

STATE OF ILLINOIS

ENVIRONMENTAL PROTECTION AGENCY

IN RE:

IMPAIRED WATERS OF ILLINOIS

DRAFT 2014 INTEGRATED REPORT

PUBLIC HEARING

JULY 9, 2013

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IN RE:
IMPAIRED WATERS OF ILLINOIS
DRAFT 2014 INTEGRATED REPORT

PUBLIC HEARING held, on the 9th day of
July, 2013, between the hours of 10:30 A.M. and
11:08 A.M. of that day, at the offices of Illinois
Environmental Protection Agency, 1021 North Grand
Avenue East, Sangamo Conference Room, Springfield,
Illinois 62702, before Robin A. Enstrom, a
Registered Professional Reporter, Certified
Shorthand Reporter, and a Notary Public within and
for the State of Illinois.

A P P E A R A N C E S

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FOR THE IEPA:

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Dave Muir, Watershed Management
Tom Hornshaw, Ecotoxicologist
Gregg Good, Surface Water Monitoring
Roy Smogor, Surface Water Monitoring
Teri Holland, Surface Water Monitoring
Joe Konczyk, Groundwater
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(Hearing began at 10:32 A.M.)

HEARING OFFICER STUDER: Good morning. My name is Dean Studer, and I'm the hearing officer for the Illinois Environmental Protection Agency, and I'm assuming everyone in the back can hear me okay? Okay.

On behalf of Director Lisa Bonnett, I welcome you to this informational hearing. The purpose of the hearing is to provide an opportunity for the public to comment on the Draft 2014 Integrated Report. The integrated report contains a list of impaired waters in the State of Illinois that is commonly referred to as the Section 303(d) list.

This hearing is being conducted pursuant to 35 Illinois Administrative Code Part 164, Procedures for Informational and Quasi-Legislative Public Hearings. Copies of these regulations are available at the website for the Illinois Pollution Control Board at www.ipcb.state.il.us, or if do you not have ready access to the web, they're available from me on

1 request.

2 Let me explain how we're going to
3 proceed with the hearing this morning. I'll
4 finish reading this opening statement into the
5 record. This will be followed by a brief
6 presentation from Amy Walkenbach -- Amy is
7 sitting on my right -- manager of the Watershed
8 Management Section, who will provide some
9 information on the Draft 2014 Integrated Report
10 and will ask the panel members present at this
11 hearing to introduce themselves.

12 After the presentations are
13 concluded, the public will be allowed to make
14 comments on the record. Comments given today
15 don't have to be in writing, but after today's
16 hearing, comments must be submitted in writing.
17 Comments made may be submitted in hard copy by
18 regular mail or by e-mail. You can also --
19 e-mail comments should be sent to
20 publichearingcom -- that's p-u-b-l-i-c-
21 h-e-a-r-i-n-g-c-o-m -- @illinois.gov. E-mail
22 comments are sorted electronically, and therefore
23 it is critical that the words "Integrated Report
24 2014" appear in the subject line of the e-mail.

1 Illinois EPA cannot assure that comments not
2 conforming to this protocol will be included in
3 the record in this proceeding. E-mail comments
4 will be received up to midnight at the close of
5 the comment period, which is on August 8, 2013.

6 When e-mail comments are properly
7 submitted, you should get an automated response
8 indicating that your comments have been received
9 and will be considered by the Illinois EPA. If
10 you do not get this response, you have either
11 submitted after the record has closed or you did
12 not follow the appropriate protocol.

13 I remind those submitting comments by
14 e-mail that the server can become quite busy in
15 the minutes up to the close of the record and
16 this may cause e-mails to be slightly delayed.
17 Comments received after midnight will not be
18 considered timely filed. So you may want to take
19 this into consideration when filing comments by
20 e-mail.

21 Comments submitted by regular mail
22 must be postmarked no later than August 8, 2013,
23 when the comment period closes, and they should
24 be addressed to Hearing Officer Dean Studer, Mail

1 Code 5, Regarding Integrated Report 2014,
2 Illinois Environmental Protection Agency, 1021
3 North Grand Avenue East, P.O. Box 19276,
4 Springfield, Illinois, and our zip is 62794-9276.

5 This information is also provided on the public
6 notice for this hearing.

7 After the record closes in this
8 matter -- and, again, the record closes on August
9 8, 2013 -- we will formulate a responsiveness
10 summary and make that available. In the
11 responsiveness summary, Illinois EPA staff will
12 attempt to answer all significant and relevant
13 questions raised in this hearing or submitted
14 prior to the close of the comment period. The
15 responsiveness summary and the hearing transcript
16 will be posted on Illinois EPA's website.

