

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Proposed Issuance of NPDES Permit No. IL0079481 to Peabody Gateway North Mining, LLC, for the Gateway North Mine in Randolph County

ORIGINAL

Report of the proceedings of the Public Hearing held on June 20, 2012, at 5:00 p.m., at the City Council Chambers, City Hall, Sparta, Illinois, before Sharon Valerius, Notary Public and Certified Shorthand Reporter #084-003349 for the State of Illinois.

Before Hearing Officer

DEAN STUDER

Illinois EPA

1021 North Grand Avenue East

P.O. Box 19276

Springfield, IL 62794-9276

EPA PANEL:

Mr. Larry Crislip

Ms. Stefanie Diers

Mr. Bob Mosher

1 MR. STUDER: Good evening. My name is
2 Dean Studer, and I am the hearing officer for the
3 Illinois Environmental Protection Agency. Can you
4 hear me in the back? On behalf of Interim Director
5 John Kim and Bureau Of Water Chief Marcia Willhite, I
6 welcome you to tonight's hearing. I want to thank
7 especially everyone for coming out this evening.
8 We've got a full house here, so there will be a few
9 changes in the way that we conduct this hearing to be
10 able to do it in a timely fashion.

11 The Illinois EPA believes that the
12 public hearings that we hold are a crucial part of
13 the permit review process. My purpose tonight is to
14 ensure that these proceedings run properly, according
15 to rules, and in a fair but efficient manner. To
16 that end, I will start by reading this opening
17 statement into the record.

18 This is an informational hearing before
19 the Illinois EPA in the matter of a National
20 Pollutant Discharge Elimination System (NPDES) permit
21 application for an underground coal mining facility
22 of Peabody Gateway North Mining, LLC, for the Gateway
23 North Mine, with discharges of treated wastewater
24 into unnamed tributaries of Mary's River and of
25 Coulterville Lake.

1 Issues relevant to the NPDES hearing
2 include compliance with the requirements of the
3 Federal Clean Water Act and the state rules set forth
4 in 35 Illinois Administrative Code, Subtitles C and
5 D. Illinois EPA is not the state agency authorized
6 to permit the mining operations at this coal mine, so
7 issues specifically concerning the operations at the
8 mine are not relevant in this proceeding.

9 However, we are empowered to review and
10 make a decision regarding the issuance, denial, or
11 revisions of the NPDES permit, Permit No. IL0079481,
12 and of issues and conditions in that permit. The
13 Illinois EPA has made a preliminary determination
14 that the project meets the requirements for obtaining
15 a permit and has prepared a draft permit for review.

16 The Illinois EPA is holding this
17 hearing for the purpose of accepting comments from
18 the public on the draft permit prior to taking final
19 action on the permit application. The public hearing
20 is being held under the provisions of the Illinois
21 EPA's procedures for permit and closure plan
22 hearings, which can be found in 35 Illinois
23 Administrative Code, Part 166, Subpart A, and in
24 accordance with 35 Illinois Administrative Code, Part
25 309, Subpart A.

1 Copies of these regulations are
2 available at the Illinois Pollution Control Board
3 website at www.ipcb.state.il.us, or if you do not
4 have easy access to the Web, you may contact me, and
5 I can get a copy for you.

6 An informational public hearing means
7 exactly that. This is strictly an informational
8 hearing. It is an opportunity for you to provide
9 information to the Illinois EPA concerning the
10 permit. This is not a contested case hearing.
11 Again, I stress that the purpose of this hearing is
12 for the members of the public to provide information
13 to the Illinois EPA that we may not have had when we
14 made our preliminary determination.

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

24 The decision by the Agency in this
25 matter will be based upon the technical merits of the

1 application as it relates to compliance with the
2 statute and regulations promulgated under it. The
3 Agency decision is not based on how many people
4 desire for the permit to be issued or on how many
5 people -- excuse me -- or on how many people desire
6 for this permit not to be issued, but rather on
7 compliance with the laws and regulations and the
8 standards for permit issuance.

9 I'd like to explain how tonight's
10 hearing is going to proceed. First, we'll have the
11 Illinois EPA panel introduce themselves and provide a
12 sentence or two regarding their involvement in the
13 permit process. Then Mr. Bryce West, Director of
14 Environmental Services for Peabody Energy, will be
15 making a brief statement. After Mr. West, I will
16 provide further instructions as to how statements and
17 comments will be taken during this hearing and as to
18 appropriate conduct during this hearing tonight.

19 Following these additional
20 instructions, I will allow the public to provide
21 comments. I will enforce a time limit for each
22 speaker of four minutes. You may want to prioritize
23 your comments, so that you can make the comments at
24 this hearing that you desire to make. If you have
25 lengthy comments, you should consider giving a

1 summary of your comments during the hearing tonight
2 and then submitting the comments in writing in their
3 entirety to me during the public notice comment
4 period.

5 If you have not completed a
6 registration card at this point, please see Barb
7 Lieberoff in the registration area, and she can
8 provide you with a card. You may indicate on that
9 card that you would like to provide comments at this
10 NPDES hearing. Everyone completing a card or filing
11 written comments in this matter with me before the
12 close of the comment, close of the hearing record,
13 excuse me, will be notified when the Illinois EPA
14 reaches a final decision in this matter.

15 A responsiveness summary will be made
16 available at that time. In the responsiveness
17 summary, the Illinois EPA will attempt to respond to
18 all relevant and significant environmental issues
19 that were raised at this hearing or submitted to me
20 prior to the close of the comment period. The
21 hearing record and the comment period in this matter
22 will close on July 20, 2012. I will accept written
23 comments as long as they are postmarked by July 20.

24 Comments can also be filed
25 electronically by e-mail at epa.publichearingcom@

1 illinois.gov. That's E-P-A dot
2 P-U-B-L-I-C-H-E-A-R-I-N-G-C-O-M at I-L-L-I-N-O-I-S
3 dot G-O-V. Electronic comments must specify Gateway
4 North Mine NPDES in the subject line. Please make
5 sure that these words are included in the subject
6 line and are spelled correctly, as e-mails are
7 electronically sorted and distributed and may not
8 make it into the record if the subject line is other
9 than I specified.

10 When your e-mail arrives, the system
11 should send you an automated reply if the
12 aforementioned protocol has been properly followed
13 and if the e-mail was received before the comment
14 period ends and the e-mail has been properly sorted
15 and distributed. I note that the server can become
16 quite busy in the minutes before the record closes,
17 so you may want to take this into account when
18 submitting your comments, as electronic comments
19 received after midnight on July 20 going into July 21
20 will not be considered timely filed.

21 The comment instructions and
22 information are also included in the notice for this
23 hearing. If you require any further information
24 after the hearing on filing of comments, you may
25 contact me at 217-558-8280, or you may contact our

1 Community Relations Coordinator, Barb Lieberoff, who
2 is in the back, and she can be reached at
3 217-524-3038. Either of us will be glad to assist
4 you.

5 During this hearing and during the
6 comment period, all relevant comments, documents, or
7 data will be placed into the hearing record as
8 exhibits. Please send all written documents or data
9 to my attention at Dean Studer, Hearing Officer, Mail
10 Code No. 5, Regarding Gateway North Mine NPDES,
11 Illinois EPA, 1021 North Grand Avenue East, P.O. Box
12 19276, Springfield, Illinois 62794-9276. This
13 address is also listed on the public notice for the
14 hearing tonight.

15 Please indicate the NPDES permit number
16 IL0079481 or reference Gateway North Mine NPDES on
17 your comments, to help ensure that they become part
18 of this hearing record. I note that everyone
19 registering or submitting written comments to the
20 Illinois EPA in this matter will be notified of the
21 final decision of the Illinois EPA.

22 I now ask Illinois EPA staff present
23 here with me to introduce themselves and give a brief
24 sentence as to their role in the review of this
25 permit application. Then Mr. West will make a brief

1 statement. Following this, I will provide more
2 specific instructions as to how comments will be
3 accepted this evening.

4 MS. STEFANIE DIERS: Stefanie Diers,
5 legal counsel for Illinois EPA.

6 MR. BOB MOSHER: I'm Bob Mosher. I'm
7 in the Water Quality Standards Section, and I did the
8 anti-degradation review and the water quality based
9 effluent limit review for the permit.

10 MR. LARRY CRISLIP: I'm Larry Crislip
11 with the Mine Pollution Control Program, and our
12 group compiled all the information from the Applicant
13 and in-house from the Water Standards Unit and the
14 Groundwater Section and drafted the permit we're here
15 for tonight.

16 MR. STUDER: Thank you. Mr. West, did
17 you want to make a statement this evening? I would
18 ask that at the microphone, that you do speak up,
19 since your back is toward the audience.

20 MR. BRYCE WEST: Okay. Thank you.
21 Peabody Gateway North Mining has applied for a permit
22 to construct and operate an underground mine with
23 surface facilities located in Randolph County. At
24 maximum production, the mine would employ more than
25 340 full-time workers. Gateway North Mine will be

1 committed to conducting its mining operation in a
2 responsible and ethical manner that protects the
3 environment and restores the land, using best
4 management practices.

5 The company and mine are further
6 committed to continuous improvement efforts in all
7 aspects of our operation, including environmental
8 stewardship, utilizing both well-trained staff and
9 the necessary resources to comply with all permit
10 requirements.

11 Peabody Gateway North Mining has made
12 significant investments to ensure that the mine will
13 be designed, constructed, and operated using
14 state-of-the-art engineering and operating systems
15 and controls, and will continue pursuing
16 environmental operating improvements throughout the
17 mine life.

18 The management of Gateway North Mining
19 and Peabody look forward to resolving any remaining
20 issues regarding this permit and receiving the
21 appropriate approval as soon as possible. Thank you.

22 MR. STUDER: Thank you, Mr. West.
23 While the issues raised tonight may indeed be
24 heartfelt concerns to many of us in attendance,
25 applause is not appropriate during the course of this

1 hearing. In a similar manner, booing, hissing, and
2 jeering are also not appropriate and will not be
3 allowed this evening.

4 Secondly, statements made tonight that
5 are not -- excuse me -- statements that are made
6 tonight are to be related to the issues involved with
7 the NPDES permit. Specifically, statements and
8 comments that are of a personal nature or reflect on
9 the character or motive of a person or group of
10 people are not appropriate in this hearing. If
11 statements or comments begin to drift into this area,
12 I may interrupt the person speaking.

13 As hearing officer, I intend to treat
14 everyone here in a professional manner and with
15 respect. I ask that the same respect be shown to
16 those providing comments, as well as those responding
17 to comments. If the conduct of persons attending
18 this hearing should become unruly, or if members of
19 the public do not follow these directives, I am
20 authorized to adjourn this hearing should the actions
21 warrant.

22 In such a case, Illinois EPA would
23 continue to accept written comments through the time
24 period indicated in the notice for this hearing, and
25 would make a decision based on the record at the

1 close of the comment period.

2 Since we have a limited time in which
3 to conduct this hearing, Illinois EPA staff members
4 will be responding to issues only when necessary. We
5 are primarily here tonight to listen to environmental
6 issues under the administrative control of the
7 Illinois EPA.

8 Comments regarding personalities are
9 not appropriate and will not be allowed during this
10 hearing. You may disagree with or object to some of
11 the statements and comments made tonight, but this is
12 a public hearing, and everyone present here tonight
13 has a right to express their comments on this draft
14 permit and issues related to it.

15 You are not required to provide your
16 comments orally. Written comments are given the same
17 consideration and may be submitted to the Illinois
18 EPA at any time within the public comment period,
19 which runs through midnight on July 20, 2012.
20 Although we will continue to accept comments through
21 that date, tonight is the only time that we will
22 accept oral comments.

23 Any person who wishes to make an oral
24 comment may do so, as long as the statements are
25 relevant to the issues at hand and time allows. If

1 you have lengthy comments, please submit them to me
2 in writing before the close of the comment period,
3 and I will ensure that they are included in the
4 hearing record as an exhibit. If your comments fall
5 outside the scope of this hearing, I may ask you to
6 proceed to another issue.

7 For the purpose of allowing everyone to
8 have a chance to comment, and to ensure that we
9 conduct this hearing in a timely fashion, I am
10 imposing a time limit of four minutes per speaker. I
11 will attempt to indicate when you have 30 seconds
12 left, so that you can finish within the time frame.
13 This should allow everyone that desires to speak to
14 have the opportunity to do so.

15 In addition, I'd like to stress that we
16 want to avoid unnecessary repetition. If anyone
17 before you has already presented a statement or
18 comment that is contained in your comments, I ask
19 that you skip over those issues when you speak. If
20 someone has already said what you intended to say,
21 you may pass when I call your name to come forward.

22 Once a point is made, it makes no
23 difference if the point is made once or whether it's
24 made 99 times, it will only be reflected once in the
25 responsiveness summary and is not given any more

1 weight simply because multiple people have commented
2 on it.

3 All comments will become part of the
4 official record. After everyone that has registered
5 to speak has had an opportunity to do so, and
6 provided that time permits, I may allow those who
7 initially did not desire to speak to do so. In the
8 event that we cannot accommodate everyone who wishes
9 to make comments this evening, or if you run out of
10 time before you complete your comments, you do have
11 the option to submit your comments to us in writing.

12 Written comments, as I indicated, are
13 given the same weight as comments made orally at this
14 hearing, and the written comments do need to be filed
15 within the comment period. All comments which are
16 timely filed will be considered by the Illinois EPA
17 in reaching a final decision in this matter.

18 We have a court reporter here, who is
19 taking a record of these proceedings for the purpose
20 of us putting together our administrative record.
21 Therefore, for her benefit, please keep general
22 background noise in the room to a minimum, so that
23 she can hear everything that is said. Illinois EPA
24 will post a transcript of this hearing on the Web
25 page in the same general place where the hearing

1 notice fact sheet and draft permit have been posted.
2 It is my desire to have this posted in about two to
3 two and a half weeks following the close of this
4 hearing, but the actual time will depend on when I
5 receive the transcript.

6 When I call your name, please come
7 forward, state your name, and if applicable, any
8 governmental body, organization, or association that
9 you represent. If you are not representing a
10 governmental body, organization, or association, you
11 may simply indicate that you are a concerned citizen
12 or a member of the public. For the benefit of the
13 court reporter, I ask that you spell your last name.
14 If there are alternate spellings for your first name,
15 you may also spell your first name.

16 Once you spell your name, I will start
17 timing you, and you will have four minutes to
18 complete your comments. I ask that while you are
19 speaking, that you direct your comments and attention
20 to the hearing panel and to the court reporter, to
21 ensure that an accurate record of your comments can
22 be made. Prolonged dialogue with members of the
23 hearing panel or with others here in attendance will
24 not be permitted. Comments directed to other members
25 of the public are not allowed.

1 Again, I remind everyone that the focus
2 of this hearing is the environmental issues
3 associated with the NPDES permit. Comments should be
4 focused on issues relevant to this proceeding. If
5 comments begin to move into areas not relevant to
6 this proceeding, I will interrupt you and ask that
7 you move to your next issue. People who have
8 requested to speak will be called upon in the order
9 that I have in front of me based on the registration
10 cards.

11 Are there any questions regarding the
12 procedures that I'll be using tonight for conducting
13 this hearing? Let the record indicate that there
14 were no hands raised. Okay. The first person to
15 speak is Charles Norman, if you would come forward to
16 the podium. And after Charles will be Richard
17 Schultz. If you do not want to speak, please
18 indicate when I read your name the first time that
19 you pass, and we'll go to the next person. Go ahead,
20 Mr. Norman.

21 MR. CHARLES NORMAN: Norman,
22 N-O-R-M-A-N, is my last name.

23 MR. STUDER: First name is Charles.

24 MR. NORMAN: First name is Charles.

25 Sorry.

1 MR. STUDER: Go ahead.

2 MR. NORMAN: Like I said, my name is
3 Charles Norman, and I'm here in support of this
4 permit for Gateway Mine, Gateway North. I currently
5 work for them, and I know I've never seen a company
6 that is so committed to environmental issues as this
7 company is. You know, a lot of times they send out
8 newsletters saying, you know, the things they do at
9 different mines after they're done mining, the way
10 they reclaim it, and the way they turn everything
11 back to the way it should've been. And it's very
12 impressive to me the way that they take environmental
13 issues into consideration.

14 You know, this is probably one of the
15 best places I ever worked, and I truly enjoy working
16 there and doing my job. And I enjoy being around
17 this area. I enjoy the outdoors. And I know that a
18 lot of times, you know, big companies get a bad
19 reputation for destroying the environment and trying
20 to, you know, I don't know, squash the little guy.

21 And one of the things Peabody does is,
22 you know, they do take a lot of pride in the way that
23 they do treat the environment, the way they try to
24 make sure that they're in compliance with all the
25 rules and regulations. And I truly enjoy working for

1 this company, and I am in support of this, that they
2 should be able to receive this permit. That's all I
3 have. Thank you.

4 MR. STUDER: Thank you. Richard
5 Schultz, did you want to speak this evening?

6 MR. RICHARD SCHULTZ: I agree with
7 everything he said.

8 MR. STUDER: Okay. I'm going to ask
9 that you not make comments from where you're seated,
10 simply because it's really difficult to hear what
11 they are, and so they won't be recorded. But it's my
12 understanding you agreed with what was said earlier
13 and that you did not want to say anything
14 additional?

15 MR. SCHULTZ: Yes.

16 MR. STUDER: Okay. Thank you. Mildred
17 Patton.

18 MS. MILDRED PATTON: I agree with
19 everything he said, and I would not like to speak,
20 and I think you can hear me.

21 MR. STUDER: Marlin Wilson is the next
22 person. And following Mr. Wilson, we'll have Larry
23 Holder.

24 MR. MARLIN WILSON: My first name is
25 Marlin, M-A-R-L-I-N. Last name is Wilson,

1 W-I-L-S-O-N. I'm a landowner to the north of the
2 project. And from looking at page 5 on your fact
3 sheet, I was concerned before I came to the meeting,
4 seeing the fact sheet about the water flow coming off
5 of the mine site. After looking at the map, I can
6 see that my property will have less water flow than
7 what it would have normally.

8 That doesn't upset me, because the
9 amount of water that came off there, off the
10 projected mine area is quite a bit. And with them
11 diverting it to the Outfall No. 002, I feel I won't
12 have as much erosion on my property from this. So
13 I'm glad to see how this is laid out, and I'm in
14 favor of the way the water discharge is going to be
15 handled. That's all of my comments.

16 MR. STUDER: Thank you. Larry Holder.
17 And Mr. Holder will be followed by Nick Androvandi?
18 Did I say it right?

19 AUDIENCE MEMBER: Close.

20 MR. STUDER: Probably not close enough
21 for -- but close enough for government work. Go
22 ahead.

23 MR. LARRY HOLDER: My name is Larry
24 Holder. Last name is H-O-L-D-E-R. I am the
25 compliance manager at the Gateway Mine. I just want

1 to go on record that I am in full support of the new
2 Gateway Mine, Gateway North project, so that's my
3 comment.

