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STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

IN RE:

NOTICE OF WATER DISCHARGE PERMIT PUBLIC HEARING NPDES
PERMIT IL0080004
ILLINOIS SAND COMPANY, LLC
ILLINOIS SAND COMPANY MINE

PUBLIC HEARING
MONDAY OCTOBER 7, 2013

1 APPEARANCES

2 HEARING OFFICER:

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17 JOANNE OLSON:
18 Assistant Counsel, Division of Legal Counsel
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20 DARREN GOVE,
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31 First Hearing began at 3:00 P.M & ended at 5:00 P.M.

32 Second Hearing began at 6:30 P.M. & ended at 7:40 P.M.

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STATE OF ILLINOIS

ENVIRONMENTAL PROTECTION AGENCY (IEPA)

IN RE:

NOTICE OF WATER DISCHARGE PERMIT PUBLIC HEARING NPDES

PERMIT IL0080004

ILLINOIS SAND COMPANY, LLC

ILLINOIS SAND COMPANY MINE

PUBLIC HEARINGS held on Monday, the 7th day of
October, 2013, First Hearing began at 3:00 P.M., and
ended at approximately 5:00 P.M.

Second Hearing began at 6:30 P.M. and ended at
approximately 7:40 P.M.

Said Hearings held at the Starved Rock State
Park/Lodge, Starved Rock Room, Route 178 & 71, Utica,
Illinois, 61373, before Carmella Traverso, a Registered
Certified Shorthand Reporter and a Notary Public within and
for the State Of Illinois.

1 (The First Hearing Began at 3:00 P.M.)

2 MR. STUDER: Good afternoon. We are going to go ahead
3 and get started. I'm assuming that everyone can hear me in
4 the back. My name is Dean Studer, and I am the hearing
5 officer for the Illinois Environmental Protection Agency.
6 On behalf of Director Lisa Bonnett and Bureau of Water Chief
7 Marcia Willhite, I welcome you to this hearing.

8 My purpose here is to ensure that these proceedings run
9 properly and according to rules. To that end, I will not be
10 responding to technical issues but will assist those making
11 comments to ensure that we stay on issues under the purview of
12 the Illinois Environmental Protection Agency, otherwise
13 referred to as Illinois EPA or IEPA and appropriate for this
14 hearing.

15 This is an informational hearing before the Illinois EPA
16 in the matter of a new National Pollutant Discharge
17 Elimination System (NPDES) Permit for the Northern White Sand,
18 formerly called Illinois Sand Company, L.L.C., and this is for
19 the Illinois Sand Company Mine. During this proceeding
20 Illinois EPA will refer to the company by their former name.
21 The public notices require using the words "Illinois Sand Mine
22 NPDES" or the NPDES Number which is "IL0080004" when
23 submitting comments. Once those notices are released, it is
24 almost impossible to retract them, so we will continue to

1 refer to this proceeding as the Illinois Sand Proceeding
2 NPDES. The proposed discharge is to an unnamed tributary of
3 the Illinois River.

4 The Illinois EPA believes that the public hearings that
5 we hold are a crucial part of the permit review process. I
6 note that there are already a significant number of public
7 comments on the record for this proceeding. Unfortunately,
8 many of these comments are not of the type that are useful to
9 the Illinois EPA in determining whether or not it is lawful
10 for us to issue a permit, or if a permit is to be issued, what
11 additional provisions are needed in that permit. A hearing
12 fact sheet was previously distributed to those on the contact
13 list for this facility. I believe a limited number of copies
14 of that are also available in the registration area, and this
15 document includes information on the Illinois EPA decision
16 making and what issues are relevant in this proceeding.

17 Issues relevant to this hearing include compliance with
18 the requirements of the Federal Clean Water Act and the rules
19 set forth in 35 Illinois Administrative Code, Subtitle C.
20 Other relevant issues include the potential impacts to the
21 receiving waters from the proposed discharge and water quality
22 in these receiving waters. The Illinois EPA has made a
23 preliminary determination that the applicant has met the
24 requirements for obtaining a permit and has prepared a draft

1 permit for review.

2 The Illinois EPA is holding this hearing for the purpose
3 of accepting comments from the public on the draft permit.
4 This public hearing is being held under the provisions of
5 Illinois EPA's procedures for permit and closure plan hearings
6 which can be found in 35 Illinois Administrative Code,
7 Part 166, Subpart A and under 35 Illinois Administrative
8 Code Part 309. Copies of these regulations are available at
9 the Illinois Pollution Control Board website at
10 www.ipcb.state.il.us, or if you do not have easy access to the
11 web, you may contact me and I can get a copy for you.

12 An informational public hearing means exactly that. This
13 is strictly an informational hearing. It's an opportunity for
14 you to provide information to the Illinois EPA concerning the
15 permitting action. This is not a contested case hearing.

16 I'd like to explain how today's hearing is going to
17 proceed. First, I will have the Illinois EPA panel introduce
18 themselves and provide a sentence or two regarding their
19 involvement in the permit process. Then, Darren Gove, an
20 Engineer with the Division of Water Pollution Control,
21 Facility Evaluation Unit will provide a brief overview of the
22 draft NPDES Permit. This will be followed by more specific
23 instructions on how comments will be made and taken at this
24 hearing and on appropriate conduct during this hearing.

1 Following this, I will begin taking comments from the public,
2 starting with the permit applicant making a brief statement.

3 If you have not signed a registration card at this point,
4 please see either Barb Lieberoff or Kurt Neibergall at the
5 registration area, and either of these can provide you with a
6 card. You may indicate on the card that you would like to
7 make oral comments. Everyone legibly completing a
8 registration card or submitting written comments during the
9 comment period, will be notified when the Illinois EPA reaches
10 a final decision in this matter. A responsiveness summary
11 will be made available at that time.

12 In the responsiveness summary, the Illinois EPA will
13 answer all relevant and significant issues that were raised
14 at this hearing or submitted to me prior to the close of the
15 comment period. The responsiveness summary will also be
16 posted on the Illinois EPA website in the same place where the
17 hearing notice and draft permit have been posted. I will also
18 arrange for the transcript of this hearing to be posted on
19 that webpage. Hopefully, that will be in two to two and-a-
20 half weeks, but it will depend on when I get the transcript
21 back from the court reporter.

22 The written record in this matter will close on
23 November 6, 2013. I will accept written comments as long as
24 they are postmarked by November 6th. E-mail comments will be

1 accepted provided the following conditions are all met. They
2 are to be sent to epa.publichearingcom@illinois.gov, and that
3 e-mail address is also given in both the notice for this
4 hearing and is also in the fact sheet that was prepared for
5 this hearing. If they are sent to that address, I will accept
6 them provided they are received by the close of the comment
7 period which is at Midnight on November 6th, and the subject
8 line in the e-mail should contain the words "Illinois Sand
9 Mine NPDES", or "IL0080004" in it. Note, that I will not be
10 accepting e-mails originating on third-party systems or
11 servers intended for submittal of multiple e-mails of the
12 same or nearly the same content without my prior approval.

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

19 During the hearing and comment period, relevant comments,
20 documents, and data will be placed into the hearing record as
21 exhibits. Please send all written documents or comments to my
22 attention at Dean Studer, Hearing Officer, RE: Illinois Sand
23 Mine NPDES, Illinois EPA, 1021 North Grand Avenue East,
24 P.O. Box 19276, Springfield, Illinois 62794-9276. This

1 address is also listed on the public notice for this hearing.
2 Again, please indicate Illinois Sand Mine NPDES or IL0080004
3 on your comments to help ensure that they become part of this
4 hearing record.

5 I will now ask the Illinois EPA panel to introduce
6 themselves.

7 MR. BUSCHER: Good afternoon. My name is Bill Buscher,
8 and I work for the groundwater section bureau of water, for
9 the Illinois EPA.

10 MR. GOVE: Hi, my name is Darren Gove, and I work in the
11 Permit Section, Bureau of Water, Illinois EPA.

12 MS. OLSON: Hi, my name is Joanne Olson, and I am
13 Assistant Counsel at the Illinois EPA.

14 MR. MOSHER: Hi, my name is Bob Mosher, and I am the
15 Manager of the Water Quality Standards Section at Illinois
16 EPA, and my role in this permit was to assist the permit
17 writer, Darren Gove, in writing the antidegradation review
18 and translating the water quality base standards.

19 MR. STUDER: Thank you, and now Mr. Gove will provide a
20 brief overview of the permit.

21 MR. GOVE: Good afternoon, and as I said before, my name
22 is Darren Gove. I am an Environmental Protection Engineer for
23 the Bureau of Water, Permit Section in the Illinois EPA.
24 The purpose of the NPDES permit is to regulate surface water

1 discharges from the proposed silica sand mine known as
2 Northern White Sand, LLC, Northern White Mine, previously
3 known as Illinois Sand Company. The Northern White Mine is
4 located roughly two and-a-half miles East of North Utica in
5 LaSalle County. The facility is a 564 acre surface mine. It
6 will have one outfall, Outfall 001. Outfall 001 is for the
7 drainage of outfall consisting of mine processed water, ground
8 water from the pit, and storm water runoff. The discharge
9 from Outfall 001 is directed to the small tributary of the
10 Illinois River. Storm water from areas of this site that are
11 covered by the facility's Storm Water Pollution Prevention
12 Plan or SWPPP also discharges to this tributary. These areas
13 consist of diversion channels and berms that redirect off-
14 site storm water around and away from the mine. The draft
15 NPDES Permit for Northern White Mine features surface
16 discharge monitoring, ambient instream monitoring, and
17 ground water monitoring.

18 These requirements are spelled out in the conditions of
19 the draft permit. Thank you for coming and welcome to this
20 public hearing.

21 MR. STUDER: Thank you, Darren. I'll now go over the
22 process for making comments during this hearing. I have also
23 added a few statements describing the comments that Illinois
24 EPA will consider when making a final decision in this matter.

1 I believe that there is a fact sheet that's available
2 in the registration area which also will provide guidance and
3 information regarding our decision making process and what
4 items are relevant during this proceeding.

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

14 I remind everyone that we have a court reporter here
15 making a verbatim record of this hearing. For her sake and
16 in the interest of keeping an accurate transcript of this
17 hearing, I ask that noise levels in the room be kept to a
18 minimum. Consequently, applause, booing, hissing, jeering
19 will not be allowed.

20 Written comments may be submitted to the Illinois EPA at
21 any time within the public comment period, and that comment
22 period is open until November 6, 2013. However, this hearing
23 is the only time that Illinois EPA will be accepting oral
24 comments on the permit.

1 If you have lengthy oral comments, it will be helpful to
2 submit them to me in writing before the close of the comment
3 period, and I will ensure that they are included in the
4 hearing record as an exhibit. Please keep your comments
5 relevant to the issues involved with this permit. If your
6 comments fall outside the scope of this hearing, I may ask you
7 to proceed to your next relevant issue. For the purpose of
8 allowing as many as possible to make oral comments at this
9 hearing, I will initially allow everyone 4 minutes to make
10 comments. If time permits at the end of that and after we
11 have gone through everyone that has registered, and if time
12 still permits, I then may return to those that have not spoken
13 that would like to or to those that have ran out of time while
14 making their initial comments.

15 I also want to avoid repetition. If anyone before you
16 has already presented a statement or comment that is
17 contained in your comments, please skip over those issues
18 when you speak. If someone has already said what you
19 intended to say, you may pass when I call your name to come
20 forward. Once a point is made, it makes no difference if that
21 point is made 99 times, it will be considered on its merit and
22 addressed only once in the responsiveness summary. If you
23 have filed written comments already in this proceeding, either
24 as part of the public availability session which was held on

1 November 12, 2012, or if you have already filed written
2 comments when the permit was first put on notice in July, I
3 have placed those comments in this hearing record. Please do
4 not resubmit the comments repeating what you have already
5 said.

6 The issues that are relevant in the Illinois EPA's final
7 decision are those that directly relate to the contents of the
8 permit and the regulations governing the issuance of the
9 permit. Simply stating opposition or support for this project
10 will not impact the Illinois EPA's decision in this matter.
11 Illinois EPA has only the power given to it by the Illinois
12 Environmental Protection Act and by USEPA. Illinois EPA
13 decision making is limited to those items associated with
14 environmental issues and other items as determined by state
15 and federal law. In this case, relevant issues must relate to
16 the water discharge NPDES permit in some way.

17 Please keep this in mind when speaking and when filing
18 written comments regarding the NPDES permit.

19 When it is your turn to speak, I will call your name.
20 Please come forward. When I call your name, if you do not
21 desire to speak, or if someone has already said what you were
22 prepared to say, you may pass, and I will call a second name
23 to come forward. When the person speaking has completed their
24 comments, then I will bring forth the next person. I will

1 also impose a time limit of 4 minutes per person so that we
2 can try and accommodate everyone who has indicated a desire to
3 speak.

4 When behind the microphone, please speak clearly. State
5 your name, and if applicable, any governmental body,
6 organization, or association that you represent. If you are
7 not representing a governmental body, an organization, or an
8 association, you may simply indicate that you are a concerned
9 citizen or a member of the public. For the benefit of the
10 court reporter, I ask that you spell your last name. If there
11 are alternate spellings for your first name, you may also
12 spell that if you desire.

13 Comments are to be directed to members of the hearing
14 panel. This will help to ensure that an accurate
15 transcription of your comments is made for our administrative
16 purposes. Dialogue with the hearing panel or with others in
17 attendance is not permitted.

18 Are there any questions regarding the procedures that
19 will be used for conducting this hearing?

20 (There was no response)

21 Let the record indicate that no one raised their hand.

22 We will go ahead and begin the comment session of the
23 hearing. Again, I remind everyone that the time limit this
24 will be 4 minutes.