17 Any person who wishes to make oral
18 comments today may do so as long as the comments
19 are relevant to the issues which are being
20 addressed at this hearing. Please indicate that
21 you wish to make a comment on your registration
22 card, and persons will be called to make comments
23 in the order in which they have completed
24 registration cards. If you want to make oral

1 comments but have a time constraint, please see
2 Barb Lieberoff at the registration table, and she
3 will call -- let me know, and we will call on you
4 earlier rather than later in this proceeding.

5 If anyone has other exhibits that
6 they want to present into the record, you need to
7 give me a copy and, if possible, have a copy
8 available for the court reporter, and I will
9 enter those into the record as an exhibit.

10 Persons making comments will
11 initially be limited to nine minutes until
12 everyone who wishes to speak has had a chance to
13 do so. If you have lengthy comments to make,
14 please consider submitting them to me in writing
15 before the close of the comment period, and I
16 will make sure they are included in the hearing
17 record as an exhibit.

18 Persons making comments should first
19 state their name and, if applicable, identify any
20 governmental body, any organization, or
21 association that they represent. If you are not
22 representing a governmental body, organization,
23 or an association, you can state that you are an
24 interested citizen. Issues raised should be

1 relevant to the subject presented and not
2 repetitious.

3 Amy will talk a little bit about the
4 topics that are not relevant to this proceeding,
5 but let me indicate that we will not be
6 addressing specific TMDL questions or questions
7 regarding specific NPDES permits in this hearing.
8 Topics relevant to this proceeding primarily
9 involve the quality of surface waters and
10 groundwater issues involved in the evaluation and
11 consideration of placing those waters on the list
12 of impaired waters. That list is again known as
13 the 303(d) list.

14 Arguing or prolonged dialogue with
15 any speaker will not be allowed, and because a
16 verbatim record of this hearing is being made, I
17 ask that you keep conversation and noise levels
18 to a minimum so that the court reporter can hear
19 and accurately transcribe these proceedings.

20 Before we begin, let me mention the
21 exhibits that are included in the record so far.
22 Exhibit 1 is the Notice of Public Hearing,
23 Exhibit 2 is the Draft 2014 Integrated Report as
24 it is available on the Illinois EPA website, and

1 Exhibit 3 is a comment that was received just on
2 Friday.

3 Let me stress that Illinois EPA will
4 attempt to include in the record all pertinent
5 e-mail comments sent to us. However, it is very
6 difficult to ensure that all e-mails are included
7 in the record if they are sent to various
8 programs and various e-mail addresses. Please
9 submit e-mail comments to
10 publichearingcom@illinois.gov with the words
11 "Integrated Report 2014" appearing in the subject
12 line of the e-mail. All e-mails sent to this
13 address during the comment period will be
14 included in the official hearing record.

15 I will now turn things over to Amy
16 Walkenbach from the Watershed Management Section.
17 She'll begin with a short opening statement.

18 MS. WALKENBACH: Welcome to this
19 hearing on the Illinois 2014 Draft Integrated
20 Report on the conditions of waters in Illinois.
21 We called it integrated report because it
22 includes both the report on the condition of
23 Illinois lakes, rivers, and streams as required
24 by Section 305(b) of the federal Clean Water Act

1 and a list of impaired waters as required by
2 Section 303(d) of the federal Clean Water Act.

3 Among the responsibilities of the
4 Watershed Management Section are the publication
5 of Section 303(d) list and development of total
6 maximum daily loads, also known as TMDLs.

7 This morning I will briefly discuss
8 the process the agency used to develop the
9 integrated report and the 303(d) list for 2014.

10 In order to comply with the
11 provisions of Section 303(d) of the federal Clean
12 Water Act, it states that states must -- and I am
13 quoting -- "identify those waters within its
14 boundaries for which the effluent limitations
15 required by Section 301(b) (1) (A) and Section 301
16 (b) (1) (B) of the federal Clean Water Act are not
17 stringent enough to implement any water quality
18 standards applicable to such waters. The state
19 shall establish a priority ranking for such
20 waters, taking into account the severity of the
21 pollution and the designated uses for such
22 waters," unquote.

23 States are to submit this list of
24 waters, commonly referred to as the 303(d) list,

1 to the regional administrator of USEPA for
2 approval.

