004. The junction tower, I don't  
12 know how the junction tower is used. So I don't  
13 know whether we need to have that monitoring done  
14 at that outfall or not. I leave that to your good  
15 judgment.

16 MR. RABINS: Okay.

17 MS. SKRUKRUD: Thank you. I've got more, if  
18 you don't -- if others don't have a lot.

19 HEARING OFFICER STUDER: I'll keep your card  
20 here and we'll come back.

21 MS. SKRUKRUD: Thank you.

22 HEARING OFFICER STUDER: Jessica Dexter.

23 MS. DEXTER: Good evening. My name is  
24 Jessica Dexter, last name is spelled D-e-x-t-e-r.

1 I work for the Environmental Law and Policy Center,  
2 and I want to thank you for holding this hearing  
3 tonight.

4 I am speaking here on behalf of  
5 environmental groups that include Sierra Club,  
6 Prairie Rivers Network, Citizens Against Ruining  
7 the Environment, Natural Resources Defense Council  
8 and the Environmental Law and Policy Center. And  
9 we submitted our thoughts and concerns on the draft  
10 permit in writing on November 13th.

11 So tonight I would just like to ask  
12 a few questions to clarify some issues that we have  
13 with the permit. So -- and I have these grouped by  
14 subject area. So the first questions I'd like to  
15 ask are about impingement and entrainment.

16 And the fact sheet for the permit --  
17 for both permits states that the design of the  
18 cooling water intake structure met the equivalent  
19 of best technology available at the time of  
20 construction in consideration of the designated  
21 uses of the receiving streams.

22 And I'm wondering about that last  
23 phrase. What does it mean -- or how did IEPA  
24 consider the designations -- or the designated uses

1 of the streams in making a specification judgment?

2 MS. WILLIAMS: I'm going to let Darin answer,  
3 but I may want to follow-up after.

4 MR. LeCRONE: Well, the way we wrote that  
5 condition was trying to reflect that at the time of  
6 its construction it's assumed that it met a certain  
7 level of technology. For whatever reason, the  
8 stations that are located on secondary contact  
9 waters did not conduct intake impingement  
10 demonstrations back in the late '70s, early '80s  
11 when most other stations did.

12 So that's all we were trying to  
13 reflect in that opening statement. That absent any  
14 earlier demonstration, it's assumed that when the  
15 station was built, it must have been built using  
16 the equivalent of best technology available at the  
17 time, and that the receiving stream being the  
18 secondary contact water, no demonstration was done,  
19 for whatever reason, at that timeframe.

20 So we don't have an earlier  
21 demonstration to fall back on or anything, so we  
22 recognize that we need to evaluate current  
23 operations. The remainder of that condition  
24 statement is to reflect the requirement to submit

1 additional information related to the operation of  
2 the intake structure so that a formal determination  
3 could be made at a later date.

4 MS. DEXTER: Thank you. To follow-up on that  
5 idea, has the agency received any studies about  
6 impingement or entrainment at these facilities to  
7 date?

8 MR. LeCRONE: Just recently we've got some  
9 information on the -- like the physical description  
10 and operation of it. We don't have any impingement  
11 or entrainment data as of yet. So it's very  
12 limited, but there has been some new information  
13 submitted recently.

14 MS. DEXTER: My next question was about what  
15 does the agency know about the intake structure  
16 operation and the design of these facilities? It  
17 sounds like you just got that information. Is that  
18 something you can readily summarize or should I  
19 wait for the responsiveness summary?

20 MR. RABINS: Yeah. I didn't bring it, the  
21 summary with me. I mean, we can forward it to you;  
22 we can forward it to you shortly, but I just don't  
23 have it at the hearing.

24 MS. DEXTER: Okay. Going back to the

1 designated uses of the lower Des Plaines River.  
2 IEPA has proposed changes to the designated uses of  
3 the lower Des Plaines River in a proceeding before  
4 the Illinois Pollution Control Board, as I'm sure  
5 you're aware.

6 Did IEPA consider those proposed  
7 designated uses in writing any of the terms of this  
8 permit?

9 MS. WILLIAMS: No. I don't believe we  
10 considered any rules that are not currently adopted  
11 or approved by USEPA in adopting the permit. With  
12 the exception that, I believe we wrote a more  
13 specific re-opener, right, regarding temperature?

