

1 NPDES PERMIT NO. IL0080039
2 PUBLIC HEARING DATE: JUNE 4, 2014
3 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM,
NPDES PERMIT PROGRAM
4
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
5 BUREAU OF WATER, DIVISION OF WATER POLLUTION CONTROL
PERMIT SECTION
6 1021 NORTH GRAND AVENUE EAST
SPRINGFIELD, IL 62794
7
FACILITY: HILLSBORO ENERGY, LLC
8 DEER RUN MINE
925 SOUTH MAIN STREET
9 HILLSBORO, IL 62049

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11 PUBLIC HEARING, all parties were produced and
12 examined on the 4th day of June, 2014, between the hours
13 of 5:00 P.M. and 7:05 P.M. of that day, at the Hillsboro
14 High School Gymnasium located at 522 East Tremont
15 Street, Hillsboro, Illinois 62049, before Kelley J.
16 Olroyd, a Certified Shorthand Reporter, and a Notary
17 Public within and for the State of Illinois.
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1 APPEARANCES

2

HEARING OFFICER:

3

Mr. Dean Studer

4 Illinois Environmental Protection Agency

1021 North Grand Avenue East

5 P.O. Box 19276

Springfield, IL 62794

6 217-558-8280

E-mail - dean.studer@illinois.gov

7

8 PANEL MEMBERS PRESENT:

9 Larry D. Crislip

Stephanie Diers

10 Bob Mosher

Amy Zimmer

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21 Court Reporter:

Kelley J. Olroyd, CSR

22 Illinois CSR #084-001978

Missouri CSR #1311

23 Midwest Litigation Services

15 S. Old State Capitol Plaza

24 Springfield, Illinois 62701

217.522.2211

25 800.280.3376

1 IT IS HEREBY STIPULATED AND AGREED by and between
2 the parties that this hearing may be taken in shorthand
3 by Kelley J. Olroyd, CSR and Notary Public, and
4 thereafter transcribed into typewriting, with the
5 signature of the witness being expressly waived.

6

7 * * * * *

8

9 (Hearing began at 5:04 P.M.)

10

11 HEARING OFFICER: Good evening. I would
12 like thank all of you coming out on this rather warm but
13 not extremely hot anyway, which is a good thing.

14 Good Evening. My name is Dean Studer and I
15 am the hearing officer for the Illinois Environmental
16 Protection Agency. On behalf of Director Lisa Bonnett
17 and Bureau of Water Chief Marcia Willhite, I welcome you
18 to tonight's hearing. The Illinois EPA believes that
19 the public hearings that we hold are a crucial part of
20 the permit review process. My purpose tonight is to
21 ensure that these proceedings run properly and according
22 to rules. To that end, I will not be responding to
23 technical issues raised at this hearing this evening,
24 but will be deferring those to one of the hearing panel
25 members with me this evening. I may respond to issues

1 when clarification is necessary or to issues directly
2 related to the public participation process.

3 This is an informational hearing before the
4 Illinois EPA in the matter of a new National Pollutant
5 Discharge Elimination System, usually referred to as
6 NPDES, permit for processing coal from the mining
7 operations at Hillsboro Energy, LLC, Deer Run Mine
8 Refuse Disposal Area Number Two with proposed discharges
9 of treated wastewater into an unnamed tributary of
10 Watershed Structure Five, which is an impoundment of an
11 unnamed tributary of the Middle Fork Shoal Creek, also
12 known as Central Park Creek.

13 I point out that we will be conducting
14 another hearing this evening following this NPDES
15 hearing. The second hearing involves the 401 water
16 quality certification for the same facility and is a
17 separate proceeding before the Illinois EPA. Issues
18 relevant in the second hearing are different than those
19 for this NPDES hearing.

20 Issues relevant to this hearing include
21 compliance with the requirements of the Clean Water Act
22 and the rules set forth in 35 Illinois Administrative
23 Code, Subtitles C and D, including the anti-degradation
24 assessment. Please keep in mind that relevant issues
25 relate to the permit issuance as that is the decision

1 before the Illinois EPA, and that is whether or not a
2 permit can be legally issued. Mining operations and the
3 associated impacts from the long wall mining operations
4 are not relevant in this hearing this evening.

5 Similarly, issues under the purview of the Illinois
6 Department of Natural Resources are also not relevant in
7 this proceeding unless the issue is directly associated
8 with the permit proposed for the water discharges
9 associated with refuse disposal area number two. The
10 Illinois EPA has made a preliminary determination that
11 the project meets the requirements for obtaining a
12 permit and has prepared a draft permit for review.

13 The Illinois EPA is holding this hearing for
14 the purpose of accepting comments on the draft permit.
15 This public hearing is being held under the provisions
16 of the Illinois EPA's procedures for permits and closure
17 plan hearings which can be found in 35 Illinois
18 Administrative Code, Part 166, Subpart A and under the
19 Illinois Pollution Control Board regulations of 35
20 Illinois Administrative Code 309.115 through 309.119.
21 Copies of these regulations are available at the
22 Illinois Pollution Control Board website at
23 www.ipcb.state.il.us, or, if you do not have easy access
24 to the web, they are also available from me upon
25 request.

1 An informational public hearing means
2 exactly that, this is strictly an informational hearing.
3 It is an opportunity for you to provide information to
4 the Illinois EPA concerning the permit so that such
5 information can be considered when we make our final
6 action on this permit application. This is not a
7 contested case hearing.

8 I'd like to explain how tonight's hearing is
9 going to proceed. First, we will have the Illinois EPA
10 panel members introduce themselves and provide a
11 sentence or two regarding their involvement in the
12 permit process. Following this, I will provide further
13 instructions as to how statements and comments will be
14 taken during this hearing and as to appropriate conduct
15 during this hearing tonight. I will then allow the
16 public to provide comments.

17 If you have not completed a registration
18 card at this point, please see Barb Lieberoff in the
19 registration area and she can provide you with a card.
20 You may indicate on the card that you would like to make
21 comments tonight if you desire to. Everyone legibly
22 completing a card tonight or providing written or e-mail
23 comments in this proceeding will be notified when the
24 Illinois EPA reaches a final decision in this matter as
25 well as when a final decision in the 401 proceeding is

1 reached. Our responsiveness summary will be made
2 available at the time of decision for each proceeding.
3 Note that the regulations, review process, and other
4 factors are different for the two proceedings and
5 therefore, the final decisions may be made at different
6 times. However, Illinois EPA is maintaining a single
7 mailing for the two proceedings.

8 In the responsiveness summary the Illinois
9 EPA will respond to all relevant and significant issues
10 that were raised at the hearing or submitted to me in
11 writing prior to the close of the comment period. The
12 hearing record in this matter will close on June 30,
13 2014. I will accept written comments as long as they
14 are e-mailed or postmarked by June 30, 2014.

15 Illinois EPA is committed to resolving
16 outstanding issues and reaching a final decision in this
17 matter in an expeditious manner. However, the actual
18 decision date will depend on the number of comments
19 received, the substantive content of those comments, and
20 on other factors.

21 During this hearing and during the comment
22 period, all relevant comments, documents and data will
23 be placed into the hearing record as exhibits. Please
24 send all written documents or data to my attention, that
25 is Dean Studer, Hearing Officer, regarding Deer Run Mine

1 NPDES, Illinois EPA, 1021 North Grand Avenue East, P.O.
2 Box 19276, Springfield, Illinois 62794. This address is
3 also listed on the public notice for the hearing
4 tonight. Please indicate the NPDES permit number or
5 reference Deer Run Mine NPDES on your comments to help
6 ensure that they become part of this hearing record.
7 The NPDES permit number for this facility is
8 I-L-0-0-8-0-0-3-9. I note that we have a 401 water
9 quality certification proceeding for this same facility
10 also open, so please make sure your comments are
11 properly designated. I want to avoid copying comments
12 from one proceeding into the record for another
13 proceeding.

14 Illinois EPA is also accepting e-mail
15 comments in this NPDES proceeding. E-mails originating
16 on a third party server designed or intended to submit
17 comments of the same or nearly the same content from
18 multiple users will not be accepted without my prior
19 approval. E-mail comments are to be sent to
20 epa.publichearingcom@illinois.gov. They need to be
21 received no later than June 30, 2014 and must specify
22 either Deer Run Mine NPDES or the permit number, and
23 that is I-L-0-0-8-0-0-3-9 in the subject line. E-mails
24 are electronically sorted and distributed, so please
25 make sure that the words in the subject line are spelled

1 correctly. Electronic comments filed during the normal
2 agency business hours should get an automated reply from
3 the server. I will also attempt to send a reply to
4 e-mail comments within a few days indicating the exhibit
5 number assigned to the electronic submittal. If you do
6 not receive such a reply, you may contact me and I can
7 provide that information to you.

8 If filing written comments in both the NPDES
9 and the 401 proceedings, you need to submit comments in
10 each proceeding with the appropriate heading in the file
11 line. This is a hearing, again, the most formal of our
12 public formats, and it is important to comply with
13 proper procedures when filing comments.

14 I would like to now ask the Illinois EPA
15 panel members to introduce themselves and provide a
16 sentence or two explaining your role in the review of
17 this application.

18 MR. CRISLIP: My name is Larry Crislip,
19 manager of the permit section for the mine pollution
20 control program and our group reviewed the application
21 for this permit and all pertinent information and
22 prepared the draft permit.

23 MS. DIERS: Stephanie Diers legal counsel
24 for the agency.

25 MR. MOSHER: I'm Bob Mosher, and I'm manager

1 of the water quality standards section, and I prepared
2 the water quality based acceptable permit analysis and
3 the anti-degradation assessment review.

4 MS. ZIMMER: Hello, I'm Amy Zimmer, I'm the
5 geologist of ground water. I looked at ground water
6 issues related to the site.