1 The first person to speak will be Kerry Gannaway, and he
2 is speaking on behalf of the permit applicant. While he's
3 coming forward to the podium, I do remind everyone that we
4 do have a microphone at the podium. Please make every effort
5 to speak into the microphone, so that all in the room can
6 hear you. I'm sure all of us would like to hear when other
7 people are speaking this afternoon. Go ahead, Mr. Gannaway.

8 MR. GANNAWAY: My name is Kerry Gannaway, and I am the
9 President of the Northern White Sand Company. I am not going
10 to take much of your time today discussing the specific
11 details of the Illinois EPA's proposed NPDES permit for our
12 project, because this is the public's opportunity to be
13 heard and to ask agency representative's questions about the
14 permit.

15 However, I do want thank everyone that is here this
16 afternoon and the folks that we expect to come out this
17 evening. We are here to listen to you and want you to know
18 that we are committed to be a responsible corporate citizen
19 of the community. We will listen to you and note your
20 relevant questions, comments, and concerns and attempt to
21 address those concerns in our final comments to the agency.

22 Let me share with you a little background on who we are
23 and what this project is about. We are not new to LaSalle
24 County, nor are we new to mining and processing raw materials.

1 Our sister company, Illinois Cement, who we share senior
2 management with under the Eagle Materials Corporation has been
3 a local employer in the City of LaSalle since 1974. In fact,
4 Illinois Cement operates on a site that's been home to a
5 cement plant for over a hundred years.

6 LaSalle's high quality sand has a proud tradition here,
7 and has been a major economic force for the region. The area
8 remains home to several thriving sand operations. Sand mining
9 in LaSalle is nothing new. But while the sand hasn't changed,
10 many of the processes for mining sand and protecting our
11 environment have greatly improved. We are proud to
12 incorporate these best practices in our mine and processing
13 plants.

14 We take water protection seriously, as we do all
15 environmental protection matters.

16 Our plan uses engineered drainage to collect water from
17 the site. The bulk of the water that we use in processing
18 will be recycled water that we collect. This will not only
19 reduce the amount of water we may need to use from local water
20 resources, but also limits the amount of water we potentially
21 may discharge. The water we do discharge will be within
22 strict permit limits overseen by the Illinois EPA.

23 The Illinois EPA has reviewed our plan, visited our site,
24 and reviewed relevant data for the permit. Based on this

1 information, they have issued a draft permit that incorporates
2 technically and economically reasonable measures to achieve
3 attainment of strict water quality standards. We are
4 committed to environmental stewardship as has been
5 demonstrated by our ongoing operation at Illinois Cement.
6 Our facility is operated in a clean and efficient manner and
7 is in full compliance of all environmental regulations.

8 So, once again, I would like to thank everyone who has
9 taken the time to offer his or her comments. We are honored
10 to be a part of this community, and we look forward to moving
11 ahead with this project. Thank you.

12 MR. STUDER: The next person is Kelly Dempsey.

13 MR. DEMPSEY: My name is Kelly Dempsey, and I have lived
14 20 years at my present home. Between 1982 and 2008, I had
15 access to the Higbee - H-I-G-B-E-E Canyon area. Thank you for
16 this chance to speak for the denial of this draft permit based
17 on the Clean Water Act and Title 35 Sub-C of the Illinois
18 Administrative Code.

19 My concerns are that the groundwater resources that now
20 flow onto my land from the field tiles would be diverted for
21 the mine's use during phase one, and then more in later
22 phases. This water provides for recreation and wildlife in
23 the Higbee Watershed. Its loss would degrade it.

24 Also, the static water level draw down of my shallow

1 well, 1,500 feet from the pit, but closer during the later
2 phases - This well will be 500 feet away from the settling
3 ponds that will accumulate more heavy metals as time passes.
4 The pond's liners will be exposed to 1 inch per second
5 blasting, about 400 feet from the closest settling ponds.

6 The draft permit is based on a faulty assessment of the
7 water quality present. Sample point 1 is not a viable
8 reference point as it showed a no-flow condition and will
9 also show higher background levels than truly exist at
10 Outfall 1. So, it would allow the discharger to provide a
11 water quality less than what is now present.

12 I request a new sample point North of 2803 Road. Also,
13 the ENCAP Stream Assessment Form for Sample Point 1 contains
14 incorrect data.

15 Distance from Outfall 1 - 10 feet is wrong.

16 Substrate - coal and shale was left blank.

17 Habitat/Hydrology mining should be 70 = coal, not 0 = none.

18 Recreation - 0 = none is incorrect.

19 This point is about 700 feet downstream from the Outfall 1.

20 This study done in July of 2012 during a major drought
21 and heat wave fails to accurately characterize the biological
22 and chemical conditions present at the point where Outfall 1
23 enters the stream. Thank you.

24 MR. STUDER: Thank you Mr. Dempsey.

1 Gary Selser.

2 MR. SELSER: Pass.

3 MR. STUDER: Dean Hyson.

4 MR. HYSON: Pass.

5 MR. STUDER: Dennis O'Keefe.

6 MR. O'KEEFE: Dennis O'Keefe - with 2 N's, O-'-K-E-E-F-E.

7 I would like to thank the EPA board for letting me speak here.

8 My family arrived from Ireland here in 1838 and dug this
9 canal.

10 We are a community that needs good paying jobs. Illinois
11 Cement has had a long history since 1974 of being, in my
12 opinion, a responsible corporate citizen. Recently, they gave
13 the City of LaSalle, the Rotary Organization, a large piece of
14 land that's now being converted into a park. And I am certain
15 that the local citizenry will be very concerned about the
16 water safety at this mine. On behalf of those men and women
17 who are seeking employment, I ask the EPA to grant this to
18 Northwest Cement. Thank you.

19 MR. STUDER: Richard Kolczaski.

20 MR. KOLCZASKI: Richard Kolczaski - K-O-L-C-Z-A-S-K-I.

21 My presence today is for more jobs in the area, and I don't
22 think anybody in the room would disagree with that. The local
23 rotary club along with Illinois Cement donating the land to
24 East LaSalle is looking pretty good to me.

1 Also, if we had a presence of backup water, somebody else
2 who would check on the water, process the runoff - Is this
3 advertisement? Yeah, it could be. Anyway, my main reason for
4 being here is the jobs. I'm hearing a couple of different
5 numbers, but 70 sounds like a big number in this area. Thank
6 you.

7 MR. STUDER: Suzanne Bruner.

8 MS. BRUNER: Pass.

9 MR. STUDER: Carol Lag.

10 MS. LAG: Pass.

11 MR. STUDER: Barry or Jolene Cohen - (no response)

12 Marci Duro.

13 MS. DURO: I'm Marci Duro, Executive Director at
14 Illinois Valley Area Chamber of Commerce, Economic
15 Development, and I would like to thank the hearing officer
16 and the Illinois EPA for letting me speak.

17 MR. STUDER: Could you spell your last name for the
18 record?

19 MS. DURO: D-U-R-O. On behalf of myself and the Board of
20 Directors, I am here in support of the Illinois Cement,
21 Illinois Sand Mine projects, and the economic development it
22 will create. The Illinois Chamber of Commerce and Economic
23 Development makes tradition from all the area by attracting
24 new jobs and enhancing existing business. Illinois Cement for

1 over 40 years has been a dedicated corporate citizen and given
2 back to the community without hesitation.

3 Based on this history, we feel that they will honor the
4 water standards. We feel what we have here is a known company
5 with a proven track record, and the desire to stay and expand
6 paying taxes, creating quality jobs, and enhancing the overall
7 vitality of our area.

8 MR. STUDER: Thank you.

9 John Duncan.

10 MR. DUNCAN: My name is John Duncan - D-U-N-C-A-N. I am
11 here, I guess, in three different capacities. One capacity is
12 Chairman of the Board of Directors for the Community Bank of
13 Utica. This is a worthwhile project, not only will it be a
14 positive effect economically on the Village of Utica, but the
15 whole surrounding area. This is a project that needs to be
16 approved, and the permit process moved along with all great
17 speed, so we can get these people to work.

18 I am also an Alderman for the City of LaSalle, and the
19 city has worked with Illinois Cement Company since they
20 started in 1974. Illinois Cement Company has always been
21 an excellent corporate citizen, as you have already heard,
22 by the donation of land, not only for the park, but they
23 also donated 50 acres of land that enabled our City to put
24 in the state of the art wastewater treatment plant. And

1 throughout their whole existence here in LaSalle, they have
2 always abided by all the rules and regulations and always been
3 in compliance with any requirements of any governmental
4 bodies.

5 I am also the attorney for the Illinois Sand Company, and
6 it's my understanding that the application meets all federal
7 and state guidelines and requirements, and needs to be
8 approved as quickly as it can under all applicable rules and
9 regulations and timelines, so that there would be no just
10 reason to delay the issuance of this permit. And I also thank
11 you for your time and attention today.

12 MR. STUDER: Jim Riley. And Mr. Riley will be followed
13 By Pat Shea.

14 MR. RILEY: Thank you, Mr. Studer, and the panel. My
15 Name is Jim Riley - R-I-L-E-Y. I represent the Hometown
16 National Bank in LaSalle as the CEO and President. I also
17 represent the LaSalle Rotary Park Foundation which is the
18 recipient for it is working, certainly, for the benefit of
19 the LaSalle Rotary Park that Illinois Cement provided and
20 has assisted with.

21 Additionally, I have worked with many of the executives
22 from Illinois Cement, the affiliated company with Northern
23 White Sand, and I have got over 5 years experience there.
24 My purpose today, though, is to just say that in my experience

1 with past performance of individuals and the integrity people
2 show in serving and providing community support in being a
3 predictor of future activity. And with that being said, I
4 have found in none of those instances anything but the
5 highest level of community support, integrity, and candor in
6 working with the individuals from Illinois Cement.

7 So, should the panel grant the permit? I would be very
8 assured that all the promises made and all the commitments
9 made will be followed to the letter. Thank you for your time.

10 MR. STUDER: Thank you. Pat Shea is next, and Pat Shea
11 will be followed by Colleen Smith.

12 MR. SHEA: My name is Pat Shea - S-H-E-A, and I grew up
13 in LaSalle 50-some years now. We're fortunate enough to
14 work with the people over at Illinois Cement for the last 40
15 years. They are outstanding people. I really believe this
16 would be a good thing for something for the Illinois Valley area,
17 and they will do what they say they will do. Thank you very
18 much.

19 MR. STUDER: Thank you, Mr. Shea. Colleen Smith was the
20 next person, and she will be followed by Edmund Thornton.

21 MS. SMITH: Good afternoon. Colleen Smith, Clean Water
22 Organizer, Sierra Club Illinois Chapter. I am here to
23 represent Sierra Club and a few of our members here today.
24 I have some questions and then comments as well.

1 I believe the draft NPDES permit has not taken into
2 account the complications of the coal at this site.

3 The temporary storage of coal for up to 30 days presents
4 an issue for storm water runoff contamination.

5 Has the IEPA considered the weatherability of this
6 specific type of coal as an issue in allowing a temporary
7 stockpile?

8 MR. GOVE: No, it has not.

9 MS. SMITH: Also, I would like to point out that an
10 option provided by the NPDES permit, currently, is for the
11 coal collected to be taken to an appropriate landfill.

12 We would like to know what the definition for an
13 appropriate landfill has been decided, and how IEPA will
14 ensure the coal that is transported to that landfill does
15 not present a problem at that landfill as well for ground
16 water issues?

17 MR. GOVE: Your question is what does appropriate
18 landfill mean?

19 MS. SMITH: Yes.

20 MR. GOVE: Appropriately permitted and legal, in that it
21 does not create land pollution as defined by the Illinois
22 Statute of the Environmental Protection Agency.

23 MS. SMITH: Currently in the permit there are quite a few
24 planned opportunities for the coal, one of them is the

1 appropriate landfill, one is best used, and some will also be
2 put into backfill. So, we just ask that there be one
3 specified as far as where the coal will be dumped,
4 specifically laid out in the permit - Let's not have so much -
5 So, there should be one, specifically laid-out plan for the
6 coal's disposal offsite.

7 There is also concern for the coal material and the acid
8 producing material to contaminate surface waters in relation
9 to the depth of the coal or the depth of the water table in
10 the area according to the local residents' concerns and
11 knowledge.

12 Have you seen a detailed record of drilling logs or a
13 hydrology study to prove that drilling will not expose the
14 water table to contamination by the coal?

15 MR. GOVE: I will defer that last question to Bill
16 Buscher. But the Illinois EPA does not have authority to
17 tell them what exactly is going to be done with it. We do
18 have authority to tell them what they are going to do with it
19 on their site. We do specify that they do follow, I think
20 it's, Condition 24. We require them to either propose a
21 modification to this NPDES permit or to get exemption from
22 the permit federal regs, so that kind of - That, along with
23 the plans that they have submitted to the IEPA which are
24 present in that permit, hold them to that action that they

1 propose. And we feel that that is sufficient to protect the
2 groundwater quality in terms of how long it's stored on site
3 as well as what they are going to do with it afterwards, and
4 where they are going to send it, which I will repeat, we don't
5 have authority what's done with it off their site.

6 MS. SMITH: So, prior to issuing this permit, they will
7 obtain exemption status from the Surface Coal Information
8 Mining Act?

9 MR. GOVE: The answer to that is that depends on what
10 they do with it. My recollection of the federal regs is that
11 if they are going to use the coal in an economic or beneficial
12 way to them, and it meets their requirements in terms of
13 quantities sold, exported, or shipped offsite, then they have
14 to get the exemption, otherwise, they are required to go
15 through that long regulation.

16 MS. SMITH: I propose that we just move onto another
17 point, but kind of leave it to the permit the way it is right
18 now, it seems as if they have the opportunity to sell the
19 coal, it doesn't have to go to a temporary landfill, but at
20 the same time, they don't have this exemption status yet.

21 MR. GOVE: That's incorrect. What you just said is
22 correct. We did not require them to do something specific,
23 only that we require them to do something appropriately,
24 whatever they are going to do. We tried to lay that out with

1 the permits.