14 MR. LeCRONE: Yeah.

15 MS. WILLIAMS: Just to be more clear that  
16 that would be something that would justify a  
17 re-opener.

18 MS. DEXTER: Thank you. All right. I'm  
19 going to move to some thermal issues. I'm just  
20 wondering, is it the agency's position that you're  
21 granting a 316(a) variance through these permit  
22 renewals?

23 MS. WILLIAMS: No, no.

24 MS. DEXTER: And is that because of the



1 adjusted standard is what you considered comply  
2 with the thermal issues, ES96-something?

3 MS. WILLIAMS: I don't mind explaining.  
4 Again, though, it's not necessarily that relevant  
5 to this proceeding, that within the secondary  
6 contact waters for Joliet discharges to, they must  
7 comply with those standards that are applicable.  
8 So there's no 316(a) relief there.

9 South of the I-55 bridge where the  
10 general use standards are applicable, they must  
11 comply with the generating standards and they have  
12 some relief that provides the transition between  
13 the two.

14 MS. DEXTER: Has the agency made a best  
15 professional judgment determination as to what the  
16 best available technology is for thermal pollution  
17 at these facilities?

18 MR. RABINS: No, we haven't. We applied the  
19 water quality standards at the point of discharge.

20 MS. DEXTER: Thank you. And then I'm going  
21 to move on to dissolved oxygen. And this was -- I  
22 reviewed some documents back and forth, and this is  
23 to clarify an issue. Did IEPA change the permit  
24 effluent limits for conditions based on the IPCB

1 variance 79-51? I've seen that referred to in a  
2 couple of the review documents, and I wasn't clear  
3 how the agency was using that variance.

4 MR. RABINS: We -- I mean, to make it clear,  
5 that variance only added -- there was a 3060 limits  
6 for TSS and BOD prior if we applied the 304.120  
7 standards. When I applied that variance, it just  
8 adds the 45 milligram per liter limit, a weekly  
9 compliance. And then -- but the variance doesn't  
10 apply and Debbie will explain why.

11 MS. WILLIAMS: Go through what is 30 --

12 MR. RABINS: Okay. The -- right now -- or  
13 the public notices permit has a 30 milligram  
14 per liter monthly average, and a 60 milligram per  
15 liter daily max, and a 45 milligram per liter  
16 weekly average for both BOD and TSS.

17 MS. WILLIAMS: And as a result of comments  
18 that came in, both from environmental groups and  
19 the company, the agency went back and looked at  
20 what Jaime had looked at, and legally speaking a  
21 30-year-old variance is no longer in effect. So  
22 while we probably are considering taking that  
23 additional limit out, but as Jaime just explained,  
24 having a 30 milligram per liter limit and a 60

1 milligram per liter limit remains, the 45 really  
2 doesn't add much to the permit. But that was  
3 really an oversight on our part.

4 MS. DEXTER: Thank you. What in stream  
5 dissolved oxygen monitoring does Midwest Generation  
6 currently do in the lower Des Plaines River, at  
7 least on the terms of --

8 MS. WILLIAMS: My understanding. My  
9 understanding is continuous monitoring at the I-55  
10 bridge?

11 MR. TWAIT: Yes.

12 MS. DEXTER: And do the permit requirements  
13 change what has been happening in any way going  
14 forward?

15 MS. WILLIAMS: Someone can correct me if I'm  
16 getting this wrong, but I believe the permit  
17 requirement was attempting to add what they do now  
18 as the permit condition. I don't believe it's a  
19 permit condition, a current permit status. I'm  
20 thinking of biological monitoring. We do have a  
21 new monitoring condition, but that's not at the  
22 I-55 bridge, right? Do you want to explain that.

23 MR. RABINS: The proposed condition at both  
24 permits is that they shall monitor the cooling

1 water prior to entering the plant intake structure  
2 and the discharge from outfalls 001 shall be grab  
3 sampled once per week at the same time of day  
4 within a half hour of each other between 9:00 a.m.  
5 and 3:00 p.m. in a randomized fashion for dissolved  
6 oxygen.