7 HEARING OFFICER: Thank you. As hearing
8 officer, I intend to treat everyone here tonight with
9 respect and in a professional manner. I ask that the
10 same respect be shown by the hearing panel and members
11 of the audience. You may disagree with or object to
12 some of the statements and comments made, but this is a
13 public hearing and everyone has a right to express their
14 comments on this draft permit and the issues related to
15 it. Arguing or prolonged dialogue with others will not
16 be permitted.

17 I remind everyone that we have a court
18 reporter here making a verbatim record of tonight's
19 hearing. For her sake, and in the interest of having an
20 accurate transcript of this hearing, I ask that noise
21 levels in the room be kept to a minimum. Consequently,
22 applause, booing, hissing and jeering will not be
23 allowed.

24 If the conduct of persons attending this
25 hearing should become unruly, I am authorized to adjourn

1 this hearing should the actions warrant. In such a
2 case, the Illinois EPA would accept written comments
3 through June 30, 2014, and that's the date that the
4 hearing record closes. All comments submitted by
5 carrier or U.S. mail need to be sent and postmarked no
6 later than June 30, 2014.

7 If you have lengthy oral comments to make at
8 this hearing, it will be helpful to submit them to me in
9 writing before the close of the comment period and I
10 will ensure that they are included in the hearing record
11 as an exhibit. This hearing is the only time that
12 Illinois EPA will accept oral comments.

13 Please keep your comments relevant to the
14 issues involved with this permit. If your comments fall
15 outside the scope of this hearing, I may ask you to
16 proceed to your next relevant issue. I will allow
17 everyone 8 minutes to make comments. Since we have two
18 hearings to conduct this evening, time is going to be
19 important. It is possible that you will not have time
20 to read all of your comments into the record. You may
21 want to prioritize them so that you can say what you
22 desire are the most important parts of your comments. I
23 would like to start the second hearing at 7:30 if at all
24 possible.

25 I want to avoid repetition. If anyone

1 before you has already presented a statement or comment
2 that is contained in your comments, please skip over
3 those issues when you speak. If someone has already
4 said what you intended to say, you may pass when I call
5 your name to come forward. Once a point is made, it
6 makes no difference if the point is made 99 times, it
7 will be considered on its merit and addressed only once
8 in the responsiveness summary. The final decision in
9 this matter will not be based on how many people desire
10 a permit to be issued or on how many people desire for
11 the permit application to be denied. The final decision
12 will be based on whether or not the applicant has
13 complied with the requirement for obtaining a permit.

14 The issues that are relevant in the Illinois
15 EPA's final decision are those directly related to
16 contents of the permit and the regulations governing the
17 issuance of that permit. Simply stating opposition or
18 support for this project will not impact the Illinois
19 EPA's decision in this matter. Illinois EPA will be
20 making a decision based on the environmental issues and
21 the items as determined by applicable state and federal
22 law and under the purview of the Bureau of Water of the
23 Illinois EPA. In this case, relevant issues relate to
24 this water discharge NPDES permit in some way. Please
25 keep this in mind when speaking this evening as well as

1 when filing written comments on this matter.

2 I also point out that the notice for this
3 hearing indicated that those recommending denial of this
4 permit should be prepared to cite the regulation that is
5 the basis for such recommendation. It would be very
6 helpful if you would cite that regulation if you are
7 recommending denial of the permit.

8 When it is your turn to speak, I will call
9 your name. Please come forward. I will then call a
10 second name and that second person will speak following
11 the current speaker. When I first call your name, if
12 you do not desire to speak, or if someone has already
13 said what you were prepared to say, you may pass, and I
14 will move on to another name. When the person speaking
15 has completed their comments, I will call the name of
16 the next person to speak following the current
17 commenter. We have two hearings to conduct this evening
18 and have a limited amount of time for each hearing.

19 When speaking, please speak clearly, state
20 your name and, if applicable, any governmental body,
21 organization or association that you represent. If you
22 are not representing a governmental body, an
23 organization, or an association, you may simply indicate
24 that you are a concerned citizen or a member of the
25 public. For the benefit of the court reporter, I ask

1 that you spell your last name. If there are alternate
2 spellings for your first name, you may also spell your
3 first name if you desire. Comments are to be directed
4 to the members of the hearing panel and to the court
5 reporter. This will help ensure that an accurate
6 transcription of your comments is made. Again,
7 Prolonged dialog with the hearing panel or with others
8 in attendance will not be allowed.

9 Are there any questions regarding the
10 procedures that will be used for conducting this
11 hearing? Okay. Let the record indicate that no one
12 raised their hand.

13 I remind everyone that the time limit for
14 speaking this evening will be 8 minutes, and the first
15 person that has registered to speak is William
16 Schroeder, if you would come forward to the microphone.

17 MR. SCHROEDER: Yes, sir. My name is
18 William Schroeder, S-c-h-r-o-e-d-e-r. Do you need my
19 address?

20 I have a couple questions. If I may I have
21 a submission rather than read it but I have a portion to
22 submit for the record. Thank you. The first question I
23 ask of the panel how much input or regulation do you
24 have to the construction of the impounding, specifically
25 how the membrane lining is installed? I mean are we

1 going to answer or I'm just asking questions?

2 HEARING OFFICER: We will attempt to answer
3 the questions we can tonight and our official response
4 will also be in the responsive summary in writing as
5 well. Can anyone attempt to answer?

6 MR. CRISLIP: Yes. For installation the
7 lining out there I believe we deferred to the
8 recommendations of the manufacturer.

9 MR. SCHROEDER: And specifically when the
10 liner goes in, as I understand it, it's just now going
11 to be at the bottom of the impound; is that correct?

12 MR. CRISLIP: There will be a liner at the
13 bottom of the impoundment and also a low permeability
14 cover on the final structure.

15 MR. SCHROEDER: So as the impoundment is
16 increasing in height and the water level in that
17 impoundment also increases in height, will there be a
18 liner on the bank or barrel of the coal refuse that the
19 damn is being constructed of?

20 MR. CRISLIP: No, sir. There is no liner on
21 the side slopes of the structure.

22 MR. SCHROEDER: So as the water goes up how
23 is it determined that that will prevent any leakage
24 underneath the liner and still get to the aquifer or
25 whatever other detrimental effect there is.

1 MR. CRISLIP: There is a system of piping to
2 control the phreatic surface in that embankment.

3 MR. SCHROEDER: So that would take care as
4 the head pressure increase of the impoundment this
5 piping is to take care of the leakage and drain off of
6 the line?

7 MR. CRISLIP: Yes, sir.

8 MR. SCHROEDER: Another question is I have
9 contact with some people in the roebic septic systems,
10 and some of the rules that are involved in the
11 regulations of that are quite stringent, and I'm
12 wondering how they compare if I want to build a house an
13 put in a roebic system and the discharge of water from
14 that how different is that regulated and what you are
15 regulating to this discharge of this impoundment? Is
16 that a fair question?

17 MR. CRISLIP: I would have to look into that
18 to get an answer in the responsiveness summary.

19 MR. SCHROEDER: Because the last estimate
20 that a friend of mine had it was going to cost him
21 upwards of \$20,000 just to have a roebic system for his
22 house under the new rules, which are quite, quite
23 stringent, and I was wondering there must be some kind
24 of correlation between that kind of an application and
25 this. Is that fair or I mean is there any correlation

1 at all?

2 MR. CRISLIP: I can't answer that question
3 at this time.

4 MR. SCHROEDER: So you don't have anything
5 to do with those?

6 MR. CRISLIP: No, sir.

7 HEARING OFFICER: I have a question on the
8 septic system. Do you know was that a leach eight field
9 or discharge?

10 MR. SCHROEDER: It was a roebic system with
11 a leach eight discharge depending upon the situation.
12 Since everything goes into the water of the United
13 States since --

14 HEARING OFFICER: If it's a leach eight
15 system it requires no permit from our agency and it's
16 covered by the Department of Public Health. It does not
17 need a permit. If it's an open discharge then it will
18 require an NPDES permit, and right now it's my
19 understanding that region five in Chicago is issuing
20 those permit, but we will provide a formal answer to
21 that question in our response. Okay. Thank you.

22 MR. SCHROEDER: And then I have a fax sheet
23 that was taken from the Illinois DNR website concerning
24 the different mines that the EPA is supposedly checking,
25 and just briefly of the 72 coal mines operating with a

1 water pollution discharge permit only 12 have had
2 inspections by the Illinois EPA in the last five years,
3 over 35 have self reported non-compliance with permits.
4 It goes on and on that this is what I would like to
5 submit for the record if I may because it's very telling
6 as to after the permits are issued it just seems like
7 it's forgotten.

8 HEARING OFFICER: What is the source of that
9 information?

10 MR. SCHROEDER: The endorsement and
11 compliance history on --

12 HEARING OFFICER: Yeah, because that doesn't
13 necessarily mean that everything that's in there is
14 accurate. We will gladly take a look at it.

15 MR. SCHROEDER: It's from the DNR website,
16 so I would assume they would have some --

17 HEARING OFFICER: We are not DNR and our
18 inspection programs are different because they inspect
19 mines differently than what Illinois EPA does.

20 MR. SCHROEDER: This is referring to
21 specifically EPA inspection. If I may, may I submit
22 this, and thank you for the time.

23 HEARING OFFICER: Sure. Thank you. I will
24 take that. Thank you.

25 It looks likes Bernard Groves. Did I miss

1 that altogether?

2 MR. GROVES: My name is Bernard Groves,
3 G-r-o-v-e-s, and I'm from Schram City and we have a lot
4 of complaints. I'm represent the city best I can
5 anyhow. We have coal dust coming into houses and dust
6 all of the time and noise at night. It was suppose to
7 be quiet out there at this time but at 12 o'clock at
8 night it's not. I'm wondering if there is anything you
9 can do about it. The dust is the main thing and people
10 out there with breathing problems and they just don't
11 like it.