4 MR. STUDER: Okay. Thank you, Mr.
5 Holder.

6 MR. NICK ANDROVANDI: Good evening.

7 MR. STUDER: John Brookshire will be
8 the next person. Go ahead.

9 MR. ANDROVANDI: Nick Androvandi,
10 A-N-D-R-O-V-A-N-D-I. I'd like to go on the record
11 that I do support and am very much in favor of the
12 Gateway North project. And as part of the management
13 team, I can state that Peabody as of right now do
14 abide and, uh, by all regulations, state and federal,
15 and we intend to continue doing that to the best of
16 our abilities.

17 And as I'd like to also state that
18 Peabody is a very good company to work for and very
19 aware of the environment, and will do everything in
20 its ability to keep it the way it is and put it back
21 in its same condition, if not better. Thank you.

22 MR. STUDER: Thank you. John
23 Brookshire is next, and he'll be followed by Jim
24 Atterberry.

25 MR. JOHN BROOKSHIRE: My name is John

1 Brookshire, B-R-O-O-K-S-H-I-R-E. And I'm an employee
2 of Peabody Energy, and I support this water quality
3 discharge permit for the Gateway North project.

4 MR. STUDER: Thank you, Mr.
5 Brookshire. Jim Atterberry, and he'll be followed by
6 Bruce Waldman.

7 MR. ATTERBERRY: Jim Atterberry,
8 A-T-T-E-R-B-E-R-R-Y. I do not work for Peabody or
9 Gateway. For every coal mine job that's created,
10 there's four support jobs that are created. I'm here
11 to represent the support jobs that are created. My
12 company, we sell probably half a million product
13 lines. Among them are safety items and environmental
14 protection products.

15 And I can tell you that Peabody, when
16 it comes to safety and environmental issues, there's
17 no dollar limit that is not acceptable, so I can
18 testify to that firsthand. And I'd just like to say,
19 I do support Gateway North.

20 MR. STUDER: Thank you, Mr.
21 Atterberry. Bruce Waldman, did you want to speak
22 this evening? Bruce will be followed by it looks
23 like, oh, boy, Tom Jeter, or I can't quite read the
24 writing. Go ahead.

25 MR. BRUCE WALDMAN: My name is Bruce

1 Waldman, W-A-L-D-M-A-N. I also work for Peabody
2 Energy Gateway Mine as the safety manager at the
3 mine. I deal with health and compliance issues, so
4 I'm very aware of things underground, not as much
5 aware of things on the surface. So I appreciate the
6 Illinois Environmental Protection Agency working
7 together with Peabody to ensure that the water
8 discharge is in compliance with all regulations, and
9 I support this issue.

10 MR. STUDER: Thank you. Okay. It
11 looks like it's Tom, it might be Jeter?

12 MR. TOM JETER: I support everything
13 that Bruce Waldman just said. My name is Tom Jeter,
14 J-E-T-E-R.

15 MR. STUDER: For the record, is your
16 name spelled J-E-T-E-R?

17 MR. JETER: Yes, sir.

18 MR. STUDER: And the first name is
19 Tom. Joe Bullock, and he'll be followed by Suzanne
20 Novoselac.

21 MR. JOE BULLOCK: My name is Joe
22 Bullock, B-U-L-L-O-C-K. On the first paragraph of
23 the paper that we were given tonight, it says
24 tentative determination to issue this NPDES. I've
25 lived in Southern Illinois 35 years. I've worked in

1 the mines 23 years. I live in Franklin County. We
2 have one mine operating there now, not to the issue
3 of the EPA, but things that have went on in the coal
4 industry.

5 I drive an hour every day to get to
6 work. I would like to continue to drive that hour,
7 so I'm hoping that this isn't a tentative
8 determination, that this permit does come to
9 fruition. Thank you.

10 MR. STUDER: Thank you, Mr. Bullock.
11 Suzanne, if I can say it, Novoselac? I probably
12 mispronounced that horribly. And that'll be followed
13 by James, it looks like Bowsher.

14 MS. SUZANNE NOVOSELAC: Okay. My name
15 is Suzanne Novoselac. It's spelled
16 N-O-V-O-S-E-L-A-C. I'm a member of the Board of
17 Trustees of the Village of Coulterville. Nobody's
18 addressed this yet, but I'm sure someone will, would
19 be concerns about the water quality of Coulterville
20 Lake, because that's where we get our water supply
21 from.

22 On page 6 of this fact sheet, it says
23 potential causes of public and food processing water
24 supply impairment are given as atrazine and
25 manganese. Our atrazine levels are practically zero

1 now, and as well as our manganese levels. We'd like
2 to see it stay that way.

3 The potential causes of aesthetic
4 impairment are aquatic algae, and we've taken steps
5 to correct the algae problem. We are considering
6 very strongly bringing a water line from Sparta to
7 Coulterville, and so that would help with the
8 potential water supply problems.

9 But I want to go on record as saying
10 that the Village of Coulterville is very much in
11 favor of this project. The mine has been a really
12 good partner to the Village. They've contributed a
13 lot to various civic organizations and to our school,
14 and to the Village itself for various events that we
15 sponsor and take care of. So we are very happy to
16 have Gateway Mine, Peabody in our neighborhood.
17 Thank you.

18 MR. STUDER: Thank you. James, is it
19 Bowsheer?

20 MR. JAMES BOWSHER: Yes.

21 MR. STUDER: That'll be followed by
22 Daniel Meier.

23 MR. BOWSHER: My name's James Bowsheer,
24 B-O-W-S-H-E-R, and I've also been an employee for
25 Peabody since I was a teenager. And I have been

1 certified in water impoundments as an inspector, and
2 I've also got my surface reclamation papers. And in
3 the 33 years that I've been involved in mining, I've
4 seen tremendous leaps forward in the steps that are
5 taken to prevent pollutants, even airborne or runoff,
6 either one.

7 I mean, it's a totally different ball
8 game now than it was years ago. And there's great,
9 great detail in the things we do to prevent pollution
10 and the steps we take to keep, even keep the dust
11 down so the dust don't even leave our permit areas.
12 So I'm definitely in favor of this permit. Thank
13 you.

14 MR. STUDER: Thank you. Daniel Meier,
15 and he will be followed by Ronald Hampleman. Go
16 ahead.

17 MR. DANIEL MEIER: My name is Daniel
18 Meier. My last name is M-E-I-E-R. Peabody Energy
19 has been a front-runner in coal mine reclamation and
20 environmental protection, and I feel that they can
21 continue to do that in our future, especially at the
22 Gateway Mine, and I am in support of the project.

23 MR. STUDER: Thank you. Mr. Hampleman
24 will be followed by Ryan Hampton.

25 MR. SCOTT HAMPLEMAN: I'm Scott

1 Hampleman, H-A-M-P-L-E-M-A-N. I'd like to go on
2 record saying that I support the project. I also
3 work for Peabody. I've worked at other mines, but I
4 can say that this mine is probably the best one that
5 I've ever worked at. And I'd like to also say that I
6 don't think they would intentionally and willfully
7 pollute the water in any way, or purposely anyhow.
8 That's what I'd like to say.

9 MR. STUDER: Thank you. Ryan Hampton,
10 and Mr. Hampton will be followed by Jim Wilhelm.

11 MR. RYAN HAMPTON: My name is Ryan
12 Hampton, H-A-M-P-T-O-N, and I support it, me and my
13 family.

14 MR. STUDER: Thank you. Jim Wilhelm.
15 Mr. Wilhelm will be followed by David Fletcher, I'm
16 sorry, Dave Fletcher.

17 MR. JIM WILHELM: My name is Jim
18 Wilhelm, W-I-L-H-E-L-M, and I'm a manager for Peabody
19 Coal Company, and I support Northway Gate (sic.)
20 project.

21 MR. STUDER: Dave Fletcher. And Mr.
22 Fletcher will be followed by Bud, it looks like
23 Lytle. Go ahead.

24 MR. DAVE FLETCHER: Hi. My name is
25 Dave Fletcher, F-L-E-T-C-H-E-R. I'm a Peabody

1 employee, and I am definitely in favor of this whole
2 project. And I gotta' say that I've been at one
3 other coal mine, and it's been a pretty rough place.
4 And I've been here since this place has been here.
5 It's provided many things for me. I drive an hour to
6 work, and it's enabled me to have a lot of things.
7 And I see the brochures that I get in the mail from
8 them all the time about how they --

9 MR. STUDER: Just a minute. Can you
10 hear in the back?

11 AUDIENCE MEMBER: No.

12 MR. STUDER: If you could speak up so
13 they can hear.

14 MR. FLETCHER: The things that I see in
15 the mail that they send me on the things that they
16 do, their projects, it's pretty impressive that I can
17 see, that they try to reclaim the land and
18 everything. And, you know, that makes me feel even
19 more important to be a part of this. And like I
20 said, because of this company, I mean, I'm able to be
21 a foster parent now, and I have more time to spend
22 with my family because of this place, compared to
23 where I was at before. So I support the project.

24 MR. STUDER: Thank you. Looks like
25 James or otherwise goes by Bud, is it Lytle?

1 MR. JAMES LYTLE: I agree with
2 everything Dave said.

3 MR. STUDER: Okay. For the record, the
4 last name is spelled L-Y-T-L-E. First name is, you
5 go by Bud?

6 MR. LYTLE: Yeah.

7 MR. STUDER: Okay. Roger Bowlin.
8 He'll be followed by Tony Lehr.

9 MR. ROGER BOWLIN: My name is Roger
10 Bowlin, B-O-W-L-I-N, and I'm a maintenance manager on
11 surface out at the Gateway Prep Plant. I've had the
12 privilege of living in Sparta all my life. I also
13 grew up around that mine area. I started in '76 at
14 Spartan Mines, so I've seen a lot of technology and a
15 lot of change.

16 Peabody Energy has gone beyond, above
17 and beyond anything I've ever seen before to keep all
18 the standards, all the regulations, and the safety.
19 And I'm more than in support of this project.

20 MR. STUDER: Thank you. Tony Lehr. As
21 he's coming forward, the next person after him will
22 be Mike Fullerton will be --

23 MR. TONY LEHR: My name is Tony Lehr.
24 That's L-E-H-R.

25 MR. STUDER: You're probably going to

1 have to speak up. That's got a real --

2 MR. LEHR: Tony --

3 MR. STUDER: It doesn't work real well.

4 MR. LEHR: -- Lehr, L-E-H-R. And I'm
5 an adjacent landowner to the proposed permit. And I
6 want to go on record as saying I'm against the
7 location of this permit. I feel that it's too close
8 to the city of Coulterville. It's too close to my
9 house, several neighbors, too close to the current
10 nursing home. Coulterville Care Center is located
11 probably within a half mile of this proposed
12 location.

13 And I've said it over and over, I think
14 it's too close to town. I think it should be moved
15 out. If there's a proposed 17,000 acres of coal
16 approximately from what I can read out of this, they
17 should go to the middle of it, not to the corner, and
18 that's my main concern. Thank you.

19 MR. STUDER: Thank you. Mike
20 Fullerton. After Mike Fullerton, we'll have Gary
21 Wilhelm.

22 MR. MIKE FULLERTON: Mike Fullerton,
23 F-U-L-L-E-R-T-O-N. I'm also an adjacent landowner to
24 this proposed area for permit, and being concerned of
25 its location and possible detriment to the city lake

1 and the purity of the water. I know there's several
2 steps shown in here and tests that will be required.
3 But as we all know, even though not at this time, we
4 can see some pretty large rainfall, way above the
5 projected average here. And I'm greatly concerned
6 that this man-made control could handle such a
7 rainfall and keep these levels of runoff at a safe
8 level for the city reservoir, which I am a user of
9 that water.

10 The changes in the water flow, having
11 not seen a full direct digging of sediment ponds and
12 other, it's surprising that much water release would
13 be changed, and if so, what detrimental effect could
14 that be on the level of water for the city reservoir,
15 which is not any too big for supplying the coal mine,
16 as well as the businesses and residents of
17 Coulterville.

18 In addition to that, I see in here, and
19 I wasn't sure on the explanation of no stockpiles
20 that runoff could evade from. My understanding is,
21 there will be a stacker located on this 172 acre
22 permitted area, and I wondered how that differs from
23 what I assume I read here.

24 MR. CRISLIP: Could you tell me where
25 it, where that, where you read that?

1 MR. FULLERTON: Uh --

2 MR. CRISLIP: Heh, heh, heh. I don't
3 recall that being in there.

4 MR. FULLERTON: I can't stand here and
5 come right to it. I should've marked it.

6 MR. STUDER: That's okay.

7 MR. CRISLIP: There is proposed
8 stockpiles on the site. Those stockpiles will be
9 tributary to one of the sediment basins, but not to
10 the sediment basin that would discharge to the
11 watershed of Coulterville Lake.

12 MR. FULLERTON: Correct. So there --

13 MR. CRISLIP: There will be a stockpile
14 there, yes.

15 MR. FULLERTON: There will be a
16 possible stockpile there?

17 MR. CRISLIP: If we indicated
18 otherwise, it was in error.

19 MR. FULLERTON: Okay. Is there any
20 designation by your department as to how large that
21 stockpile can become?

22 MR. CRISLIP: There's no set limit in
23 our permit, no.

24 MR. STUDER: We don't have the
25 authority to limit that.

1 MR. FULLERTON: Okay.

2 MR. STUDER: DNR may have that
3 authority, but we definitely do not.

4 MR. FULLERTON: So the discharge, as I
5 understood from this, would be in addition to the
6 Mary's River discharge, which is already, in my
7 opinion, past limits, because below the coal mine,
8 it's obvious that there's no vegetation where this
9 water flow is. And from time to time, there has been
10 documented high levels in that area.

11 And I'm greatly concerned that the
12 addition of another 25-year mine could be more than
13 the Mary's River could withstand, because we
14 obviously know that the sediment is going to be added
15 to that, as well as adding water flow to the west,
16 which I assume is Plum Creek area? Maybe that's not
17 right, but --

18 And so I'm additionally concerned that
19 those extreme levels from another 25 years of slurry
20 and sediment could greatly affect not only our
21 immediate area, but the area to the south, which has
22 additional coal mine runoff from our south. So I'm
23 greatly concerned about the location and the
24 additional time that we're going to see residue and
25 runoff. Thank you.

1 MR. STUDER: Thank you. We've gone the
2 time, so thank you. Gary Wilhelm. And following Mr.
3 Wilhelm will be Joyce Blumenshine.

4 MR. GARY WILHELM: Gary Wilhelm,
5 W-I-L-H-E-L-M. Peabody --

6 MR. STUDER: Can you speak up, so they
7 can hear you.

8 MR. GARY WILHELM: Peabody has always
9 been an environmentally responsible company. In
10 fact, they win numerous awards for reclamation and
11 for most of their properties in the way they treat
12 the environment, so I'm in favor of this project for
13 Gateway North. Thank you.

14 MR. STUDER: Thank you, Mr. Wilhelm.
15 Joyce Blumenshine, and Joyce will be followed by
16 Cindy Skrukruud.

17 MS. JOYCE BLUMENSHINE: Thank you, Mr.
18 Studer and members of the IEPA. I appreciate your
19 time tonight. I am Joyce Blumenshine,
20 B-L-U-M-E-N-S-H-I-N-E. I am a volunteer with the
21 Illinois Chapter of the Sierra Club, and I receive
22 not one penny for being here tonight or for anything
23 from Sierra Club. I am an individual concerned about
24 protection of our water and land resources for future
25 generations. And I have seen communities such as

1 Coulterville that have been inflicted for decades
2 with coal mines, and I am concerned about the future
3 health and safety of this community.

4 I had a couple questions, please, and
5 some comments. And first, I would like to ask Mr.
6 Crislip, if possible, I noted regarding to follow up
7 a little bit on the coal storage stockpiles. There's
8 only a two-foot kind of compacted clay under that.
9 Is it any standard with your agency to require a
10 plastic liner and even more depth? I wondered how
11 the two-foot compacted clay was determined, sir.

12 MR. CRISLIP: The liners are all
13 site-specific evaluations and determined by our
14 Groundwater Section, and we don't have any
15 representatives from that section here tonight.

16 MS. BLUMENSHINE: That's too bad. I'm
17 sorry. I just, I would just express a concern from
18 my looking at the maps, and I'm no expert, but it
19 looks like a lot of that area is ground that has a
20 high water table. And even though the direct
21 drainage might not be going directly into the Outfall
22 002 to Coulterville public water supply, if there's
23 coal, and if the groundwater table's high, I just
24 wonder if there is a concern that there could be
25 seepage or other contamination at some point over the

1 long years that this project could well go that could
2 affect the public water supply. So I appreciate your
3 listening to my concern about that.

4 I appreciated hearing about the
5 dedication of the Peabody workers. In this day and
6 age, everybody needs a job, and it's something very
7 special to have a job, and I fully respect that. I
8 am concerned that the future of this mine jeopardizes
9 the town of Coulterville, and here's a couple of
10 reasons why.

11 When the original Gateway Mine was
12 started in 1985, I think a lot of people thought it
13 would not last this long. And in fact, it's not
14 clear to me if the 340 workers listed in the
15 anti-degradation comment on the purpose and social
16 and economic benefits are just at Gateway North or
17 if, more likely, that's for the site including the
18 processing plant. Maybe somebody could clarify that
19 at some point.

20 So I think if that's the case, we're
21 not talking about just Gateway North, because that
22 could not survive on its own. It looks to me like it
23 depends on the coal processing plant from the old
24 1985 coal works. So what we're looking at is a kind
25 of piecemeal situation, where an old mine that has

1 been around a long time is now being expanded for
2 decades more.

3 And just to elaborate a little bit on
4 the purpose and economic benefits, I had a couple
5 items to turn in for the record, please, a "New York
6 Times" article tallying coal's hidden cost. Harvard
7 Medical School Center for Health and Global
8 Environment tries to put a price tag on coal's hidden
9 cost.

10 Most concerted estimate on cost of
11 coal, 175 billion a year, and that would double the
12 average of coal-fired electricity. We're talking
13 about well-documented public health impacts, like
14 lung and heart disease, the other costs attributed to
15 climate change and other environmental impacts. Much
16 remains unknown about the public health dimensions of
17 coal mining processing and combustion.

18 I respectfully submit that this purpose
19 and social and economic benefits is not a fair and
20 just representation. And I hope in the future,
21 Peabody Corporation, with their many dedicated
22 employees, would reflect more fully the extent of
23 options in addition to coal.

24 We are looking at a future here in
25 Illinois. And I have a couple articles on the

1 increases in wind energy, which I won't take all your
2 time to talk about. But in 2011, Illinois was second
3 in the entire nation for most capacity of wind energy
4 installed. And I have some data on that I'll turn
5 in.

6 Also, Illinois wind farms and growth,
7 from the Center for Renewable Energy, states: A
8 number of factors have contributed to rapid growth of
9 wind power capacity in Illinois from 50 megawatts in
10 2003 to 2,443 in 2011 and continuing to increase.
11 Illinois is now seventh as of 2011 in the United
12 States for wind capacity.

13 We have other options. We don't have
14 to just look at continuing and continuing and
15 continuing to mine coal for coal's sake. Wind power
16 does not contaminate water with pollutants such as
17 mercury. It generates electricity without emitting
18 gases that may contribute to climate change. I add
19 another comment for the environmental concerns, and
20 that is the topic of environmental justice. That is
21 an issue of concern to our state.