7                   The results in milligrams per liter  
8 and the time of day the influent and effluent  
9 samples were taken shall be reported to the agency  
10 as an attachment to the DMR. We will then gather  
11 data during this next permit cycle and delay  
12 reasonable potential to determine if limits or  
13 additional monitoring is appropriate going forward.

14           MS. DEXTER: Thank you.

15           HEARING OFFICER STUDER: We've gone the time  
16 limit. If you have a question or two that is in  
17 line with these others, I'll let you go ahead and  
18 ask those other questions, otherwise I'll have to  
19 come back to you.

20           MS. DEXTER: All right. That was the last in  
21 this line, and I have five more for later, so thank  
22 you.

23           HEARING OFFICER STUDER: Okay. Very good.  
24 Thank you. The next person is Mary Burnitz.

1 MS. BURNITZ: Good evening. My name is Mary  
2 Burnitz. I'm a member of CARE, but I'm here --  
3 B-u-r-n-i-t-z. I live on High Road in Lockport.  
4 I'm here as a resident of Will County. When I  
5 learned about this permit, my first thought was the  
6 poor water fowl and fish. And thanks to the  
7 Co-lobbyists on Capital Hill there's no minimum  
8 safeguards in place to ensure people and wildlife  
9 that are safe from coal ash pollution. It sickens  
10 me when I read more and more about it.

11 The Illinois Environmental  
12 Protection Agency needs to implement rules to keep  
13 coal ash out of the flood plains, the wetlands and  
14 groundwater resources. I believe that the EPA  
15 should follow the USEPA's guidance for coal ash  
16 discharge. An undisclosed amount is discharged  
17 every day from Joliet 9 Power Plant coal ash pond.  
18 Over two and a half million gallons are discharged  
19 daily from Joliet 29 Power Plant coal ash pond.  
20 Arsenic, mercury, barium, chromium and lead are to  
21 name a few of the hazardous constituents contained  
22 in coal ash. These contaminants have been shown to  
23 cause birth defects, cancer and neurological damage  
24 in humans and similar to wildlife.

1                   It's imperative that mercury and  
2 other heavy metal pollution is monitored and  
3 limited. The EPA should require the Joliet 9 and  
4 29 facilities to upgrade their cooling water intake  
5 structures to protect the health of the Des Plaines  
6 ecosystem. The river is heavily fished for  
7 recreational and commercial interest.

8                   I believe it's imperative that you  
9 do the right thing to protect the wildlife and us  
10 humans that live and use that river. Thanks.

11                  HEARING OFFICER STUDER: Thank you. We have  
12 gone through the cards once. Is there anyone in  
13 the room that has not spoken this evening that  
14 would like to do so on the record? Okay. Let the  
15 record indicate that no one raised their hand.

16                  I know that, Cindy, you have some  
17 additional questions that you'd like to ask.  
18 Jessica, you have some additional questions. Is  
19 there anyone else that has spoken that has  
20 additional comments or questions that they would  
21 like to make on the record? Okay. We'll start  
22 with Cindy.

23                  MS. SKRUKRUD: Okay. I'm going to continue  
24 with a couple more questions that are related,

1 specifically, to outfalls related to coal ash. And  
2 so my first question is on Joliet 29, page 7 of the  
3 draft permit talks about how -- page 7 of the draft  
4 permit is -- relates to local field ash pond  
5 effluent.

6                   And it states there that some of the  
7 subway streams bottom ash and ash sluice water,  
8 reverse osmosis filter backwash, that those  
9 sub streams can be alternatively routed to the  
10 quarry over at Joliet 9. And I just wonder if you  
11 could explain how that's done.

12                   MR. RABINS: I'm -- yeah, I'd have to pull  
13 out the plant documents and look at them.

14                   MS. SKRUKRUD: Well, I'll tell you -- explain  
15 why I raise that question is earlier, I believe --  
16 I have to turn back to my notes. I'm trying to  
17 think. Oh, Mr. Naglosky talked about that some of  
18 the three coal ash ponds, which I assume are the  
19 local field ash ponds described here on this page  
20 of the permit -- that two of the three ponds have  
21 had their liners replaced, and the third pond, it  
22 sounds like the liner is scheduled to be replaced  
23 this year.