12 HEARING OFFICER: We will provide a name and
13 contact person in our response of the summary for you.
14 Thank you.

15 Don Karban.

16 MR. KARBAN: Hello, my name is Don Karban,
17 K-a-r-b-a-n. I'm a citizen of Hillsboro. I have some
18 concerns about RA2 and the then the run off and
19 associated water that would be dealt with in the NPDES
20 and specifically concerns relate to the method of
21 construction of the liner of installation that was
22 already discussed and then how in that potential runoff
23 would be treated or where it would be directed as part
24 of the NPDES. Also concerned about the impacts that
25 some now auto-service mines might have on some of the

1 areas within the impoundment and how it might effect
2 construction with the liner action retention of the
3 runoff, et cetera. I have got those summarized in a
4 letter that I will leave as documentation, if I may
5 tonight.

6 MR. MOSHER: Do you want us to try to answer
7 those questions tonight?

8 MR. KARBAN: I don't expect you to answer.
9 Its listed in here and there's a brief summary of that
10 in the document. I'll leave that and I'm hopeful you'll
11 answer later.

12 MR. MOSHER: We will in the responsiveness
13 summary. Thank you.

14 MR. KARBAN: But I would like to continue as
15 a commissioner of the City of Hillsboro I would also ask
16 that whatever monitoring is done that the city be copied
17 on the results of that monitoring and any reports that
18 get assembled and generated. It will just help us in
19 dealing with our citizens and responding to concerns
20 that they have about the septic. I don't have the City
21 of Hillsboro address but if that sort of information
22 could be made available to the city counsel and the
23 mayor of the City of Hillsboro that would be
24 appreciated.

25 MR. MOSHER: You're talking about the

1 reports that the mine sends to the Illinois EPA as far
2 as water quality?

3 MR. KARBAN: Yes, and then how EPA deals
4 with those reports.

5 MR. MOSHER: There is a system online from
6 U.S. EPA that anybody can go in and see all of that
7 data. It's probably a better way for you than to rely
8 on us to remember to continually send them to you. We
9 don't really have a set up at Illinois EPA. I mean on a
10 one-time basis you can ask for data and we will do it,
11 but the data keeps coming in month after month and we
12 just don't have a system to forward, but we could set
13 you up with how to use that online system and you could
14 see the data that we get that way if you really want to
15 every month.

16 MR. KARBAN: I would appreciate that.

17 MR. MOSHER: You can do that every month.
18 Probably what we will do is in the responsiveness
19 summary put the information there, put the website, put
20 the phone number of people that can help you if you have
21 questions on how to use it, that type of thing, so you
22 can go right at it. I think that's about the best thing
23 I can think of.

24 MR. KARBAN: Thank you.

25 HEARING OFFICER: I'll enter those as

1 exhibits into the record.

2 Gary Sneed.

3 MR. SNEED: My name is Gary Sneed,
4 S-n-e-e-d.

5 HEARING OFFICER: You are going to have to
6 speak into the microphone or we're not going to be able
7 to hear you.

8 MR. SNEED: I wonder if you have -- I was
9 wondering if you have taken the time to check about the
10 impact on all of the wildlife that this water is going
11 to be discharging and the quality of the water and who
12 is watching the quality of the water that is going to be
13 discharged and how often it is going to be checked,
14 because I mean you can check it one day and they can do
15 something else the next. So I would like to know the
16 answers to all of them questions if I might.

17 MR. CRISLIP: There is a set requirement for
18 monitoring in the NPDES permit that the applicant is
19 required to monitor discharges from their site and have
20 the samplings analyzed and reported. In addition, we
21 the EPA performs inspections of the site. We will be
22 performing inspections and we will pull samples and have
23 those analyzed to check against what is reported by the
24 applicant, and in addition to that Department of Natural
25 Resources Mines and Minerals is on the site at least

1 monthly I believe, and they also pull samples and have
2 those analyzed.

3 MR. SNEED: What about the impact on
4 wildlife, like fish, game that drinks out of the creeks
5 and everything they are you fixing to dump that stuff
6 into? I would like to know if you have had a chance to
7 look at the impact on the animals which a lot of people
8 around here rely on for food and other substance. The
9 fish that come out of these places, and I want to know
10 if you are willing to eat the fish that comes out after
11 you dump it?

12 MR. CRISLIP: Our permit limits were
13 established at the water quality standards, which should
14 be protective of the fish and wildlife.

15 HEARING OFFICER: I do remind you that the
16 standard for the permit issuances is whether or not it
17 meets those standards. You can ask any questions you
18 want but to it's not going to affect our decision. Our
19 decision is going to be based on whether it meets the
20 law. So if there is a problem with the law then the law
21 has to be changed.

22 MR. SNEED: I'm asking whether or not it's
23 safe or not.

24 HEARING OFFICER: The standard is based on
25 what the Illinois Pollution Control Board has

1 established for us. Those standards are suppose to be
2 protective of aquatic life and wildlife as well as a
3 host of other uses of those streams.

4 MR. SNEED: Have you had a study on that
5 before where it is checked the wildlife to see if there
6 livers are spotted or they have any kind of intestinal
7 diseases? Have you had those kind of checks.

8 MR. MOSHER: Illinois EPA monitors streams
9 on a routine basis and also on a water shed basis that
10 occurs every five years, and the Middle Fork Shoal Creek
11 where the mine eventually drains to is monitored. We
12 monitor biologic fish and macroinvertebrates. We
13 monitor the water quality and that information is
14 available on our website.

15 MR. SNEED: I don't have a computer. A lot
16 of us don't.

17 MR. MOSHER: We can give a review or a
18 summary of what our reports say about the Middle Fork
19 Shoal Creek. That's as close as we get to the mine. We
20 don't monitor the smaller tributaries, so we can provide
21 a summary and that information to you.

22 MR. SNEED: Well, the people that consume
23 things from those creeks, what about their health?

24 MR. MOSHER: Well, the reason we have the
25 water quality standards that Dean was mentioning is

1 research has been done, the concentrations that are
2 protective of fish and wildlife are adopted, it's very
3 formal process, and those are the values that we use to
4 regulate this mine, the sewage treatment plant in town
5 and every other discharge. They are all subject to
6 those water quality standards, and the limits in this
7 mine are for this mine are reflective of those values.
8 There is no other issues that I know about that would
9 cause harm to fish and wildlife from this mine. The
10 mine permit doesn't allow that. It doesn't allow
11 anything else to be discharge other than what we
12 specified.

13 MR. SNEED: But are you having them watch
14 it?

15 MR. MOSHER: That's the system in place for
16 everybody.

17 MR. SNEED: That system is not right because
18 that would be like having a fox guard your henhouse for
19 you. We have got to have a system in there where
20 somebody else independent that doesn't have any monetary
21 gain to watch this to make sure it's done correct.

22 HEARING OFFICER: That was a system
23 established by a federal government and this is a permit
24 that is issued under federal requirements. The state
25 can't change federal laws. You may not like it but I

1 would suggest you talk to your federal elected officials
2 then.

3 MR. SNEED: One last question, what is going
4 to happen to the people that get sick when they consume
5 something that is contaminated?

6 HEARING OFFICER: I think you are being
7 presumptuous there.

8 MR. SNEED: All right. Thank you.

9 HEARING OFFICER: I didn't mean to be rude
10 to you. We have a certain system that is set up and
11 that's what the system is. If the system needs to be
12 changed you are free to make those recommendations to
13 the change, and as a citizen in the State of Illinois
14 you are also free to file proposals. We are not the
15 agency that sets that system. The state does not set
16 environmental laws. EPA does not set the environmental
17 laws of the state. Those are set by a whole different
18 state agency, because we are obligated to enforce those
19 laws and they did not want the same body making the laws
20 as was enforcing. So there is kind of a check and
21 balance that was set in there long before U.S. EPA was
22 around. That's the system that was in place. We have
23 that authority that was passed down from the general
24 assembly to both the Pollution Control Board and to our
25 agency. You don't hear much about the Pollution Control

1 Board, but they are the board that establishes the
2 environmental regulation in the state of substance. We
3 have some authority to set certain requirements but that
4 authority has to come either from the board or from the
5 general assembly, and our authority is primarily
6 procedural.

7 Catherine Edmiston.

8 MS. EDMISTON: My name is Catherine
9 Edmiston, E-d-m-i-s-t-o-n. I have just a few remarks.
10 I think that NPDES permit should be denied. The mine is
11 not planning on the huge waste impoundment which is
12 permit 424 to be a temporary structure as required by
13 federal law. It will be 60 feet high and 240 acres if
14 you include the ditches around it. Discharges from the
15 impoundment could contaminate the Middle Fork Shoal
16 Creek, which is one of the few biological streams left
17 in the State of Illinois. Why are we destroying it?
18 When we increase a load of pollutants we all know that
19 has an effect on the life in Middle Fork Shoal Creek,
20 and it isn't monitored very often, is it?

21 Secondly, the mine is already causing water
22 quality problems and is not following rules of its
23 permit. These should be dealt with before you even
24 consider any further pollutants. Since the mine is
25 already exceeding permit levels, why should more be

1 permitted? Anyone going to answer?

2 MR. MOSHER: When you -- you're mentioning
3 violations of permit limits, do you have that for us to
4 look at? Have you done some research? I was saying
5 when you say the mine has had violations, where do you
6 get that information? Can you share what you are
7 looking at with us so we can kind of see what you are
8 talking about?

9 MS. EDMISTON: I got it from an expert. You
10 will probably be hearing more about that later tonight.

11 MR. MOSHER: Okay.

12 MS. EDMISTON: They are not following the
13 regulations, why are we allowing more pollutants?

14 MR. MOSHER: Well, they have gone through a
15 process called antidegradation.

16 MS. EDMISTON: What is that?

17 MR. MOSHER: That's a water quality standard
18 that requires the applicant to look at their proposed
19 discharges and to assure us that they are doing all that
20 is reasonable to minimize pollutant loading. We are
21 also besides antidegradation regulating the facility
22 with permit limits set at the water quality standards
23 for the substances that are going to be found in the
24 mine discharge, mainly chloride, sulfate, new other
25 things, and they have to meet those limits. And, again,

1 those are based on the water quality standards that are
2 protective of fish, aquatic life that is found
3 downstream.