22 MR. STUDER: We are approaching the
23 time limit.

24 MS. BLUMENSHINE: I have an article:
25 Governor Quinn signs bill creating Environmental

1 Justice Commission. Environmental justice is the
2 fair treatment and meaningful involvement of all
3 people, regardless of race, color, national origin,
4 or income, with respect to the development,
5 implementation, and enforcement of environmental
6 laws, regulations, and policies.

7 And related to that is the health score
8 cord, the pollution indicator for Randolph County. .
9 I'm sorry it doesn't go specifically just to
10 Coulterville. But for Randolph County in 2002, the
11 ranking here is that it is among the dirtiest and
12 worst counties in the entire country, in the upper
13 hundredth percentile for cancer risk and for air and
14 water releases of pollutants.

15 Related to that is a statistic of
16 concern that I don't know if people here are aware
17 of, but Coulterville, I'm sorry, Randolph County is
18 listed as one of the highest in the area for infant
19 mortality, 11.19 deaths per thousand of children,
20 versus the Illinois average 7.96. Something is wrong
21 here. I don't know what it is, but I'm concerned
22 about the environment, for the people and the future
23 of this area.

24 MR. STUDER: Ms. Blumenshine, did you
25 want to submit those?

1 MS. BLUMENSHINE: Yes, of course. I'm
2 so sorry.

3 MR. STUDER: We are at the time limit.

4 MS. BLUMENSHINE: Thank you very much.
5 I appreciate your time.

6 MR. STUDER: And I will enter those as
7 exhibits into the hearing record. Cindy Skrukud.
8 Ms. Skrukud will be followed by it looks like
9 George, is it Dawe? Go ahead, Cindy. I'm sorry.

10 MS. CINDY SKRUKRUD: No problem. Thank
11 you for the opportunity to comment tonight. My name
12 is Cindy Skrukud. My last name is spelled
13 S-K-R-U-K-R-U-D. And I'm the clean water advocate
14 for the Illinois Chapter of the Sierra Club. I'm
15 here tonight on behalf of myself and Sierra Club
16 members who have concerns regarding the impact of
17 this proposed new mine on water quality, both in
18 Mary's River and in Coulterville Lake, that I've
19 already heard is important as a drinking water source
20 for the Village of Coulterville.

21 And I've got some things I wanted to
22 commented on, and then I thought I'd start off with
23 some questions I had about the public notice and
24 draft permit. First, on page 3 and 4 of the public
25 notice fact sheet, and then again on page 3 of the

1 draft permit, well, page 2 and 3, it states that both
2 Outfalls 1 and 2 will have dry weather discharges and
3 mine pumpage. And I'm especially concerned, and my
4 question is, is that true, that there will be mine
5 pumpage to Outfall 002 to Coulterville Lake?

6 MR. CRISLIP: I'll have to research
7 that. I don't recall that. I didn't think there was
8 pumpage proposed to that outfall, but I'll need to
9 research that.

10 MS. SKRUKRUD: Okay. Good. I would
11 recommend that to you, that this permit should not be
12 issued with mine pumpage to a drinking water supply.

13 MR. CRISLIP: Thank you for bringing
14 that up.

15 MS. SKRUKRUD: Then looking at, then
16 looking at the anti-degradation assessment, I wanted
17 to again talk about mine pumpage. I guess my first
18 question is, looking at the assessment of
19 alternatives, what's the basis for the Agency
20 determining that these different treatment options
21 are infeasible? Is it all based on what Peabody has
22 supplied to you, or is there, do you do independent
23 review of the literature?

24 MR. MOSHER: The Applicant is
25 responsible for the anti-degradation assessment,

1 including the alternatives analysis. The Agency
2 reviews that and uses its professional judgment to
3 agree or disagree with the conclusions submitted by
4 the Applicant. In this case, we did agree that the
5 treatment provided what was the reasonable
6 alternative.

7 MS. SKRUKRUD: So I've been reading the
8 literature. I was looking at a paper on review of
9 sulfate removal options for mine waters, and that was
10 one, in that paper they concluded that biological
11 sulfate reduction was probably the most viable
12 alternative. They suggest that can be employed in
13 underground mines or in surface ponds. And so I had
14 a question -- that's essentially a bioreactor.

15 So in the section under biological
16 treatment and wetlands and reactors, it's stated that
17 the intermittent nature of storm-water runoff is one
18 of the obstacles to employing this type of
19 treatment. And so again, getting back to mine
20 pumpage, isn't, aren't the plans to pump out of the
21 mine into Outfall 001, so couldn't this technique be
22 employed for that outfall?

23 MR. MOSHER: Cindy, you're going to
24 give us a copy of the paper you're referencing?

25 MS. SKRUKRUD: Yes, I can.

1 MR. MOSHER: Okay. And if you'd be
2 kind enough to do that, we'll review it, and we'll
3 answer your question in our responsiveness summary.

4 MR. STUDER: You can, you can, you
5 know, if you need that for your purposes, you can
6 submit a copy with written comments if you'd like, as
7 long as we get it in the record at some point so
8 we've got it to review.

9 MS. SKRUKRUD: Yes. I will do that.
10 So my point there is, you know, as I understand it,
11 that there won't be just intermittent discharges from
12 this mine, and certainly at the outfalls where
13 there's mine pumpage, that some of these alternatives
14 could be employed. Let's see. Next. Then turning
15 to page 14 of the draft permit, could you, could you
16 explain to me when special, what special condition 10
17 is referring to?

18 MR. CRISLIP: Special condition 10
19 refers to the status of the outfalls and the
20 monitoring required that is listed on page 6 of the
21 draft permit. And as I turn back to page 6, I see
22 there's a typo. That page 6 references special
23 condition 9. It should reference special condition
24 10.

25 MS. SKRUKRUD: Oh, okay. Thank you.

1 That helps. Then under special condition 12 talks
2 about sampling that's going to be, monitoring that's
3 going to be required in both the tributary to Mary's
4 River and the tributary to Coulterville Lake. I
5 would recommend, in addition to pollutants that are
6 already listed here, that manganese, total
7 phosphorus, and total suspended solids should be
8 included in the list of parameters that are monitored
9 for in the tributary to Coulterville Lake, since the
10 lake is already impaired for those pollutants.

11 And on that theme, looking back at the
12 proposed limits for Outfall 2, I would recommend that
13 the total suspended solids limit should apply under
14 all discharge conditions, as the lake is already
15 impaired for due to total suspended solids.

16 MR. STUDER: We're approaching the time
17 limit, too.

18 MS. SKRUKRUD: Okay. Well, then let me
19 -- I got one -- I've got more questions, but I can
20 maybe come back later.

21 MR. STUDER: Yeah. We've got another
22 hour yet.

23 MS. SKRUKRUD: I'll just skip back to
24 the anti-degradation assessment. The
25 anti-degradation assessment assessed that all public

1 and food processing water supply water quality
2 standards will be met in the effluent. Increases in
3 lake concentration of chloride and sulfate will be in
4 terms of a few milligrams per liter.

5 And I see while it's true that the
6 limits for Outfall 2 are set at the chloride and
7 sulfate standards for public and food processing
8 water supplies, I question -- can you answer why the
9 TDS limit is set at 500 milligrams, why the TDS limit
10 isn't set at 500 milligrams per liter, which is the
11 public water supply standard?

12 MR. MOSHER: It sounds like you may
13 have found a discrepancy in our work. And we'll take
14 a look at that, and we'll explain what happened in
15 the responsiveness summary.

16 MS. SKRUKRUD: Okay. Thank you.

17 MR. STUDER: Thank you, Cindy. George,
18 is it Dawe? And he'll be followed by Kathy Andria.

19 MR. GEORGE DAWE: Good evening. My
20 name is George Dawe. It's spelled D-A-W-E. And I,
21 too, am an employee at Peabody Energy's Gateway Mine
22 and fully support the Gateway North project. One
23 thing that comes to mind, and it's just an opinion.
24 We're concerned about water quality and everything.
25 And we at the present time at the Gateway Mine

1 utilize water from Coulterville, and have intentions
2 of using that water in the future at the Gateway
3 North project.

4 And I think that the company is not
5 going to do anything to jeopardize not only the
6 employees of the Gateway Mine, but also the people of
7 Coulterville as far as water quality's concerned.
8 And they've proven in the past, you know, taken
9 responsibility and stewardship for monitoring the
10 environment. And again, I think that that will take
11 place at Gateway North. And again, I do support the
12 project. Thank you.

13 MR. STUDER: Thank you, Mr. Dawe.
14 Kathy Andria. And Kathy will be followed by Brian
15 Perbix.

16 MS. KATHY ANDRIA: My name is Kathy
17 Andria, Kathy with a K, A-N-D-R-I-A. I'm
18 Conservation Chair for the Kaskaskia Group of the
19 Sierra Club and president of American Bottom
20 Conservancy. I'm also concerned -- Mike Fullerton
21 earlier talked about he was concerned about impacts
22 to Mary's River. We have -- and others spoke about
23 the impacts to Coulterville Lake. We have members
24 who get their water from Coulterville and from
25 Coulterville Lake and from the Kaskaskia River.

1 I'm also, I'm very confused, because
2 there were a number of people earlier who spoke about
3 the good environmental record and compliance of
4 Peabody in the current mine. And I have today, that
5 was downloaded from the Internet today from the EPA
6 ECHO site. The current operations and the three-year
7 compliance status by quarter, of the 12 quarters,
8 they have been out of compliance in 11 of them, in
9 the 11 most recent quarters.

10 They've been out of compliance for
11 iron, for settleable solids, for total suspended
12 solids, 200 percent over. With settleable solids --
13 that's hard to say, I couldn't believe that, 19,900
14 percent over the limits. I mean, I don't think I've
15 ever seen any numbers so high. So I really dispute
16 all of the claims of being in compliance.

17 And if they're out of compliance now,
18 then when you have new operations, then you're gonna'
19 have cumulative impacts, and that's going to impact
20 the people who get the water out of the lake. And
21 the woman from Coulterville said they're considering
22 something else. But if they treat the current water,
23 that's going to be a cost to the Village, which will
24 go to the rate payers. Maybe they have a
25 sophisticated water treatment plant. I don't know.

1 But whatever it is, their rate payers will pay higher
2 costs for pollution of mining operations and their
3 people who drink the water.

4 I'm also -- I don't think they
5 currently, they have no backup to the water supply,
6 and they're already impaired for manganese. And I
7 wondered, Cindy had brought up about alternative
8 treatments, and so I have a question. Other mines in
9 the state are using wetlands as treatment, and I
10 wondered whether, is it Peabody that says, 'cause you
11 say it's infeasible here. Is it Peabody who said
12 it's infeasible, or are you telling us it's
13 infeasible? And if it is, why?

14 MR. MOSHER: Peabody did conclude that
15 other treatment alternatives were not feasible in
16 their anti-degradation assessment. And I'll let
17 Larry speak for himself here, but he's the mine
18 engineer, and if an alternative treatment was
19 preferred or required, I assume you would put that in
20 the permit and require that of Peabody.

21 MR. CRISLIP: We would've added that in
22 the permit and considered that. If you could provide
23 any information on the other facilities in Illinois
24 that's currently using that technology, we would
25 appreciate it, and we could review that.

1 MS. ANDRIA: And then I have one last
2 question. I'm not a water expert, so I have to rely
3 on Cindy Skrukruud and other people who know much more
4 about these. But I've seen the special condition
5 one, no effluent from any mine-related facility area
6 under this permit shall, alone or in combination with
7 other sources, cause a violation of any applicable
8 water quality standard as set out by the Illinois
9 Pollution Control Board rules and regulations.

10 Okay. All of your permits say you
11 can't violate the standards. Here I've got the
12 compliance status showing that they violated, had
13 violations 11 out of 12 times. They did. What do
14 you do about it? What happens? How will you address
15 it? If they're already polluting, how do you address
16 the future?

17 MS. DIERS: You're talking about what
18 you found on ECHO?

19 MS. ANDRIA: Yes.

20 MS. DIERS: And are you looking at
21 Gateway? Is that the information?

22 MS. ANDRIA: That's the current mine
23 operations is my understanding.

24 MS. DIERS: I would ask first that you
25 submit that information, if you can, what you pulled

1 off ECHO, and we can compare what we're seeing on
2 ECHO with what we put in our database, because
3 they're not always the same when they catch up with
4 each other, so we have to review that.

5 And also, if we are finding they're out
6 of compliance, we have enforcement that we can take
7 action on. So if we're seeing people are out of
8 compliance, we can look at it, we can go through
9 violation notices, etc., through our statute. But if
10 you're seeing that, we would ask that you submit it,
11 so we can compare what ECHO's showing to what our
12 stuff is showing, 'cause there have been
13 discrepancies we're finding. So it shows people are
14 out of compliance based on ECHO, but they're not
15 really out of compliance when we compare with our
16 database. So there's issues with people looking at
17 ECHO and what we're doing. So we would need to see
18 that.

19 MS. ANDRIA: It says the Permit
20 IL0062189, Coulterville Coal Company, Gateway. I
21 would assume that's this mine.

22 MS. DIERS: Okay. If you could submit
23 what you have, that would be great. We can look at
24 it. And like I said, we have violations and statutes
25 that we can go after if they're violating. So there

1 are mechanisms to make sure they're in compliance
2 with their permit.

3 MS. ANDRIA: It's just that I've seen
4 this so many times. You say, well, they won't
5 violate, and then they do. And then people have
6 water, they have to replace the water. There are a
7 lot of people in Coulterville who claim that they
8 have high rates of cancer, they have high rates of
9 multiple sclerosis and other diseases, and they
10 believe that it's from water runoff from the acid
11 mine drainage and from all kinds of things in their
12 water.

13 So, you know, I think you guys, you
14 have to really, really, really consider what you're
15 doing to a community when you make these decisions,
16 and not just look at it in coal with the legislation
17 and the rules and what you're doing, but think about
18 what you're doing to a community. Thank you.

19 MR. STUDER: Thank you, Ms. Andria.
20 Brian Perbix.

21 MR. BRIAN PERBIX: Thank you for the
22 opportunity to comment this evening, the IEPA for
23 making the trip down here. My name is Brian Perbix.
24 That's Brian with an I, P-E-R-B-I-X. And I'm here on
25 behalf of the Prairie Rivers Network. Prairie Rivers

1 Network is the State of Illinois' affiliate of the
2 National Wildlife Federation, and we're here on
3 behalf of our members, who include folks in Randolph
4 and Washington Counties who live, recreate in, and
5 rely on the Mud Creek and Mary's River watershed for
6 recreation, fishing, drinking water, and other uses.

7 Of course, we're here tonight because
8 we're concerned about the water quality discharge
9 permit that's been proposed by Illinois EPA,
10 specifically whether or not the additional pollution
11 coming from the expansion at the Gateway Mine is
12 necessary, first of all, and second, if the permit
13 complies with the relevant regulations.

14 So considering the limited time, I'm
15 just gonna' jump in with questions and comments.
16 First, I'd like to start with water quality
17 standards, where Ms. Skrukrud left off. With regard
18 to Outfall 002, considering the Coulterville
19 Reservoir is considered impaired for manganese, why
20 then is there no standard at all listed for
21 manganese, or excuse me, effluent limit?

22 MR. CRISLIP: There's no limit for
23 manganese on that outfall, because we determined
24 there was no source material that was tributary to
25 that outfall.

1 MR. PERBIX: So no earth-moving
2 disruption, anything like that?

3 MR. CRISLIP: Well, there's disturbed
4 earth, but no coal or coal-related materials or
5 anything like that.

6 MR. PERBIX: Okay. Well, we would
7 suggest that the permit include effluent limit on
8 manganese, considering the impaired status of
9 Coulterville Lake for that constituent. And then
10 also I just had a question, I think this would be for
11 Mr. Mosher, about how the iron limits were developed
12 for the permit.

13 You know, I think Mr. Fullerton earlier
14 alluded to the fact that downstream Mary's River
15 often runs red. And I'll submit, not tonight, but
16 with written comments, some inspection reports from
17 IDNR that indicate, you know, downstream of these
18 mining complexes here, you know, values as high as 58
19 milligrams per liter of iron in the stream bed. And
20 so, you know, I see that there's a 3 to 6 milligram
21 per liter total iron limit for both outfalls. But
22 considering the high levels that we're seeing showing
23 up downstream, how can we be permitting additional
24 releases of iron from these sources?

25 MR. MOSHER: Well, those iron limits

1 are not water quality standards based limits.
2 They're effluent limits. Our water quality standard
3 for iron is dissolved iron. There's no reason to put
4 a dissolved iron limit in the permit, because pH is
5 regulated, and iron won't become dissolved under the
6 pH's required in the effluent, based on the permit
7 limit. So Larry, you can describe where that iron
8 limit comes from.

9 MR. CRISLIP: The iron limit comes from
10 our Subtitle D regulations in 406-106, and those
11 limits are set as a new source standard.

12 MR. PERBIX: And then switching gears a
13 little to talk about anti-degradation. You know,
14 with such a small footprint for this proposed
15 facility, in looking through the anti-degradation
16 analysis, you know, we really question whether or not
17 the Agency has assured that all technically and
18 economically reasonable measures to avoid pollutant
19 loading have been incorporated into the permit,
20 specifically with respect to a no-discharge option.

21 Maybe I missed it, but I didn't see,
22 were cost estimates provided of, you know, what size
23 of a catchment basin would be required to, you know,
24 capture all the runoff from this facility, and how
25 much would that cost?

1 MR. MOSHER: Are you talking about a
2 catchment basin that would never discharge?

3 MR. PERBIX: Well, either never
4 discharge or feed into what I believe already exists,
5 the closed loop slurry system where water is already
6 being recycled for washing coal and dust control,
7 dust suppression on site at the existing facilities.

8 MR. MOSHER: So I think you're talking
9 about transporting the water from the new outfalls
10 south to the existing coal processing area?

11 MR. PERBIX: Well, I'm wondering about
12 either a no-discharge option or possibly a limited
13 discharge, combined with, you know, I think that
14 Outfall 001 is already rerouting some drainage from
15 Coulterville Lake into Mary's River. And so that
16 water's going that way anyhow is my understanding
17 based on some overland flow diversions. So if it's
18 going that way anyways, I guess I wonder why it
19 couldn't go through the slurry loop first, as opposed
20 to straight into the Mary's River.

21 MR. MOSHER: You know, I don't think
22 that was an alternative that was considered, so now
23 that you bring that up, we will consider it and will
24 give our findings in the responsiveness summary.

25 MR. PERBIX: Thanks. And I would add,

1 too, another alternative that we think ought to be
2 considered, because we do know of Illinois mines that
3 are beginning to implement biological treatment
4 methods, would be artificially constructed treatment
5 wetlands, which possibly could be used to attenuate
6 some of those high flow events if you were trying to
7 catch more and more precipitation but did have a
8 disturbance or some high rainfall events.