2 MR. STUDER: I also do need to point out that the Surface
3 Mining Act in Illinois is administered by the Illinois
4 Department of Natural Resources and not the Illinois EPA, so
5 any requirements that are in there that impact what is
6 commonly referred to as SMCRA - and I won't bore you all with
7 the acronym - here is under the jurisdiction of the Department
8 of Natural Resources.

9 MS. SMITH: On the original question, has IEPA seen
10 drilling logs or a hydrology study to show -

11 MR. BUSCHER: We have seen site specific information, and
12 we are requiring groundwater monitoring at the site.

13 MS. SMITH: I guess I would also just like to point to
14 the weatherability -- In the original hearing back for Utica,
15 it was stated by Larry Good that if the coal is very thin, it
16 can get mixed in with the rest of the overburden and either
17 deposited in a temporary stockpile and put back into the pit.
18 If it's put back into the pit, and it's distributed throughout
19 the overburden, there is a potential for contamination.

20 The permit is written in a way as if the overburden is
21 a neutral pH and doesn't have coal that leads us to point to
22 the fact that it is likely that overburden will consist of
23 quantities of coal. That should be considered with the
24 outfall as well to have stricter regulations.

1 Finally, I would like to point out that in the
2 antidegradation analysis states that "a water chemistry
3 sample taken from the receiving stream showed that all
4 parameters were within water quality standards and showed no
5 elevated levels that could be associated with a pollution
6 source." We received a copy of the Site Specific Assessment
7 Report, but we saw that the water at Point 1 discharge was
8 only analyzed for Mercury. So, were sulfates, chlorides,
9 manganese, and other pollutants of concern, and if so, why
10 weren't these measured?

11 MR. STUDER: And I do want to point out that we are close
12 to the time.

13 MR. MOSHER: The company hired a consultant to do the
14 biological and chemical survey of the receiving stream, and
15 maybe you just didn't see the chemical data. I don't know how
16 to provide that. Can we copy that in the responsiveness
17 summary, so that she can see that data?

18 MR. GOVE: Yes.

19 MR. MOSHER: We will try to provide what the consultants
20 provided us for your perusal.

21 MR. GOVE: Can I also just re-answer your question as far
22 as to clarify. We do have authority what happens to the coal,
23 but we don't have the authority to tell them what they are
24 going to do with it, what their options are. Does that make

1 sense?

2 MS. SMITH: We ask in Special Condition 24, do they need
3 an exemption status? It's like 16-2/3 percent coal - and I
4 don't know the exact regulation, but that it is not
5 necessarily enforced from the permit, and that the temporary
6 stockpiling is still the main concern as far as groundwater
7 runoff and storm water runoff.

8 Again, just because we are running out of time, I would
9 just like to mention that we are concerned that the U. S. Army
10 Corps of Engineers has decided to not require a 404 permit.
11 Originally when they looked at this, I know that's against the
12 jurisdiction, but that they were only looking at 164 permitted
13 acres, and since then the permit has been changed to be
14 564 acres. So, I am just wondering, if IEPA has discussed the
15 need for a 401 Certification?

16 MR. GOVE: I'm sorry, that's just outside the scope of
17 this hearing.

18 MS. SMITH: Thank you very much.

19 MR. STUDER: Thank you. Edmund Thornton, and he will be
20 followed by Steve Harmon.

21 MR. THORNTON: My name is Edmund Thornton - E-D-M-U-N-D,
22 T-H-O-R-N-T-O-N. And I thank the panel and the hearing
23 officer for this gracious hospitality this afternoon.

24 I am a past Chairman and President of the Ottawa Silica

1 Company founded by my grandfather in 1900, and I spent the
2 bulk of my business life as an active member of that firm.
3 The company today is owned by U. S. Silica Company, a publicly
4 trade company. And I wish to make the record clear that I
5 have absolutely no affiliation or any business or any
6 association with U. S. Silica Company.

7 I am here on my own behalf and as a supporter of the
8 property owners that are being affected by this new mine,
9 Illinois Sand Company. The mining technique used by the
10 U. S. Silica Company and the Ottawa Silica Company, and to
11 that matter the other silica companies in LaSalle County is
12 very different from the mining process here with Illinois
13 Sand.

14 None of the other companies have ever encountered any
15 formation of coal, which is a problem with this mine, and
16 this mine's site. It's a bad site, and unfortunately, it was
17 chosen for economic reasons by their owners, but nonetheless,
18 it has problems which do not affect any of the other silica
19 mines in LaSalle County, and there are at least 4 others.

20 The main problem, of course, is that they are mining up
21 on the prairie plateau of the Illinois Valley. The other
22 mines are in the River Valley, and we do not have any coal.
23 It was all taken away many years ago, or they are in such a
24 location that they are in the Unimin Mines - U-N-I-M-I-N,

1 in the Troy Grove near Utica. (Presenting chart)

2 The problem with the coal, of course, is that it's
3 ubiquitous. It's all over this part of LaSalle County. I
4 would refer you to this particular chart which is outlined in
5 pink, and that's the Colchester Coal. The Colchester Coal has
6 been mined for commercial purposes in the past history of
7 mining in LaSalle County, coal mining, which is no longer -
8 There is no coal mining any longer in LaSalle County, and
9 that's because the last one was the Osage Coal Mine which is
10 very close to this site. It's over here on Route 6, and
11 that was closed down in the mid-40's or early 50's.

12 Part of the reason for closing that mine was because of
13 the quality of the coal. The coal is very poor quality.
14 It's very thin, in this case, no more than 28 inches, and
15 probably thinner in some places. It's a very high sulfur of
16 coal. High in ash with a very low BTU. So, it has very poor
17 economic value. It does, however, have very serious
18 environmental problems when it's exposed to weathering,
19 whether it's snow, rain, or just plain atmospheric conditions.

20 The State of Illinois has spent millions of dollars in
21 trying to address abandoned mines through the Abandoned Mine
22 Reclamation Council to address the problems of acid mine
23 runoff and acid mine water. In those cases, they were all
24 surface mines. Those are not the case here. They are not

1 mining coal at all, but the treatment of the coal and the
2 handling of the coal is going to be an economic challenge to
3 this new company. They have looked at a very brief review of
4 the engineering report done by their engineers Chandler and
5 Company, in which they talk about removing the coal,
6 temporarily stockpiling it for as much as 30 days, and then
7 moving it by truck to another location and probably another
8 location. This is all very expensive and it's going to
9 cause a great deal of environmental exposure to this coal.

10 If it's sitting there even for as much as 30 days, the
11 underlying bed of that coal is going to be causing acid mine
12 water runoff, and it's going to be have potential pollution
13 problems. I will leave that issue alone.

14 The other concern I have is that there is no take-up
15 water available to this company. They have to go when they
16 mine that to get to groundwater, and groundwater is a very
17 precious commodity. It's absolutely critical to the public
18 health and safety of our citizens. I don't know if any
19 calculations have been made to determine, exactly, how many
20 millions of gallons of water they are going to be pulling out
21 of the ground every day when they are processing there.

22 It's my understanding that they are not going to do any
23 real final finishing, but preliminary washing of the sand,
24 and then ship it, damp, by truck to the river.

1 So, nonetheless, there are going to be, apparently,
2 temporary depositions of coal onsite, and then presumably that
3 will be removed offsite. We don't know where or how. They
4 mention that it might be taken to a suitable landfill and
5 buried. And I think as Mr. Gove pointed out, they probably
6 can sell it if they wanted to. That's not a particular
7 concern of the EPA, nor to those of us here. But,
8 nonetheless, it's going to be a very dangerous operation.

9 My real concern, though, is the make-up water. There
10 is none on site. There are no lakes, no rivers, no streams.
11 They are going to have to take it out of the ground, unless
12 they make calculations of how many millions of gallons of
13 water they are going to use a day, it's going to have an
14 impact on all of the wells in the area, at least, down to the
15 new Richmond Formation. Certainly, St. Peter is going to be
16 sucked dry for at least a mile, at least from my assessment.

17 So, those are the two concerns I have, the treatment
18 of the coal, the fact that it is a known quantity.
19 Unfortunately, that was not even brought up in the hearing
20 back at the site hearing in Utica. And now we know that
21 there is coal there, although the company did not admit that
22 at their earlier hearing.

23 Again, the other concern is the volume of water that's
24 going to be used, and the source of that water, and the draw-

1 down on the aquifers in the area. I would hope that the
2 engineers and scientists on the IEPA board make some studies
3 and get information to that effect. Thank you.

4 MR. STUDER: Thank you, Mr. Thornton. I do want to
5 remind everyone also that the purpose of the hearing here is
6 for the NPDES permit, and the Illinois EPA is not the State
7 agency permitting the mining at the facility.

8 The next person is Steve Harmon. Mr. Harmon will be
9 followed by Anna Koval.

10 MR. HARMON: Thank you for the opportunity to speak.
11 My name is Steve Harmon H-A-R-M-O-N. My remarks are very
12 brief. I live fairly close to the mining operation, a couple
13 of hundred yards. One of the main concerns that I have is the
14 contamination possibly from the mining operation. Also, what
15 Mr. Edmund Thornton mentioned as far as water consumption,
16 I know that the Illinois - whatever department it falls under,
17 there's really no guideline or restriction on how much water
18 can be consumed. Ed was just stating, and I know that this
19 is the type of operation that requires a lot of water to,
20 initially, get started. So, I am very concerned about that.
21 And as I have said, very concerned about the possibility of
22 contamination to the water and also with the routes that have
23 been going on the last few years, I am really concerned about
24 with the over-consumption of water, what type of an effect

1 and detriment it will have not only to my well, but also to
2 the people in the surrounding area. Thank you.

3 MR. STUDER: Thank you, Mr. Harmon. Ana Koval, and she
4 will be followed by Phil Gassman.

5 MS. KOVAL: Thank you very much. It's Ana - A-N-A,
6 Koval - K-O-V (as in Victor) A-L. I am President and CEO of
7 Canal Corridor Association. We run the LaSalle Canal Boats in
8 the Lock 16 Visitor Center, and we are the local coordinating
9 agency for the Illinois and Michigan Canal National Heritage
10 Corridor.

11 We run through 60 communities from here to Chicago. So,
12 the Illinois and Michigan Canal has been an industrial
13 corridor since it opened in 1848. It has a long history of
14 mining in this region, and we support industrial activity in
15 the Heritage Corridor that does not detract from the tourism
16 industry and does not diminish our ability to attract
17 visitors. Wayne Emmer, the President of Illinois Cement has
18 served on our board of directors for many years, and the
19 Illinois Cement Company has assisted our not-for-profit
20 both financially and with technical expertise throughout the
21 years.

22 We have experienced the Illinois Cement Company as a
23 good corporate citizen working in this area. Thank you.

24 MR. STUDER: Thank you, Ms. Koval. Phil Gassman,

1 and he will be followed by Diane Gassman.

2 MR. GASSMAN: I would first like to thank you for the
3 opportunity to speak this afternoon. My name is Phil Gassman,
4 and I am testifying as an impacted neighbor of the sand mine
5 requesting a permit and also as a Trustee of Utica Township.

6 My first concern regarding the permit is that the eco-
7 CAT study failed to give an accurate assessment of the area.
8 I am concerned about the water quality and the future of the
9 waterways in Utica, in my home, the pond in my back yard, and
10 the I & M Canal, and the Illinois River.

11 The draft permit does not really fully consider the
12 extent of the degradation that will be produced or the true
13 value of the natural area. Diverting ground water resources
14 will cause a loss of the sensitive riparian areas, degradation
15 of biodiversity, and recreational potential - frog ponds, bird
16 watching, wading, swimming, hunting, relaxation, and dog
17 splashes.

18 This is also a violation of 35 Illinois Administrative
19 Code, Section 302.105 Illinois Anti-Degradation Rule. These
20 waters and areas to be impacted are important for the
21 environment and for the Utica citizens. Boating and
22 recreational use should be considered as impacts to the area
23 within the permit due to the presence of nearby Starved Rock
24 Marina and also Starved Rock Adventure.

1 Changes to the water volume or quality in the area will
2 have significant negative impacts on Higbee's Ravine, Canyon,
3 and Watershed, which are important environment and
4 recreational resources to residents.

5 The sand company could come and say, well, the water in
6 phase 1 does not even flow through your property and will
7 not affect this, but the draft permit has been unsoundly
8 changed to broaden the acreage permitted, and it will affect
9 our property with the additional acreage requested in later
10 stages.

11 This leads to my second concern with the permit. There
12 must be a new anti-degradation analysis for any new outfalls
13 that has been included in the draft permit.

14 Why are you authorizing 564 acres when only 185 acres are
15 proposed to be mined? And more so, why did you change that
16 permit?

17 Granting a single permit is irresponsible for a
18 multi-stage mining operation that will divert more ground
19 water at each phase.

20 And lastly, did the EPA take into consideration that
21 there are other sand mines already in business in different
22 locations capable of mining without the pollutants and
23 problems associated with this permit? Thank you.

24 MR. STUDER: Thank you. Diane Gassman. And she will

1 be followed by Bob Jorgensen.

2 MRS. GASSMAN: Hi, Diane Gassman. I would first like to
3 thank you for the opportunity to testify on behalf of this
4 unique area that I have called my home for the past 30 years.
5 My name is Diane Kalembe-Gassman, and I live directly adjacent
6 to the mining operation. I am an avid cyclist, hiker and
7 environmentalist. I am here today to voice my concerns about
8 the future of our water quality as a result of the sand mine
9 operation and the discharge of their waste water.

10 First and foremost, I am concerned about the discharge of
11 waste water into our ponds, which my family uses as a
12 recreational area for swimming, canoeing, fishing, ice
13 skating, and ice fishing. My children have grown up in this
14 unique area that we know as Higbee Canyon. Not only are we
15 concerned with the pollutants that will ultimately be
16 discharged into our recreational area, but the diversion of
17 ground water that will ultimately result in the destruction of
18 our ponds.