3 The purpose of this hearing is to
4 provide an opportunity for the public to comment
5 on the proposed list of impaired waters published
6 in the Draft 2014 Integrated Report.

7 In order to keep the public apprised
8 of the integrated report, we've distributed
9 approximately 250 notices of public hearing and
10 placed a public notice and a copy of the report
11 on the agency's website. The agency also placed
12 a notice of today's hearing in the designated
13 newspaper for statewide notices, in this case,
14 the Taylorville Breeze Courier.

15 The agency is interested in your
16 comments on the Draft 2014 Integrated Report.
17 However, this hearing is not about individual
18 TMDLs that the agency has conducted or is
19 conducting or may be conducting in the future.
20 The public meetings for ongoing TMDLs and those
21 the agency develops in the future will continue
22 apart from the hearing today and final adoption
23 of the 2014 Integrated Report.

24 Waters that the agency has assessed

1 as not meeting their designated uses are
2 identified in Appendix A of the integrated
3 report.

4 Since water resource data take time
5 to gather and process, each assessment cycle
6 reflects up to a two-year data lag. Generally,
7 the 2014 Integrated Report is based on
8 information that became available through 2011.

9 Surface water assessments in this
10 2014 report are based primarily on biological,
11 water chemistry, sediment, physical habitat, and
12 fish tissue information collected through 2011 by
13 various monitoring programs. These programs
14 include the ambient water quality monitoring
15 network, intensive basin surveys, facility-
16 related stream surveys, the ambient lake
17 monitoring program, the volunteer lake monitoring
18 program, and the Lake Michigan monitoring
19 program.

20 The agency uses the U.S. Geologic
21 Survey's National Hydrography Dataset, NHD, as
22 the basis for mapping streams in the state.

23 For those of you that are not aware
24 of the ramifications of the integrated report,

1 let me simply state that water bodies identified
2 as impaired are deemed so for specific reasons --
3 specific individual or multiple chemical,
4 physical, or biological reasons.

5 When water body impairment is
6 determined, associated pollutant causes of
7 impairment that exceed water quality standards or
8 other thresholds are identified. TMDLs must be
9 developed for waters that are impaired by
10 pollutants. Based on the results of the TMDL,
11 load restrictions or reductions may be then
12 applied as a permit requirement to point source
13 discharges. Additionally, load allocations will
14 be developed for all non-point sources identified
15 in the TMDL.

16 The most recent Section 303(d) list
17 was published by Illinois EPA in April 2012, and
18 following a public review of the draft, including
19 a hearing and development of the agency's
20 response to public comments, the final version of
21 the list was submitted to USEPA Region 5 in
22 Chicago on December 20, 2012. As of today, USEPA
23 Region 5 has not approved the 2012 Integrated
24 Report.

1 Major changes from previous
2 integrated reports are few this year, but I will
3 briefly outline what they entail.

4 First, in order to complete and
5 submit the 2014 Integrated Report by the April 1,
6 2014, deadline, the time frame of the data
7 considered for new assessment has changed.
8 Typically integrated reports use the two-year
9 cycle set of new data available since the
10 previous report. For the 2014 cycle, we made
11 assessments in 2013, and the new data were only
12 available from 2011. Thus assessments for the
13 2014 cycle will generally only be updated where
14 new data from 2011 were available.

15 Secondly, assessments of the
16 indigenous aquatic life use were updated this
17 cycle. These assessments had not been updated
18 since the 2008 cycle because of pending changes
19 to the secondary contact and indigenous aquatic
20 life standards. Also, the methodology for
21 assessing this use was changed to a more
22 standards-based approach to better reflect USEPA
23 guidance on the use of 10 percent rule related to
24 violations of water quality standards.

1 The third change we made was for the
2 sake of accuracy. The lengths of all Lake
3 Michigan shoreline segments were recalculated in
4 2013 based on the USGS NHD. This resulted in the
5 total length of shoreline segments changing from
6 63 miles to 63.95 miles of shoreline.

7 And lastly, there was recently some
8 changes made to the manganese water quality
9 standard. For aquatic life use, the new standard
10 is a formula-based standard with both a chronic
11 and acute standard. The public water supply use
12 standard changed from .15 milligrams per liter to
13 1.0 milligrams per liter.

14 I need to note that the new standard
15 was not used in developing our assessments for
16 the public water supply use. However, this was
17 an oversight on our part, and the 38 affected
18 water bodies will be reassessed for public water
19 supply use prior to our submittal of the final
20 integrated report to USEPA Region 5.