9 MR. MOSHER: Excuse me. Are your
10 examples of Illinois mines that are using wetlands is
11 I think what you said?

12 MR. PERBIX: Yes.

13 MR. MOSHER: Are they going to be the
14 same as Kathy's or --

15 MR. PERBIX: Probably, yes.

16 MR. MOSHER: Okay.

17 MR. PERBIX: One more?

18 MR. STUDER: I'm sorry?

19 MR. PERBIX: Do I have one more
20 minute?

21 MR. STUDER: Yeah, I'll give you
22 another minute.

23 MR. PERBIX: Okay. And then the last
24 point I want to raise right now is just that, you
25 know, we're concerned that the anti-degradation rules

1 require consideration of, you know, the scope of the
2 proposed activity. Of course, you know, we're not
3 looking at the full scope of the proposed activity on
4 site. We're just looking at the portal. And so I'm
5 wondering why, you know, this isn't being
6 incorporated with the existing facilities.

7 But also, I know that DNR has on file a
8 permit application for expanded refuse disposal area
9 to the west of the existing facilities. And in
10 particular, it seems like because that refuse will be
11 coming from this mine portal, that the NPDES, the
12 full sweep of, you know, NPDES questions ought to be
13 answered about both of those activities at the same
14 time.

15 You know, we're concerned that if the
16 portal's permitted now, it might be five to ten years
17 before we get to permitting for the refuse disposal
18 area, unless I'm missing something.

19 MR. CRISLIP: We'll address that in the
20 responsiveness summary.

21 MR. PERBIX: Thank you. Okay. Thank
22 you so much.

23 MR. STUDER: Okay. That concludes the
24 first round of going through those that have
25 registered to speak. And as customary, is there

1 anyone in the room this evening that has not spoken
2 that would like to do so? If you'd come forward, and
3 state your name and spell it for the court reporter,
4 I'd appreciate it.

5 MR. SCOTT RUST: Hi. My name is Robert
6 Scott Rust, R-U-S-T. I am the current Village
7 President of the Village of Coulterville, and I'm
8 speaking on behalf of the Village. I wanted to
9 repeat over some information that you were given a
10 few minutes ago.

11 Currently our water supply is out of
12 the Coulterville Lake. We are able to produce water,
13 clean water. We pass all EPA standards. We do have
14 a secondary water source currently, which is
15 Washington County Water, in the case of an
16 emergency. We, as the Village of Coulterville, don't
17 see any, have any fear that this mine is going to
18 impede our ability to provide our citizens with good,
19 clean water.

20 Currently the coal mine accounts for
21 roughly 8 percent of our total budget for the Village
22 of Coulterville. With the loss of this coal mine, we
23 would not be able to offer the services that we
24 currently offer our citizens, mainly our police
25 force. And somebody brought up the comment about

1 with the coal mine, we would have to increase our
2 water rates. Without the coal mine, our water rates
3 would go through the roof, because currently the coal
4 mine provides for about half of our total water bill
5 monthly. So the coal mine's a huge economic
6 benefactor to the community of Coulterville.

7 We also currently are in agreement to,
8 if they pass the permit, we have to supply them with
9 sewer service, which would be another economic
10 benefit. And that's not counting the amount of
11 business that the employees give our community
12 businesses and the jobs that they provide our
13 citizens.

14 So the Village of Coulterville is a
15 great, is in support of the coal mine, and they have
16 been a great friend to us. Always, whenever we've
17 asked them for help, they've assisted us in our parks
18 and assisted us with people and equipment. And I
19 would fully ask for you guys' support and allow this
20 coal mine to take place.

21 MR. STUDER: Thank you.

22 MR. RUST: Thank you.

23 MR. STUDER: Is there anyone else in
24 the room that has not spoken this evening that would
25 like to make a comment on the record? Okay. Let the

1 record indicate that no one raised their hand.
2 Okay. I would like to see a show of hands of those
3 that have already spoken but have additional comments
4 they would like to make. Depending on the number of
5 people, I will limit the comment, and it's going to
6 be roughly just a summary of what, if there's anyone
7 that wants to summarize, I'll give you up to two
8 minutes to summarize.

9 Could I see a show of hands of those
10 that have already spoken that would like to speak?
11 There's one, two, three? Okay. Four. Okay. We'll
12 go ahead and go in the order that I saw the hands.
13 Cindy? I'll give you two additional minutes here.
14 And there's a total of four people, so we should be
15 concluded in about eight minutes or so. Go ahead.

16 MS. SKRUKRUD: Okay. I think I have
17 three questions, three questions. One, that there's
18 a TMDL is currently being developed for Coulterville
19 Lake. It's at stage 3. I think that the permitting
20 section needs to take into account that TMDL and that
21 this permit may well need to be limited to be in line
22 with that TMDL.

23 I question why there is no total
24 phosphorus limit at Outfall 2, given that the lake is
25 already impaired due to phosphorus. Then I wanted to

1 give you a map. And this is a map that I printed out
2 from the Agency's Source Water Assessment Program, so
3 it was --

4 MR. STUDER: Do you want this entered
5 as an exhibit?

6 MS. SKRUKRUD: Yes, please.

7 MR. STUDER: Okay. Go ahead.

8 MS. SKRUKRUD: So I printed out this
9 map using the IEPA's on-line Source Water Assessment
10 Program tool. And as you can see, it shows not only
11 Coulterville Lake, but the watershed for the lake as
12 a public water supply watershed. And so under the
13 Safe Drinking Water Act, I wanted to know, you know,
14 what's the IEPA's policy for dealing with proposed
15 new sources of pollution within the watershed of a
16 public water supply.

17 MS. DIERS: We'll have to look at it.
18 We'll look at it and do a responsiveness summary for
19 you.

20 MS. SKRUKRUD: Okay. Thank you. Then
21 my last question is, looking at the anti-degradation
22 assessment, under the identification of proposed
23 pollutant load increases or potential impacts on
24 uses. In the second paragraph, it says that the
25 impact, the input to the tributary to the lake was

1 modeled to show what the long-term overall effects
2 would be on lake water quality for seven parameters,
3 for several parameters.

4 And my question is, was that modeling
5 done based on the proposed permit limits, or was it
6 done based on the projected discharge
7 concentrations?

8 So my argument would be, I think, from
9 what I've seen in the files, that it was based on the
10 projected concentrations that are expected in the
11 discharge. But that really to be looking at the
12 impact on the lake, that you should be modeling based
13 on the permit limits, because if granted, the permit
14 would allow pollutant levels up to the limits.

15 MR. MOSHER: We'll check that for you.

16 MS. SKRUKRUD: Okay. Thank you very
17 much.

18 MR. STUDER: Thank you. Yeah, yeah.
19 Go ahead, Brian. I'm sorry.

20 MR. PERBIX: Thanks for the additional
21 two minutes. I just have two brief questions. One,
22 could you verify how the waste, the sanitary
23 wastewater will be handled from this facility?

24 MR. STUDER: Do you know?

25 MR. CRISLIP: We do have information on

1 that in the file, and I don't recall right off the
2 top of my head.

3 MR. PERBIX: Okay. And then second,
4 since I put the idea in your head about transferring
5 the wastewater from North Gateway to existing
6 facilities, I guess we'd also be, of course,
7 concerned about water withdrawals from Coulterville
8 Lake watershed and would be interested in --

9 MR. MOSHER: So neither way will make
10 you happy?

11 MR. PERBIX: Well, we're curious about
12 what you think of both and whether or not you've
13 analyzed both impacts. So we're interested in what
14 you have to say on both points. I just wanted to
15 clarify that for the record.

16 MR. STUDER: Thank you, Brian. There
17 was someone in the --

18 MR. FULLERTON: Mike Fullerton. And
19 that area located on page 7, in regards to my
20 understanding, will not increase production or coal
21 stockpile areas at the Gateway North facility, and I
22 don't understand that in this statement, versus the
23 fact that there will be.

24 MR. CRISLIP: That statement was to
25 indicate that the production coming from Gateway

1 North will not increase the throughput of the prep
2 plant at the main facility. It will not increase the
3 stockpiles or production rate at the main Gateway
4 Mine site through the preparation facilities.

5 MR. FULLERTON: So it doesn't really
6 reference the stockpile on the permitted area?

7 MR. CRISLIP: Right.

8 MR. FULLERTON: Okay. And then
9 additionally, in concern of water at the City Lake,
10 do I understand that the review period simply was
11 March to June of 2011? And I find it very surprising
12 that all this information can safely be derived from
13 that short period of time.

14 MR. MOSHER: Well --

15 MR. CRISLIP: I'm not sure.

16 MR. MOSHER: -- I can tell you a little
17 bit about what was done. We asked the mine to model
18 all of the water going into Coulterville Lake from
19 its watershed, and specifically what changes would
20 occur because of their new effluent that's added to
21 that system. And they looked at that based on the
22 watershed size and the rainfall, you know, average
23 rainfalls and whatnot, and they calculated for
24 several parameters, parameters that are limited in
25 the permit, sulfate, chloride, total dissolved

1 solids, what exactly would be the end result in the
2 Coulterville Lake water of the concentrations of
3 those substances. And they completed that.

4 The findings were that it's a very
5 small increase in concentration for those three
6 substances, an increase that would not be noticeable
7 by someone drinking that water. And certainly, all
8 three parameters were well within the water quality
9 standard applicable to Coulterville Lake as a
10 drinking water source.

11 So when you say they just did it for
12 certain months, that doesn't register with me,
13 because it wasn't that kind of study. It was an
14 overall study, all-encompassing type of model that
15 they used.

16 MR. FULLERTON: Do you have any idea if
17 that particular model implemented, per se, an 11-inch
18 24-hour rain?

19 MR. MOSHER: It would've been based on
20 not just a single heavy rainfall event but overall
21 averages.

22 MR. FULLERTON: Just the average?

23 MR. MOSHER: Right. So, you know --

24 MR. FULLERTON: Which is less than half
25 of that, basically one-third.

1 MR. MOSHER: Yeah. You know, a really
2 heavy rainfall -- everything's kind of proportional
3 in this case, whether it's any given heavy rainfall
4 or just the averages, it's all calculated on that
5 entire watershed, and we have that study on file. We
6 reviewed that study and found it to be accurate.

7 MR. FULLERTON: All right. Thank you.

8 MR. STUDER: Thank you, Mr. Fullerton.
9 We had one more person over here that indicated they
10 wanted to speak, and that concludes the four people
11 then that had asked to speak.

12 (Audience member made a gesture.)

13 MR. STUDER: I asked once, and I've got
14 four people, so --

15 MR. NORMAN: Charles Norman was my
16 name. You don't need me to spell it again, do you?
17 I just wanted to address one of the issues that was
18 brought up as regard to the mine, the new mine. And
19 then I believe it was one of the ladies from the
20 Sierra Club that brought up that what it looks like
21 is we're gonna' have a new mine and an old prep
22 plant. And I can't remember how much we've put into
23 that prep plant. How much did they budget to
24 renovate the prep plant?

25 AUDIENCE MEMBER: Several million

1 dollars.

2 MR. NORMAN: They are putting several
3 million dollars into that prep plant. Basically
4 they're redoing it. So you're basically gonna' have
5 a new prep plant and a new mine. They're not just
6 gonna' use the same old prep plant that's been there
7 forever. They're upgrading it, making it better, so
8 it can be more efficient. You know, it's not gonna'
9 be the same prep plant that's been there forever.

10 They're using the structures, but
11 they're redoing it, you know. And I don't know if
12 that kind of maybe answers one of the questions that
13 she had, you know, because of that, but it's not
14 gonna' be new mine, old prep plant. I mean, the
15 structure's gonna' be old, but they're redoing it and
16 renovating it so that it will be better and able to
17 keep up with the new mine.

18 I didn't have a lot of time to get to
19 prepare, as obviously the Prairie Rivers and the
20 Sierra Club both did, you know. I'm just a simple
21 coal miner. And, you know, all I can say is that it
22 is a great thing that they do what they do, because
23 otherwise, companies wouldn't be able, wouldn't
24 comply to the rules and regulations obviously. And
25 that's a good thing.

1 But I do know that with this mine, if
2 this mine doesn't go in, then it is going to be a
3 great handicap to this area, you know. You're gonna'
4 lose a lot of people who are here, who are good,
5 honest people, who put a lot of money into this
6 community. And yes, there do need to be strict rules
7 and regulations on the water, and we need to make
8 sure that it's gonna' be monitored and make sure that
9 we're not polluting our water source for our
10 generations. I've got a seven-year-old daughter at
11 home. I don't want her to live in a polluted
12 environment.

13 But at the same time, you have to look
14 at the fact that in this economy, there aren't a lot
15 of jobs out there. And if this mine doesn't go in --
16 this morning, for instance, I spent \$30 at the gas
17 station in Coulterville. If this mine doesn't go in,
18 then I'm not gonna' spend that money there, 'cause
19 I'm gonna' have to go somewhere else and live, and I
20 don't want to do that. This mine definitely needs to
21 comply with the laws and regulations, but it needs to
22 be thought, too, that if this mine doesn't go in and
23 all of these workers have to leave, it's gonna'
24 cripple this area. Thank you.

25 MR. STUDER: Thank you. For the

1 record, you were Charles Norman?

2 MR. NORMAN: Charles Norman.

3 MR. STUDER: Okay. There were two
4 people that had indicated yet that they wanted to
5 speak. Since I wasn't real clear up-front, I'm going
6 to allow those two people to speak. Then I want to
7 make sure we have an accurate number of those, and I
8 believe Kathy wanted to speak and Joyce did. Joyce,
9 I'll let you come first, because I saw your hand
10 first. And Kathy, I'll allow you. But before Joyce
11 starts, I want to make sure that we have no one else
12 here that wants to speak after these two are
13 through. Go ahead, Joyce. And I'm sorry about the
14 confusion.

15 MS. BLUMENSHINE: I forgot to ask this
16 question, and I'm so sorry.

17 MR. STUDER: That's okay. Go ahead.

18 MS. BLUMENSHINE: Joyce Blumenshine.
19 Two quick questions. I didn't understand why that in
20 the information I read, that the mine will not be
21 replacing somewhat over a thousand feet of streams
22 that will be destroyed, and I wondered what will be
23 mitigation for that? Why are they allowed to
24 destroy, you know, about a quarter mile or so of
25 streams?

1 MR. CRISLIP: That would be a 401 issue
2 outside of the NPDES permit that's beyond the scope
3 of --

4 MS. BLUMENSHINE: Of course. Not
5 appropriate for here. Thank you. My last question.
6 Thank you very much. I wondered if there's any
7 assessment on how much water would be diverted from
8 Coulterville Reservoir. I know there is a slight
9 change at one of the diversions that's then taken
10 toward Mary's River, and I wondered if that had been
11 assessed.

12 MR. MOSHER: I think someone asked that
13 question earlier --

14 MS. BLUMENSHINE: Oh, I'm sorry.

15 MR. MOSHER: -- and we were going to
16 check and see what the --

17 MR. STUDER: And if they didn't ask it
18 earlier, you've asked it now, and we'll address it.

19 MS. BLUMENSHINE: Thank you,
20 gentlemen. I appreciate it, and ma'am. Thank you.

21 MR. STUDER: Thank you. Ms. Andria.

22 MS. ANDRIA: It was a question -- Kathy
23 Andria. It was a question that you had mentioned or
24 you had, in explaining it, you said that you do
25 enforce. Well, this goes back, this period of

1 violation goes back three years, and I don't think
2 that it's been enforced.

3 MS. DIERS: Again, we'll look at it for
4 you. Like I said, we're going to have to take a look
5 at ECHO and compare it to what we have and go back
6 through the DMRs and everything. But we'll look at
7 it, like I said. Please send that in so we can check
8 on it and see what's going on. I don't know if
9 they've had enforcement out there. We will look at
10 it for you. If it's now coming to our attention, we
11 can investigate. So yes, we have those mechanisms,
12 and we do take them seriously, and we would enforce
13 if it is an issue that we need to.

14 MS. ANDRIA: Okay. Good. Thank you
15 very much.

16 MR. STUDER: Thank you. I want to
17 thank everyone for coming out this evening. We've
18 had a full house, which is a lot more people here
19 than what we had anticipated, and we appreciate your
20 interest and the comments that you have raised this
21 evening. I remind everyone that the hearing record
22 is open until the 20th of July, and we'll be
23 accepting written comments through that date. Thank
24 you for your attendance and your participation, and
25 this hearing is adjourned.

1 STATE OF ILLINOIS)

2)

3 COUNTY OF JACKSON)

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I, Sharon Valerius, a Freelance Court
Reporter for the State of Illinois, do hereby certify
that I reported in machine shorthand the Illinois EPA
Public Hearing held on June 20, 2012, from 5:00 p.m.
till 6:35 p.m., at the City Council Chambers, City
Hall, Sparta, Illinois; that I thereafter caused the
foregoing to be transcribed into computer-aided
transcription, which I hereby certify to be a true
and accurate transcript of the same.

15

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Dated this 28th day of June, 2012.