4 MS. EDMISTON: You also check for arsenic
5 and all of the dangerous things?

6 MR. MOSHER: Larry, does the permit have
7 monitoring conditions for arsenic, mercury and other
8 things like that?

9 MR. CRISLIP: It has mercury. I believe
10 there is a condition for monitoring of mercury and
11 reporting of those concentrations.

12 MS. EDMISTON: And that information will be
13 available to us?

14 MR. CRISLIP: It will be available as part
15 of the DMR report.

16 MS. EDMISTON: DNR report?

17 MR. CRISLIP: DMR, discharge monitoring
18 reports.

19 MS. EDMISTON: Okay. Discharge monitoring
20 report.

21 MR. CRISLIP: Right. The reporting that is
22 required under the NPDES permit.

23 MS. EDMISTON: I see. My farm is close to
24 Middle Fork Creek which floods and pollutes the soil and
25 crops. I don't see how people can eat fish from the

1 creek and contaminated water. Have they taken into
2 account what it is going to do to the environment when
3 there are increases in pollutants?

4 MR. MOSHER: The water quality standards
5 that we are using to set the permit limits are the
6 product of lots of scientific research for the impacts
7 of these substances on aquatic life downstream, and what
8 we are saying is we are writing a permit that has these
9 limits based on the water quality standards and they
10 have to meet those limits at end pipe, therefore,
11 everything downstream should not exceed those limits
12 unless the mine is having a violation event for which
13 they will be held accountable for. So we are saying
14 with the issuance of this permit there are not going to
15 be the problems downstream that you have mentioned.

16 MS. EDMISTON: We citizens have a problem
17 with the idea of violations because mines in Illinois
18 have things like 170 violations and 600 violations and
19 they are still running. We are wondering who polices
20 this and how quickly mines are allowed to go and mine
21 along with the violations and this disturbs many of us.
22 I don't know what is going to be done about that. It's
23 not right. I wrote a letter this week to the Lieutenant
24 Governor and said it seems to me that one violation, a
25 mine should be closed until that is repaired, but as far

1 as 170 and 600 violations, you know. Is there ever any
2 time limit for taking care of the violations in mines?

3 MR. MOSHER: That is a question we will have
4 to answer in the responsiveness summary because none of
5 us on the panel are in our compliance assurance section
6 that are experts in how violations are dealt with. We
7 will have to answer that for you later.

8 MS. EDMISTON: Okay. Permit number 424 for
9 this waste impound is built with coal not clay and
10 there's high hazard damn and that's a plastic liner that
11 will not threaten to all of the surrounding area. It is
12 a built within the city limits close to the prison and
13 nursing home in Montgomery County and if that damn fails
14 it will be really dangerous in regard to pollution and
15 that's why I feel the permit should be denied. That's
16 all I have.

17 HEARING OFFICER: Thank you. I will enter
18 that as an exhibit. Thank you.

19 Joyce Blumenshine.

20 MS. BLUMENSHINE: Thank you. My name is
21 Joyce, J-o-y-c-e, Blumenshine, B-l-u-m-e-n-s-h-i-n-e.
22 I'm with the Mining Commission for Illinois Chapter -- I
23 appreciate you having the hearing tonight. It's really
24 an important issue to look at. This there are a lot of
25 considerations moving forward with this getting closer

1 to the City of Hillsboro and Schram City and enable this
2 mine to continue. I'm on the mining side of the efforts
3 in having been involved in the IDNR permit, which I know
4 is not your purview, but as far as background that's
5 what I'm coming from on a couple comments. I did want
6 to ask a few questions about the location of this
7 particular impoundment and its impact on the NPDES, and
8 we know from the office of mines and minerals that this
9 impoundment is over mine works, particularly on the
10 north and east side, and as far as water quality I have
11 here as an exhibit I'll hand you later, it has concerns
12 about the shallow ground water levels in that area as
13 reported by the mine. My question first please, because
14 the water table in many areas here is close to the
15 surface and we know that there are old mine works under
16 this by the mines reporting they have found open voids
17 and also many of the mine works continue under the town
18 of Hillsboro. Are there concerns that IEPA is looking
19 at regarding this potential risk to surface discharges
20 that could get into ground water from that because of
21 the old mine works?

22 MS. ZIMMER: Could you be more specific?
23 I'm not really following.

24 MS. BLUMENSHINE: Right. So if discharges
25 are going to be approved, two new outflows and they have

1 heavy metal sediment, acid, whatever is being discharged
2 at the time from the mine impoundment, because the water
3 table is high or low in the area, different depths from
4 the mine's own material mining the water level is 5.3
5 feet up to 15 feet, is there a risk that the surface
6 water and ground water can intermingle and mix from the
7 NPDES discharges?

8 MS. ZIMMER: I have to take a look at that
9 and get back to you. I don't see that as being an issue
10 but I'll take a look at it.

11 MS. BLUMENSHINE: Okay. And then related to
12 that other part of question was since there are known
13 old mines below a good portion of this proposed permit
14 area if the ground water levels are shallow and the
15 surface water if after you have a chance to look at it
16 if you find there is an exchange, is there a risk that
17 pollution from the mine or discharges could get more
18 quickly to underground levels because of the mine
19 collapsed areas that are underneath the permit? Is that
20 a factor for your consideration?

21 MS. ZIMMER: I'm just going to have to take
22 all of this and think about this. I'm really -- I'm
23 going to take a look at all of this and try to
24 understand everything after looking at this issue and
25 your comments what impacts there might be. I'm having a

1 little trouble right now finding -- seeing the
2 connection between what you are saying, but I'll go back
3 and take a look at it.

4 MS. BLUMENSHINE: Thank you. The question
5 I'm asking that if you approve this NPDES and let the
6 discharge and this mine will be here for a long time,
7 20-40 years and then the structure -- this structure
8 will be here forever. It will have dirt on top and open
9 pond on top but it will be there forever, contents will
10 be there forever, and the plastic don't last forever.
11 At some point I'm asking --

12 MS. ZIMMER: Actually now you're talking to
13 me that -- are we talking about concerns from the
14 discharges getting into the mine, the surface water
15 getting into the mine? Are you talking about leakage
16 from the membrane? Those are two separate issues.

17 MS. BLUMENSHINE: I'm talking about concerns
18 for surface water discharges to get into the ground
19 water if there is --

20 MS. ZIMMER: Okay. That's different.

21 MS. BLUMENSHINE: -- coming from the water
22 table and that at some point gets --

23 MS. ZIMMER: That's a separate issue from
24 the liner and impoundment. Do you see what I'm saying?
25 Do you have two separate questions or is it just the

1 surface water discharge?

2 MS. BLUMENSHINE: It's two separate. Thank
3 you for clarifying. It's the surface water getting
4 additional contaminates from ground water exchanges
5 because of the high water table, but also I added the
6 concern, I'm not a scientist, the concern that
7 contamination more readily get distributed from ground
8 water or cause problems with the water to the City of
9 Hillsboro from an old mine shaft pollution where more
10 water starts to drift to underground, collapse. Is that
11 a problem for the city in the future?

12 MS. ZIMMER: The one I have looked at is
13 regarding the RDA, the liner situation. I do not
14 believe there will be an issue based on the model they
15 have done of the liner and the amount of water and the
16 final cap and everything. They should meet ground water
17 at a very shallow level at the compliance point. As
18 mentioned we have to go by the regulation we have, but
19 it's at a very shallow level that looked at and that we
20 monitor and their model shows that it should meet those
21 requirements. Regarding -- this I apologize for the
22 confusion because I wasn't sure if you were talking
23 about the impoundment or if you were talking about the
24 discharge. I have not looked at a service discharge
25 issue at the outfalls related to how that would effect

1 ground water and whether it would move more quickly
2 because of the previously mined areas. I would go back
3 and take a look at that for you. Does that clarify?

4 MS. BLUMENSHINE: Yes. Thank you.

5 MS. ZIMMER: I apologize.

6 MS. BLUMENSHINE: It was my wording. I'm
7 sure that helps.

8 So to move on then in relation to the
9 concerns for the shallow ground water level there is no
10 discharge in this permit on the northeast corner, that
11 would be the upper edge, you can look at the map, that
12 is the upper edge. However, as a lay person my
13 understanding is that there is water shed that drains
14 into Middle Fork Creek on the northeast side and then
15 connects to old lake Hillsboro for Hillsboro that if
16 there was some break or something that would happen with
17 this permitted area I'm concerned about the potential
18 for mine pollution to drain into the areas or getting
19 into Middle Fork Creek which feeds the backup reservoir
20 for Hillsboro and I wonder if that is anything that has
21 been looked into. There is not a discharge point there
22 but the concern is that the structure will be over that
23 part of the drainage. It's a different drainage going
24 to the structure number five.

25 MR. MOSHER: The discharge points for the

1 sediment ponds that surround the new refuse disposal
2 area will drain to the water shed, what do we call that,
3 number five lake. So gravity is set up to take the
4 discharge away from the area that you're talking about,
5 so I don't see that there would be any problem. I will
6 ask Larry Crislip if you beg to differ with that?

7 MR. CRISLIP: No. As it's currently
8 designed all of the runoff from the east side of that
9 structure will be conveyed around to the west side
10 through those discharges on the west side of that
11 impoundment. When we get back I will take a look at the
12 proximity of the structure in relation to that drainage
13 that goes to the lake, but I do not recall any issues
14 being raised during the review.

15 MS. BLUMENSHINE: Thank you. The mine does
16 have discharge out to structure five you mentioned then
17 the liner issues. I would like to ask IEPA is there a
18 reason that you have approved a 40 mill liner instead of
19 60? Is that number tested or evaluated or does IEPA
20 have a standard you put in place for Illinois for coal
21 mine liners like this?