19 I am equally concerned with the integrity of our well as
20 the construction and eventual mining continue without any well
21 agreement for myself or my neighbors. Our well is at 140 feet
22 and in the 20 plus years that I have lived here we have had no
23 problems with our water supply. This will be impacted by the
24 volume of water the mine plans to use and the diversion of

1 ground water.

2 Finally, this area has only recently started to recover
3 from the damages wrought by the historic coal mining. It is
4 imperative that a new and updated ECO-CAT assessment be
5 completed on the Higbee Watershed area. In fact, this area is
6 sensitive to any new pollution, and to worsen the pollution
7 problem is in direct conflict with the Clean Water Act of
8 1972. We must continue to protect the areas of Higbee Canyon
9 Ravine and the entire watershed flowing into the I & M Canal
10 and the Illinois River. This ecosystem is home to a variety
11 of plants and wildlife, some of which are rare and endangered.

12 I urge the EPA to do what your name implies - to protect
13 our environment and do not approve and issue this permit to
14 pollute. Thank you.

15 MR. STUDER: Thank you. Bob Jorgensen, and he will be
16 followed by Ashley Williams.

17 MR.JORGENSEN: Good afternoon. My name is Bob Jorgensen
18 J-O-R-G-E-N-S-E-N. Like a lot of people in the room, I
19 considered passing after hearing some of the testimony about
20 jobs and so forth. I have been coming to this area, the
21 Starved Rock area to camp, stayed in LaSalle, stayed in Peru,
22 stayed here for probably four to five years. I come because
23 I'm a hiker, a biker, a bird watcher. I have been here all
24 different times in the season. Recently, I haven't been here

1 for quite a number of years, and it's because of the problems
2 that have been caused by the flooding and runoff. The trail
3 has been closed. It's been closed for a long time. So,
4 instead of coming here once, twice a month and spending my
5 money staying in different places and eating at different
6 restaurants, I haven't done that. And I believe that there's
7 a good chance that the water problems that are a potential
8 threat to the river and the trail and the hiking, I think
9 that's it's going to have an economic impact, an adverse
10 economic impact in the area. So, you will be losing jobs
11 that you used to have in tourism being replaced by potential
12 jobs from the sand mine. Thanks for your time.

13 MR. STUDER: Thank you, Mr. Jorgensen. Ashley Williams,
14 and she will be followed by William Wallace.

15 MS. WILLIAMS: Hi, I'm Ashley Williams W-I-L-L-I-A-M-S.
16 I am here to testify for the denial of the NPDES permit. I am
17 a student at Illinois Valley Community College, and I have
18 lived in Ottawa, Illinois for all 22 years of my life. You may
19 know me for launching a petition for over 16,000 signatures
20 asking Governor Quinn to stop the Mississippi Sand Frac Sand
21 Mine from opening directly adjacent to the East edge of the
22 Starved Rock State Park. I am also an active member of the
23 Sierra Club.

24 So, today I now stand before you speaking out against

1 Northern White Sand application for an NPDES permit. Like
2 Mississippi Sand, this mine will cause irreversible detriment
3 to the LaSalle County. The permit has often explained that
4 the overburden consists of coal beds. That overburden will
5 consist of coal. And non-commercial coal will be placed back
6 into pit as backfill. There will be storm water runoff
7 following reclamation that will run over these lands where
8 coal has become mixed in and lead to serious pollution
9 problems. Storm Water Pollution Prevention Plan also assumes
10 a non-coal outfall, although, it's possible that runoff from
11 coal stockpiles could occur and be released into this
12 outfall.

13 Special Condition 17 of the NPDES permit, surface runoff
14 from earthen berms or other earthen areas using spoil from
15 the mining operation is not required to be routed to a mine
16 outfall. The applicant has not been clear as to the changes
17 for handling acid producing materials.

18 This permit should not be issued without establishing,
19 exactly, how the coal is going to be handled, and conditions
20 for that one option should be part of the permit.

21 Storing coal on site should not be permitted as this
22 area has already suffered too much from coal pollution.
23 Immediately removing coal from this site is the alternative
24 that would minimize the potential for the mine to pollute

1 downstream waters. Thank you so much.

2 MR. STUDER: Thank you, Ms. Williams. William Wallace,
3 and Mr. Wallace will be followed Cheryl Illman.

4 MR. WALLACE: My name is William Wallace - W-A-L-L-A-C-E.
5 I am here as a land owner in the area. My well is 182 feet
6 deep, and it's very shallow to other wells in the area. I am
7 in the St. Peter's Aquifer Reservoir that Mr. Thornton
8 mentioned. And when the mine starts drawing water every day,
9 the water table will drop considerably. I could have no
10 water, possibly burning the pump in the future or
11 contaminating my well water. I am very concerned about my
12 water, being that I live just directly East of the mine and
13 have a land fill just near East of my property. I need to
14 have my well protected when and if this occurs. Thank you
15 very much.

16 MR. STUDER: Thank you, Mr. Wallace. Cheryl Illman, and
17 she will be followed by Patricia Wagner.

18 MS. ILLMAN: My name is Cheryl Illman - I-L-L-M-A-N.
19 My home is located directly across from the Phase 1 of the
20 Illinois Sand mine. The unnamed tributary Illinois Sand will
21 use for waste water discharge runs through my property. I
22 call the unnamed tributary Higbee Creek, and it has been
23 slowly recovering from decades of adjacent coal mining. In
24 this area the mine was known as the Osage Coal Mine.

1 I am very concerned about the water flow restrictions and
2 additional pollutants that will be added to this creek by
3 Illinois Sand. The draft permit does not take into
4 consideration the impact of additional pollutants and the
5 creek impairment due to the presence of coal from past mining.

6 Each phase of the mine will result in less water flow for
7 the Higbee watershed area. The loss of the groundwater
8 resources flowing into the Higbee Watershed could result in
9 higher total dissolved solids or total suspended solids.

10 Also, the requirements of the sulfate seem to be very
11 high. Leaving the sulfate limits at their current level will
12 lead to more pollution of downstream waters, as there is
13 already a significant sulfate presence in Higbee's waters
14 from past coal mining.

15 The Higbee Watershed area is very important to our rural
16 community. The creek and ravine cut through many of our
17 properties, and all the neighbors share in the water
18 resources. We use them for various recreational activities,
19 including fishing, swimming, and hiking, and we do not want
20 to see the water shed polluted again.

21 Issuing the permit gives Illinois Sand the right to
22 pollute the Higbee Watershed, just as the Osage Coal Company
23 did decades ago. I urge you to deny this permit so the
24 creek, ravine, and canyon waterways can continue their

1 recovery. Thank you.

2 MR. STUDER: Thank you. Patricia Wagner, and she will
3 be followed by - Willis - it looks like Fry.

4 MS. WAGNER: I'm Patricia Pat Wagner, and I live at
5 1090 North 2803 Road. Part of our land is immediately
6 adjacent to the Stage 1 mining area.

7 My husband and I bought our home and 1.6 acres of land
8 on which it was built in June of 1966. It was immediately
9 north of an abandoned, defunct, coal strip mine. A few feet
10 south of our land, there was a deep gully followed by several
11 mostly barren clay hills.

12 At that time our well water could be used for bathing,
13 cooking, and drinking as it was clear when treated. We used
14 it for several years. However, over time the water got worse.
15 It was constantly rust-colored and stained clothing and dishes
16 and became undrinkable.

17 In October of 1991, we had a new well put in. It was 155
18 feet deep, about the same depth as the original well.
19 Unfortunately, the water from the new well was also acid
20 water. It was so rusty that it was not usable, and the well
21 was never connected to our home. We learned that the acid
22 water from higher up in the ground had eaten through the pipes
23 of our well and had contaminated the water at that level.

24 For many years my husband, Craig, hauled water from his

1 shop in Ottawa to fill a large tank we maintained to provide
2 water for the use of our family for drinking, cooking, washing
3 clothes, and bathing.

4 In November of 2008, another well was put in to a depth
5 of 360 feet. The report that we received from the well
6 driller showed that he had gone through a layer of shale with
7 coal at a depth from 24 to 50 feet below the surface. Below
8 that was sandstone, limestone, and sandy shale in various
9 layers for 300 feet. The water from that well is excellent
10 without treatment.

11 We are concerned that the disturbance of the deeper soil
12 from the proposed sand mining immediately north of us will
13 cause the coal veins that exist throughout this area to
14 eventually contaminate even our deepest wells, as well as the
15 water in the creeks that ultimately drain into the Illinois
16 River. If deeper levels of water become contaminated, our
17 homes will become uninhabitable due to a lack of drinkable
18 water.

19 During the first hearing, both Mr. Emmer of Illinois
20 Sand and Mr. Duncan, the Attorney for Illinois Sand testified
21 that there was no coal in the borings on the land for which
22 they are seeking a permit. Although, they later admitted
23 there was coal, their testimony as to how it would be handled
24 was very vague, whether it would be mixed with other materials

1 above and buried, segregated, or moved off site. As they do
2 not seem to be very familiar with the geology of this area,
3 perhaps they should be required to seek a permit for removing
4 coal as well as for the silica sand, so that Utica and LaSalle
5 County don't come to resemble those areas of the Appalachian
6 Mountains where the water has become so contaminated from
7 mining that some areas have become, essentially,
8 uninhabitable.

9 We are concerned that coal may already have been
10 excavated at the site west of 11th Road from which Illinois
11 Sand has removed the overburden. We also question whether
12 there is a fair sized pile of coal that has been buried on
13 the northeast quadrant of the site prior to obtaining permit.
14 Has the applicant received an exemption to do this? If so, no
15 public notice was given of hearing for this. Perhaps Illinois
16 Sand simply buried the coal so that the amount of coal in this
17 land will not be known publicly, so they can more easily
18 obtain permit. We are concerned that if there is exposed
19 shale and coal exposed during mining, rain and water runoff
20 may affect the water quality of this drainage area. To
21 protect the water from this area, we ask that you not issue
22 the NPDES DRGII 0080004 permit.

23 I also have a question. This is not in my written
24 comments as I thought these comments were to relate to issues

1 relating to the EPA issues rather than the number of jobs.
2 Since several people have spoken only about jobs, I would like
3 to ask how many farming jobs and grain-hauling jobs have been
4 lost and will be lost in the future by mining this prime farm
5 land?

6 Thank you for allowing me to speak on this matter. I have
7 attached the geological survey for my current well to my
8 comments.

9 MR. STUDER: Thank you, Ms. Wagner, and I do want to
10 point out that there's a fact sheet available that does
11 describe what we will and will not be able to consider when we
12 issue permits. And direct jobs regarding facilities is
13 something that is outside the purview of Illinois EPA in an
14 NPDES proceeding. There is some information that does go in
15 when we deal with an antidegradation assessment, but I do
16 want to point out that the job, per se, is generally
17 something that is not germane to the environmental issues in
18 the NPDES permit hearing.

19 Willis, and it looks like - Fry, and then Norb Dudek.

20 MR. FRY: My name is Willis - W-I-L-L-I-S, F-R-Y. I am
21 a member of the Utica Planning Commission. I am a member of
22 the LaSalle Rotary Club. I am a member of the Illinois Valley
23 Area Chamber of Commerce, and I was also a past chair of IVAC.

24 However, despite those affiliations, I am here speaking

1 as a private citizen of Utica. At the time that the original
2 petition was made to the Planning Commission of Utica, and the
3 Planning Commission of Utica, and I want it noted, voted 100
4 percent to deny the annexation of this property into the
5 village, 100 percent denied. Much of that was based upon
6 concerns relative to what would happen to the water of the
7 neighbors, what would happen to pollution in terms of water
8 from coal. However, as was stated previously, on the initial
9 hearing, Mr. Emmer, who is the President of Illinois Cement
10 denied knowing anything about anything that came forth by
11 borings, denied that there was any concern about coal. And
12 legal counsel for Illinois Cement concurred with that.

13 However, on a subsequent hearing, they came in and said,
14 well, yes, there was coal there, but we will take care of it.
15 Later, upon an effort by members of the commission to recall
16 Mr. Emmer and ask him some additional questions, legal counsel
17 for Illinois Cement indicated to the members of the Planning
18 Commission that we had our chance to ask the questions we
19 wanted to ask, and Mr. Emmer would provide no further
20 information.

21 I would urge you as members here to please review, along
22 with the permit that's provided to you, I would urge you to
23 review the notes that were taken by the court reporter during
24 that hearing and listen to the testimony that was given by

1 Illinois Cement and their representatives relative to impact
2 on water. I submit they are far different than what I have
3 read here in the application today. And finally, I would like
4 to endorse a hundred percent the comments that were made by
5 Mr. Thornton and Mr. Kelley and various other citizens in that
6 area. Thank you very much.

7 MR. STUDER: Thank you, Mr. Fry. Norb Dudek. Did I
8 butcher the name? And he will be followed by Lance Yednock.

9 MR. DUDEK: My name is Norb - N-O-R-B, D-U-D-E-K, and
10 I am a life-long resident of the area. I have lived here all
11 my life. I also live about 2 miles to the west surrounded by
12 mines, pits, and my concern also is aquifer and the quality of
13 water and so forth. The other major concern I have is being
14 with the Chamber of Commerce member and board member and so
15 forth for a number of years is the specific point that many
16 people have made about the jobs that this will provide.
17 Again, I would like to agree with the jobs that are lost from
18 farms and the quality and so forth. The problem with the
19 mines is the desecration of the soils itself. And if you do
20 an aerial view of the areas, it looks probably close to
21 Hiroshima from the existing mines and so forth that they have.

22 The focal point of our area here has been Starved Rock,
23 tourism, and so forth, and to maintain and enhance the beauty
24 of the area. And I don't by any way, shape, or form see how

1 a mine can enhance the beauty of the area. Once it is mined
2 and so forth, it has very little use. Because of this, I
3 would like you to consider this aspect of it and also the
4 water and contamination that it will bring. Thank you very
5 much.