21 This concludes my prepared statement.
22 Prior to turning the meeting back to the hearing
23 officer, I'd like to introduce some additional
24 staff besides myself that are here today to try

1 and help answer questions that you may have:
2 David Muir, Watershed Management Section, and
3 Gregg Good, Surface Water Monitoring Section,
4 general integrated report questions. Roy Smogor,
5 Surface Water Monitoring Section, stream
6 questions. Teri Holland, Surface Water
7 Monitoring Section, lakes questions. Joe
8 Konczyk, groundwater questions, and Tom Hornshaw,
9 our agency ecotoxicologist who can respond to
10 questions about fish consumption advisories.

11 With that, thank you for your
12 patience.

13 HEARING OFFICER STUDER: Thank you,
14 Amy.

15 Okay. We're now at a point where we
16 will begin accepting comments from the public.
17 When your name is called to speak, please stand
18 up and come forward to the podium to speak. If I
19 cannot hear you clearly, I may ask that you move
20 closer to the front and to the court reporter so
21 that an accurate record of your comment can be
22 made, and that's primarily for those that are
23 answering questions. I'm going to ask that
24 agency staff, if you are going to address a

1 question, that you please stand up and come and
2 stand forward. We're not going to be able to get
3 an accurate record of this proceeding if you
4 answer your question from where you're sitting.
5 So if you're sitting in the back, you may want to
6 move forward now if you anticipate answering a
7 question.

8 When your name is called and you come
9 forward to the podium, please spell your last
10 name for the court reporter. Also, please state
11 any governmental body, organization, or
12 association that you are representing. You may
13 also spell your first name for the court reporter
14 if there are alternate spellings of your first
15 name.

16 And, again, I'm going to ask that we
17 try and hold comments for at least the first
18 round to nine minutes.

19 Are there any questions this morning
20 on the process that I'll be using for accepting
21 comments? Okay. Let the record indicate that no
22 one raised their hand.

23 The first person to ask questions or
24 make comments is Toby Frevert. If you'd please

1 come forward to the podium and spell your last
2 name for the court reporter.

3 MR. FREVERT: Certainly. My name is
4 Toby Frevert. It's F-r-e-v, as in "victory",
5 -e-r-t. I'm here representing Illinois
6 Environmental Regulatory Group and, I guess, as a
7 concerned citizen of Illinois.

8 I've got a series of questions I want
9 to ask, and the answers would be nice today, but
10 even if you can't answer them today, I just want
11 to get the questions on the record and get
12 answers in the responsiveness summary.

13 The first question deals with fish
14 consumption. Is fish consumption a specified
15 designated use in Illinois' regulations? And, if
16 so, where is the Administrative Code citing for
17 that?

18 MR. MUIR: I think we'll probably
19 have to get back to you on that. That's more of
20 a legal question. I think we'll have to have
21 our --

22 MR. FREVERT: That's fine.

23 MR. MUIR: -- legal staff give you
24 the specific citation for that.

1 MR. FREVERT: Okay. I have no
2 problem with that. Just one follow up: When you
3 do that, I would appreciate it if you could
4 address and answer for each specific use
5 classification in Illinois, such as general use
6 and secondary contact and indigenous aquatic
7 life.

8 Next question -- the rest of these
9 questions relate to mercury and mercury-related
10 issues. I believe the criterion for fish
11 contamination is 0.6 milli -- .06 milligrams per
12 kilogram concentration in the fish flesh. Is
13 that total mercury or methylmercury?

14 MR. MUIR: Tom Hornshaw would
15 probably be best to answer that question.

16 MR. FREVERT: Tom.

17 MR. HORNSHAW: Yes. Tom Hornshaw,
18 toxicologist for Illinois EPA. The analytical
19 procedure is for total mercury. We make the
20 assumption that there's at least 95 percent of
21 the total mercury is in the methylmercury form.
22 So we just assume that it's 100 percent
23 methylmercury in the fish.

24 MR. FREVERT: Okay. Thank you. And

1 that's consistently the way you apply that --

2 MR. HORNSHAW: Yes.

3 MR. FREVERT: -- criterion?

4 How does the .06 fish tissue
5 concentration relate to water quality criterion?

6 I believe 12 nanograms per liter is the water
7 column chemistry standard. What's the
8 relationship between the water quality standard
9 and the value you're using to designate fish
10 flesh as contaminated? Is there a correlation?