22 MR. CRISLIP: They model that design with
23 the structure and demonstrated that it was acceptable
24 for ground water protection.

25 MS. BLUMENSHINE: It's just a concern that

1 there is a huge structure 60 feet high and being there
2 for a long time, so I would just like to ask from the
3 model which I am not aware how long are these liners
4 intended to keep contaminates inside the slurry from
5 getting down into the area.

6 MS. ZIMMER: Okay. Can you repeat your
7 question?

8 MS. BLUMENSHINE: Does IEPA have a standard
9 that a 40 mill liner is modelled to last X number of
10 years how long is it protected?

11 MS. ZIMMER: I am unaware -- the modelling
12 that is done is done to determine whether -- it's not
13 done to determine -- I apologize. Those are two
14 separate issues. The modelling done does not determine
15 how long the liner will last. The model is done to
16 determine if using the liner and conditions at closing
17 that the liner and the ground water will meet standards
18 at the compliance point into the future. However, that
19 model has nothing to do with how long a liner will last
20 itself. If you're asking how long does the plastic
21 last, I don't know that there is any research on that.
22 If you can find research that would be great. I do know
23 basically to my understanding the 40 is used in
24 landfills.

25 MS. BLUMENSHINE: With all due respect, I

1 challenge that. For a basic household is 60 mill.

2 MS. ZIMMER: Okay. I would go back and
3 check. I talked to somebody in the landfill section a
4 while ago and he told me that 40 mill was used now, but
5 I could misunderstand, so I will go back and check.

6 MS. BLUMENSHINE: I would thank you. I want
7 to address if the antidegradation is a part of this
8 NPDES consideration, and I appreciate the explanation
9 that the mine writes this. As a citizen the year is
10 2014 we are not in 1890 or 1990 and the fact that the
11 mine puts in here that they've established the best
12 management same as done for 100 years for coal waste in
13 a kind of liners, great, but the problem is this
14 antidegradation statement misses so many things of
15 essential critical value to Hillsboro. With the other
16 mines we need to recognize people died of cancer. That
17 is a real problem because these basically they are like
18 toxic waste. Heavy metals left there from the mine for
19 the convenience of the mine travels to the aquifers
20 forever and can effect the farms. It never gets into
21 the antidegradation that's written and it's not
22 mentioned for the benefit of the mine or anything else
23 about it. I would like to take issue with a couple
24 things that ought to be in here. They say that the
25 purpose and social and economic benefit -- they don't

1 mention there's already 20 homes that were destroyed
2 taking valuable tax revenue from the county. They don't
3 mention the cancer rate for Montgomery County or the
4 overall counties. That's all in this. The health
5 impacts are never considered.

6 HEARING OFFICER: That will be the next
7 exhibit.

8 MS. BLUMENSHINE: The antidegradation, and
9 this is related also as Mrs. Edmiston concerns about the
10 mine not being in compliance. This is a printout.
11 Unfortunately I didn't have a copy. Non-compliance is
12 -- a non-compliance last date of IEPA inspection happens
13 every five years. Is that true that IEPA only goes out
14 an inspects every five years?

15 MR. CRISLIP: I believe our last official
16 inspection was June 25, 2013.

17 MS. BLUMENSHINE: That didn't get input
18 here. Compliance quarter starts on this list on January
19 2011 goes through October 2013 list 300 percent over the
20 limit solids in January 2011. There is a whole list
21 here. In almost every corridor exceeds levels. It's
22 like they have gone over there permit limit on a whole
23 bunch of items, PH, chloride, sulfate, iron. I'll hand
24 this as an exhibit.

25 I also didn't understand from the monitoring

1 records there's a huge amounts that say no discharge.

2 Is that typical for a mine in Illinois that there is no
3 discharge?

4 MR. CRISLIP: That is very typical of a lot
5 of our sediment ponds at coal mine facilities because
6 those basins and those discharges are precipitation
7 driven.

8 MS. BLUMENSHINE: Okay. That explains it
9 and the weather changes and we can have very severe rain
10 storms. I don't know whether there is like a 100 year
11 like rain level that is set up for drain in the notes
12 where it won't overflow. Does IEPA have any current
13 modelling for any issues regarding changes in extreme
14 rains when they apply permits?

15 MR. CRISLIP: We do not review the
16 precipitation data, the design data each time we review
17 a permit. The design precipitation events that are
18 cited in the permits are from published data.

19 MS. BLUMENSHINE: Thank you. As for another
20 exhibit I do have an aerial photo from April 9, 2014
21 that shows the mine processing plant, and to the east is
22 Schram City and homes are very close, and that is also
23 downwind from the prevailing area. It shows the water
24 because it shows old lake Hillsboro and up above that is
25 Glen Shoal Lake.

1 HEARING OFFICER: We have gone over the
2 eight minutes.

3 MS. BLUMENSHINE: I'll wrap up with these
4 two photos. This is a close up of a residence outside
5 of the mine, a home and pond and my concern for the for
6 the surface water, and the last photo I've got as
7 Exhibit Five shows the current impoundment and tree line
8 that goes into Middle Fork Creek and shows the proximity
9 and how the second one will be closer and also concern
10 for this shallow ground water. Thank you.

11 HEARING OFFICER: Thank you, Joyce.

12 Mary Ellen DeClue.

13 MS. DECLUE: Mary Ellen Declue, D-e-c-l-u-e.
14 I want to thank Dean Studer and the staff. I really
15 appreciate you attending this very important meeting.
16 The community very much appreciates hearing from you
17 guys. We need you. I feel that I'm better with a
18 podium.

19 I feel that this NPDES permit should not be
20 approved because it does not protect surface water from
21 potential contamination and does not provide evidence of
22 compliance with the Clean Water Act. This permit number
23 IL0080039 adds to discharge outfalls to the already
24 existing seven outfalls. All nine discharges empty into
25 the Shoal Creek water shed structure five that overflows

1 into Central Park Creek that continues to Middle Fork
2 Shoal Creek. I think that's right.

3 Coal dust from the mine ends up in surface
4 water and surrounding land. For the following reasons
5 this permit should be denied. Number one, there is not
6 adequate testing of air and water samples at Deer Run
7 Mine to determine the exposure of the community to
8 particulate matter and harmful chemicals in surface
9 water. Number two, there were water discharge
10 violations in the first five years of operation of Deer
11 Run Mine. This was acknowledged by Illinois Department
12 of Natural Resources Office of Mines and Minerals in the
13 permanent program finding for permit application number
14 424 not by the Illinois EPA. The disfunction of the
15 regulatory process by IDNR and Illinois Environmental
16 Protection Agency is well illustrated by the difficulty
17 to get factual answers. IDNR has not been able to
18 enforce the Clean Water Act or the Clean Air Act, and
19 thereby applicating all monitoring of air and water to
20 Illinois EPA ends of blocking citizens ability to know
21 what is happening in their environment. Number three,
22 what is the process for handling water analysis of
23 samples from Deer Run Mine? That's actually a question,
24 because what I would like to get that kind of straight.
25 Deer Run Mine takes a water sample, sends it to a lab,

1 gets results; what happens to the results? I mean --

2 MR. MOSHER: The mine gets the results from
3 their lab. They report those results on a monthly basis
4 to Illinois EPA, and from there it gets entered into a
5 national or U.S. EPA database.

6 MS. DECLUE: The ECO system?

7 MR. MOSHER: Well, it's the ISIS, I think
8 the ECO has gone away now. The new system is called
9 ISIS.

10 MS. DECLUE: Good. I'm glad to hear that.
11 I guess my concern about that is remember I said that I
12 saw the violations from IDNR in that same handout
13 Illinois EPA said there were no violations. Who gets
14 the data? So basically if you get the data then you
15 determine whether there's a violation and then you tell
16 IDNR or the mine or both?

17 MR. MOSHER: If there is a violation the
18 mine is notified. Again, we will clear this up on the
19 responsiveness summary, because, again, none of us here
20 are in that section of our agency that deals with
21 violations, but the mine is notified. They have to come
22 up with a plan to satisfy us that they are going to take
23 care of the problem, whatever it is, and it's a very
24 formal process. It involves mandatory meetings and
25 compliance commitment agreement the mine has to come up

1 with to our satisfaction.

2 MS. DECLUE: Thank you. I appreciate that.
3 How often is Deer Run Mine required to submit samples
4 for analysis?

5 MR. CRISLIP: Are you asking how often they
6 submit them or how the sampling is performed?

7 MS. DECLUE: I assume they probably don't
8 take sample unless they are required to submit some data
9 or is that wrong?

10 MR. CRISLIP: The permit itself outlines the
11 sampling requirements. Those sampling requirements are
12 they are required to pull one sample per month of a base
13 flow, three samples per quarter of a precipitation
14 event, the remaining three samples that they are
15 required to get during a calendar quarter, which gives
16 them a total of nine possible samples, may be collected
17 during either a precipitation even discharge or a base
18 flow discharge. That data is compiled every quarter and
19 submitted by the 15th of the following month after the
20 quarter.

21 MS. DECLUE: When -- the discharge
22 monitoring reports, is that the same as the NPDES
23 reports?

24 MR. CRISLIP: Yes. The discharge monitoring
25 reports are those reports required under the NPDES

1 permit.

2 MS. DECLUE: Okay. So basically whether or
3 not, because we were talking about no discharge,
4 regardless whether there is a discharge or not they do
5 that, they take the sample and analyze it.

6 MR. CRISLIP: If there is no discharge then
7 there is no water to take a sample of. It is only a
8 discharge into waters of the state that they sample.