6 MR. STUDER: Thank you, Mr. Dudek. Lance Yednock, and
7 Mark Washkowiak.

8 MR. YEDNOCK: Thank you panel and hearing officer for
9 allowing me to speak. My name is Lance Yednock - L-A-N-C-E,
10 Y-E-D-N-O-C-K. I live in Ottawa. I just wanted to make
11 comments along the lines of a long tradition of mining in the
12 LaSalle County area. Many of us have relatives who made their
13 livings in the mines. First I had relatives that did under
14 ground mining in the Streeter area, and then myself and my
15 father, indirectly, from Illinois Cement worked with outside
16 contractors doing work inside those plants, and they have been
17 good neighbors to us. And I have had a roof over my head and
18 got to go to college and done many other things that a lot of
19 people have not and cannot in these days, because we had jobs
20 the whole time.

21 The standards for water discharge are a lot more
22 stringent than they used to be back then when my great grand
23 father owned a coal mine. You guys make it so that they have
24 to have cleaner water discharge, and they have to have

1 settling ponds, and do all these things to make it not like it
2 used to be where they just stored them wherever they wanted,
3 and let it be wherever they wanted it to be - Sorry, I'm not
4 very eloquent about this. I will attest that in Ottawa, a lot
5 of us went fishing in some of the sand mines, and probably
6 Mr. Thornton doesn't want to hear that, but we used to go and
7 fish in the sand pit that was down there. We would take a lot
8 of the fish out, and we would eat them out of there, but we
9 won't, pretty much, eat them out of the Illinois River, much
10 more polluted, I think, than any of the ponds that settle
11 after the mining operations.

12 To the points about what they can do when they're done,
13 well, my family belongs to the Sheridan Rod and Gun Club, and
14 it was a sand bed, sand gravel pit. And after it was mined,
15 they made it into a recreation area where a lot of people
16 belong these days and enjoy the recreation there, fishing,
17 swimming, hunting. So, there are other potential uses for
18 this.

19 By all means, we need jobs in the area. Many of the
20 members of my construction community have been decimated
21 over the last five or six years. Some of us here in the room
22 with us have lost our houses, because of the construction
23 industry. Just like our State budgets, our community is
24 suffering too with the tax base. So, to take away the

1 potential of jobs which in all due respect, we have been
2 promised none as operating engineers or as laborers or as
3 any craft around here. We have been promised none from these
4 sand mines, but I am here to say that we need the jobs and not
5 all of us are in the tourism industry, and not all of us can
6 own businesses on Main Street in Ottawa or Utica, but we do
7 have to pay our taxes here, and we have our houses here and
8 patronize many of the businesses in the area, so it's
9 important for us.

10 Last comment I want to make if you will take it, is that
11 I certainly want to see any of these sand companies be
12 respectful to the neighbors. Some of the neighbors here, I
13 know. I see a couple out there that actually taught me in
14 middle school, and I'm happy that they have good jobs and have
15 their retirement. And they have things that they prize
16 now, and I prize Starved Rock and the area no less than
17 anybody else in here. And as long as the signs and sound and
18 the Illinois mine people are going to be good neighbors and
19 will do the right things around here, which we would hope
20 they would, I would hope that you would okay the permit.
21 Thank you.

22 MR. STUDER: Thank you. I would also neglected to point
23 out earlier that we would be running until about 5:00 this
24 afternoon. At 5:00 we are going to take a break until the

1 6:30 session starts. The 6:30 session will continue in the
2 same way that we have here. I just won't be going through the
3 entire process of reading all the introductory remarks. We
4 may not get through all of the cards before 5:00.

5 MR. WASHKOWIAK: Mark Washkowiak - W-A-S-H-K-O-W-I-A-K,
6 former Mayor of the City of LaSalle, a position I held for
7 12 years. Illinois Cement has an excellent partnership with
8 the City of LaSalle as far as not only being a good employer,
9 but also a good neighbor. They are a company with integrity
10 and honesty and very responsive to city requests as well as
11 concerns from other neighbors and businesses.

12 To my knowledge the cement company has gone beyond the
13 state and federal requirements when it comes to reclamation
14 and restoration in their mining industries. I think everybody
15 knows that job creation is very important not only in our area
16 but as a nation in whole, I think, we are all suffering from
17 that ability to create a number of jobs we need.

18 My experience with this company has been promises made,
19 promises kept. And I ask that you consider this request for
20 a permit in a favorable manner. Thank you.

21 MR. STUDER: Thank you. Mark Jones will be the next
22 person to speak. Following Mark Jones, we will have Tom
23 Novak.

24 MR. JONES: Pass.

1 MR. STUDER: Mark Jones passed. Tom Novak. Following
2 Mr. Novak, we have Tom Walsh.

3 MR. NOVAK: Thank you ladies and gentlemen. I appreciate
4 you letting me speak. My name is Tom Novak - N-O-V-A-K. I
5 represent the Starved Rock Marina along with my partner, Ron
6 Powers. We are at the foot of the discharge of the creek that
7 drains the whole north area, and that is our concern and our
8 objection to having any more discharged water put into the
9 floodplain area of wetland area due to the reason for
10 increased flooding.

11 I have been at the Marina for 26 years as a partner,
12 and previously boated the river since 1955. I have seen
13 tremendous changes in flooding on the Illinois River. I
14 brought a photo that shows the discharge as it is and has been
15 over the years that comes into the Illinois River and into our
16 harbor as a result of the drainage off of the bluffs and off
17 of the wetland area. And to add to that with additional
18 water, would be just detrimental to the operation of our
19 Marina. We have four businesses that depend on the livelihood
20 off of the Illinois River and provide recreational activities
21 for all of the boaters that come into the area, of which we
22 have brought in since 1957, thousands and thousands of people
23 who have come into the area. Eventually, some have even
24 moved into Ottawa area as a result of boating on the river.

1 So, our concern is the additional discharge. It's not a
2 large photo, but I will bring it up forward if you would like
3 and also I have a brochure that shows the recreational
4 advantage that we have to the Illinois River that I would like
5 to give each one of you folks.

6 (At which time Mr. Novak handed the panel members a
7 brochure and photo - out of the hearing range of the
8 court reporter.)

9 MR. STUDER: I would also urge you to find a way, if it's
10 possible, to scan that and submit that to us in the post
11 hearing comment period, and the same for anyone else who has
12 exhibits when they are here. If you can submit a copy of that
13 information to us, I would ask that you try and find a way
14 that can reproduce that information and submit it to us in the
15 post hearing comments, so that I have it to use when we make a
16 decision regarding the permit.

17 MR. NOVAK: Finally, what I wanted to say as a
18 representative of the recreational business, we are in the
19 front yard of the Illinois River. That's our presentation,
20 and that's where everyone enjoys the river. The industry
21 which I can understand provides a livelihood, but in most
22 cases, it's just the backyard of the industries. I have
23 boated the river for years, and anyone who lives on the river
24 or has had an opportunity to go on the river, if you see some

1 of the abandoned industrial facilities that have been along
2 the river and left behind, and what is left behind in debris,
3 is just completely unacceptable in today's day and age. Thank
4 you for listening to me.

5 MR. STUDER: Thank you. The next person will be Tom
6 Walsh, and Mr. Walsh will be followed by Cindy Oakley.

7 MR. WALSH: Thank you very much for your time. I have
8 two points that I would have a question about. The one is the
9 field tile used for drainage -

10 MR. STUDER: Let me interrupt you for one second. For the
11 record his name is Walsh - W-A-L-S-H. Go ahead, Sir.

12 MR. WALSH: My concern is with the drainage that will
13 come across the property, at the present time it crosses the
14 property, and where that is going to go. How is that going to
15 be handled from this point forward?

16 MR. GOVE: So you are asking about the storm water runoff
17 from the surface?

18 MR. WALSH: Correct.

19 MR. GOVE: Well, currently, the plan for the facility
20 calls for storm water detention for all the actively mined
21 areas. So, if storm water was to fall on an actively mined
22 area, it would be detained on site. And if it needs to be
23 pumped, it would be pumped to sedimentation ponds if need
24 be that would be discharged. If the area is not actively

1 mined, it's subject to the Storm Water Pollution Prevention,
2 which entails certain best management practices that prevent
3 polluted discharges.

4 MR. WALSH: So, then at no time there will be runoff
5 that will be going to neighboring farmland as a result of the
6 fact that they are excavating areas now where that water
7 actually goes through in order to make its way into the river
8 or creeks.

9 MR. GOVE: Well, again, if there is a mine impacted area,
10 it's subject to the best mining practices; such as, silt
11 fencing or some sort of measure to prevent siltation or
12 sedimentation from discharging with the water. The water
13 doesn't necessarily need to be held back, but it has to offer
14 some sort of treatment of some sort to reduce pollution
15 properties of the discharge.

16 MR. WALSH: That's my big concern is that it will not be
17 held back, so it will cause flooding farther to the north of
18 where this particular site is located. That's what you are
19 telling me.

20 MR. GOVE: I believe all of the runoff is from the north
21 to the south, primarily. There's a large berm and diversion
22 ditches that are covered by the Storm Water Pollution
23 Prevention Plan that will divert water around the facility and
24 put it into that tributary, which will then be carried off.

1 But there is no plan to discharge that water, necessarily, to
2 the north, no.

3 MR. WALSH: Okay, you are not going to be diverting it
4 into people's property both east and west of that facility?

5 MR. GOVE: No, Sir. It's going to be diverted around
6 these diversion channels and berms and then back to the
7 tributary. So, all the diversionary measures that they are
8 using just channel it around the facility and then into the
9 tributary.

10 MR. WALSH: My other question concerns chemical treatment
11 of the sand itself, which it's my understanding of hearing
12 testimony in other hearings, is that there is some cases a
13 chemical treatment of the sand and then those chemicals be
14 part of the public record. Because I have heard previous
15 sand - not this particular hearing here, but previous times,
16 where that will be considered proprietary information which
17 was not available to the public.

18 MR. GOVE: No, we have asked the applicant whether or not
19 there will be chemical treatment of the sand for the purposes
20 of sedimentation or for further processing, and the answer has
21 been, no.

22 MR. WALSH: Thank you.

23 MR. STUDER: Thank you. Cindy Oakley, and following her
24 will be Traci Fox.

1 MS. OAKLEY: Hi, my name is Cindy Oakley - O-A-K-L-E-Y.

2 I have a background in travel and tourism for non-profit.

3 I had the opportunity to move to LaSalle County 9 years ago,

4 and my decision was based on the beauty and recreational

5 activities that are offered out here. As a 20-year active

6 member of the Illinois Sierra Club, I have had many, many

7 opportunities to participate in outdoor activities including

8 hiking and biking on the I & M Canal, canoeing, and kayaking

9 along the Illinois River. I am a concerned citizen. I am

10 concerned about the addition of sand mines in this area and

11 the long lasting effects the mining will have on the

12 environment. As a climate leader, I am concerned, especially,

13 about air and water quality.

14 I ask the EPA to reconsider the granting of this permit.

15 Thank you very much.

16 MR. STUDER: Thank you Ms. Oakley. Tracy Fox?

17 Tracy Fox? No response.

18 Joyce Blumenshine? No response.

19 Sheila Russell?

20 MS. RUSSELL: Thank you for this opportunity. My name is

21 Sheila - S-H-E-I-L-A, last name R-U-S-S-E-L-L. I am a

22 concerned citizen, because I live across the road from where

23 the sand mine is.

24 Illinois Sand Company, now Northern White Sand Company

1 who is seeking a water discharge permit from the Illinois EPA,
2 on September 24, 2013, sent a letter out to members of the
3 surrounding communities introducing their company and asking
4 for the support of the community. They stated that their sand
5 mind is in a good location as it is removed from sensitive
6 areas. They said it is not near our state parks and it is
7 away from our scenic downtown. What they did not say is that
8 it is located in a fairly populated rural residential area
9 that consists of about 40 homes and families. At least 19 of
10 those homes are south of the sandpits where they will be
11 mining now and in the future and discharging their water.

12 Prior to the mine coming to the area, most of the mining
13 in this area and the water they discharged has been done south
14 of all these homes and where there have been fewer homes and
15 families involved. Often, the ones that would be greatly
16 affected were purchased by the mining companies that mined
17 their area.

18 Seeing that 19 homes are located south of Northern White
19 Sand's pits where their water will be discharged, I am
20 concerned by the presence of coal at this site which adds to
21 the environmental and health problems that could occur to our
22 drinking water, our wells, our ponds, et cetera. The area
23 has been damaged by coal mining in the past and is already
24 suffering from pollution.

1 This site would add to the pollutants already present and
2 could introduce new problems with the removal and storage of
3 coal. Runoff from coal piles on the site could lead to
4 increases in toxicity and other pollution. Furthermore, the
5 permit has not established a specific method to deal with the
6 coal that protects citizens and the environment, especially
7 south of their pit where this water will discharge.

8 Any of my neighbors who have lived out here any length of
9 time are well aware of the toxic effects of exposed coal on
10 the land and the water. I and many members of my family have
11 lived at the address given above since 1960. As children, we
12 often hiked what we referred to as the clay hills, which
13 started at the back of our property and proceeded south back
14 to the bluffs that overlook the Dee Bennett Road and the
15 Starved Rock Marina. These clay hills are what was left
16 behind by the Osage Coal Mining Company that operated here
17 from 1935 to 1949. One thing that was always noticeable when
18 hiking through the clay hills were the reddish-orange ponds
19 formed by rainwater exposed to the toxic affects left behind
20 by the coal mine. These ponds had a real unpleasant sulfur
21 odor and were completely void of vegetation, fish, and wild
22 life. The seams mined by the Osage Coal Company are the
23 Colchester seams which lie under our properties and Northern
24 White Sands. The Osage Mining Company did surface mining,

1 according to the Illinois State Geological Survey on Coal
2 Mines in the Starved Rock Quadrangle.