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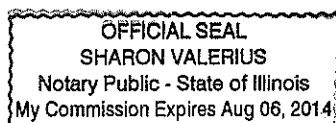
Sharon Valerius

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#084-003349 [1]	406-106 [1]	53:10	47:21 63:20	alluded [1]	52:14	48:5 54:10 56:8
1:12	415 [1]	4:17	adding [1]	alone [1]	48:6	56:18 62:19 63:6
\$30 [1]	5 [4]	1:10 8:10	addition [6]	alternate [1]	15:14	67:3 67:24
'76 [1]	19:2	71:9	30:18 32:5 32:12	alternative [6]	41:6	areas [3]
00 [2]	5/39 [1]	4:18	36:23 43:5	41:12 47:7 47:18	47:18	16:5 25:11
001 [2]	50 [1]	37:9	additional [9]	54:22 55:1	40:19	62:21
002 [4]	500 [2]	44:9 44:10	18:14 32:22 32:24	alternatives [4]	47:15	argument [1]
40:5	58 [1]	52:18	51:10 52:23 59:3	41:1 42:13	33:8	61:8
1 [1]	6 [6]	23:22 42:20	59:13 61:20	always [3]	49:3 58:16	arrives [1]
10 [3]	42:21 42:22 52:20	71:10	additionally [2]	63:9	45:19	article [2]
42:24	62794-9276 [2]	1:15	address [6]	48:14 48:15 56:19	21:13	37:24
1021 [2]	8:12	7 [1]	48:14 48:15 56:19	65:17 69:18	19:9	articles [1]
11 [3]	7.96 [1]	38:20	addressed [1]	23:18	58:10	36:25
48:13	8 [1]	57:21	adjacent [2]	29:5	41:1	artificially [1]
11-inch [1]	9 [1]	42:23	adjourn [1]	11:20	53:16	aspects [1]
11.19 [1]	99 [1]	13:24	adjourned [1]	70:25	62:13	10:7
12 [3]	A-N-D-R-I-A [1]	45:17	administrative [5]	45:14 45:16 45:17	44:18	assessed [2]
48:13	A-N-D-R-O-V-A-N-D-I [1]	20:10	3:4 3:23 3:24	48:1 48:19 48:22	44:18	43:25
14 [1]	A-T-T-E-R-B-E-R-R-Y [1]	21:8	12:6 14:20	49:19 50:3 50:19	44:18	69:11
166 [1]	abide [1]	20:14	advocate [1]	69:21 69:22 69:23	44:18	assessment [10]
17,000 [1]	abilities [1]	20:16	aesthetic [1]	70:14	44:18	40:18 40:25 43:24
172 [1]	ability [2]	20:20	affect [2]	Andria [14]	44:18	43:25 47:16 60:2
175 [1]	57:18	18:2	35:2	45:14 45:16 45:17	44:18	60:9 60:22 69:7
19,900 [1]	able [7]	2:10 18:2	35:2	48:1 48:19 48:22	44:18	assist [1]
19276 [2]	27:20 57:12 57:23	57:23	affiliate [1]	49:19 50:3 50:19	44:18	8:3
8:12	66:16 66:23	28:16	aforementioned [1]	69:21 69:22 69:23	44:18	assisted [2]
1985 [2]	above [2]	30:4	7:12	70:14	44:18	58:18
2 [5]	accept [4]	6:22	again [9]	Androvandi [4]	19:17	associated [1]
43:12 44:6 59:24	11:23 12:20 12:22	12:22	39:25 40:17 41:19	20:6 20:9 20:9	19:17	16:3
2,443 [1]	acceptable [1]	21:17	45:10 45:11 65:16	44:8	20:9	association [2]
20 [6]	accepted [1]	9:3	70:3	44:8	42:3	15:10
6:23 7:19 12:19	accepting [2]	3:17	against [1]	answered [1]	56:13	assume [4]
71:9	70:23	4:4	age [1]	answers [1]	66:12	30:23
200 [1]	access [1]	4:4	agency [11]	answered [1]	56:13	32:16 47:19 49:21
2002 [1]	accommodate [1]	14:8	2:3 3:5 4:19	answers [1]	66:12	53:17
2003 [1]	accordance [1]	3:24	4:24 5:3 22:6	anti-degradation [11]	9:8 35:15 40:16	23:25
2011 [4]	according [1]	2:14	34:9 40:19 41:1	9:8 35:15 40:16	40:16	attempt [2]
37:11 63:11	account [2]	7:17	53:17	40:25 43:24 43:25	43:25	6:17
2012 [5]	accordance [1]	3:24	Agency's [1]	47:16 53:13 53:15	43:25	13:11
12:19 71:9 71:16	accounts [1]	57:20	ago [2]	55:25 60:21	43:25	15:23 70:24
20th [1]	accurate [4]	15:21	14:8	anticipated [1]	70:19	11:17
21 [1]	acid [1]	50:10	accordance [1]	anyhow [2]	26:7	8:9
217-524-3038 [1]	acre [1]	30:21	accepting [2]	54:16	26:7	15:19 70:10
8:3	acres [1]	29:15	70:23	anyways [1]	54:18	attenuate [1]
217-558-8280 [1]	Act [4]	3:3 4:17	access [1]	applause [1]	10:25	20:24
7:25	4:22 60:13	4:17	accommodate [1]	applicable [3]	15:7	21:5 21:7 21:7
23 [1]	action [2]	3:19	14:8	48:7 64:9	15:7	21:21
24-hour [1]	actions [1]	11:20	accordance [1]	applicant [4]	4:20	attributed [1]
25 [1]	activities [1]	56:13	3:24	9:12 40:24 41:4	4:20	36:14
25-year [1]	activity [2]	56:2	59:20	3:19 5:1 8:25	41:4	9:19
28th [1]	actual [1]	15:4	accounts [1]	56:8	41:4	65:12
3 [5]	add [2]	37:18 54:25	accurate [4]	applied [1]	9:21	65:25
40:1 52:20 59:19	added [3]	32:14	65:6 68:7 71:14	apply [1]	43:13	authority [3]
30 [1]			acid [1]	appreciate [8]	22:5	4:15
309 [1]			acre [1]	33:18 35:2 39:5	22:5	3:5
33 [1]			acres [1]	47:25 57:4 69:20	22:5	11:20
340 [2]			Act [4]	70:19	22:5	7:11
35 [5]			4:22 60:13	appreciated [1]	35:4	4:2
3:24 22:25 71:10			action [2]	approaching [2]	37:22	6:16
39 [1]			49:7	43:16	37:22	Avenue [2]
4 [1]			actions [1]	appropriate [7]	5:18	1:14
401 [1]			activities [1]	10:21 10:25 11:2	5:18	8:11
			activity [2]	11:10 12:9 69:5	11:2	average [5]
			actual [1]	approval [1]	10:21	30:5
			add [2]	aquatic [1]	24:4	36:12 38:20 63:22
			added [3]	area [22]	6:7 11:11	64:22
				17:17 19:10 28:13	11:11	averages [2]
				29:24 30:22 32:10	11:11	65:4
				32:16 32:21 32:21	11:11	avoid [2]
				34:19 38:18 38:23	11:11	13:16
					11:11	awards [1]
					11:11	33:10
					11:11	20:19
					11:11	38:16
					11:11	B-L-U-M-E-N-S-H-I-N-E
					11:11	[1]
					11:11	33:20

B-O-W-L-I-N [1] 28:10	Bottom [1] 45:19	certified [2] 1:11	36:17 36:23 37:15	compared [1] 27:22
B-O-W-S-H-E-R [1] 24:24	Bowlin [3] 28:7	25:1	49:20 50:16 52:4	compiled [1] 9:12
B-R-O-O-K-S-H-I-R-E [1] 21:1	Bowsher [5] 23:13	certify [2] 71:7	54:6 54:10 57:20	complete [2] 14:10
B-U-L-L-O-C-K [1] 22:22	24:19 24:20 24:23	71:13	57:22 58:1 58:2	15:18
background [1] 14:22	Box [2] 1:14 8:11	Chair [1] 45:18	58:3 58:5 58:15	completed [2] 6:5
backup [1] 47:5	boy [1] 21:23	Chambers [2] 1:11	58:20 62:20 66:21	64:3
bad [2] 17:18 34:16	Brian [7] 45:14	chance [1] 13:8	coal's [3] 36:8 37:15	completing [1] 6:10
ball [1] 25:7	50:20 50:21 50:23	change [4] 28:15	coal-fired [1] 36:12	complexes [1] 52:18
Barb [2] 6:6 8:1	50:24 61:19 62:16	36:15 37:18 69:9	coal-related [1] 52:4	compliance [19] 3:2
based [16] 4:25	brief [4] 5:15 8:23	changed [1] 30:13	Code [4] 3:4 3:23	5:1 5:7 17:24
5:3 9:8 11:25	8:25 61:21	changes [3] 2:9	3:24 8:10	19:25 22:3 22:8
16:9 40:21 49:14	bring [1] 54:23	30:10 63:19	color [1] 38:3	46:3 46:7 46:8
53:1 53:6 54:17	bringing [2] 24:6	Chapter [2] 33:21	combination [1] 48:6	46:10 46:16 46:17
61:5 61:6 61:9	40:13	39:14	combined [1] 54:13	48:12 49:6 49:8
61:12 63:21 64:19	brochures [1] 27:7	character [1] 11:9	combustion [1] 36:17	49:14 49:15 50:1
basin [3] 31:10 53:23	Brookshire [5] 20:7	Charles [9] 16:15	coming [8] 2:7	complies [1] 51:13
54:2	20:23 20:25 21:1	16:16 16:21 16:23	19:4 28:21 51:11	comply [3] 10:9
basins [1] 31:9	21:5	16:24 17:3 65:15	56:11 62:25 70:10	66:24 67:21
basis [1] 40:19	brought [4] 47:7	check [3] 61:15	70:17	computer-aided [1] 71:12
become [6] 7:15	57:25 65:18 65:20	69:16 70:7	comment [22] 6:3	concentration [2] 44:3 64:5
8:17 11:18 14:3	Bruce [6] 21:6	Chief [1] 2:5	6:12 6:20 6:21	concentrations [3] 61:7 61:10 64:2
31:21 53:5	21:21 21:22 21:25	children [1] 38:19	7:13 7:21 8:6	61:7 61:10 64:2
bed [1] 52:19	21:25 22:13	chloride [3] 44:3	12:1 12:18 12:24	concern [7] 29:18
begin [2] 11:11 16:5	Bryce [2] 5:13	44:6 63:25	13:2 13:8 13:18	34:17 34:24 35:3
beginning [1] 55:3	9:20	Cindy [10] 33:16	14:15 20:3 35:15	37:21 38:16 63:9
behalf [5] 2:4	Bud [3] 26:22 27:25	39:7 39:9 39:10	37:19 39:11 50:22	concerned [20] 15:11
39:15 50:25 51:3	28:5	39:12 41:23 44:17	57:25 58:25 59:5	19:3 29:24 30:5
believes [1] 2:11	budget [2] 57:21	47:7 48:3 59:13	commented [2] 14:1	32:11 32:18 32:23
below [1] 32:7	65:23	citizen [1] 15:11	comments [58] 3:17	33:23 34:2 35:8
benefactor [1] 58:6	Bullock [4] 22:19	citizens [3] 57:18	5:17 5:21 5:23	38:21 40:3 44:24
benefit [3] 14:21	22:21 22:22 23:10	57:24 58:13	5:23 5:25 6:1	45:7 45:20 45:21
15:12 58:10	Bureau [1] 2:5	city [9] 1:10 1:11	6:2 6:9 6:11	51:8 55:25 56:15
benefits [3] 35:16	business [1] 58:11	29:8 29:25 30:8	6:23 6:24 7:3	concerning [2] 3:7
36:4 36:19	businesses [2] 30:16	30:14 63:9 71:10	7:18 7:18 7:24	4:9
best [4] 10:3 17:15	58:12	civic [1] 24:13	8:6 8:17 8:19	concerns [4] 10:24
20:15 26:4	busy [1] 7:16	claim [1] 50:7	9:2 11:8 11:11	23:19 37:19 39:16
better [3] 20:21	C [1] 3:4	claims [1] 46:16	11:16 11:17 11:23	concerted [1] 36:10
66:7 66:16	calculated [2] 63:23	clarify [2] 35:18	12:8 12:11 12:13	conclude [1] 47:14
beyond [3] 28:16	65:4	62:15	12:16 12:16 12:20	concluded [2] 41:10
28:17 69:2	cancer [2] 38:13	clay [2] 34:8 34:11	12:22 13:1 13:4	59:15
big [2] 17:18 30:15	50:8	clean [4] 3:3 39:13	13:18 14:3 14:9	concludes [2] 56:23
bill [2] 37:25 58:4	cannot [1] 14:8	57:13 57:19	14:10 14:11 14:12	65:10
billion [1] 36:11	capacity [3] 37:3	clear [2] 35:14 68:5	14:13 14:14 14:15	conclusions [1] 41:3
biological [3] 41:10	37:9 37:12	climate [2] 36:15	15:18 15:19 15:21	condition [7] 20:21
41:15 55:3	capture [1] 53:24	37:18	15:24 16:3 16:5	42:16 42:18 42:23
bioreactor [1] 41:14	card [4] 6:6 6:8	close [14] 6:12 6:20 6:22	18:9 19:15 34:5	42:23 43:1 48:4
bit [4] 19:10 34:7	6:9 6:10	6:12 6:20 6:22	42:6 51:15 52:16	conditions [2] 3:12
36:3 63:17	cards [1] 16:10	12:1 13:2 15:3	59:3 70:20 70:23	43:14
Blumenshine [15] 33:3 33:15 33:17	care [2] 24:15 29:10	19:19 19:20 19:21	Commission [1] 38:1	conduct [5] 2:9
33:19 34:16 37:24	case [6] 4:10 11:22	29:7 29:8 29:9	committed [3] 10:1	5:18 11:17 12:3
38:24 39:1 39:4	35:20 41:4 57:15	29:14	10:6 17:6	13:9
68:15 68:18 68:18	caused [1] 71:11	closed [1] 54:5	communities [1] 33:25	conducting [2] 10:1
69:4 69:14 69:19	causes [2] 23:23	closes [1] 7:16	34:3 50:15 50:18	16:12
Board [3] 4:2	24:3	closure [1] 3:21	58:6 58:11 67:6	confused [1] 46:1
23:16 48:9	Center [3] 29:10	Club [7] 33:21 33:23	compact [2] 34:8	confusion [1] 68:14
Bob [3] 1:19 9:6	36:7 37:7	39:14 39:15 45:19	34:11	Conservancy [1] 45:20
9:6	certain [1] 64:12	65:20 66:20	companies [2] 17:18	Conservation [1] 45:18
body [2] 15:8 15:10	certainly [2] 42:12	coal [35] 2:21 3:6	66:23	consider [3] 5:25
booming [1] 11:1	64:7	21:9 23:3 25:19	company [11] 10:5	50:14 54:23
		26:19 27:3 29:15	17:5 17:7 18:1	consideration [3] 12:17 17:13 56:1
		30:15 32:7 32:22	20:18 21:12 26:19	
		34:2 34:7 34:23	27:20 33:9 45:4	
		35:23 35:24 36:11	49:20	
			compare [4] 49:1	
			49:11 49:15 70:5	

considered [6] 7:20 14:16 47:22 51:19 54:22 55:2	counting [1] 58:10	dedication [1] 35:5	discrepancy [1] 44:13	earth-moving [1] 52:1
considering [6] 24:5 46:21 51:14 51:18 52:8 52:22	country [1] 38:12	definitely [4] 25:12 27:1 32:3 67:20	disease [1] 36:14	East [2] 1:14 8:11
constituent [1] 52:9	County [8] 1:3 9:23 23:1 38:8 38:10 38:17 57:15 71:3	denial [1] 3:10	diseases [1] 50:9	easy [1] 4:4
construct [1] 9:22	couple [4] 34:4 35:9 36:4 36:25	department [1] 31:20	disposal [2] 56:8 56:17	ECHO [7] 46:6 48:18 49:1 49:2 49:14 49:17 70:5
constructed [2] 10:13 55:4	course [6] 10:25 39:1 51:7 56:2 62:6 69:4	depend [1] 15:4	dispute [1] 46:15	ECHO's [1] 49:11
contact [3] 4:4 7:25 7:25	court [6] 14:18 15:13 15:20 57:3 71:6 71:22	Depending [1] 59:4	disruption [1] 52:2	economic [5] 35:16 36:4 36:19 58:5 58:9
contained [2] 4:16 13:18	created [3] 21:9 21:10 21:11	depth [1] 34:10	dissolved [4] 53:3 53:4 53:5 63:25	economically [1] 53:18
contaminate [1] 37:16	creating [1] 37:25	derived [1] 63:12	distributed [2] 7:7 7:15	economy [1] 67:14
contamination [1] 34:25	Creek [2] 32:16 51:5	describe [1] 53:7	disturbance [1] 55:8	effect [1] 30:13
contested [1] 4:10	cripple [1] 67:24	designation [1] 31:20	disturbed [1] 52:3	effects [1] 61:1
continue [6] 10:15 11:23 12:20 20:15 23:6 25:21	Crislip [24] 1:18 9:10 9:10 30:24 31:2 31:7 31:13 31:17 31:22 34:6 34:12 40:6 40:13 42:18 47:21 51:22 52:3 53:9 56:19 61:25 62:24 63:7 63:15 69:1	designed [1] 10:13	diversions [2] 54:17 69:9	efficient [2] 2:15 66:8
continuing [4] 37:10 37:14 37:14 37:15	crucial [1] 2:12	desire [5] 5:4 5:5 5:24 14:7 15:2	diverted [1] 69:7	effluent [8] 9:9 44:2 48:5 51:21 52:7 53:2 53:6 63:20
continuous [1] 10:6	cumulative [1] 46:19	desires [1] 13:13	diverting [1] 19:11	efforts [1] 10:6
contribute [1] 37:18	curious [1] 62:11	destroy [1] 68:24	DMRs [1] 70:6	eight [1] 59:15
contributed [2] 24:12 37:8	current [6] 29:9 46:4 46:6 46:22 48:22 57:6	destroyed [1] 68:22	DNR [2] 32:2 56:7	either [4] 8:3 25:6 54:3 54:12
control [6] 4:2 9:11 12:6 30:6 48:9 54:6	customary [1] 56:25	destroying [1] 17:19	documented [1] 32:10	elaborate [1] 36:3
controls [1] 10:15	D [2] 3:5 53:10	detail [1] 25:9	documents [2] 8:6 8:8	electricity [2] 36:12 37:17
Coordinator [1] 8:1	D-A-W-E [1] 44:20	determination [4] 3:13 3:13 4:14 22:24 23:8	doesn't [9] 19:8 29:3 38:9 63:5 64:12 67:2 67:15 67:17 67:22	electronically [2] 7:18 6:25 7:7
Copies [1] 4:1	Daniel [4] 24:22 25:14 25:17 25:17	determining [1] 40:20	dollar [1] 21:17	Elimination [1] 2:20
copy [3] 4:5 41:24 42:6	data [3] 8:7 8:8 37:4	detriment [1] 29:25	dollars [2] 66:1 66:3	emergency [1] 57:16
cord [1] 38:8	database [2] 49:2 49:16	detrimental [1] 30:13	done [4] 17:9 61:5 61:6 63:17	emitting [1] 37:17
corner [1] 29:17	date [2] 12:21 70:23 71:16	developed [2] 52:11 59:18	dot [2] 7:1 7:3	employ [1] 9:24
Corporation [1] 36:21	Dated [1] 71:16	development [1] 38:4	double [1] 36:11	employed [3] 41:12 41:22 42:14
correct [2] 24:5 31:12	daughter [1] 67:10	dialogue [1] 15:22	down [2] 25:11 50:23	employee [4] 21:1 24:24 27:1 44:21
correctly [1] 7:6	Dave [5] 26:16 26:21 26:24 26:25 28:2	Diers [9] 1:18 9:4 9:4 48:17 48:20 48:24 49:22 60:17 70:3	downloaded [1] 46:5	employees [3] 36:22 45:6 58:11
cost [6] 36:6 36:9 36:10 46:23 53:22 53:25	David [1] 26:15	difference [1] 13:23	downstream [3] 52:14 52:17 52:23	employing [1] 41:18
costs [2] 36:14 47:2	Dawe [5] 39:9 44:18 44:19 44:20 45:13	different [3] 17:9 25:7 40:20	draft [8] 3:15 3:18 12:13 15:1 39:24 40:1 42:15 42:21	empowered [1] 3:9
Coulterville [44] 2:25 23:17 23:19 24:7 24:10 29:8 29:10 30:17 31:11 34:1 34:22 35:9 38:10 38:17 39:18 39:20 40:5 43:4 43:9 45:1 45:7 45:23 45:24 45:25 46:21 49:20 50:7 51:18 52:9 54:15 57:7 57:12 57:16 57:22 58:6 58:14 59:18 60:11 62:7 63:18 64:2 64:9 67:17 69:8	deal [1] 22:3	differs [1] 30:22	drafted [1] 9:14	enabled [1] 27:6
Council [2] 1:10 71:10	dealing [1] 60:14	difficult [1] 18:10	drainage [3] 34:21 50:11 54:14	end [2] 2:16 64:1
counsel [1] 9:5	Dean [3] 1:13 2:2 8:9	digging [1] 30:11	drift [1] 11:11	ends [1] 7:14
counties [2] 38:12 51:4	deaths [1] 38:19	dimensions [1] 36:16	drink [1] 47:3	energy [8] 5:14 21:2 22:2 25:18 28:16 37:1 37:3 37:7
	decades [2] 34:1 36:2	direct [3] 15:19 30:11 34:20	drinking [6] 39:19 40:12 51:6 60:13 64:7 64:10	Energy's [1] 44:21
	decision [7] 3:10 4:24 5:3 6:14 8:21 11:25 14:17	directed [1] 15:24	drive [3] 23:5 23:6 27:5	enforce [3] 5:21 69:25 70:12
	decisions [1] 50:15	directly [1] 34:21	dry [1] 40:2	enforced [1] 70:2
	dedicated [1] 36:21	Director [2] 2:4 5:13	due [2] 43:15 59:25	enforcement [3] 38:5 49:6 70:9
		dirtyest [1] 38:11	during [8] 5:17 5:18 6:1 6:3 8:5 8:5 10:25 12:9	engineer [1] 47:18
		disagree [2] 12:10 41:3	dust [4] 25:10 25:11 54:6 54:7	engineering [1] 10:14
		discharge [14] 2:20 19:14 21:3 22:8 31:10 32:4 32:6 43:14 51:8 54:2 54:4 54:13 61:6 61:11	duty [1] 4:19	enjoy [4] 17:15 17:16 17:17 17:25
		discharges [3] 2:23 40:2 42:11	e-mail [4] 6:25 7:10 7:13 7:14	ensure [7] 2:14 8:17 10:12 13:3
		discrepancies [1] 49:13	e-mails [1] 7:6	
			E-P-A [1] 7:1	
			earth [1] 52:4	