9 MS. DECLUE: Okay. I'll let it go. I'm
10 easily confused.

11 Back to number four, according to statements
12 at public hearing and the responsiveness summary from
13 the original on page 13 prior to the five year renewal
14 of this permit there would be an extended list of
15 analysis that include toxic metal and samples of Central
16 Park Creek. I submitted a Freedom of Information
17 Request to Illinois EPA for the Central Park Creek five
18 year renewal analysis and this request was basically
19 ignored. I also asked for the exceeded in the five
20 years of Deer Run Mine but was sent a denial of Illinois
21 based on unwarranted invasion of personal privacy for
22 Deer Run Mine. I am submitting a copy of my Freedom of
23 Information Request and the denial. I'll do that at the
24 end, thank you.

25 Number five, the surface monitoring of

1 discharge mine water is inadequate to show the amounts
2 and types of chemicals found in coal to which the
3 community is exposed. The application for NPDES permit
4 filled out by Hillsboro Energy asked if it believed, I
5 use quotation marks because that was the word used,
6 believed certain chemicals are present and if marked
7 present must either submit one analysis or briefly
8 describe the particulars of the pollutant expected to
9 being discharged. On page B3 of the application
10 Hillsboro Energy believed only mercury to be present in
11 coal but denied arsenic, beryllium, lead, zinc. These
12 metals are known to be present in coal and are
13 considered health risk upon exposure. The assumption
14 that the compounds only be leached from the coal in
15 acidic conditions and only in a rare occurrence is not
16 valid, and even if it were cannot be maintained in
17 receiving streams. A major problem is that the quantity
18 of metal being discharged is unknown and
19 biomagnification that occurs is not considered.

20 Number six, Hillsboro Energy also denied on
21 application on page V6 and V7 the presence of Polycyclic
22 Aromatic Hydrocarbons known as PAHs, capital P, capital
23 A, capital H-s, that are known to be present in coal.
24 Some PAHs are thought to be carcinogenic. The acidic
25 PAHs and sedative PAHs are coal dust are not analyzed

1 for the PAHs or toxic metals. This is unacceptable
2 exposure of toxic materials to residents via air and
3 water. A copy of the three pages of the NPDES permit of
4 Hillsboro Energy will be submitted for the record.

5 Number seven, does Illinois EPA know the
6 quantities and types of harmful chemicals discharged
7 into Central Park Creek and Middle Fork Shoal Creek?
8 How can you agree to NPDES permit without knowing the
9 existing conditions resulting from five years of
10 operations?

11 Eight, does Illinois EPA know the actual
12 emissions emitted from Deer Run Mine? There is daily
13 infractions of Rule 35IAC212.301, which provides that
14 emission of articulate matters shall not be visible from
15 any process, including handling or storage activity.

16 HEARING OFFICER: The 200 section are air
17 pollution control rates. This is a water discharge
18 permit so --

19 MS. DECLUE: This is the deal, whatever is
20 up there lands in water and lands.

21 HEARING OFFICER: I understand what you're
22 saying. What I'm also saying to put air pollution
23 control rates in a water permit is probably not the most
24 appropriate way to regulate air pollutants.

25 MS. DECLUE: Well, I hate to -- the Illinois

1 EPA gave a lifetime air permit to Deer Run Mine so to me
2 it is an issue. Again, whatever is in the water ends up
3 in the land. Air goes to land water.

4 HEARING OFFICER: I understand what you are
5 saying. You have it on the record, so we'll respond
6 appropriately in writing in our responsiveness summary.

7 MS. DECLUE: Thank you. I'm almost done.
8 The 2012 and 2013 air report by Hillsboro Energy to
9 Illinois EPA states that it did not use saturated tubes
10 because air standards met without their use. A copy of
11 the report is submitted for the record or will be
12 submitted. The present system to control air emissions
13 is not working for the community. Coal dust is a
14 persistent problem along with fumes from smoldering
15 coal. There are no monitoring or testing on or off
16 site. The calculated reported to Illinois EPA are not
17 any indication of the amount of coal dust that residents
18 are exposed to.

19 Number nine, is the Illinois EPA aware of
20 the health risk to the community that chronic exposure
21 to coal dust contaminated surface water and invasion
22 from a failed high rise slurry threatening the
23 residents? I'm also submitting an article on toxicity
24 of possible fuel production, which I will submit.
25 Please save the citizens by not approving this permit.

1 Thank you.

2 HEARING OFFICER: Okay. Cindy Skrukrud.

3 MS. SKRUKRUD: My name is a Cindy Skrukrud,
4 C-i-n-d-y, last name S-k-r-u-k-r-u-d. I'm from the
5 Clean Water Advocate Chapter of the Sierra Club, and I'm
6 here to ask questions related to the protection of water
7 reservoirs and the people of community of Hillsboro and
8 Schram City from coal mine pollution. So thank you for
9 this opportunity to ask questions. My first question is
10 about on page five of the draft permit which states
11 that, quote, decontaminant water from the slurry
12 impoundment shall not be collected or allowed to enter
13 sedimentation eight or nine. So that's referring to
14 decontaminant water. Earlier Larry talked about
15 capturing leach eight from the disposal site, so, my
16 question is where is the decontaminant water going to
17 go, where is the leach eight water going to go? Will
18 the construction permit mean that the Deer Run Mine's
19 existing permit number 78727 will need to be changed to
20 allow discharges from RDA2?

21 MR. CRISLIP: I'll try to back up and answer
22 those one at a time. I believe your first question was
23 the decant water. The decant water that is referred to
24 is the supernatant or the clarified water that is within
25 the slurry impoundment and that water is pumped back

1 into the coal preparation circuit.

2 MS. SKRUKRUD: And then what about the
3 captured leach eight water?

4 MR. CRISLIP: I will have to go back and
5 just save misspeaking here, I'll have to go back and
6 check exactly where the leach eight is captured and
7 discharged to.

8 MS. SKRUKRUD: So will the mine's existing
9 permit need to be changed or updated to allow these new
10 disruptions?

11 MR. CRISLIP: No. These two discharges
12 eight and nine are covered under this separate NPDES
13 permit and they are discharged into the unnamed
14 tributary to structure five.

15 MS. SKRUKRUD: I'm sorry. I'm not clear in
16 my question. So I understand that the permit that we're
17 talking about tonight is only going to get essentially
18 water that comes off the outside of the new disposal
19 area, correct?

20 MR. CRISLIP: Correct.

21 MS. SKRUKRUD: But creating the new disposal
22 area for the new decant water and new leach eight water,
23 so my question is will the mine's existing permit need
24 to be updated before any of those kind of discharges
25 from the new disposal area are allowed?

1 MR. CRISLIP: The decant water from this
2 permit that is directed to the preparation plant will be
3 basically offset by the decant water from the current
4 refuse disposal area. There should not be a change in
5 loading to that plant or any of the outfalls since this
6 is a closed circuit system.

7 MS. SKRUKRUD: What about the new leach
8 eight water?

9 MR. CRISLIP: Like I indicated, I'll have to
10 go back and check and we'll evaluate that, but as I
11 recall I do not believe that will require modification
12 of the NPDES permit for the main site.

13 MS. SKRUKRUD: Okay. Thank you. So I
14 understand that the new refuse -- that the
15 antidegradation assessment states that the new refuse
16 will be constructed of coal refuse. My question is what
17 steps are being required of Hillsboro Energy to collect
18 polluted runoff of the impoundment of coal? Will run
19 off from all sides of the disposal area be discharged to
20 the new outfalls eight and nine?

21 MR. CRISLIP: Yes. The impoundments for
22 this structure are basically I guess you could call them
23 on mote structures. The basins will basically surround
24 the entire impoundment.

25 MS. SKRUKRUD: And then -- but it will just

1 be built of coal refuse and be collected there and any
2 runoff from the coal refutes is collected in the motes
3 and then in the basins.

4 MR. CRISLIP: Then it wouldn't be
5 discharged, yes.

6 MS. SKRUKRUD: Okay. The antidegradation
7 assessment also says that pond five is nearing capacity
8 of coal fines and refutes, unquote. What do you meant
9 by pond five, sedimentation basin five, Shoal Creek
10 water structure number five? What is that? And if it's
11 sedimentation, why is it being dredged.

12 MR. CRISPIN: That should be indicating the
13 existing slurry pond. There is not slurry being put in
14 a sedimentation basin or in structure five. It is in an
15 enclosed impoundment.

16 MS. SKRUKRUD: Thank you. I know that there
17 was already a discussion about the liner that is
18 proposed to be placed under the new disposal area, and
19 then I understand from reading the permit that there is
20 a liner proposed for under the new disposal area and
21 sedimentation basins eight and nine, and the liner
22 requirements according to the permit are found in IEPA
23 log number 5197-13. So my question is shouldn't that
24 log that includes these requirements be a part of the
25 permit? I think my review of the draft permit it just

1 refers to that log it's not included.

2 MR. CRISLIP: Basically that log number, the
3 information contained in it is part of this approval,
4 part of this permit. It is incorporated by reference
5 just as all of the information in the original
6 application for 424 and all supplemental information
7 that has been provided to the agency since that
8 application was submitted is also part of the record and
9 part of this permit.

10 MS. SKRUKRUD: Okay. Well, I think it's --
11 I think it's important for the public we don't have
12 access to all of your logs. I think things that are
13 permit requirements should be in the permit. That's my
14 opinion, and so then I had a question what are the
15 permeability limitations of the planned liners? I know
16 we talked about the thickness but is there --

17 MS. ZIMMER: The permeability of the liner
18 has to meet the minimum one times ten and negative seven
19 centimeters per second as a minimum.

20 MS. SKRUKRUD: Okay. Thank you. And I know
21 you had discussions before about how does this relate to
22 requirements for the standard landfill. So in the
23 permit it talks about not only the liner but site
24 preparation requirements before the liner is put down
25 and then the protective cover that goes on the liner.

1 My question is how do all of those requirements in this
2 permit compare to the requirements for a typical
3 landfill?

4 MS. ZIMMER: I have never compared that
5 stuff to a landfill. In general landfills are built
6 differently. That would not be part of this plan as it
7 is right now. I'm guessing the log number, Larry, that
8 you referred to earlier is that part of the QAC document
9 for the liner?