3 The depth in feet that they surface mined was 30 to 50
4 feet. The thickness of the seams were 1.75 feet to 1.83 feet.
5 The geologic problems reported were that the over burden
6 consisted of 2 to 5 feet of glacial fill over shale, and the
7 pyrite content of the seam was high, with pyrite partings and
8 pyrite veins in the joints. They mined 566 acres and removed
9 1,399,342 tons of production coal.

10 So as you can see, as a neighborhood, we are all well
11 aware of the negative effects of exposed coal to the
12 environment, and we are very concerned that if the coal
13 present on the Northern White Sand site is not monitored very
14 closely, not only will our land and our water be further
15 endangered, but so will the health of its residents.

16 Northern White Sand might not consider our neighborhood
17 as a sensitive area, but all the residents who live next to
18 their mining operation, and especially those south of it where
19 their water will be discharged, consider it our home. Thank
20 you.

21 MR. STUDER: Nancy Prafeke.

22 MS. PRAFEKE: I pass.

23 MR. STUDER: Kayla Crowther.

24 MS. CROWTHER: Hi, my name is Kayla Crowther -

1 C-R-O-W-T-H-E-R. Thank you for the opportunity to testify.

2 I have lived in Utica Township for approximately 3 years,
3 and I am here because I am concerned about our water quality
4 in our area and how it will affect my well, backyard pond, and
5 our local waterways. I have a three-year-old son, and with
6 results of Northern White Sand on the north side my property
7 in their mining procedures, I am worried about the water
8 contamination of our well and how it will affect our health.

9 With our well being shallow and with the amount of water
10 that it takes to run a processing plant, we are also concerned
11 about the drawdown in the water table and the contamination
12 of ground water.

13 The impact on the wells nearby have not been fully
14 addressed in the draft permit. I believe there will be
15 significant drawdown on the water table beyond any estimates
16 calculated by Northern White Sand by Chamlin & Associates.

17 We are also concerned about the possibility of leakage of
18 pollution through their settling ponds into the soil, which
19 could be aggravated by blasting. We ask that this permit
20 include so that they would have to include stronger
21 restrictions such as liners for settling ponds to prevent any
22 groundwater contamination.

23 Also, that the applicant perform a more updated and
24 comprehensive well and hydrology study which accurately would

1 recognize the water table resources, nearby wells, and the
2 quality of water nearby.

3 To date, what well agreements are in place, if any, with
4 local property owners, and to what distance and what depth
5 have any of the wells been protected?

6 MS. OLSON: I don't believe that's within the scope of
7 this NPDES hearing.

8 MS. CROWTHER: Also according to that NPDES permit,
9 Illinois 0080004 Special Condition 9, it fails to state the
10 reason why the water is not potable. Is there a rationale
11 for that judgment?

12 MR. GOVE: That is because the well in order to supply
13 drinking water to a number of people, namely the employees,
14 it would need to be classified as a non-community water
15 supply. The question was answered in a question from Bill
16 Buscher. The question has got to do with Special Condition 9
17 in which we put in a standard non-coal mine permits or any
18 permit like this that proposes to have a well on site, water
19 supply well. In regards to its uses, it's for industrial use,
20 not potable use. So, we require them to label it, so that
21 there's no confusion in thinking that it is a non-community
22 water supply well, because there are certain requirements for
23 that.

24 MR. BUSCHER: That doesn't have anything to do with the

1 quality of water, it has to do with how the water is utilized.
2 If you were going to operate a public, non-community water
3 system, you have to meet certain requirements. It's my
4 understanding that this well is not intended for those
5 purposes. It's intended for industrial use only.

6 MS. CROWTHER: Okay. One more comment regarding their
7 water discharge, the draft permit right now will need a
8 declaration of an already impaired stream. The segment of
9 the Illinois River which receives water from the unnamed
10 tributary is already impaired. According to HUC 0713000105
11 Segment IL-D-20 shows that 13 miles of impaired water is
12 already on the 303D list for fecal coliform, mercury and
13 polychlorinated biphenyls, which is not supporting for fish
14 consumption.

15 Once again, I am asking the EPA not to issue this permit
16 to them, because of the negative effects it will have on the
17 water in the surrounding areas. Thank you.

18 MR. STUDER: Thank you. Did you want that entered as an
19 exhibit?

20 MS. CROWTHER: Yes.

21 MR. STUDER: I have the hearing cards to those who have
22 registered. We are going to hold this hearing in recess until
23 6:30 this evening, and we will be back at 6:30.

24 (Whereupon the hearing was recessed until 6:30 P.M.)

1 NOTICE OF WATER DISCHARGE PERMIT PUBLIC HEARING NPDES
2 PERMIT IL0080004

3 (After a short recess, the Second Hearing began at
4 6:30 P.M.

5 MR. STUDER: I am not going to through all of the rules
6 for this hearing. It's all on the record from this afternoon,
7 But I will just go through some very basic ground rules. I
8 will start with issues that are relevant to this hearing. I
9 do call your attention to the fact sheet that is here. There
10 was a fact sheet that was available on the registration table.
11 That fact sheet does give information on the Illinois EPA
12 decision making process and indicates what issues are actually
13 considered by the Illinois EPA when we make our decision, and
14 I will say that that field is quite narrow.

15 We are given certain provisions under the State
16 Environmental Protection Act, and in layman's terms, there are
17 requirements set by the Illinois Pollution Control Board that
18 if an applicant meets those conditions, we are mandated by law
19 to issue a permit.

20 Therefore, when we do comments and notices for hearing,
21 we usually put a statement in there, as we have in this one,
22 that those who oppose the permit and are asking us to deny it,
23 should be prepared should they be asked to state what part of
24 the Environmental Protection Act would not be met, because

1 that is the legal requirement we are required to put in any
2 denial.

3 I also want to remind everyone that we will allow written
4 comments, and the comment period will remain open for 30 days.
5 That comment period goes through the 6th of November, and the
6 address for that is given in the hearing notice as well as in
7 the fact sheet that is on the registration table. It's also
8 available on the website, and that's epa.state.il.us, and you
9 are free to look at that.

10 Issues relevant to the hearing include compliance with the
11 requirements of the Federal Clean Water Act and the rules set
12 forth in 35 Illinois Administrative Code, Subtitle C. Other
13 relevant issues include the potential impacts to receiving
14 waters from the proposed discharge and water quality in the
15 receiving waters. The Illinois EPA has made preliminary
16 determination that the applicant has met the requirements for
17 obtaining a permit and has prepared a draft permit for review.

18 I am going to ask that the hearing panel up here
19 introduce themselves and just provide a real quick sentence as
20 to what their role is in the review of this permit process.

21 MR. BUSCHER: My name is Bill Buscher, and I work in the
22 Groundwater section in the Bureau of Water, and I look at
23 groundwater issues with respect to this permit.

24 MR. GOVE: My name is Darren Gove, and I work for the

1 Permit Section, Bureau of Water for the Illinois EPA. I am
2 responsible for reviewing NPDES applications for aggregate
3 mines and the like and for compliance with our Sub-Title C
4 Water Quality Standards.

5 MS. OLSON: Hi, my name is Joanne Olson, I am Assistant
6 Counsel for the Illinois EPA, and I handle legal questions
7 that may come up during the permitting process.

8 MR. MOSHER: Hello, my name is Bob Mosher. I am in the
9 Water Quality Standards Section at the Illinois EPA, and I
10 assisted permit writer, Darren Gove, with the antidegradation
11 assessment review and the calculations of water quality based
12 effluent limits for the permit.

13 MR. STUDER: I will now go over the instructions for how
14 we will take comments this evening. As hearing officer, I
15 intend to treat everyone here tonight with respect and in a
16 professional manner. I ask that the same respect be shown by
17 the hearing panel and members of the audience. You may
18 disagree with or object to some of the statements and comments
19 made, but this is a public hearing and everyone has a right to
20 express their comments on this draft permit and the issues
21 related to it. Arguing or prolonged dialogue with others in
22 attendance will not be permitted.

23 I remind everyone that we do have a court reporter here
24 making a verbatim record of tonight's hearing. For her sake

1 and in the interest of keeping an accurate transcript of this
2 hearing, I ask that the noise levels in this room be kept to a
3 minimum. Consequently, applause, booing, hissing, jeering are
4 not going to be allowed during this hearing. If you have a
5 cell phone or pager, please silence it at this time if you
6 haven't already done so.

7 Written comments may be submitted to the Illinois EPA at
8 any time within the public comment period which ends on
9 November 6, 2013. This hearing is the only time that the
10 Illinois EPA will accept oral comments.

11 If you have lengthy oral comments, it will be helpful to
12 submit them to me in writing before the close of the comment
13 period, and I will ensure that they are included in the
14 hearing record as an exhibit. Please keep your comments
15 relevant to the issues involved with this permit. If your
16 comments fall outside the scope of this hearing, I may ask you
17 to proceed to your next relevant issue. For the purpose of
18 allowing as many as possible to make oral comments at this
19 hearing, I will initially allow everyone 4 minutes to make
20 comments. After everyone has had an opportunity to speak, if
21 time permits, I may allow those who initially did not desire
22 to speak to do so. If time still permits, I may then return
23 to those who ran out of time initially and still have
24 comments.

1 We want to avoid repetition. If anyone before you has
2 already presented a statement or comment that is contained in
3 in your comments, please skip over those issues when you
4 speak. If someone has already said when you intended to say,
5 you may pass when I call your name to come forward. Once a
6 point is made, it makes no difference if the point is made 99
7 times, it will be considered on its merit and addressed only
8 once in the responsiveness summary. If you have filed a
9 written comment already in this proceeding either as part of
10 the public availability session which was held last December,
11 or if you have already filed comments when the draft NPDES
12 permit was first put on public notice in July, I have placed
13 those comments in this hearing record. Please do not resubmit
14 comments repeating what you have already said.

15 The issues that are relevant in the Illinois EPA final
16 decision are those directly related to the contents of the
17 permit and regulations governing the issuance of the permit.
18 Simply stating opposition or support for this project will not
19 impact the Illinois EPA decision in this matter. Illinois EPA
20 has only the power given to it by the Illinois Environmental
21 Protection Act and by the USEPA. Illinois EPA decision making
22 is limited to those items associated with environmental issues
23 and other items as determined by state and federal law. In
24 this case, relevant issues must relate to the water discharge

1 permit, that's the National Pollutant Discharge Elimination
2 System, usually referred to the acronym NPDES permit.

3 Please keep in mind when speaking this evening and when
4 filing written comments on the permit, that all comments need
5 to be related in some aspect to the NPDES permit.

6 When it is your turn to speak, I will call your name.
7 Please come forward. When I call your name if you do not
8 desire to speak or someone has already said what you were
9 prepared to say, you may pass, and I will announce another
10 name. When behind the microphone, please speak clearly.
11 State your name and, if applicable, any governmental body,
12 organization, or association that you represent. If you are
13 not representing a governmental body, an organization, or an
14 association, you may simply indicate that you are a concerned
15 citizen or a member of the public. For the benefit of the
16 court reporter, I ask that you spell your last name. If there
17 are alternate spellings to your first name, you may also spell
18 that if you desire. Comments are to be directed to members of
19 the hearing panel. This will help to ensure that an accurate
20 transcription of your comments is made. Dialogue with the
21 hearing panel or with others in attendance will not be
22 allowed.

23 Are there questions regarding the procedures that I
24 will use tonight in taking comments?

1 (There was no response)

2 Let the record indicate that no one raised their hand.

3 I remind everyone that the time limit will be 4 minutes. What
4 I will do is announce the first name, and that person should
5 make their way forward to the podium to the microphone. And I
6 will also indicate who the next person after the person
7 speaking will be, and that way you can be prepared to make
8 comments when the person speaking is complete.

9 The first person is John Hendrickson, and he will be
10 followed by Ed Illman.

11 MR. HENDRICKSON: Good evening. My name is John
12 Henricksen - H-E-N-R-I-C-K-S-E-N. I am the Executive
13 Director of the Illinois Association of Aggregate Producers.
14 I appreciate this opportunity to testify this evening in
15 strong support of the Northern White Sand NPDES permit. My
16 association represents 96 producer members harboring sand and
17 gravel pits and stone quarries in 70 Illinois counties.

18 I am appearing today on behalf of our association for
19 two reasons. First, this project will have a positive
20 economic impact on the industry that I represent. Currently,
21 one out of every three miners who was on the job in 2006 is
22 still out of work today. Our State's non-coal mining industry
23 is still in a recession and has an ongoing negative impact on
24 families and businesses throughout Illinois.

1 According to the information provided by the Northern
2 White Sand, this new mine will create up to 70 jobs with an
3 average annual salary of \$60,000 a year, an annual payroll of
4 \$4 million dollars. This project will generate over \$700,000
5 yearly in both local and state tax revenue. In short the
6 proposed Northern White Sand operation is a much needed boost
7 for the local, regional, and state economy.

8 The second reason I am here today is to ask that because
9 the Illinois Sand application meets all the criteria for
10 granting the NPDES permit for this site, and should therefore
11 be issued without further delay.

12 Section 405.102(a) of the EPA rules outlines the
13 following standards for permits.

14 The Agency shall issue a certified permit if the
15 applicant submits adequate proof the miner facilities and
16 mining activities will be constructed and prepared and
17 operated so as not to cause a violation of the act or
18 agency rules.

19 In essence, the IEPA is mandated by State law to
20 grant a permit that meets state water quality standards.
21 What the agency has found so far in the draft permit and
22 what they can still find after today's hearing is outlined
23 on Page 5 of the proposed permit decision.

24 The finding is that the proposed activity will result

1 in an attainment of water quality standards and all
2 existing uses in the receding stream will be maintained,
3 and that all technically and economically reasonable measures
4 to avoid or minimize the extent of the proposed increase and
5 have been incorporated into the proposed activity, and that
6 this activity will benefit the community with the creation of
7 70 jobs.