24                   And so I -- the question about

1 what's going on there with regards to how are we --  
2 are those ponds dredged or are they pumped out of  
3 those ponds to move ash over to the Joliet 9  
4 facility?

5 And my question is how is that -- is  
6 that what's been impacting the integrity of the  
7 liners at this site? Is that why the liners need  
8 to be replaced?

9 MR. LeCRONE: Well, the way that ash ponds  
10 operate is that they are filled and then  
11 periodically dredged. I believe and will verify  
12 this with the permittee that when they're dredged  
13 any liners not beneficially reused goes to the  
14 landfill.

15 The liners apparently need replaced.  
16 That may or may not be related to clean-out  
17 activities. It may be age, whatever. So we will  
18 verify all that and provide you with a more  
19 detailed answer.

20 MS. WILLIAMS: The other thing I wanted to  
21 point out, Cindy, and I don't know if this would  
22 address the question or will confirm, but the  
23 Joliet 29 facility is under a final compliance  
24 commitment agreement. And some of the requirements



1 in that compliance commitment agreement may have  
2 been what the plant manager was discussing.

3 MS. SKRUKRUD: And the question about -- I  
4 appreciate that further information. That helps a  
5 lot. And partly my question about -- you know,  
6 what's happening with these local field ash ponds  
7 is a concern of how those ponds are treated and how  
8 they're -- when ash is moved from them to the other  
9 facility, concerns of that stirs things up and then  
10 we have, you know, they're not acting as  
11 effectively as a sink for the coal ash, and then  
12 are we going to -- do we have more potential  
13 pollutants in the effluent off that -- out of that  
14 outfall because of the transfer of ash from there  
15 to the other site. So that would be useful, if you  
16 could think about that.

17 Maybe it makes good sense to ask  
18 this question now, because Debra kind of raised it.  
19 So with regards to Joliet 29, has the industrial  
20 unit staff within the NPDES division at IEPA been  
21 in contact with compliance assurance in the  
22 groundwater section so that the NPDES permit  
23 addresses -- you know, will address the issues that  
24 are being worked out in the CCA?

1 MS. WILLIAMS: I will let Darin follow-up  
2 too, if he wants. But we've been notified of the  
3 CCA, and at this point I don't believe the agency  
4 feels it's necessary to address any of the issues  
5 in the NPDES permits. That they're best and most  
6 appropriately enforced through that agreement.  
7 Though I do believe that agreement will involve  
8 construction permits, which I don't know if Darin  
9 has anything he wants to mention about that.

10 MR. LeCRONE: Yeah, we were aware of that CCA  
11 process, had some conversations with compliance and  
12 with groundwater, but we were not involved in that  
13 process directly. The conversations, basically  
14 they were letting us know what was going on with  
15 it. But that was a process handled by them as a  
16 separate matter.

17 MS. SKRUKRUD: Okay, thank you. I think this  
18 is a good follow-up question, and I'm kind of  
19 segueing a little bit into groundwater issues here.  
20 Often -- we certainly -- I guess my question is,  
21 what's the current -- first is, what is the current  
22 status of groundwater monitoring at both  
23 facilities?

24 And then as a second -- as a

1 follow-up to that, why don't we see groundwater  
2 monitoring in the -- you know, laid out in these  
3 permits? We certainly see groundwater monitoring  
4 requirements laid out in other NPDES permits?

5 MR. LeCRONE: I can't answer directly what  
6 the status of the groundwater monitoring program is  
7 currently. Our groundwater section in the Division  
8 of Public Water Supplies has been managing that  
9 side of things for us. We will consider any  
10 groundwater monitoring conditions that might be  
11 useful, but at this point we've kind of let -- let  
12 that separate process kind of take care of itself.  
13 But there's a compliance commitment agreement in  
14 place, if there's any conditions in that that might  
15 be useful or necessary be part of this permit, we  
16 will consider that, but there hasn't been any  
17 decisions reached at this point.

18 MS. WILLIAMS: And I think, as we mentioned  
19 earlier, Darin's answer probably is focused on  
20 Joliet 29. Well, it may be somewhat to both of  
21 them. But as we mentioned earlier, Joliet 9 has a  
22 separate land permit that does have groundwater  
23 monitoring, I believe. So that would be where that  
24 would be addressed.