13:8	15:21	22:7	exhibits [2]	8:8	8:21	14:17	30:11	56:3	56:12	57:18	66:25	67:4
enter [1]	39:6		39:7		finding [2]	49:5	70:18			70:14		
entered [1]		60:4	existing [5]	54:7	49:13		full-time [1]	9:25		gotta' [1]		27:2
entire [3]		37:3	54:10	56:6	findings [2]	54:24	Fullerton [23]	28:22		government [1]		19:21
38:12	65:5		62:5		64:4		29:20	29:20	29:22	governmental [2]		
entirety [1]		6:3	exists [1]	54:4	finish [1]	13:12	29:22	31:1	31:4	15:8	15:10	
environment [9]	10:3		expanded [2]	36:1	first [21]	5:10	31:12	31:15	31:19	Governor [1]		37:25
17:19	17:23	20:19	56:8		15:15	16:14	32:1	32:4	45:20	Grand [2]		1:14
33:12	36:8	38:22	expansion [1]	51:11	16:23	16:24	52:13	62:18	62:18	8:11		
45:10	67:12		expected [1]	61:10	22:18	22:22	63:5	63:8	64:16	granted [1]		61:13
environmental [22]			expert [2]	34:18	34:5	39:24	64:22	64:24	65:7	great [7]	25:8	25:9
1:1	2:3	4:17	48:2		48:24	51:12	65:8			49:23	58:15	58:16
5:14	6:18	10:7	explain [3]	5:9	54:19	56:24	fully [4]	35:7	36:22	66:22	67:3	
10:16	12:5	16:2	42:16	44:14	68:10		44:22	58:19		greatly [4]		30:5
17:6	17:12	21:13	explaining [1]	69:24	firsthand [1]	21:18	future [9]	25:21		32:11	32:20	32:23
21:16	22:6	25:20	explanation [1]	30:19	fishing [1]	51:6	33:24	34:2	35:8	grew [1]	28:13	
36:15	37:19	37:20	express [2]	12:13	five [1]	56:16	36:20	36:24	38:22	ground [1]		34:19
37:25	38:1	38:5	34:17		Fletcher [7]	26:15	45:2	48:16		groundwater [3]	9:14	
46:3			extent [1]	36:22	26:16	26:21	G-O-V [1]	7:3		34:14	34:23	
environmentally [1]			extreme [1]	32:19	26:24	26:25	game [1]	25:8		group [3]		9:12
33:9			F-L-E-T-C-H-E-R [1]	26:25	flow [7]	19:4	Gary [5]	29:20	33:2	11:9	45:18	
EPA [29]	1:13	1:17	F-U-L-L-E-R-T-O-N		30:10	32:9	33:4	33:4	33:8	growth [2]		37:6
2:11	2:19	3:5	[1]	29:23	54:17	55:6	gas [1]	67:16		37:8		
3:13	3:16	4:9	facilities [7]	9:23	focus [1]	16:1	gases [1]	37:18		guess [3]	40:17	54:18
4:13	4:15	5:11	47:23	54:7	focused [1]	16:4	Gate [1]	26:19		62:6		
6:13	6:17	8:11	56:9	62:6	folks [1]	51:3	Gateway [41]	1:2		guy [1]	17:20	
8:20	8:21	8:22	56:9	62:6	follow [2]	11:19	1:2	2:22	2:22	guys [1]	50:13	
9:5	11:22	12:3	56:9	62:6	34:6		7:3	8:10	8:16	guys' [1]	58:19	
12:7	12:18	14:16	facility [8]	2:21	followed [18]	7:12	9:21	9:25	10:11	H-A-M-P-L-E-M-A-N		
14:23	23:3	46:5	4:20	48:5	19:17	20:23	10:18	17:4	17:4	[1]	26:1	
51:9	57:13	71:8	53:24	61:23	21:22	22:19	19:25	20:2	20:2	H-A-M-P-T-O-N [1]		
EPA's [1]		3:21	63:2	62:21	24:21	25:15	20:12	21:3	21:9	26:12		
epa.publichearingcom@			fact [10]	15:1	26:10	26:15	21:19	22:2	24:16	H-O-L-D-E-R [1]		
epa [1]	6:25		19:4	23:22	28:8	33:15	22:19	22:2	24:16	19:24		
equipment [2]	4:21		35:13	39:25	44:18	45:14	24:21	25:15	25:24	half [5]	15:3	21:12
58:18			62:23	67:14	following [5]	5:19	26:10	26:15	26:22	29:11	58:4	64:24
erosion [1]		19:12	factors [1]	37:8	9:1	15:3	28:8	33:15	39:8	Hall [2]	1:11	71:11
error [1]	31:18		fair [3]	2:15	33:2		food [3]	23:23	44:1	Hampleman [4]	25:15	
especially [3]	2:7		38:2		footprint [1]	53:14	44:7			25:23	25:25	26:1
25:21	40:3		fall [1]	13:4	force [1]	57:25	following [5]	5:19		Hampton [5]	25:24	
essentially [1]		41:14	family [2]	26:13	foregoing [1]	71:12	9:1	15:3	18:22	26:9	26:10	26:11
estimate [1]		36:10	27:22		forever [2]	66:7	33:2			26:12		
estimates [1]		53:22	far [1]	45:7	forgot [1]	68:15	food [3]	23:23	44:1	hand [3]	12:25	59:1
etc [1]	49:9		farms [1]	37:6	forth [1]	3:3	44:7			68:9		
ethical [1]		10:2	fashion [2]	2:10	forward [7]	10:19	footprint [1]	53:14		handicap [1]	67:3	
evade [1]		30:20	13:9		13:21	15:7	force [1]	57:25		handle [1]	30:6	
evaluations [1]		34:13	favor [6]	19:14	16:15	16:15	foregoing [1]	71:12		handled [2]	19:15	
evening [15]		2:1	24:11	25:12	for [8]	5:22	forever [2]	66:7		61:23		
2:7	9:3	9:17	33:12		15:17	21:10	66:9			hands [4]	16:14	
11:3	14:9	18:5	fear [1]	57:17	25:4	28:21	forgot [1]	68:15		59:2	59:9	59:12
20:6	21:22	44:19	feasible [1]	47:15	foster [1]	27:21	for [1]	3:3		happy [2]	24:15	
50:22	57:1	58:24	federal [2]	3:3	found [4]	3:22	forth [1]	3:3		62:10		
70:17	70:21		20:14		44:13	48:18	13:21	15:7		hard [1]	46:13	
event [2]	14:8	64:20	Federation [1]	51:2	four [8]	5:22	13:21	15:7	16:15	Harvard [1]	36:6	
events [3]		24:14	feed [1]	54:4	15:17	21:10	13:10	15:7	16:15	head [2]	62:2	62:4
55:6	55:8		feet [1]	68:21	59:14	65:10	15:17	21:10	59:11	health [6]		22:3
everybody [1]		35:6	few [3]	2:8	frame [1]	13:12	25:4	28:21	57:2	34:3	36:7	36:13
everything's [1]		65:2	57:10		Franklin [1]	23:1	forward [7]	10:19		36:16	38:7	
exactly [2]		4:7	file [3]	56:7	Freelance [2]	71:6	13:21	15:7	16:15	hear [7]	2:4	14:23
64:1			65:5	62:1	71:22		Franklin [1]	23:1		18:10	18:20	27:10
examples [1]		55:10	filed [4]	6:24	friend [1]	58:16	Freelance [2]	71:6		27:13	33:7	
excuse [5]		5:5	14:14	14:16	front [1]	16:9	71:22			heard [1]	39:19	
6:13	11:5	51:21	files [1]	61:9	front-runner [1]	25:19	gone [2]	28:16	33:1	hearing [54]	1:10	
55:9			filing [2]	6:10	fruit [1]	23:9	51:15	65:21	66:4	1:12	2:2	2:6
exhibit [2]		13:4	7:24		full [6]	2:8	66:6	66:8	66:14	2:9	2:18	3:1
60:5			final [4]	3:18			66:15	67:3	67:8			
			65:5				67:18	67:19	67:23			

3:17	3:19	4:6	IEPA [2] 33:18	50:22	increase [7]	37:10	issue [10]	4:16	kinds [1] 50:11			
4:8	4:10	4:11	IEPA's [2]	60:9	58:1	62:20	63:1	16:7	L-E-H-R [2] 28:24			
5:10	5:17	5:18	60:14		63:2	64:5	64:6	22:9	22:24	23:2	29:4	
5:24	6:1	6:10	IL [1]	1:15	increases [3]	37:1	37:21	69:1	70:13	L-Y-T-L-E [1]	28:4	
6:12	6:19	6:21	IL0062189 [1]	49:20	44:2	60:23		5:4	5:4	ladies [1]	65:19	
7:23	7:24	8:5	IL0079481 [3]	1:2	indeed [1]	10:23	5:6	40:12	issues [20]	3:1	laid [1] 19:13	
8:7	8:9	8:14	3:11	8:16	independent [1]	40:22	3:7	3:12	6:18	lake [29]	2:25	23:20
8:18	11:1	11:10	ILCS [1]	4:17	indicate [9]	6:8	10:20	10:23	11:6	29:25	31:11	39:18
11:13	11:18	11:20	Illinois [53]	1:1	8:15	13:11	15:11	12:4	12:6	40:5	43:4	43:9
11:24	12:3	12:10	1:11	1:12	16:13	16:18	52:17	12:25	13:19	43:10	43:14	44:3
12:12	13:4	13:5	2:3	2:11	59:1	62:25		16:4	17:6	45:23	45:25	46:20
13:9	14:14	14:24	3:4	3:5	indicated [5]	11:24	21:16	22:3	49:16	52:9	54:15	57:12
14:25	15:4	15:20	3:16	3:20	14:12	31:17	65:9	65:17	items [2] 21:13	59:19	59:24	60:11
15:23	16:2	16:13	3:24	4:2	68:4				36:5	60:11	60:25	61:2
35:4	39:7	70:21	4:13	4:15	indicator [1]	38:8			itself [1] 24:14	61:12	62:8	63:9
70:25	71:9		5:11	6:13	individual [1]	33:23			J-E-T-E-R [2] 22:14	63:18	64:2	64:9
hearings [2]	2:12		8:11	8:12	industry [1]	23:4			22:16	land [3]	10:3	27:17
3:22			8:21	8:22	infant [1]	38:18			JACKSON [1]	33:24		
heart [1]	36:14		11:22	12:3	infeasible [4]	40:21			71:3	landowner [3]	19:1	
heartfelt [1]	10:24		12:17	14:16	47:11	47:12	47:13		James [6]	29:5	29:23	
heavy [3]	64:20		22:6	22:25	inflicted [1]	34:1			24:18	large [2]	30:4	31:20
65:2	65:3		36:25	37:2	information [12]				27:25	Larry [9]	1:18	
heh [3]	31:2	31:2	37:9	37:11	4:9	4:12	7:22		jeering [1]	9:10	9:10	18:22
31:2			39:14	47:23	4:9	4:12	7:22		jeopardize [1]	19:16	19:23	19:23
held [3]	1:10	3:20	51:9	55:2	7:23	9:12	47:23		jeopardizes [1]	47:17	53:7	
71:9			71:1	71:7	48:21	48:25	57:9		Jeter [5]	last [12]	15:13	16:22
help [3]	8:17	24:7	71:11		61:25	63:12	68:20		22:12	18:25	19:24	25:18
58:17			Illinois' [1]	51:1	informational [3]	2:18	4:6	4:7	20:23	28:4	35:13	39:12
helps [1]	43:1		illinois.gov [1]	7:1	input [1] 60:25				21:7	48:1	55:23	60:21
hereby [2]	71:7		immediate [1]	32:21	inspection [1]	52:16			26:10	69:5		
71:13			impact [4]	39:16	inspector [1]	25:1			26:17	laws [3]	5:7	38:6
hereunder [1]	4:23		46:19	60:25	installed [1]	37:4			17:16	67:21		
Hi [2]	26:24	57:5	impacts [7]	36:13	instance [1]	67:16			35:6	leaps [1]	25:4	
hidden [2]	36:6		36:15	45:21	instructions [4]	5:16			35:7	leave [2]	25:11	67:23
36:8			46:19	60:23	5:20	7:21	9:2		21:10	left [2]	13:12	51:17
high [10]	32:10	34:20	impaired [6]	43:10	intend [2]	11:13			58:12	legal [1]	9:5	
34:23	46:15	50:8	43:15	47:6	20:15				67:15	legislation [1]	50:16	
50:8	52:18	52:22	52:8	59:25	intended [1]	13:20			22:19	Lehr [7]	28:8	28:20
55:6	55:8		impairment [2]	23:24	intentionally [1]	26:6			22:21	28:23	28:23	29:2
higher [1]	47:1		24:4		interest [1]	45:1			20:7	29:4	29:4	
highest [1]	38:18		impede [1]	57:18	interest [1]	70:20			20:22	lengthy [2]	5:25	
himself [1]	47:17		impede [1]	57:18	intentionally [1]	26:6			20:25	less [2]	19:6	64:24
hissing [1]	11:1		implement [1]	55:3	intentions [1]	45:1			33:15	level [2]	30:8	30:14
hold [1]	2:12		implementation [1]	38:5	interest [1]	70:20			33:19	levels [7]	23:25	
Holder [6]	18:23		implemented [1]	64:17	interested [2]	62:8			68:8	24:1	30:7	32:10
19:16	19:17	19:23	important [2]	27:19	62:13				68:10	32:19	52:22	61:14
19:24	20:5		39:19		Interim [1]	2:4			68:13	Lieberoff [2]	6:7	
holding [1]	3:16		imposing [1]	13:10	intermittent [2]	41:17			68:18	8:1		
home [2]	29:10	67:11	impoundments [1]	25:1	42:11				41:2	life [2]	10:17	28:12
honest [1]	67:5		25:1		Internet [1]	46:5			6:22	likely [1]	35:17	
hope [1]	36:20		impressive [2]	17:12	interrupt [2]	11:12			7:19	limit [22]	5:21	
hoping [1]	23:7		27:16		16:6				7:19	9:9	13:10	21:17
horribly [1]	23:12		improvement [1]	10:6	introduce [2]	5:11			12:19	31:22	31:25	37:23
hour [4]	23:5	23:6	10:6		investigate [1]	70:11				39:3	43:13	43:17
27:5	43:22		improvements [1]	10:16	investments [1]	10:12				44:9	44:9	51:21
house [3]	2:8		in-house [1]	9:13	involved [2]	11:6				51:22	52:7	52:21
29:9	70:18		include [3]	3:2	25:3					53:4	53:7	53:8
huge [1]	58:5		51:3	52:7	involvement [2]	5:12				53:9	59:5	59:24
hundredth [1]	38:13		included [4]	7:5	38:2					limited [5]	12:2	
I-L-L-I-N-O-I-S [1]			7:22	13:3	iron [12]	46:11	52:11			51:14	54:12	59:21
7:2			including [3]	10:7	52:19	52:21	52:24			63:24		
idea [2]	62:4	64:16	35:17	41:1	52:25	53:3	53:3					
identification [1]	60:22		income [1]	38:4	53:4	53:5	53:7			limits [12]	32:7	
60:22			incorporated [2]	53:19	53:9					43:12	44:6	46:14
IDNR [1]	52:17		53:19	56:6	issuance [3]	1:2				52:11	52:25	53:1
					3:10	5:8				53:2	53:11	61:5
										61:13	61:14	