8 In summary, the proposed permit should be issued by the
9 EPA now as a matter of law. Earlier this morning, I heard a
10 lot of folks talking about their very high concerns about the
11 degradation of water that flows in or near their homes. One
12 of the things that is important to bear in mind is that this
13 mine, unlike non-point source discharges that are degrading
14 our State streams is going to be point source. What that
15 means is once the mine permit is issued to this permit, it
16 becomes a point source governed by the EPA's strict
17 effluent standards, unlike the wheat fields and corn fields
18 that are causing these streams to become degraded.

19 This permit - this mine state of business will have to
20 satisfy every EPA effluent standard or it's out of business.
21 This mine, if it works and operates and discharges according
22 to your standards, will improve the water quality of the
23 receiving stream. Because if you match up the permit
24 conditions in this permit with the upstream sediment load,

1 for instance, you will find that this permit discharges,
2 once it hits that stream will be much, much better.

3 That's what's always lost in these kinds of proceedings.
4 And we are talking about point source as opposed to non-point
5 sources that cause these streams to be degraded in the first
6 place.

7 In summary, they must issue the permit in a timely manner
8 and allow this project to move forward in order to generate
9 much needed jobs and tax revenue. And I appreciate the
10 opportunity to testify today in support of this permit. Thank
11 you.

12 MR. STUDER: Thank you. The next person is Ed Illman.
13 And while Mr. Illman is coming up, he will be followed by
14 Farley Andrews.

15 MR. ILLMAN: My name is Ed Illman - I-L-L-M-A-N.
16 I live across the road from Phase 1 of Northern White Sand's
17 mine. The unnamed tributary that Northern White Sand will
18 use for discharge of waste water runs through my property.
19 This unnamed tributary feeds Higbee Canyon and supports a
20 vast amount of plants and wildlife.

21 The draft permit references an EcoCAT survey of
22 Higbee Canyon. I believe the EcoCAT survey to be outdated
23 and, therefore, invalid. There is no reference to some
24 threatened species I have seen on my property; in particular,

1 the timber rattlesnake and the hog nose snake. The canyon
2 also provides a habitat to bats, salamanders, and other
3 critical species.

4 Each year the Higbee Canyon habitat area improves and
5 brings in new species. Recently, sightings included the
6 white line sphinx moth, also known as the hummingbird moth,
7 king fisher, and pileated woodpeckers. In addition, the
8 Higbee Canyon area supports a large population of deer,
9 wild turkey, bats, foxes, owls, coyotes, and eagles.

10 I request a reassessment of the ECO-CAT survey to the
11 Higbee Canyon prior to issuing the water discharge permit.

12 Also, the draft permit under Special Condition 22
13 implies that the permit discharge limits can be changed.

14 I request that the permit should contain no opportunity for
15 back slashing. The monitoring requirements should not be
16 weakened after the first few years. Thank you.

17 MR. STUDER: Thank you, Mr. Illman. Farley Andrews.

18 And while Mr. Andrews is coming forward, he will be followed
19 by Tim Kinzer.

20 MR. ANDREWS: I have a question regarding both water
21 and air testing in the environment - I'm sorry. I'm Farley
22 Andrews, and I am a resident of South Ottawa. Andrews is
23 spelled the typical way. I have a question regarding both
24 water and air testing in the environment surrounding and

1 extending beyond the immediate vicinities of silica sand
2 mines throughout our county.

3 What level and quality of testing qualifies as admissible
4 and certifiable for use by the State to determine a level of
5 contamination which may be higher than allowable limits, if
6 that's the case?

7 What are the tests required by the State for determining
8 whether or not allowable limits of water contamination and/or
9 particulate matter have been exceeded?

10 If the State of Illinois relies solely upon its own
11 testing or certified labs for admissible result, will or has
12 it, to date, conducted either baseline air and/or water tests
13 prior to the issuing of the permit in this case and prior to
14 the start of mining in the first case of Higbee Canyon and
15 Watershed at the Illinois Sand mine site and in addition to
16 the Horseshoe Creek at the Route 71 entrance to Starved Rock
17 Park and across the Illinois River, since both are intended
18 to accommodate a good deal of runoff from these mining sites?

19 Who, so far in the cases of both these mines, is being
20 entrusted to determine control over the quality of both air
21 and water exiting and leaving the mine sites, and to which
22 local residents and municipalities have possibly already or
23 will have been exposed?

24 In no way have the people of this State or County been

1 provided the information necessary by media or either
2 elected or appointed officials which would enable them to
3 engage in a discussion or dialogue over the public health,
4 environmental, and economic issues, which are the very basis
5 for these public hearings. This is a rush to judgment, if
6 there ever was one, to which the people of this State and
7 County will ultimately suffer the ill effects. Thank you.

8 MR. STUDER: Thank you, Mr. Andrews. I have a copy of
9 your comments. Are you interested in having this as an
10 exhibit?

11 MR. ANDREWS: Yes, thank you.

12 MR. STUDER: Okay, I will enter that into the hearing
13 file.

14 MR. ANDREWS: I didn't understand, if there's anybody
15 on this panel who can answer any of these questions, the
16 questions that I raised here?

17 MR. STUDER: Yes, go ahead and ask the question.

18 MR. ANDREWS: The questions I raised here - What
19 qualifies testing to be either admissible on the State level
20 and has the State or the IDNR conducted these baseline tests
21 so they know whether they -

22 MR. BUSCHER: First of all, we are all in the Bureau
23 of Water, so we will answer your water questions. We
24 can't answer your air questions.

1 The applicant will be required to use USEPA approved
2 test methodologies for all their monitoring and compliance
3 recording for as long as they have their NPDES permit.
4 As far as the State testing, it's very rare for the State to
5 do any water quality sampling before an NPDES permit is
6 issued. Once it is issued, we have inspectors that will,
7 occasionally, visit the site, inspect it, and they may at that
8 time take samples of the effluent for the Illinois EPA
9 laboratory to analyze.

10 MR. ANDREWS: Do I understand that would only occur if
11 it was decided that testing of the site was necessary, or is
12 that something that would be done routinely at these mining
13 sites by the State?

14 MR. BUSCHER: It is a routine function for us to go
15 out and inspect and collect effluent samples.

16 MR. ANDREWS: Thank you very much.

17 MR. STUDER: Thank you, Mr. Andrews. Tim Kinzer.
18 And he will be followed by Gary Selser.

19 MR. KINZER: Tim Kinzer - K-I-N-Z-E-R. I am just a
20 concerned citizen. I live across the road from the proposed
21 mine site. I was curious about how the average flow of the
22 outfall was determined of the 0.144? Is that a million
23 gallons a day? How was that determined?

24 MR. GOVE: The answer to that is the applicant provides

1 us with the outfall flow rate. Typically, it's the pump
2 flow rate that is produced -

3 MR. KINZER: Now, since that is storm runoff and ground
4 water that will vary from year to year with rain water and
5 all those types of things?

6 MR. GOVE: Discharge is intermittent.

7 MR. KINZER: Okay, so, on years where it's unseasonably
8 dry, that number could have been lower when it determines what
9 outfall could have been?

10 MR. GOVE: No, I believe that -- I would probably need
11 to look at the application to give you a full answer as to
12 how they determine that number, but I will certainly get
13 back to you and respond.

14 MR. KINZER: The only reason I ask was because the
15 survey was done July 31, 2012 which last year was unseasonably
16 dry for this year, the rain fall, and I would expect that
17 number would change with an average year of rain fall in this
18 area.

19 MR. GOVE: Again, they propose to us that number was
20 0.144 million gallons daily, and that's usually determined
21 by the capacity of a pump. So, again, so many hours per day
22 that they will pump times that pump rate gives us that number.
23 So, the pump could run more or less, but it would never
24 exceed the 0.144 maximum.

1 MR. KINZER: Okay, so if there's a rainfall year where
2 we have more rainfall, they will need the capacity to keep
3 more water back so that the outflow isn't more than what they
4 have on this form here?

5 MR. GOVE: Yes.

6 MR. STUDER: Thank you, Mr. Kinzer. Gary Selser.
7 Mr. Selser will be followed by Steve Russo.

8 MR. SELSER: Hello, my name is Gary Selser, and I have
9 been a resident of LaSalle County for 38 years.
10 Selser - S-E-L-S-E-R. I think you guys should pass this.
11 The community needs it.

12 MR. STUDER: Thank you, Mr. Selser. Steve Russo, and
13 he will be followed by Alex Egan.

14 MR. RUSSO: Steve Russo. I am a resident of LaSalle
15 County and live in Marseilles. I also work for the Operating
16 Engineers Local 150, so I represent a lot of miners in this
17 area. I would just like to start off by saying that we have
18 done a lot of different projects with Northern Cement. They
19 have always been a very good corporate citizen. We helped
20 out on the Rotary Park and also with the boat when they
21 weren't able to have water routed by Lock 16. The other
22 thing is I deal with a lot of corporations, and one thing
23 that I have to say about them is if you have a problem,
24 they take care of it. They are also a United States owned

1 company, which is something that we don't see very much
2 in the silica business and also in the mining business
3 now a days.

4 There are a lot of good paying jobs out of this. Last
5 year, just alone, in LaSalle County, there was \$12 million
6 dollars in wages that came from the jobs. There was about
7 570 of them.

8 There was a comment made earlier about U. S. Silica in
9 that these new companies that are coming in are different,
10 and I would like to agree with that, because U. S. Silica
11 does a light process where they actually do a slurry mix,
12 and they use a lot more water when they pump it underneath
13 the river. Where these corporations and the plants that are
14 coming in now are all state of the art, and they will be
15 doing a lot of the recycling of the water, trying to be
16 greener. And all these plans are, like I said, state of
17 the art, so, I would just like to say that we would like you
18 to approve this permit. It means a lot to the people that
19 need to feed their families here. Thank you.

20 MR. STUDER: Thank you, Mr. Russo. Alex Hebel.

21 MR. HEBEL: Pass.

22 MR. STUDER: Okay, Jeff Grubar.

23 MR. GRUBAR: Pass.

24 MR. STUDER: Gerald Wagner.

1 MR. WAGNER: Pass.

2 MR. STUDER: Margaret Bauer, and she will be followed
3 by Tim Walder.

4 MS. BAUER: Thank you for the opportunity to speak.
5 My name is Margaret Bauer - B-A-U-E-R. I live at 1094 North
6 3rd Road directly across from where this plant is going.
7 I've lived in this part of LaSalle County since 1978. I
8 moved here from Southern California. You might think why
9 would someone want to leave such a beautiful place as
10 Southern California and come here. Personally, look out
11 the window, and you can see.

12 I live on the other side of the bluff. Our backyard
13 is exactly like Starved Rock. Our trails, our environment
14 is pretty much similar. We know where the waterways go. We
15 know where the fields drain. We know where it comes out and
16 goes into the Illinois River. We also know that the land
17 that we live on was the reclaimed coal mining land. Where
18 our property is, 50 years ago, there was a coal mine there.
19 There is veins of coal all underneath the ground that this
20 mine will go through. And when that ground is disturbed,
21 we are concerned about our water. We are concerned about
22 our wells. We are concerned about the runoff and what
23 goes into the Illinois river and into the streams.

24 If you take a look on the river about a half-mile that

1 way, almost directly across from the rock, there's a
2 beautiful, white sandy beach there that a stream runs in.
3 We don't know, and you don't know what this disturbance of
4 this land will do to the runoff from the water that goes
5 into this stream. These people are making quite a lot of
6 promises. They are promising 70 jobs. If they get 35, I
7 will be surprised.

8 But I am here today, because I'm concerned about the
9 quality of the water and the runoff and what they are doing
10 and how it's going to come down into the Illinois River and
11 how that is going to affect that river and these waterways
12 20 or 30 years from now.

13 This area has only recently recovered from the damage
14 that has been done by coal mining. We must continue to
15 protect the area, the Higbee Ravine, and the entire watershed
16 flowing into the Illinois River. We enjoy using that river.
17 We enjoy using that sandy beach. We don't want to see what
18 possibly can happen, and we think that it would be a travesty
19 for you to pass something that may end up polluting and
20 causing some real damage here. Thank you.

21 MR. STUDER: Thank you, Ms. Bauer. Tim Waldron, and
22 Mr. Waldron will be followed by, it looks like Phil Rassom.
23 I am going to hold off to Phil and Diane, for the simple
24 reason that I want those that have not spoken to have an

1 opportunity, and we will come back to you.

2 MR. DEMPSEY: May I make a comment?

3 MR. STUDER: No, it's not your turn to speak,

4 Go ahead, Sir.

5 MR. WALDRON: Tim Waldron - W-A-L-D-R-O-N, Local 150

6 Operating Engineers. I think that we should approve this

7 by a big measure, because this is the next gold rush. It's

8 the modern day gold rush, so we can't avoid it. We should

9 start mining it. Thank you.

10 MR. STUDER: You will have an opportunity to speak, but

11 there are a number of those that have not.

12 UNIDENTIFIED SPEAKER: We have heard much testimony about

13 jobs. We are not talking about our property value. So, I

14 would ask no more comments be accepted about jobs. Thank you

15 very much.

16 MR. STUDER: Thank you. I do want to remind everyone

17 as I reminded them in the afternoon that even if they are

18 in the record, we are limited on what we can consider, and

19 that is outlined in our fact sheet on what we will consider

20 in our decision-making process.

21 Diane Gassman, did you have to leave also? We have a

22 couple that were here this afternoon now, and a couple that

23 have not spoken yet. We have only got 4 cards, so I am

24 going to go ahead and go with these in the order, even if

1 they have spoken for the simple reason that we are only down
2 to 4 cards.