1 MS. SKRUKRUD: Since Debra is looking at you,  
2 Steve, it's a good time for me to ask this question  
3 that's kind of an outline for my list of question.  
4 In your introductory remarks you stated that you  
5 were involved with landfill closures. So can you  
6 further elaborate what you're talking about there?

7 MR. NIGHTINGALE: Sure. The permit that we  
8 got -- that was issued was for -- and I'll refer to  
9 it by the name in the permit, is Lincoln Stone  
10 Quarry. The owner is Lincoln Stone Quarry, Inc.,  
11 and the operator is Midwest Generation, L.L.C.  
12 As far as the question, can you repeat it?

13 MS. SKRUKRUD: Okay. And that's why I'm  
14 asking for you, because I need to understand what  
15 you meant when you introduced yourself. You said,  
16 I'm with the Bureau of Land and I'm involved in the  
17 closure of the landfill at the site.

18 And so I want to know what piece of  
19 the operations you're referring to and what do you  
20 mean by closure?

21 MR. NIGHTINGALE: It's more than a closure.  
22 It's the landfill that we initially permitted back,  
23 I believe in 1977, that they have -- that I've  
24 already referred to by name. Its got a permanent

1 permit number also. It's 1994-241-LFM. And I  
2 think I said more than a closure. We're involved  
3 with both the operation, the closure and  
4 post-closure care of that landfill.

5           The landfill is currently operating,  
6 and it takes coal combustion waste. So you could  
7 consider it really a monofill. We basically permit  
8 the -- all of the operation that's going on there,  
9 as well as once they reach capacity, the closure  
10 process would be covered under our permit program.

11           It's also covered -- the closure is  
12 covered under an adjusted standard by the Pollution  
13 Control Board as far as what's required, and we've  
14 incorporated that into the permit.

15           We are involved with the groundwater  
16 monitoring program around that landfill. We are  
17 also -- would be involved with -- once the landfill  
18 has been closed, the post-closure care, which would  
19 be 30 years from the time they've closed the  
20 landfill, a minimum of 30 years, which would  
21 include the groundwater monitoring, continuation of  
22 the groundwater monitoring program, the extraction  
23 wells that they were required to keep an inward  
24 gradient.

1                   So it's generally just the final  
2           operation of the landfill and the checks and  
3           balance to make sure that the groundwater is  
4           protected. Does that answer your question?

5           MS. SKRUKRUD: Yes, yes thank you. Very  
6           helpful. And that gets me back to NPDES outfalls.  
7           So I wanted to ask then about outfall 005 for  
8           Joliet 9, which is the discharge from the quarry,  
9           ash quarry/ash pond discharge. And the permit page  
10          10 says that this is an intermittent discharge.  
11          And I wonder, can you explain to me when are there  
12          discharges from the quarry?

13          MR. RABINS: I mean -- you mean like what  
14          days? It's intermittent, so it's just what it  
15          means it's not continuous.

16          MS. SKRUKRUD: So is it driven by weather or  
17          what -- you know, what -- under what conditions  
18          does it dis- -- is there a discharge?

19          MR. RABINS: I don't know right now. We have  
20          to look into that to be able to best explain to  
21          you.

22          MS. SKRUKRUD: Okay, thanks. By continuing  
23          to talk -- so in this permit, in the Joliet 9  
24          permit, special condition 15 applies to outfall

1 005. So that means that twice a year a sweep of  
2 chemicals, pollutants that are found in coal ash  
3 will be monitored. So I'm assuming that has to be  
4 monitored when they're discharging.

5 But as Steve just mentioned, my  
6 understanding is there are extraction wells that  
7 are trying to contain the groundwater pollution,  
8 and those extraction wells are pumped back into the  
9 quarry. So it's kind of a closed loop system.

10 My concern is, as you may remember  
11 the situation down at Duck Creek, when you have a  
12 system like that, you -- you know, you're building  
13 up pollutants. You know, I guess my questions are,  
14 is it really sufficient to only monitor the  
15 discharges from the quarry twice a year? That  
16 depends on how often it is discharging.