line [5] 7:4 7:6 7:8 24:6 59:21	manager [4] 19:25 22:2 26:18 28:10	34:21 56:16	modeling [2] 61:4 61:12	national [3] 2:19 38:3 51:2
liner [1] 34:10	manganese [8] 23:25 24:1 43:6 47:6	Mike [7] 28:22 29:19 29:20 29:22 29:22	money [2] 67:5 67:18	nature [2] 11:8 41:17
liners [1] 34:12	51:19 51:21 51:23 52:8	Mildred [2] 18:16	monitored [2] 43:8 67:8	necessary [3] 10:9 12:4 51:12
lines [1] 21:13	manner [4] 2:15 10:2 11:1 11:14	mile [2] 29:11 68:24	monitoring [3] 42:20 43:2 45:9	need [9] 14:14 40:8 42:5 49:17 59:21 65:16 67:6 67:7 70:13
list [1] 43:8	map [4] 19:5 60:1 60:1 60:9	milligram [1] 52:20	monthly [1] 58:5	needs [4] 35:6 59:20 67:20 67:21
listed [6] 8:13 35:14 38:18 42:20 43:6 51:20	maps [1] 34:18	milligrams [4] 44:4 44:9 44:10 52:19	months [1] 64:12	neighborhood [1] 24:16
listen [1] 12:5	March [1] 63:11	million [3] 21:12 65:25 66:3	morning [1] 67:16	neighbors [1] 29:9
listening [1] 35:3	Marcia [1] 2:5	mind [1] 44:23	mortality [1] 38:19	neither [1] 62:9
liter [4] 44:4 44:10 52:19 52:21	marked [1] 31:5	mine [81] 1:3 2:23 3:6 3:8 7:4 8:10 8:16 9:11 9:22 9:24 9:25 10:5 10:12 10:17 17:4 19:5 19:10 19:25 20:2 21:9 22:2 22:3 23:2 24:11 24:16 25:19 25:22 26:4 27:3 28:13 30:15 32:7 32:12 32:22 35:8 35:11 35:25 37:15 39:17 40:3 40:4 40:12 40:17 41:9 41:19 41:21 42:12 42:13 44:21 44:25 45:6 46:4 47:17 48:22 49:21 50:11 51:11 56:11 57:17 57:20 57:22 58:1 58:2 58:4 58:15 58:20 63:4 63:17 65:18 65:18 65:21 66:5 66:14 66:17 67:1 67:2 67:15 67:17 67:20 67:22 68:20	Mosher [25] 1:19 9:6 9:6 40:24 41:23 42:1 44:12 47:14 52:11 52:25 54:1 54:8 54:21 55:9 55:13 55:16 61:15 62:9 63:14 63:16 64:19 64:23 65:1 69:12 69:15	Network [2] 50:25 51:1
literature [2] 40:23 41:8	Marlin [3] 18:21 18:24 18:25	mind [1] 44:23	most [5] 33:11 36:10 37:3 41:11 46:9	never [3] 17:5 54:2 54:3
live [4] 23:1 51:4 67:11 67:19	Mary's [11] 2:24 32:6 32:13 39:18 43:3 45:22 51:5 52:14 54:15 54:20 69:10	mine's [1] 58:5	move [2] 16:5 16:7 29:14	new [14] 20:1 36:5 39:17 46:18 53:11 54:9 60:15 63:20 65:18 65:21 66:5 66:5 66:14 66:17
lived [1] 22:25	material [1] 51:24	mine-related [1] 48:5	moved [1] 29:14	newsletters [1] 17:8
living [1] 28:12	materials [1] 52:4	miner [1] 66:21	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	next [7] 16:7 16:19 18:21 20:8 20:23 28:21 42:14
LLC [2] 1:2 2:22	matter [7] 2:19 4:25 6:11 6:14 6:21 8:20 14:17	mines [9] 17:9 23:1 26:3 28:14 34:2 41:13 47:8 55:2 55:10	motive [1] 11:9	Nick [3] 19:17 20:6 20:9
load [1] 60:23	maximum [1] 9:24	minimum [1] 14:22	move [2] 16:5 16:7 29:14	no-discharge [2] 53:20 54:12
loading [1] 53:19	may [22] 4:4 4:13 5:22 6:8 7:7 7:17 7:24 7:25 10:23 11:12 12:10 12:17 12:24 13:5 13:21 14:6 15:11 15:15 32:2 37:18 44:12 59:21	mining [13] 1:2 2:21 2:22 3:6 9:21 10:1 10:11 10:18 17:9 25:3 36:17 47:2 52:18	move [2] 16:5 16:7 29:14	Nobody's [1] 23:17
located [4] 9:23 29:10 30:21 62:19	mean [4] 25:7 27:20 46:14 66:14	minutes [9] 5:22 7:16 13:10 15:17 57:10 59:8 59:13 59:15 61:21	moved [1] 29:14	noise [1] 14:22
location [4] 29:7 29:12 29:25 32:23	meaningful [1] 38:2	mispronounced [1] 23:12	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	normally [1] 19:7
long-term [1] 61:1	means [1] 4:6	minute [3] 27:9 55:20 55:22	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	Norman [13] 16:15 16:20 16:21 16:21 16:24 17:2 17:3 65:15 65:15 66:2 68:1 68:2 68:2
look [13] 10:19 37:14 44:14 49:8 49:23 50:16 60:17 60:18 67:13 70:3 70:4 70:6 70:9	measures [1] 53:18	minutes [9] 5:22 7:16 13:10 15:17 57:10 59:8 59:13 59:15 61:21	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	no-discharge [2] 53:20 54:12
looked [1] 63:21	mechanisms [2] 50:1 70:11	minute [3] 27:9 55:20 55:22	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	Northway [1] 26:19
looking [17] 19:2 19:5 34:18 35:24 36:24 40:15 40:16 40:18 41:8 43:11 48:20 49:16 53:15 56:3 56:4 60:21 61:11	Medical [1] 36:7	miner [1] 66:21	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	Notary [1] 1:11
looks [9] 21:22 22:11 23:13 26:22 27:24 34:19 35:22 39:8 65:20	meeting [1] 19:3	mines [9] 17:9 23:1 26:3 28:14 34:2 41:13 47:8 55:2 55:10	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	note [2] 7:15 8:18
loop [2] 54:5 54:19	meets [1] 3:14	minimum [1] 14:22	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	noted [1] 34:6
lose [1] 67:4	megawatts [1] 37:9	mining [13] 1:2 2:21 2:22 3:6 9:21 10:1 10:11 10:18 17:9 25:3 36:17 47:2 52:18	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	notice [7] 6:3 7:22 8:13 11:24 15:1 39:23 39:25
loss [1] 57:22	Meier [4] 24:22 25:14 25:17 25:18	minutes [9] 5:22 7:16 13:10 15:17 57:10 59:8 59:13 59:15 61:21	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	noticeable [1] 64:6
lung [1] 36:14	member [6] 15:12 19:19 23:16 27:11 65:12 65:25	minute [3] 27:9 55:20 55:22	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	notices [1] 49:9
Lytile [4] 26:23 27:25 28:1 28:6	members [9] 4:12 11:18 12:3 15:22 15:24 33:18 39:16 45:23 51:3	minutes [9] 5:22 7:16 13:10 15:17 57:10 59:8 59:13 59:15 61:21	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	notified [2] 6:13 8:20
M-A-R-L-I-N [1] 18:25	mentioned [1] 69:23	mispronounced [1] 23:12	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	Novoselac [4] 22:20 23:11 23:14 23:15
M-E-I-E-R [1] 25:18	mercury [1] 37:17	missed [1] 53:21	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	now [14] 8:22 20:13 23:2 24:1 25:8 27:21 36:1 37:11
ma'am [1] 69:20	merits [1] 4:25	missing [1] 56:18	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	
machine [1] 71:8	met [1] 44:2	mitigation [1] 68:23	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	
mail [3] 8:9 27:7 27:15	methods [1] 55:4	model [3] 63:17 64:14 64:17	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	
main [3] 29:18 63:2 63:3	microphone [1] 9:18	modeled [1] 61:1	Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	
maintenance [1] 28:10	middle [1] 29:17		Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	
makes [2] 13:22 27:18	midnight [2] 7:19 12:19		Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	
man-made [1] 30:6	might [3] 22:11		Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	
management [3] 10:4 10:18 20:12			Ms [48] 1:18 9:4 18:18 23:14 33:17 34:16 37:24 38:24 39:1 39:4 39:8 39:10 40:10 40:15 41:7 41:25 42:9 42:25 43:18 43:23 44:16 45:16 48:1 48:17 48:19 48:20 48:22 48:24 49:19 49:22 50:3 50:19 51:17 59:16 60:6 60:8 60:17 60:20 61:16 68:15 68:18 69:4 69:14 69:19 69:21 69:22 70:3 70:14	

46:17	54:22	55:24	37:13	40:20	41:9	18:18	permitted [4]	15:24	postmarked [1]	6:23	
56:16	69:18	70:10	oral [2]	12:22	12:23	pay [1]	30:22	56:16	potential [4]	23:23	
NPDES [15]	1:2		orally [2]	12:16		payers [2]	56:17	59:19	24:3	24:8	60:23
2:20	3:1	3:11	14:13			47:1	permitting [3]		power [2]		37:9
6:10	7:4	8:10	order [2]	16:8	59:12	Peabody [32]	11:12	12:23	37:15		
8:15	8:16	11:7	organization [2]	15:8		2:22	11:12	12:23	practically [1]		23:25
16:3	22:24	56:11	15:10			10:11	16:19	18:22	practices [1]		10:4
56:12	69:2		organizations [1]			20:13	28:21	65:9	Prairie [3]		50:25
number [5]	8:15		24:13			21:8	personal [1]	11:8	50:25	66:19	
37:8	46:2	59:4	origin [1]	38:3		22:7	personalities [1]	12:8	precipitation [1]		55:7
68:7			original [1]	35:11		25:18	persons [1]	11:17	preferred [1]		47:19
numbers [1]	46:15		otherwise [3]	27:25		26:25	pertinent [1]	4:18	preliminary [2]		3:13
numerous [1]	33:10		31:18	66:23		33:8	pH [1]	53:4	4:14		
nursing [1]	29:10		ought [2]	55:1		40:21	pH's [1]	53:6	prep [10]	28:11	63:1
object [1]	12:10		56:12			47:10	phosphorus [3]	43:7	65:21	65:23	65:24
obstacles [1]	41:18		outdoors [1]	17:17		47:20	59:24	59:25	66:3	66:5	66:6
obtaining [1]	3:14		outfall [13]	19:11		penny [1]	piccemeal [1]	35:25	66:9	66:14	
obvious [1]	32:8		34:21	40:5	40:8	5:5	place [6]	14:25	66:9	66:14	
obviously [3]	32:14		41:21	41:22	43:12	14:1	27:4	27:22	preparation [1]		63:4
66:19	66:24		44:6	51:18	51:23	38:3	58:20		prepare [1]		66:19
occur [1]	63:20		45:6	54:14	59:24	38:22	placed [1]	8:7	prepared [1]		3:15
off [7]	19:4	19:9	47:3	48:3	49:7	49:13	places [1]	17:15	present [3]		8:22
19:9	39:22	49:1	49:13	49:16	50:5	50:7	plan [1]	3:21	12:12	44:25	
51:17	62:1		50:7	58:18	59:5	59:14	plans [1]	41:20	presented [1]		13:17
offer [2]	57:23	57:24	59:14	65:10	65:14	67:4	plant [13]	28:11	57:7		45:19
officer [4]	1:12		68:6	70:18		68:6	35:18	35:23	pretty [3]		27:3
2:2	8:9	11:13	overall [3]	61:1		per [7]	63:2	65:22	27:16	30:4	
official [1]	14:4		64:14	64:20		44:4	65:24	66:3	prevent [2]		25:5
often [1]	52:15		overland [1]	54:17		52:21	66:6	66:9	25:9		
old [6]	35:23	35:25	own [1]	35:22		Perbix [19]	66:6	66:9	price [1]	36:8	
65:21	66:6	66:14	P-E-R-B-I-X [1]	50:24		50:20	plastic [1]	34:10	pride [1]	17:22	
66:15			50:24			52:1	Plum [1]	32:16	primarily [1]		12:5
on-line [1]	60:9		P-U-B-L-I-C-H-E-A-R-I-N-G-C-O-M			54:3	podium [1]	16:16	printed [2]		60:1
once [5]	13:22	13:23	[1]	7:2		55:12	point [8]	6:6	60:8		
13:24	15:16	65:13	p.m [3]	1:10	71:9	55:19	13:23	34:25	prioritize [1]		5:22
one [27]	17:14	17:21	71:10			61:20	42:7	42:10	privilege [1]		28:12
23:2	25:6	26:4	P.O [2]	1:14	8:11	percent [3]	42:7	42:10	problem [2]		24:5
27:2	31:9	33:22	page [11]	14:25	19:2	46:14	points [1]	62:14	39:10		
38:18	41:10	41:17	23:22	39:24	39:25	percentile [1]	police [1]	57:24	problems [1]		24:8
43:19	44:22	48:1	40:1	42:15	42:20	period [13]	policies [1]	38:6	procedures [2]		3:21
48:5	55:17	55:19	42:21	42:22	62:19	6:20	policy [1]	60:14	16:12		
59:1	59:11	59:17	42:21	42:22	62:19	8:6	pollutant [4]	2:20	proceed [2]		5:10
61:21	65:9	65:17	panel [4]	1:17	5:11	12:18	53:18	60:23	13:6		
65:19	66:12	68:11	15:20	15:23		63:10	pollutants [5]	25:5	proceeding [3]		3:8
69:9			paper [4]	22:23	41:8	permit [65]	37:16	38:14	16:4	16:6	
one-third [1]	64:25		41:10	41:24		2:13	43:10		proceedings [3]		1:10
open [1]	70:22		papers [1]	25:2		3:11	pollute [1]	26:7	2:14	14:19	
opening [1]	2:16		paragraph [2]	22:22		3:15	polluted [1]	67:11	process [2]		2:13
operate [1]	9:22		60:24			3:19	polluting [2]	48:15	5:13		
operated [1]	10:13		parameters [6]	43:8		4:16	67:9		processing [7]		23:23
operating [3]	10:14		61:2	61:3	63:24	5:6	pollution [8]	4:2	35:18	35:23	36:17
10:16	23:2		63:24	64:8		8:15	9:11	25:9	44:1	44:7	54:10
operation [2]	10:1		parent [1]	27:21		9:14	47:2	48:9	produce [1]		57:12
10:7			parks [1]	58:17		10:20	60:15		product [1]		21:12
operations [6]	3:6		part [8]	2:12	3:23	15:1	portal [2]	56:4	production [4]		9:24
3:7	46:6	46:18	3:24	4:18	8:17	18:2	56:11		62:20	62:25	63:3
47:2	48:23		14:3	20:12	27:19	25:11	portal's [1]	56:16	products [1]		21:14
opinion [2]	32:7		participation [1]	70:24		29:7	possible [4]	10:21	professional [2]		11:14
44:23			70:24			39:24	29:25	31:16	41:2		
opportunity [5]	4:8		particular [2]	56:10		42:15	55:5		Program [3]		9:11
13:14	14:5	39:11	64:17			47:22	post [1]	14:24	60:2	60:10	
50:22			partner [1]	24:12		47:22	posted [2]	15:1	project [17]		3:14
opposed [1]	54:19		pass [4]	13:21	16:19	50:2	15:2		19:2	20:2	20:12
option [3]	14:11		57:13	58:8		52:7					
53:20	54:12		past [2]	32:7	45:8	53:6					
options [4]	36:23		Patton [2]	18:17		58:8					
						61:13					
						69:2					
						permits [2]					
						48:10					

21:3	24:11	25:22	66:2	received [2]	7:13	release [1]	30:12	responsible [3]	10:2		
26:2	26:20	27:2	quality [14]	7:19	7:19	releases [2]	38:14	33:9	40:25		
27:23	28:19	33:12	9:8	receiving [1]	10:20	52:24		responsiveness [8]			
35:1	44:22	45:3	21:2	recent [1]	46:9	relevant [8]	3:1	6:15	6:16		
45:12			23:19	reclaim [2]	17:10	3:8	6:18	8:6	13:25		
projected [4]	19:10		44:24	reclamation [3]	25:2	12:25	16:4	16:5	54:24		
30:5	61:6	61:10	48:8	25:19	33:10	51:13		restores [1]	10:3		
projects [1]	27:16		51:16	recommend [3]	40:11	rely [2]	48:2	51:5	result [1]	64:1	
Prolonged [1]	15:22		61:2	43:5	43:12	remaining [1]	10:19	remains [1]	36:16	review [13]	2:13
promulgated [1]	5:2		quality's [1]	45:7		remember [1]	65:22	remind [2]	16:1	3:9	3:15
proof [1]	4:20		quarter [2]	46:7		removal [1]	41:9	70:21		9:8	9:9
properly [3]	2:14		quarters [2]	46:7		Renewable [1]	37:7	removate [1]	65:24	41:8	42:2
7:12	7:14		46:9			renovating [1]	66:16	repeat [1]	57:9	47:25	49:4
properties [1]	33:11		questions [11]	16:11		report [1]	1:10	repetition [1]	13:16	reviewed [1]	65:6
property [2]	19:6		34:4	39:23	43:19	reported [1]	71:8	replace [1]	50:6	reviews [1]	41:2
19:12			51:15	56:12	59:17	reporter [7]	1:12	replacing [1]	68:21	revisions [1]	3:11
proportional [1]	65:2		59:17	61:21	66:12	14:18	15:13	reply [1]	7:11	Richard [3]	16:16
proposed [16]	1:2		68:19	68:19	68:19	57:3	71:7	Report [1]	1:10	18:4	18:6
29:5	29:11	29:15	quick [1]	37:25	37:25	reports [1]	52:16	reputa [1]	17:19	right [10]	12:13
29:24	31:7	39:17	Quinn [1]	19:10	19:10	represent [2]	15:9	36:20		20:13	31:5
40:8	43:12	51:9	quite [3]	7:16	21:23	21:11		representatives [1]	34:15	55:24	62:1
53:14	56:2	56:3	R-U-S-T [1]	57:6	Randolph [6]	1:3		representing [1]	15:9	64:23	65:7
60:14	60:22	61:5	race [1]	38:3	9:23	38:8		reputation [1]	17:19	risk [1]	38:13
protection [7]	1:1		rain [1]	64:18	38:17	51:3		reputed [1]	16:8	River [12]	2:24
2:3	4:17	21:14	rainfall [7]	30:4	38:11	38:11		requested [1]	16:8	32:6	32:13
22:6	25:20	33:24	30:7	55:8	38:11	38:11		require [4]	7:23	43:4	45:22
protects [1]	10:2		64:20	65:2	38:11	38:11		34:9	47:20	51:5	52:14
protocol [1]	7:12		rainfalls [1]	63:23	38:11	38:11		34:9	47:20	54:20	69:10
proven [1]	45:8		raise [1]	55:24	38:11	38:11		required [7]	12:15	Rivers [3]	50:25
provide [12]	4:8		raised [5]	6:19	38:11	38:11		30:2	42:20	50:25	66:19
4:12	5:11	5:16	10:23	16:14	38:11	38:11		47:19	53:6	Robert [1]	57:5
5:20	6:8	6:9	70:20	59:1	38:11	38:11		3:2	3:14	Roger [3]	28:7
9:1	12:15	47:22	Randolph [6]	1:3	38:11	38:11		required [7]	12:15	28:9	28:9
57:18	58:12		9:23	38:8	38:11	38:11		30:2	42:20	role [1]	8:24
provided [4]	14:6		38:17	51:3	38:11	38:11		47:19	53:6	Ronald [1]	25:15
27:5	41:5	53:22	ranking [1]	38:11	38:11	38:11		3:2	3:14	roof [1]	58:3
provides [1]	58:4		rapid [1]	37:8	38:11	38:11		required [7]	12:15	room [3]	14:22
providing [1]	11:16		rate [3]	46:24	47:1	47:1		30:2	42:20	58:24	57:1
provisions [1]	3:20		63:3		47:1	47:1		47:19	53:6	rough [1]	27:3
public [28]	1:10		rates [4]	50:8	50:8	50:8		require [4]	7:23	roughly [2]	57:21
1:11	2:12	3:18	58:2	58:2	50:8	50:8		34:9	47:20	59:6	
3:19	4:6	4:12	rather [1]	5:6	50:8	50:8		required [7]	12:15	round [1]	56:24
5:20	6:3	8:13	reached [1]	8:2	50:8	50:8		30:2	42:20	rules [8]	2:15
11:19	12:12	12:18	reaches [1]	6:14	50:8	50:8		47:19	53:6	17:25	48:9
15:12	15:25	23:23	reaching [1]	14:17	50:8	50:8		3:2	3:14	55:25	66:24
34:22	35:2	36:13	reactors [1]	41:16	50:8	50:8		3:2	3:14	67:6	67:6
36:16	39:23	39:24	read [6]	16:18	21:23	21:23		rerouting [1]	54:14	run [2]	2:14
43:25	44:7	44:11	29:16	30:23	30:25	30:25		research [2]	40:6	runoff [8]	25:5
60:12	60:16	71:9	68:20		30:25	30:25		40:9		30:7	30:20
pulled [1]	48:25		reading [2]	2:16	30:25	30:25		reservoir [4]	30:8	32:25	41:17
pump [1]	41:20		41:7		30:25	30:25		30:14	51:19	53:24	50:10
pumpage [7]	40:3		reads [1]	4:18	30:25	30:25		30:14	51:19	runs [2]	12:19
40:5	40:8	40:12	real [3]	29:1	29:3	29:3		30:14	51:19	Rust [3]	57:5
40:17	41:20	42:13	68:5		29:3	29:3		30:14	51:19	58:22	57:6
purity [1]	30:1		really [11]	18:10	29:3	29:3		30:14	51:19	Ryan [4]	25:24
purpose [8]	2:13		24:11	46:15	29:3	29:3		30:14	51:19	26:11	26:11
3:17	4:11	13:7	50:14	50:14	29:3	29:3		30:14	51:19	S-K-R-U-K-R-U-D [1]	39:13
14:19	35:15	36:4	53:16	61:11	29:3	29:3		30:14	51:19	safe [2]	30:7
36:18			65:1		29:3	29:3		30:14	51:19	safely [1]	63:12
purposely [1]	26:7		reason [1]	53:3	29:3	29:3		30:14	51:19	safety [5]	21:13
purposes [1]	42:5		reasonable [2]	41:5	29:3	29:3		30:14	51:19	21:16	22:2
pursuing [1]	10:15		53:18		29:3	29:3		30:14	51:19	34:3	28:18
put [8]	20:20	36:8	reasons [1]	35:10	29:3	29:3		30:14	51:19	sake [1]	37:15
47:19	49:2	53:3	receive [3]	15:5	29:3	29:3		30:14	51:19	sampling [1]	43:2
62:4	65:22	67:5	18:2	33:21	29:3	29:3		30:14	51:19	sanitary [1]	61:22
putting [2]	14:20				29:3	29:3		30:14	51:19		