3 The next person is Kelly Dempsey, and will be
4 followed by Colleen Smith. We will probably have time this
5 evening, also, so that we can accommodate people that have
6 not had an opportunity to speak if they would like to speak.
7 But I will impose a 4 minute time limit on those people as
8 compared to everyone that has spoken.

9 MR. DEMPSEY: My name is Kelly Dempsey, and thank
10 you for the chance to speak again. My first matter of
11 concern is that when I talked about sample point 1, I forgot
12 to tell you that the end cap study of this sample point 1
13 and outfall 001 is the same point.

14 This is wrong as stated earlier. They are, in fact,
15 700 feet apart. I have a photograph and a map that will
16 show that to the panel. Can I present that at this time?

17 MR. STUDER: Yes, if you have that. If you are going
18 to present it, I would ask that it be in a form that can
19 be put into the record. You can show us, but what I would
20 suggest is that you go ahead and allow us to look at it now
21 and you will be free to submit a copy of that, okay, and
22 we will enter it as an exhibit.

23 (Whereupon Mr. Dempsey presented the panel with
24 his exhibit out of the range and hearing of the

1 court reporter.)

2 I would like to present this picture of Illinois
3 Sand's current facility. This was taken August 14th of
4 this year.

5 (Whereupon a photograph was presented to the
6 hearing panel)

7 We were wondering first of all why the color of the
8 water is orange and also how it got 30 feet up into the
9 unnamed tributary and drains across the land. It was reported
10 to the Rockford Office, I believe, Thomas Williams, was the
11 gentleman who came out and talked to me about it.

12 Now my other concern is it's real close to the legal
13 limit, that outfall alone. Now, when they travel through the
14 Higbee Watershed and through the Higbee Canyon, it's going to
15 be picking up a whole lot more of those same things.

16 Under the Clean Water Act, I was under the impression
17 that this is something to be avoided, in adding the same
18 pollutants to a stream that polluted it in the first place.

19 My other concern is that Special Condition 11 states
20 that the permittee has an obligation to add a settling aid.
21 I was just wondering why they are obligated, since they say
22 they aren't going to use one?

23 My other question is just straight up. Is the
24 unnamed tributary part of the Higbee Watershed? Because

1 there seems to be very little information and very little
2 document information as to how it gets into the Illinois
3 River.

4 And my last question would be what is the plan in place
5 to address the potential of a limestone underneath the
6 sand deposits being fractured as they get into the deeper
7 deposits of the mine? If it was to be fractured, would it
8 allow the good water which is around 360 feet in our
9 area to be contaminated, and has any thought been given to
10 this?

11 I have heard of a mine that exactly happened in
12 Minnesota, granite underneath the sand deposit, against
13 all assurances of the local company doing the operation,
14 and that's what happened. I don't have any documentation,
15 it came off of a public radio program I heard this Sunday.
16 Thank you again.

17 MR. STUDER: Thank you, Mr. Dempsey. I also do want
18 to remind you that we are not the agency that permits the
19 actual mining operation. That is under the purview of
20 the Illinois Department of Natural Resources. So, as far
21 as mining activities and contamination that happens as a
22 result of mining, those would be subject to DNR Regulations
23 and not under the purview of the Illinois EPA in a permitting
24 setting.

1 Colleen Smith?

2 MS. SMITH: Colleen Smith, again, Illinois Chapter
3 Sierra Club. I just wanted to follow up with a question
4 I had regarding the testing that was done, and I had found
5 where it says what pollutants you have tested for by the
6 independent consultant. And at their location that they
7 are describing as .1 discharge, only Mercury has been
8 tested for, and within all of their other samples collected,
9 there was no testing of sulfur or fluoride. So, given the
10 concerns that some of the nearby residents have, I just
11 wanted to know if you guys are aware of the sulfide and
12 chloride levels currently present and if you have seen any
13 numbers on either of those?

14 MR. MOSHER: I seem to recall seeing water quality
15 data collected by the consultant, as I told you earlier in
16 the day. And the only thing to do in these cases where we
17 looked at something a year or two ago, and I can't say
18 beyond a doubt what I saw, but we will check. We will
19 reproduce that in our responsiveness summary, so you and
20 everyone else can see it.

21 And if for some reason it turns up missing, then they
22 didn't do what they were supposed to do, and we will have
23 to see about getting them back out there and sampling or
24 whatever we can come up with.

1 MS. SMITH: So, if they were not previously tested,
2 they will be prior to issuing -

3 MR. MOSHER: I'm sure we can bring that about. We can
4 have them get a sample if it was missing.

5 MS. SMITH: Thank you.

6 MR. STUDER: Barbara Murphy.

7 MS. MURPHY: I will pass.

8 MR. STUDER: It looks like David Syverson.

9 MR. SYVERSON: My name is Dave Syverson. I live at 1104
10 North 28th Street Road directly across from this mine. There
11 are two tributaries that come off the property just north of
12 my property, and those tributaries feed our fresh water ponds
13 which support fish and other species that live in ponds.

14 I am concerned about the water discharge, and right now
15 all we are doing is one permit at the Higbee Canyon area,
16 will there be another permit as they move towards the east
17 of this mine, and when the water discharges, if they were
18 concerned about the water flow and maintaining water into
19 the ponds to support the life that's in the ponds for
20 recreational purposes. And we are also concerned about if
21 they will be given another permit to discharge in that
22 area which all these ponds do eventually end up in the
23 Higbee Canyon.

24 MR. STUDER: Thank you. Is there anyone in the room

1 that has not spoken but has a comment that they would like
2 to make on the record this evening?

3 Okay, let the record indicate no one raised their hand.

4 Is there anyone in the room that has already spoken that
5 has a comment they would like to make before I close this
6 hearing. Okay, there's one, two - raise your hands so I can
7 see them, because I'm going to count them. After those people
8 speak, I am going to go ahead and adjourn this hearing. So,
9 we have 1, 2 - Anyone else?

10 Sir, if you would come forward to the microphone and
11 state your name for the record and then we will let one other
12 person who indicated they wanted to make comments.

13 MR. GASSMAN: My name is Phil Gassman - G-A-S-S-M-A-N.
14 One of the questions I had asked you, and I didn't really
15 get - and I think Darren was about to answer it, and I kind
16 of rambled on.

17 The question I had for you or I brought up to you was
18 why are you authorizing 564 acres when only 185 acres are
19 proposed to be mined? And I think you were going to answer
20 it, but I just kind of went on. Do you want to try to answer
21 that now or not?

22 MR. GOVE: Essentially, the applicant indicated a desire
23 to permit 564 acres as that was the end state of the amount
24 of land that they intend to mine over the life of the mine.

1 So, there's nothing saying that they have to get less than
2 that. If they request 564, then we are required to review
3 that application for the entire amount that they request.
4 If we can't find a reason to deny a portion of or all it,
5 then we don't.

6 So, that's why we went with the 564 instead of the 185.

7 MR. GASSMAN: Is that something that you can look at as
8 far as doing it in stages?

9 MR. GOVE: If we have any kind of information that led
10 us to believe that that amount of land was somehow not -
11 or going to cause some sort of water quality violation in
12 terms of the surface discharge, then we certainly would
13 look at that information. But given the exhibits that we
14 have in the application and the proposed plan for mining,
15 it doesn't really fall outside the scope of what is
16 practicable for a mining operation to actually conduct in
17 terms of the mining operation.

18 But we will certainly take any information that you
19 have that might lead us to assume that that's too much.

20 MR. GASSMAN: And then one other question that I have.
21 Can you answer where the bore logs are that Mr. Good spoke
22 of in letters to you, Mr. Gove.

23 MR. GOVE: We have some information, some boring
24 information that's in the application. It's in our

1 application. Were you thinking of specific bore logs?

2 I think we have very limited data. So, if you give me a
3 date when the borings were taken, then I can compare those
4 dates.

5 MR. GASSMAN: We can always put that in as part of our
6 testimony.

7 MR. GOVE: Okay, thank you.

8 MR. STUDER: Could you state your name again for the
9 record?

10 MS. GASSMAN: Diane Gassman - G-A-S-S-M-A-N. I just
11 want to ask the question again because Kelly it, and I don't
12 feel like I got the answer or nobody did answer it. But
13 in this picture, and I think a picture is worth a thousand
14 words. This is an orange pond on Illinois Sand's property,
15 and it was leached onto my neighbor's property.

16 So, I would like to know why this is orange, and how it
17 got onto our neighbor's property? And I think I have some
18 good water experts who can help me out with that.

19 MR. GOVE: Where is the property that it was found?

20 MS. GASSMAN: Directly across the road, so it's the
21 Higbee Canyon Tributary.

22 MR. GOVE: Is it the lakes that are upstream of the
23 Higbee Canyon?

24 MS. GASSMAN: I'm not the water expert here, either.

1 MR. DEMPSEY: Kelly Dempsey. The issue is that the
2 unnamed tributary that they spoke to you on the phone, and
3 you said you were going to walk the tributary, and as you
4 walk it, underneath the road, the culvert, you went about
5 maybe 50 yards, and it turned to the East, and then if you
6 continue that all the way until you saw a little wooden
7 bridge, at that point, you notice the stream that was
8 rock. Okay, that's the area that we are talking about.
9 There is orange there that is a bright orange, different
10 than the small amount that runs off the area to your
11 right. And those things tend to be dark red. This is
12 a bright orange discharge present at the sampling at
13 Sample Point 1. In fact, Mr. Thomas, I believe, Williams
14 of the Rockford EPA office, I have shown him that the
15 orange coloring was actually on the North side of the
16 road.

17 So, if it's on the North side of the road and there
18 is no mining on the North side of the road, other than
19 Illinois Sand. They are kind of the likely culprits,
20 especially after looking at these photographs.

21 So, what we are asking is how did that orange water
22 get into the creek in the first place, since they don't
23 have a discharge permit?

24 MR. GOVE: It sounds like this matter is kind of

1 under investigation by the field office. So, we are
2 going to defer the answer to the public responsiveness
3 when that matter gets resolved.

4 MR. DEMPSEY: Thank you very much.

5 MR. STUDER: Thank you those that have made comments
6 this evening. I had said that once those people were done,
7 that we would go ahead and conclude the hearing.

8 (Woman raising her hand)

9 MR. STUDER: Do you have a question ma'am? I can't
10 take your comments unless you come up to the microphone.
11 So, I am going to ask one more time, is there anyone out
12 here that has any additional comments that they would
13 like to make this evening?

14 (Woman speaking from audience)

15 MS. BAUER: Just as a follow up question -

16 MR. STUDER: Okay, I can't take your question from
17 out there.

18 MS. BAUER: Margaret Bauer - B-A-U-E-R. Just as a
19 follow-up on what was just said. If this is under
20 investigation about that water being discharged prior
21 to a permit being issued, then how can you expect to
22 vote on this while this is under investigation?

23 MR. GOVE: The facility, as it is right now, is
24 under - It is authorized to discharge under a construction

1 site activities NPDES permit.

2 MS. BAUER: And so if it's proven that during this
3 construction phase they are disturbing the land in such a
4 manner as to discharge pollutants into the waterway,
5 doesn't that tell you something?

6 MR. GOVE: Well, like I said before, it's under
7 investigation, and it will be resolved either through
8 enforcement, compliance, or some other source --

9 MS. BAUER: What type of resolution, and will the
10 public be told about that resolution?

11 MR. STUDER: You talked about two separate issues.
12 You are talked about permitting and enforcement.

13 MS. BAUER: I see, so, it's okay for you to give them
14 the permit to pollute, and then we will worry about
15 enforcement later?

16 MR. STUDER: That's not exactly what we said, ma'am.

17 MS. BAUER: Thank you.

18 MR. STUDER: And this will be an issue that we will
19 address, in writing, in the responsiveness summary when we
20 make a final decision in this matter.

21 (A woman came forward)

22 Could you state your name for the record, please?

23 MS. MURPHY: Barbara Murphy. I passed before on my
24 comments, simply because I read so carefully your fact

1 sheet, and I thought, my God, I might duplicate something.
2 So, I didn't know, and I will say what I want to say, and
3 if I duplicate, well, okay.

4 The runoff waters utilize water, sand, and unknown
5 chemicals in the sand frac mining are being discharged
6 into a tributary of the Illinois River. This will be
7 endangering area residents and the many species of
8 water life inhabiting the river and the tourism involved.

9 Water is often pumped out of the ground prior to
10 to mining. Thus, local geology and groundwater is subject
11 to change. The water is used at high rates, closed loop
12 at up to 420,500 gallons a day to 2,000,000 gallons a day,
13 and an open loop up 2,000 to 3,700 gallons a day.

14 The water used in order to cleanse the sands to
15 minimize dust emissions can contain polyacrylamides,
16 which though they appear to be biodegradable are,
17 according to the U.S. EPA at a zero percent tolerance
18 in the drinking water. They may cause nervous and
19 blood disorders and cancer.

20 Of great concern is the change of stream habitat
21 to the lake habitat. This will have extreme negative
22 biological impact as seen in Glen Ellyn Churchill Woods
23 Forest Preserve, which is now being restored at a great
24 cost. Who will pay finally for reclamation?

1 As you know, Illinois is already a greatly polluted
2 State. The silica being sand frac mined is busted up
3 even further, producing air-bourne dust of particulates,
4 such that when viewed under a microscope appears as
5 miniscule slivers of jagged-edged glass. It gets lodged
6 in the lungs causing asthma and a host of other lung
7 problems, such as silicosis and lung cancer, and some
8 of which may not yet be known. This is a serious, serious
9 issue. I have more - but I'll leave it at that.

10 MR. STUDER: I will remind everyone that we are
11 accepting written comments in this proceeding until
12 November 6, 2013. The address and the way to submit those
13 comments is in both the hearing notice as well as what was
14 provided in the fact sheet in the registration area.

15 You have all been extremely patient, and I thank you
16 for your attendance this evening. This hearing is
17 adjourned.

18 (Whereupon second hearing ended at approximately
19 7:40 p.m.)

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