17 And then I think in the long-term we  
18 have to be concerned about the concentration of  
19 those pollutants through this closed loop system  
20 and then are we going to see increasing  
21 concentrations in that discharge to the Des Plaines  
22 River? And so that's an issue I wanted to make  
23 sure you understood our concerns about.

24 MS. WILLIAMS: Thank you, and I think that's

1       why we asked Steve to come, so we can make sure  
2       we're all on the same page, and we'll look into  
3       that and respond in writing.

4               MS. SKRUKRUD: Yeah, that's definitely great  
5       to see here, the different departments working  
6       together. I've got -- I have one question about  
7       coal pile runoff. Is the agency requiring best  
8       management practices to prevent runoff and dust  
9       pollution from coal piles and coal during transport  
10      at both these facilities? Specifically, I wonder  
11      has the use of silos to store coal been explored?

12             MR. RABINS: We are currently applying the  
13      federal limit of 50 milligrams per liter TSS to the  
14      coal pile runoff in accordance with the steam  
15      electric regulations. So they're meeting federal  
16      limits.

17             MS. SKRUKRUD: Thank you. Give me a moment  
18      to see what I have missed. So it sounds like  
19      it's -- from what you said earlier, Steve, that  
20      authority for the Lincoln Stone Quarry to operate  
21      as a monofill is authority that's been granted by  
22      the Bureau of Land.

23                     My question is then, the sole -- or  
24      is Joliet 19 and 29, are those the only two sources



1 of waste that's going into the quarry?

2 MR. NIGHTINGALE: Based on the permit, I  
3 looked at the permit before we -- before I came.  
4 It is -- coal combustion waste is the only waste  
5 that's identified in the permit that's going into  
6 the -- well, I'm sorry, I think it's coal  
7 combustion waste and -- hang on a second. Yeah,  
8 it's ash from coal combustion is the only waste  
9 that's going in there.

10 MS. SKRUKRUD: And only from these two  
11 facilities?

12 MR. NIGHTINGALE: I would have to check into  
13 that further. But it would be -- but as far as I  
14 can tell, it is from -- just from these two  
15 facilities.

16 MS. SKRUKRUD: And can you describe -- so  
17 what is the current state of the groundwater  
18 management zone at Joliet 9 and the Lincoln Stone  
19 Quarry?

20 MR. NIGHTINGALE: The current status is they  
21 have a temporary groundwater management zone on the  
22 southwest side of the property, and I have a map  
23 here that I could show you, if you would like.  
24 They have -- of course, as you know, there's some

1 groundwater issues; that's why they applied for the  
2 groundwater management zone.

3           They also have submitted to us  
4 assessment monitoring. We have, I believe three  
5 applications in-house right now for assessment  
6 monitoring. And we've got a renewal application  
7 that deals with the -- as far as the flow and the  
8 direction of everything at the site, because there  
9 has been some changes in groundwater direction.  
10 That's kind of been tied to the -- both the renewal  
11 application and the assessment monitoring.

12           So currently, as far as the  
13 groundwater is concerned, we had some discussions  
14 with the facility in, I think it was -- would have  
15 been -- I think it was in November of 2012, we  
16 requested that they provide us with some addendums  
17 to the applications that we've had, that they be  
18 submitted to us, and we're -- those are supposed to  
19 be submitted to us by March, I believe 15th.

20           And following the review of those  
21 applications, we should have a better feeling and  
22 understanding of the groundwater conditions at the  
23 site, the direction of the groundwater at the site  
24 as well. So I guess that's -- currently that's the

1 situation we've got with the site as far as  
2 groundwater is concerned.

3 MS. SKRUKRUD: Thank you. That's helpful to  
4 know. I think that's all the questions I have  
5 right now. Thank you.

6 HEARING OFFICER STUDER: Jessica Dexter, I  
7 believe you had some additional issues you'd like  
8 to ...

9 MS. DEXTER: Yes, I just have a few. Again,  
10 Jessica Dexter D-e-x-t-e-r. And these are all on  
11 separate; they're like small questions on separate  
12 topics. I'm going to start with one about there's  
13 a new -- I think at both facilities there's a new  
14 river assessment technology that they're using.  
15 And I'm wondering how does that differ from the  
16 facilities existing de-mineralizers in terms of  
17 that technology's ability to remove contaminants  
18 from the water?