10 MR. CRISLIP: I believe so, yes.

11 MS. ZIMMER: You could probably just I guess
12 take a look at that if you wanted to, because you were
13 asking the specifics that you wanted to be able to look
14 at that, and I believe that was the same probably
15 document that was supplied for the other RDA.

16 MS. SKRUKRUD: Okay. So then and a question
17 I am aware that IEPA earlier you discussed that IEPA has
18 data on Shoal Creek but you don't have data on small
19 fiduciaries like Central Park Creek, which this mine
20 discharges to. I know that IEPA also conducts site
21 specific studies of streams that you call facility
22 related stream surveys, and I wonder do you do those for
23 mines and are there plans to do any study like that on
24 Central Park Creek to address concerns you have heard
25 about what impacts these mine discharges are having on

1 the creek?

2 MR. MOSHER: The facility related stream
3 survey program is pretty much a thing of the past. We
4 still have the biologists out there in the field doing
5 stream studies but because of obligations to the 303D,
6 305D reporting requirements our diminishing employees
7 are spending almost all of their time doing those
8 surveys and not facility related stream surveys.
9 Occasionally we can ask them to do those kind of
10 surveys, but as we have said, that has not been done on
11 Central Park Creek. The mine has taken some water
12 quality samples below the water shed structure number
13 five but chemical only, not biological.

14 MS. SKRUKRUD: So that was a good safe way
15 into my next question was I wondered so the
16 antidegradation assessment said that Hillsboro Energy
17 has been collecting Sulfate points from Central Park
18 Creek I wondered if you could summarize that data, just
19 summarize now, and if you could provide that data in the
20 responsiveness summary, because I don't believe that
21 type of data are available in the U.S. EPA website.
22 There is data -- there is data available related to
23 limits on the permit. We don't have access to that
24 data.

25 MR. MOSHER: You are right. We can

1 summarize it in the responsiveness. I believe somewhere
2 I noted that the chloride and sulfate results were
3 compliant with water quality standards. I can tell you
4 that now. We can summarize that for you.

5 MS. SKRUKRUD: That would be helpful. I
6 know also that the agency has certain required other
7 discharges to conduct biological surveys on bodies of
8 water that they discharge to, fish surveys, so my
9 suggestion is to collect that data from the agency do it
10 now so you can require the mining to collect that type
11 of data as a permit condition.

12 Is the construction of the new refuse
13 disposal area -- is the construction to be covered by
14 the permit we are discussing tonight or will it be
15 covered IEPA construction permit, separate IEPA
16 construction permit, and am I -- when I look at this
17 draft permit there are not limits on total suspended
18 solids at all discharge positions. Given that
19 essentially they are going to be building something,
20 construction activity, I would think that we should have
21 limits on suspended solids at all discharges if this is
22 the only permit that is going to govern that.

23 MR. CRISLIP: This permit does cover the
24 construction of the facility. The permit limits
25 regarding total suspended solids and sedable solids are,

1 like we talked about earlier, they are applied. Those
2 are federal standards out of CFR434. Total suspended
3 solids are only analyzed and applicable during base flow
4 conditions. Discharges caused by precipitation events
5 are required to be monitored for sedable solids rather
6 than total suspended.

7 MS. SKRUKRUD: But is there a limit on
8 sedable solids.

9 MR. CRISLIP: Yes. The limit is point five
10 milliliters per liter.

11 MS. SKRUKRUD: Okay. I wonder if you could
12 -- I don't know if you have a map with you or if you can
13 describe the location of the ground monitoring wells
14 that will be required for the new disposal area? What
15 direction does ground water flow from the site of the
16 proposed disposal area? I'm especially concerned about
17 ground water flow to the creek that feeds into Hillsboro
18 old lake, which is a public water supply.

19 MS. ZIMMER: Generally ground water, shallow
20 ground water follows surface at that point because of
21 the size there is a base likely ground water wells
22 radiating in this site we pretty much covered on all
23 sides. There is 110 ground water wells.

24 MS. SKRUKRUD: I'm wondering in the
25 responsiveness summary you can include a map shows where

1 the monitoring wells are and shows the direction of
2 ground water flow from the site of the disposal area?

3 MS. ZIMMER: Okay.

4 MS. SKRUKRUD: I think those are my
5 questions. Thank you.

6 HEARING OFFICER: Thank you. Alan Kasten
7 and he'll be followed by Forest DeLong.

8 MR. KASTEN: Alan Kasten, K-a-s-t-e-n.

9 HEARING OFFICER: You're going to have to
10 speak into the microphone or raise it.

11 MR. KASTEN: I'm a local farmer. Will the
12 future of the subsidence of the old mines weaken the
13 liner? Will it leak into the subsoil if the liner
14 leaks?

15 MS. ZIMMER: We actually asked for further
16 information about that at the initial review of the
17 sites. We asked for additional information on that
18 particular question after initial review of the
19 application. The facility did a study some of the
20 safety factors. The safety factors indicate that there
21 shouldn't be a problem.

22 MR. KASTEN: So it has been mined underneath
23 where there they putting the slurry depth?

24 MS. ZIMMER: Are you talking about the
25 proposed RDH, the disposal?

1 MR. KASTEN: Yes.

2 MS. ZIMMER: Portion of it in the
3 northeastern portion.

4 MR. KASTEN: So that's a yes?

5 MS. ZIMMER: Yes.

6 MR. KASTEN: That's my question. Second of
7 all, I want for each and everyone of you to give me an
8 answer on what I'm going to ask.

9 HEARING OFFICER: We don't do that.

10 MR. KASTEN: Why not?

11 HEARING OFFICER: Let me explain how the
12 hearing kind of works. Each one of us kind of have our
13 own area of expertise. You don't take a survey of --

14 MR. KASTEN: Then I don't know each one.

15 HEARING OFFICER: But we will answer your
16 question.

17 MR. KASTEN: Anyway, which way does the
18 water runoff of the coal slurry impoundment, north,
19 south, east or west?

20 MR. CRISLIP: Considering there are slopes
21 in all of those four directions runoff runs in all of
22 those directions, but the basins being constructed as
23 mote structures around this embankment collects the
24 runoff from all of the slopes that run in those
25 directions.

1 MR. KASTEN: Okay. So which direction will
2 it run though after it gets collected in that sediment
3 from the subsoil? Which way does it run? Has there
4 been a study on that?

5 MR. CRISLIP: Once it runs off the side
6 slopes and is collected in the basin the basin will
7 convey that water around to the west side of the
8 structure where it will discharged out of either outfall
9 eight or outfall nine.

10 MR. KASTEN: Okay. Last question, what is
11 the penalty if they do not comply?

12 MS. DIERS: What happens if there is a
13 permit violation we have to look at Section 31 of the
14 Illinois EPA Act and it lays out different way, we are
15 going to meet with them first, we're going to look at
16 the violation, talk to them. If we can't get that
17 worked out, we can submit to Illinois Attorney General's
18 office. It's very complex. It's a very lengthy
19 situation. You'll have to look at the Act. It's going
20 to depend on what kind of violation you are talking
21 about.

22 MR. KASTEN: Okay. Who is in charge?

23 MS. DIERS: Who is in charge?

24 MR. KASTEN: Who is in charge of the
25 penalty? Is it the state?

1 MS. DIERS: It's the state, but there could
2 be issues U.S. EPA could get involved, too, so there's a
3 state level and a federal level.

4 MR. KASTEN: Thank you. All right.

5 HEARING OFFICER: Forest DeLong. Forest
6 DeLong. Oh, he left.

7 Is there anyone that hasn't spoken this
8 evening that would like to make comments or ask a
9 question on the record? Okay. Let the record indicate
10 no one raised their hand.

11 Is there anyone who has spoken that has
12 additional comments they would like to make? I have
13 one, two, three. We have three people. Now, I'm going
14 to say, is there anyone else besides these three that
15 have additional questions or comments they want to make
16 on the record because this will be the last time, we are
17 going to be pressed for time to close? I would like to
18 take a 15 minute break between the two hearings this
19 evening. We will give an additional up to three minutes
20 per person, and if you come forward, and again state
21 your name. You don't have to spell it. We should have
22 that.

23 MR. SCHROEDER: Once again, I'm William
24 Schroeder. We have mentioned a number of times tonight
25 some notes that will convey this water to the discharge

1 area. Are these motes going to be lined?

2 MR. CRISLIP: Yes, sir.

3 MR. SCHROEDER: With the same thickness
4 liner as the rest of the impoundments; is that correct?

5 MR. CRISLIP: As I recall, yes, sir.

6 MR. SCHROEDER: And quite a ways up the
7 slopes of the motes I mean to accommodate any
8 extraordinary discharge that the water will not exceed
9 the height of the liner?

10 MR. CRISLIP: The liner will extend above
11 the designed elevation of the basin, yes.

12 MR. SCHROEDER: Now, I don't want to sound
13 like a cynic, but in reading the permit fact thing here
14 I read the conclusion says the use of sediment basins to
15 remove associated constituents is the most cost
16 effective, viable means of treatment for mine discharges
17 at Deer Run. Best management practices would be
18 employed to minimize downstream loadings of pollutant to
19 the greatest extent possible. All existing uses of the
20 water body receiving storm water runoff from the
21 proposed mine would be preserved, as water quality
22 standards would be met at the permitted outfalls while
23 still allowing for storm water runoff to feed downstream
24 water bodies. Now, I understand this was pre-printed,
25 so I can only draw the conclusion that there is no --

1 this is a foregoing conclusion, but are you really going
2 to considered the things that are brought up tonight
3 when you have already reached the conclusion that this
4 is going to work?