saw [2] 59:12 68:9	sheet [5] 15:1 19:3	sounds [1] 44:12	39:22 51:16	31:24 32:2 33:1
says [5] 22:23 23:22	19:4 23:22 39:25	source [8] 39:19	started [2] 28:13	33:6 33:14 33:18
47:10 49:19 60:24	short [1] 63:13	51:24 53:11 57:14	35:12	37:22 38:24 39:3
school [2] 24:13	shorthand [2] 1:11	60:2 60:9 64:10	starts [1] 68:11	39:6 42:4 43:16
36:7	71:8		state [13] 1:12 3:3	43:21 44:17 45:13
Schultz [4] 16:17	should've [2] 17:11	sources [3] 48:7	3:5 15:7 20:13	50:19 55:18 55:21
18:5 18:6 18:15	31:5	52:24 60:15	20:14 20:17 37:21	56:23 58:21 58:23
sclerosis [1] 50:9	show [3] 59:2 59:9	south [3] 32:21 32:22	47:9 51:1 57:3	60:4 60:7 61:18
scope [4] 13:5	61:1	54:10	state-of-the-art [1] 10:14	61:24 62:16 65:8
56:1 56:3 69:2	showing [4] 48:12	Southern [1] 22:25		65:13 67:25 68:3
score [1] 38:7	49:11 49:12 52:22	Sparta [4] 1:11	statement [7] 2:17	68:17 69:17 69:21
Scott [4] 25:25 25:25	shown [2] 11:15	24:6 28:12 71:11	5:15 9:1 9:17	study [4] 64:13 64:14
57:5 57:6	30:2	Spartan [1] 28:14	13:17 62:22 62:24	65:5 65:6
se [1] 64:17	shows [2] 49:13	speak [23] 9:18	statements [7] 5:16	stuff [1] 49:12
seated [1] 18:9	60:10	13:13 13:19 14:5	11:4 11:5 11:7	subject [3] 7:4
second [4] 37:2	sic [1] 26:19	14:7 16:8 16:15	11:11 12:11 12:24	7:5 7:8
51:12 60:24 62:3	Sierra [7] 33:21	16:17 18:5 18:19	states [3] 37:7	submit [9] 13:1
secondary [1] 57:14	33:23 39:14 39:15	21:21 27:12 29:1	37:12 40:1	14:11 36:18 38:25
Secondly [1] 11:4	45:19 65:20 66:20	33:6 47:17 56:25	station [1] 67:17	42:6 48:25 49:10
seconds [1] 13:11	significant [2] 6:18	59:10 65:10 65:11	statistic [1] 38:15	49:22 52:15
section [8] 4:16	10:12	68:5 68:6 68:8	status [4] 42:19	submitted [3] 6:19
4:18 9:7 9:14	signs [1] 37:25	speaker [2] 5:22	46:7 48:12 52:8	12:17 41:3
34:14 34:15 41:15	similar [1] 11:1	13:10	statute [2] 5:2	submitting [3] 6:2
59:20	simple [1] 66:20	speaking [3] 11:12	49:9	7:18 8:19
sediment [5] 30:11	simply [4] 14:1	15:19 57:8	statutes [1] 49:24	Subpart [2] 3:23
31:9 31:10 32:14	15:11 18:10 63:10	special [8] 35:7	stay [1] 24:2	3:25
see [22] 6:6 19:6	single [1] 64:20	42:16 42:16 42:18	Stefanie [3] 1:18	substances [2] 64:3
19:13 24:2 27:7	site [7] 19:5 31:8	42:22 42:23 43:1	9:4 9:4	64:6
27:14 27:17 30:4	35:17 46:6 54:7	48:4	steps [4] 24:4 25:4	Subtitle [1] 53:10
30:18 32:24 42:14	56:4 63:4	specific [1] 9:2	25:10 30:2	Subtitles [1] 3:4
42:21 44:5 49:17	site-specific [1] 34:13	specifically [6] 3:7	stewardship [2] 10:8	such [6] 4:19 11:22
52:20 53:21 57:17	situation [1] 35:25	11:7 38:9 51:10	45:9	30:6 33:25 37:16
59:2 59:9 60:10	size [2] 53:22 63:22	53:20 63:19	stockpile [5] 31:13	53:14
69:16 70:8	skip [2] 13:19 43:23	specified [1] 7:9	31:16 31:21 62:21	suggest [2] 41:12
seeing [5] 19:4	Skrudrud [21] 33:16	specify [1] 7:3	63:6	52:7
49:1 49:7 49:10	39:7 39:8 39:10	spell [5] 15:13 15:15	stockpiles [5] 30:19	sulfate [5] 41:9
52:22	39:12 40:10 40:15	15:16 57:3 65:16	31:8 31:8 34:7	41:11 44:3 44:7
seepage [1] 34:25	41:7 41:25 42:9	spelled [6] 7:6	63:3	63:25
sell [1] 21:12	42:25 43:18 43:23	22:16 23:15 28:4	storage [1] 34:7	summarize [2] 59:7
send [5] 7:11 8:8	44:16 48:3 51:17	39:12 44:20	storm-water [1] 41:17	59:8
17:7 27:15 70:7	59:16 60:6 60:8	spellings [1] 15:14	straight [1] 54:20	summary [10] 6:1
sentence [2] 5:12	60:20 61:16	spend [2] 27:21	stream [1] 52:19	6:15 6:17 13:25
8:24	slight [1] 69:8	67:18	streams [2] 68:21	42:3 44:15 54:24
seriously [1] 70:12	slurry [3] 32:19	spent [1] 67:16	68:25	56:20 59:6 60:18
server [1] 7:15	54:5 54:19	spoke [2] 45:22	stress [2] 4:11	supplied [1] 40:22
service [1] 58:9	small [2] 53:14 64:5	46:2	13:15	supplies [1] 44:8
services [2] 5:14	social [2] 35:15	spoken [4] 57:1	strict [1] 67:6	supply [13] 23:20
57:23	36:19	58:24 59:3 59:10	strictly [1] 4:7	23:24 24:8 34:22
set [7] 3:3 31:22	solids [7] 43:7	sponsor [1] 24:15	strongly [1] 24:6	35:2 40:12 44:1
44:6 44:9 44:10	43:13 43:15 46:11	Springfield [2] 1:15	structure's [1] 66:15	44:11 47:5 57:11
48:8 53:11	46:12 46:12 64:1	8:12	structures [1] 66:10	58:8 60:12 60:16
settlicable [2] 46:11	someone [5] 13:20	squash [1] 17:20	Studer [74] 1:13	supplying [1] 30:15
46:12	23:18 62:17 64:7	stacker [1] 30:21	2:1 2:2 8:9	support [20] 17:3
seven [1] 61:2	69:12	staff [3] 8:22 10:8	9:16 10:22 16:23	18:1 20:1 20:11
seven-year-old [1] 67:10	somewhat [1] 68:21	12:3	17:1 18:4 18:8	21:2 21:10 21:11
seventh [1] 37:11	somewhere [1] 67:19	stage [1] 59:19	18:16 18:21 19:16	21:19 22:9 22:12
several [6] 29:9	soon [1] 10:21	stand [1] 31:4	19:20 20:4 20:7	25:22 26:2 26:12
30:1 61:3 63:24	sophisticated [1] 46:25	standard [7] 34:9	20:22 21:4 21:20	26:19 27:23 28:19
65:25 66:2	sorry [12] 16:25	44:11 48:8 51:20	22:10 22:15 22:18	44:22 45:11 58:15
sewer [1] 58:9	26:16 34:17 38:9	53:2 53:11 64:9	23:10 24:18 24:21	suppression [1] 54:7
shall [2] 4:19 48:6	38:17 39:2 39:9	standards [10] 5:8	25:14 25:23 26:9	surface [5] 9:23
Sharon [2] 1:11	55:18 61:19 68:13	9:7 9:13 28:18	26:14 26:21 27:9	22:5 25:2 28:11
71:6	68:16 69:14	44:2 44:7 48:11	27:12 27:24 28:3	41:13
	sorted [2] 7:7	51:17 53:1 57:13	28:7 28:20 28:25	surprising [2] 30:12
	7:14	start [4] 2:16 15:16	29:3 29:19 31:6	63:11
				survive [1] 35:22

suspended [4] 43:7	thought [3] 35:12	treatment [11] 38:2	16:12 45:2 47:9	50:6 50:10 50:12
43:13 43:15 46:11	39:22 67:22	40:20 41:5 41:16	47:24 55:10 60:9	51:6 51:8 51:16
Suzanne [4] 22:19	thousand [2] 38:19	41:19 46:25 47:9	66:10	53:1 53:2 54:5
23:11 23:14 23:15	68:21	47:15 47:18 55:3	utilize [1] 45:1	54:9 57:11 57:12
sweep [1] 56:12	three [6] 59:11 59:17	treatments [1] 47:8	utilizing [1] 10:8	57:13 57:14 57:15
switching [1] 53:12	59:17 64:5 64:8	tremendous [1] 25:4	Valerius [2] 1:11	57:19 58:2 58:2
system [4] 2:20	70:1	tributaries [1] 2:24	71:6	58:4 60:2 60:9
7:10 54:5 63:21	three-year [1] 46:6	tributary [6] 31:9	values [1] 52:18	60:12 60:13 60:16
systems [1] 10:14	through [13] 11:23	43:3 43:4 43:9	various [2] 24:13	61:2 62:7 63:9
table [1] 34:20	12:19 12:20 49:8	51:24 60:25	24:14	63:18 64:2 64:7
table's [1] 34:23	49:9 53:15 54:19	tries [1] 36:8	vegetation [1] 32:8	64:8 64:10 67:7
tag [1] 36:8	56:24 58:3 63:4	trip [1] 50:23	vehicle [1] 4:21	water's [1] 54:16
taking [2] 3:18	68:13 70:6 70:23	true [3] 40:4 44:5	verify [1] 61:22	waters [1] 41:9
14:19	throughout [1] 10:16	71:13	versus [2] 38:20	watershed [9] 31:11
talks [1] 43:1	throughput [1] 63:1	truly [2] 17:15 17:25	62:22	51:5 60:11 60:12
tallying [1] 36:6	timely [4] 2:10	Trustees [1] 23:17	vessel [1] 4:21	60:15 62:8 63:19
TDS [2] 44:9 44:9	7:20 13:9 14:16	try [2] 17:23 27:17	viable [1] 41:11	weather [1] 40:2
team [1] 20:13	times [6] 13:24 17:7	17:18 36:6 48:13	Village [12] 23:17	Web [2] 4:4 14:24
technical [1] 4:25	17:18 36:6 48:13	50:4	24:10 24:12 24:14	website [1] 4:3
technically [1] 53:17	timing [1] 15:17	trying [2] 17:19	39:20 46:23 57:6	weeks [1] 15:3
technique [1] 41:21	TMDL [3] 59:18	55:6	57:7 57:8 57:16	weight [2] 14:1
technology [2] 28:14	59:20 59:22	turn [4] 17:10 36:5	57:21 58:14	14:13
47:24	today [2] 46:4	37:4 42:21	violate [2] 48:11	welcome [1] 2:6
teenager [1] 24:25	46:5	turning [1] 42:14	50:5	well-documented [1] 36:13
telling [1] 47:12	together [2] 14:20	two [12] 5:12 15:2	violated [1] 48:12	well-trained [1] 10:8
ten [1] 56:16	22:7	15:3 59:7 59:11	violating [1] 49:25	west [8] 5:13 5:15
tentative [2] 22:24	Tom [5] 21:23 22:11	59:13 61:21 61:21	violation [4] 4:22	8:25 9:16 9:20
23:7	22:12 22:13 22:19	68:3 68:6 68:12	48:7 49:9 70:1	10:22 32:15 56:9
terms [1] 44:4	tonight [21] 2:13	two-foot [2] 34:8	violations [2] 48:13	wetlands [4] 41:16
testify [1] 21:18	5:18 6:1 8:14	type [2] 41:18 64:14	49:24	47:9 55:5 55:10
tests [1] 30:2	9:15 10:23 11:4	typo [1] 42:22	volunteer [1] 33:20	whatnot [1] 63:23
thank [66] 2:6	11:6 12:5 12:11	under [11] 3:20	W-A-L-D-M-A-N [1] 22:1	whole [1] 27:1
9:16 9:20 10:21	12:12 12:21 16:12	5:2 12:6 34:8	W-I-L-H-E-L-M [2] 26:18 33:5	Wildlife [1] 51:2
10:22 18:3 18:4	22:23 33:19 33:22	41:15 43:1 43:13	W-I-L-S-O-N [1] 19:1	Wilhelm [12] 26:10
18:16 19:16 20:4	34:15 39:11 39:15	48:6 53:5 60:12	26:18 33:5	26:14 26:15 26:17
20:21 20:22 21:4	51:7 52:15	underground [4] 2:21 9:22 22:4	Waldman [5] 21:6	26:18 29:21 33:2
21:20 22:10 23:9	tonight's [2] 2:6	41:13	21:21 21:25 22:1	33:3 33:4 33:4
23:10 24:17 24:18	5:9	understand [4] 42:10	22:13	willfully [1] 26:6
25:12 25:14 25:23	Tony [5] 28:8 28:20	62:22 63:10 68:19	wants [2] 59:7	Willhite [1] 2:5
26:9 26:14 27:24	28:23 28:23 29:2	understood [1] 32:5	68:12	Wilson [4] 18:21
28:20 29:18 29:19	too [10] 29:7 29:8	Unit [1] 9:13	warrant [1] 11:21	18:22 18:24 18:25
32:25 33:1 33:2	29:9 29:14 30:15	United [1] 37:11	washing [1] 54:6	win [1] 33:10
33:13 33:14 33:17	34:16 43:17 44:21	unknown [1] 36:16	Washington [2] 51:4	wind [6] 37:1 37:3
39:4 39:10 40:13	55:1 67:22	unless [1] 56:18	57:15	37:6 37:9 37:12
42:25 44:16 44:17	tool [1] 60:10	unnamed [1] 2:24	waste [1] 61:22	37:15
45:12 45:13 50:18	top [1] 62:2	unnecessary [1] 13:16	wastewater [3] 2:23	wishes [2] 12:23
50:19 50:21 56:21	topic [1] 37:20	unruly [1] 11:18	61:23 62:5	14:8
56:21 58:21 58:22	total [11] 43:6 43:7	up [17] 9:18 27:12	water [87] 2:5	withdrawals [1] 62:7
60:20 61:16 61:18	43:13 43:15 46:11	28:13 29:1 33:6	3:3 9:7 9:8	within [6] 12:18
62:16 65:7 65:8	52:21 57:21 58:4	34:6 40:14 47:7	9:13 19:4 19:6	13:12 14:15 29:11
67:24 67:25 69:5	59:14 59:23 63:25	49:3 52:23 54:23	19:9 19:14 21:2	60:15 64:8
69:6 69:19 69:20	totally [1] 25:7	57:25 59:7 61:14	22:7 23:19 23:20	without [2] 37:17
69:21 70:14 70:16	toward [2] 9:19	65:18 65:20 66:17	23:23 24:6 24:8	58:2
Thanks [2] 54:25	69:10	up-front [1] 68:5	25:1 26:7 30:1	withstand [1] 32:13
61:20	town [2] 29:14 35:9	upgrading [1] 66:7	30:9 30:10 30:12	woman [1] 46:21
that'll [2] 23:12	transcribed [1] 71:12	upper [1] 38:12	30:14 32:9 32:15	wonder [2] 34:24
24:21	transcript [3] 14:24	upset [1] 19:8	33:24 34:20 34:22	54:18
theme [1] 43:11	15:5 71:14	used [2] 55:5 64:15	35:2 37:16 38:14	wondered [7] 30:22
themselves [2] 5:11	transcription [1] 71:13	user [1] 30:8	39:13 39:17 39:19	34:10 47:7 47:10
8:23	transferring [1] 62:4	uses [3] 41:2 51:6	40:12 44:1 44:1	68:22 69:6 69:10
thereafter [1] 71:11	transporting [1] 54:9	60:24	44:8 44:11 44:24	wondering [2] 54:11
Therefore [1] 14:21	treat [4] 11:13 17:23	using [9] 10:3 10:13	45:1 45:2 45:7	56:5
they've [5] 24:12	33:11 46:22		45:24 46:20 46:22	
45:8 46:10 58:17	treated [1] 2:23		46:25 47:3 47:5	
70:9			48:2 48:8 50:6	

words [1]	7:5			
worked [4]	17:15			
22:25	26:3			
26:5				
workers [4]	9:25			
35:5	35:14			
67:23				
works [1]	35:24			
worst [1]	38:12			
would've [2]	47:21			
64:19				
writing [4]	6:2			
13:2	14:11			
21:24				
written [11]	6:11			
6:22	8:8			
8:19				
11:23	12:16			
14:12				
14:14	42:6			
52:16				
70:23				
wrong [1]	38:20			
www.ipcb.state.il.us				
[1]	4:3			
year [1]	36:11			
years [8]	22:25			
23:1				
25:3	25:8			
32:19				
35:1	56:16			
70:1				
yet [3]	23:18			
43:22				
68:4				
York [1]	36:5			
zero [1]	23:25			