19 MR. RABINS: Okay. So a de-mineralizer is  
20 going to take hard water, ion, sulfate chloride,  
21 and it's going to exchange them with sodium, and  
22 then it's -- then you have to regenerate that with  
23 a -- like a brine, and you have to -- then you have  
24 to bath wash that brine out and discharge it. So

1 you're discharging all those pollutants. And RO is  
2 just going to remove what's in the intake water  
3 itself. So you're not adding anything extra,  
4 except a few of the chemicals used with the RO.  
5 Unlike the de-mineralizers.

6 MS. DEXTER: Thanks. That's really helpful.  
7 Is the agency aware of whether there are PCBs  
8 stored anywhere on site at these facilities?

9 MR. RABINS: They have -- I think there are a  
10 few transformers on site, but, again, I will  
11 reiterate, the permit does prohibit the discharge  
12 of PCBs. So, I mean, there's a few, but they're  
13 not -- they're in -- they have secondary  
14 containment, and they're not easily able to make  
15 its way to any discharge source.

16 MS. DEXTER: Thanks. And generally my  
17 concern there is I see the prohibition on the  
18 discharge, but I don't see any monitoring for it,  
19 and so there's no way of knowing whether or not  
20 there is a discharge if you're never monitoring for  
21 it.

22 So if I see you've done the -- you  
23 know, you've talked to them and, you know, if we  
24 saw it in the draft permits for example, I wouldn't

1 have to bring that up every time that, you know,  
2 that they're on site. And that there is -- you  
3 know, you're aware of them and there's containment  
4 already in place, then we could just resolve that  
5 issue going forward.

6                   There were some discrepancies in the  
7 Joliet 9 permit that was put on there, just to --  
8 about whether or not they use chemical or  
9 non-chemical metal cleaning waste, some places in  
10 the permit said chemical and some places said  
11 non-chemical. And just thought we would clarify  
12 right now which one that is? I have detailed -- I  
13 can point to specific places, if you want me to. I  
14 put it in my comments.

15                  MR. RABINS: I'll just have to get back to  
16 you, so I'm certain. I don't want to just guess at  
17 this point. We'll get back to you, because I want  
18 to be certain we tell her correctly.

19                  MS. DEXTER: Just to help you out, I put all  
20 the page numbers where I saw the different things  
21 on page 9 of the comments we filed on November  
22 13th, so thank you.

23                         And finally, I'm just wondering -- I  
24 know there's a lot of conversations back and forth

1 between the discharger and the agency. I'm  
2 wondering if anything has changed about the draft  
3 permit or what the agency plans to do with the  
4 draft permits since we last saw the draft?

5 MR. RABINS: I know we haven't planned any  
6 significant changes. But this may not be the  
7 permit date that is final, due to comments we  
8 receive now, you know, prior to issuance we -- you  
9 know, we do routinely. But if it's made less  
10 stringent, it may require re-notice.

11 MS. DEXTER: Okay. I have -- that's all I  
12 have for tonight. Thank you.

13 HEARING OFFICER STUDER: I want to thank all  
14 of you for attendance here tonight, and I want to  
15 also give special thanks to those of you that  
16 presented comments tonight for putting up with our  
17 little issues with the sound system tonight. I  
18 appreciate your patience and your ability to work  
19 with us on this. I remind everyone that the  
20 comment period is open for 30 days, and that we  
21 will be accepting comments through March 2- -- is  
22 it 29th? It's through March 29th. I thank you for  
23 your attendance. This hearing is adjourned.

24 (which were all the proceedings had.)

1 STATE OF ILLINOIS )  
 ) SS:  
2 COUNTY OF WILL )  
3

4 I, Bernice Betts, a  
5 Certified Shorthand Reporter in and for the County  
6 of Will and State of Illinois, do hereby certify  
7 that I reported in shorthand the proceedings of  
8 said hearing as appears from my stenographic notes  
9 so taken and transcribed under my direction.

10

11 IN WITNESS WHEREOF, I have hereunto set  
12 my hand in my office at Joliet, Illinois, this  
13 14th day of February, 2013.

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