5 HEARING OFFICER: In my opening statement I
6 said the purpose of this hearing is to gather addition
7 comments for the record. I also indicated in that the
8 notice had indicated those that were -- had a
9 recommendation for denial of the permit should cite the
10 regulation that would violate permit issuance. The way
11 the system works is the general assembly has given us
12 the authority -- I mean we are mandated to issue a
13 permit that meets the requirements for obtaining it.

14 MR. SCHROEDER: I understand that, but just
15 by reading this it does appear that it is foregoing.
16 You know -- I know you are going to comply with the laws
17 that are written as they are right. Now, my concern is
18 as Joe Citizen here I have access to one or two
19 representatives in my district to raise concern about
20 this, yet as I have done previously about this mine, the
21 tax issues and all this kind of thing it goes on deaf
22 ears, so I would assume that the EPA would be mandated
23 the citizens of Illinois the same as it is to regard the
24 economic stability of any mining or any other operation.
25 So my point is you can comply with the laws, but I wish

1 you would in all due consideration, consider the status
2 of the people this is going to be effecting and this
3 doesn't really give me a lot of faith. I really do hope
4 that you guys do this. Thank you.

5 MR. MOSHER: Can I just point you to the
6 very last sentence? You are looking at the
7 antidegradation review memo. The last sentence says
8 that comments received during the NPDES permit public
9 notice period will be evaluated before a final decision
10 is made by the agency.

11 MR. SCHROEDER: I did read that. I had that
12 circled, then I thought, well, I don't want to cause a
13 big issue here because the conclusion seemed to speak
14 for itself.

15 MR. MOSHER: That last sentence is put there
16 because we reviewed the antidegradation assessment the
17 mine provided under the law, we have our opinion, our
18 opinion got us to the point where we issued a draft. We
19 think we can issue this permit, but there is this
20 hearing and there's all of the comments people may give
21 us that we have to consider and we could change things
22 about how we do this based on what we hear tonight and
23 the next month of comments.

24 MR. SCHROEDER: I do hope you will do that.
25 Thank you very much.

1 HEARING OFFICER: Mary DeClue.

2 MS. DECLUE: Mary DeClue, D-e-C-l-u-e. I
3 kind of got ahead of myself and I forgot, I appreciate
4 the opportunity. Once the NPDES permit is renewed, yet
5 it has not been finalized as of this date, will there be
6 any type of public hearing or anything like that?

7 MR. CRISLIP: That permit has already gone
8 through public notice and we did not receive any hearing
9 requests for that permit.

10 MS. DECLUE: I guess I didn't see it.

11 MR. CRISP LIP: Again, it is still pending.

12 MS. DECLUE: Was the five year extended
13 analysis done as basically was written in the record and
14 presented at public hearings for five year extension
15 where they would do the tests for metals that exist in
16 some of the surface waters?

17 MR. CRISLIP: I would have to pull the
18 renewal. I don't recall. I would assume it's in there.

19 MS. DECLUE: I would like to receive that if
20 possible.

21 MR. CRISLIP: Okay.

22 MS. DECLUE: Thank you.

23 HEARING OFFICER: That brings us to Joyce
24 Blumenshine.

25 MS. BLUMENSHINE: Thank you very much. I'll

1 try to be brief. I appreciate time to finish my
2 questions. I'm back to the antidegradation statement.
3 Really as a citizen I ask the IEPA how much weight or
4 influence or how much does that antidegradation
5 statement fit into your evaluation for this permit?

6 MR. MOSHER: Antidegradation is a water
7 quality standard among many other water quality
8 standards. We are obligated to evaluate those water
9 quality standards and insure they are met. So
10 antidegradation I would say is an important part of the
11 whole process.

12 MS. BLUMENSHINE: That helps me understand
13 it. I just want to protest because there's several
14 statements in here that are just outrageous. For
15 instance, the mine put it would require more space for
16 equipment, maintenance to do other processes, filtration
17 or other more advanced big impoundments that will be
18 left forever to come as a big mounds. My point is this
19 is the second impoundment for this mine. If this mine
20 runs 20 years, if you just figure maybe three years for
21 coarse refuse we are talking you know six, seven of
22 these structures and getting bigger and bigger, how can
23 it make sense that the mine is complaining it would take
24 more space of treatment stations, which is X amount of
25 specific space one time versus an army of these

1 impoundments, what is now in the city limits of
2 Hillsboro and soon of prime ag land gone, out of
3 production, out of productivity forever. It is
4 maddening to read something like this mine's
5 antidegradation and not bring themselves up to date and
6 honestly assessing having other water treatment plants
7 specifically for the mines in other parts of the country
8 do their own treatment and have the one time processing
9 plant to treat this stuff and not have these huge 60 to
10 70, 80 foot high mounds be there forever taking slurry
11 or whatever be there it makes no sense to me that they
12 these impoundments are the highest and best most
13 economical. Is that the only thing that matters what is
14 economical to the mine?

15 MR. MOSHER: I mentioned all of the other
16 water quality standards and we insist that mines in any
17 discharge anywhere in the state would meet water quality
18 standards, and this treatment does allow them treatment
19 and management I should say, because some of the things
20 chloride and sulfate once they get to the water there is
21 no really reasonable treatment at all to get rid of them
22 again. So they use practices to keep them out of the F1
23 rather than treat it, but they have a permit that says
24 they have to meet the water quality standards. I know
25 there is mines in other parts of the country that have

1 problems where they wouldn't meet water quality
2 standards and they would have to come up with something,
3 and I think that's probably the other places you are
4 referring to that use other methods of treatment.

5 MS. BLUMENSHINE: I hear your explanation.
6 As a member of the public in Illinois I don't accept it.
7 We will have -- I see issues the town will have, the
8 county will have, and I don't understand it, because of
9 the short duration of this mine, but I hear what you are
10 saying. I'll a wrap up. I have a couple specific
11 questions. So the economics to the community, the
12 economics go get people gas and time they're late from
13 trains or ambulances, none of those things figured in.
14 Is there anything else figured in the antidegradation
15 assessment that regulates what the mine chooses to
16 present?

17 MR. MOSHER: The mine has to follow the
18 regulation, and in that regulation the Illinois
19 Commission Control Board that adopted that regulation
20 very specifically put in subsection F, this is what the
21 applicant has to provide the agency, and it doesn't say
22 they have to provide information on the things that you
23 just said.

24 MS. BLUMENSHINE: It's just so hard for me
25 to understand how they cannot look beyond their own

1 economic gain to the bottom line profit and not spend a
2 little more to benefit the community which they will be
3 for a long time and other issues where they could spend
4 -- you, know, they put the coal piles up and I think
5 they could make it a lot better if there were a few more
6 areas looked into. I'll wrap up. I did have a question
7 please regarding -- oops wrong page, and I set I believe
8 I wasn't real clear, this is NPDES application says
9 sedable solids are monitored only as a result of
10 discharge due to precipitation of the 24 hour duration
11 or snow melt, so does that mean those are not measured
12 as a regular basis? Matter of fact, I wasn't clear.
13 When do they measure the sedable solids? I think that
14 might be an issue on the construction site.

15 MR. CRISLIP: Sedable solids are measured in
16 discharges caused by precipitation event and the size of
17 that precipitation event and the amount of rainfall is
18 specified in the foot note on the effluent page of the
19 permit. Does that help?

20 MS. BLUMENSHINE: Okay. I will have to look
21 that up. I'll try to look that up. Last, thank you for
22 your patience, if the sedable solids in the footnote and
23 we have a huge rain in the northeast corner causing an
24 overflow so that the water from the sides of this
25 gigantic impoundment and part of that corner the sides

1 run down but they don't go on the mote they go over the
2 mote, they start draining to where, the lake?

3 MR. CRISLIP: Well, first off, these basins
4 are designed for a specified precipitation event or
5 design storm. They are also designed to provide a
6 certain amount of free board above the maximum elevation
7 of that design storm to prevent such an over the top
8 event. However, if something unforeseen happens and
9 that discharge would occur that you are describing that
10 would considered an unauthorized discharge and a
11 violation of the permit.

12 MS. BLUMENSHINE: And is that self reported?
13 Does IEPA -- I'm sorry, I don't understand the process.
14 If there was a horrendous rainstorm, which seems to
15 happen, and if it overflowed, how do you as the agency
16 find out that the northeast corner overflowed and went
17 on the surface to where drainage occurred?

18 MR. CRISLIP: There is a condition in the
19 construction authorization that requires the agency be
20 notified within one hour of a discharge or any event
21 that causes or threatens the environment.

22 MS. BLUMENSHINE: Okay. Thank you very
23 much.

24 HEARING OFFICER: Thank you. I have got
25 five minutes after 7:00. I appreciate everyone's

1 patience here this evening. It's a little warm in here
2 but considering it's summer in Illinois it's not that
3 bad. I appreciate everyone being here, and I remind you
4 that the comment period for this permit is still open
5 and is open until the 30th of June. We will be
6 accepting written comments, so if you leave here and
7 there's things that come to mind, please feel free to
8 submit those to us in writing and we will address those
9 in our written responsiveness summary as we will as I
10 said in the record here this evening. I thank you for
11 your patience. This hearing is adjourned. We will
12 start the 401 hearing at 7:30.

13

14 (Hearing concluded at 7:05 P.M.)

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1 CERTIFICATE OF REPORTER

2

STATE OF ILLINOIS)

3

)

CITY OF SPRINGFIELD)

4

5 I, Kelley J. Olroyd, a Certified Court Reporter
6 and a Notary Public within and for the State of
7 Illinois, do hereby certify that the witness whose
8 testimony appears in the foregoing deposition was duly
9 sworn by me; that the testimony of said witness was
10 taken by me to the best of my ability and thereafter
11 reduced to typewriting under my direction; that I am
12 neither counsel for, related to, nor employed by any of
13 the parties to the action in which this deposition was
14 taken, and further that I am not a relative or employee
15 of any attorney or counsel employed by the parties
16 thereto, nor financially or otherwise interested in the
17 outcome of the action.

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21

Notary Public Within and
For The State of Illinois

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