11 MR. MUIR: We don't -- you know, we
12 don't have a specific relationship to the water
13 quality standard that we've developed for that.
14 So I don't -- I don't really have an answer in
15 terms of what the relationship is because, to my
16 knowledge, we've never actually developed any
17 kind of statistical relationship when we get fish
18 at a certain level to what the level is in the
19 water. So I really don't think we know what the
20 relationship is.

21 MR. FREVERT: Okay. But the fish
22 contamination criteria -- I guess my follow-up
23 question is -- is that cited in the state's
24 administrative regulations? And, if so, what's

1 the citing? And you can follow up with an answer
2 later.

3 MR. MUIR: Yeah. I think we're going
4 to probably follow up with that specific
5 question. Again, that would -- that would be
6 something we'd have to dig specifically into the
7 regulations to be able to answer. So I don't
8 think we're going to be able to give you a
9 specific answer to that today.

10 MR. FREVERT: The .06 is the criteria
11 you use to make judgments on health advisories,
12 but whether or not it's accurate in the
13 regulations is something to check to on.

14 MR. MUIR: It's actually also the
15 criteria we use to make listing decisions
16 regarding whether fish consumption is attained or
17 not attained as well.

18 MR. FREVERT: I understand. But that
19 particular number is your evaluation criteria.
20 It's not a regulatory number contained in
21 Pollution Control Board regulations.

22 MR. MUIR: Tom --

23 MR. FREVERT: Follow up on that
24 later.

1 MR. MUIR: Tom has something more to
2 say about that.

3 MR. HORNSHAW: Yeah, I can add a
4 little bit to that. As far as I know, there is
5 no relationship between the water concentration
6 and the fish concentration for mercury.

7 MR. FREVERT: Thank you.

8 MR. HORNSHAW: We use a protocol that
9 was developed by the eight Great Lakes states to
10 address contaminants in fish, and that's a
11 risk-based concentration for the concentration in
12 the fish without any consideration of what the
13 concentration in the surface water might be.

14 MR. FREVERT: Okay. Thank you, Tom.

15 This is a clarification question.
16 You might have answered it earlier. In terms of
17 analysis of the fish for mercury contamination,
18 what's your analytical procedure? I believe you
19 said you test for total mercury.

20 MR. HORNSHAW: It's --

21 HEARING OFFICER STUDER: Tom, you're
22 going to have to come forward so that the court
23 reporter can hear you. She's having a difficult
24 time.

1 MR. HORNSHAW: Yes. It's analyzed as
2 total mercury, and the assumption is that at
3 least 95 percent of the total mercury is in the
4 methylmercury form.

5 MR. FREVERT: Okay.

6 MR. HORNSHAW: Is that what you
7 needed?

8 MR. FREVERT: I think so. I'm not
9 sure I want to get into the specific analytical
10 procedure at this point.

11 MR. HORNSHAW: I couldn't answer all
12 those questions anyway.

13 MR. FREVERT: Okay. One more
14 question on mercury that may not rely on Tom for
15 an answer. How much data and what kind of data
16 do we have in the State of Illinois that is
17 actually mercury concentrations of the water
18 chemistry for comparison to the 12-nanogram per
19 liter standard?

20 MS. WILLIAMS: We're going to get
21 back to you with comments on that one.

22 MR. MUIR: If you want to know
23 exactly how much, that's not something we would
24 have. If you want to know generally are we

1 analyzing for mercury for that standard --

2 MR. FREVERT: I want the most
3 enlightenment I can get at this point. So if you
4 could elaborate a little on what your routine
5 sampling is, sample frequency, detection levels,
6 things of that nature. How do you sample for
7 mercury in the water column?

8 MS. WILLIAMS: We're going to have to
9 get back to you in comments on this issue.

10 Deborah Williams, assistant counsel,
11 Illinois EPA.

12 MR. FREVERT: That's fine.

13 One last question. I believe
14 somewhere in the report you are relying on fish
15 tissue data that may be as old as 1985. What's
16 the rationale for -- in evaluating fish
17 consumption criteria and your basis for making
18 advice to the general public on fish consumption?
19 What's the policy or the attitude about relevancy
20 and currency of data that you use to make those
21 decisions?

22 MR. MUIR: Well, the -- the policy
23 for fish consumption use -- the methodology
24 basically is that we don't update the assessment

1 unless we have new data. So if the data -- if we
2 didn't get any new data, then whatever the age of
3 the old data was that that assessment was based
4 on, that assessment remains the same. So in some
5 particular instances where we haven't been able
6 to get new fish flesh data to update the
7 assessment with, those older assessments still
8 remain in place based on the older data.

9 MR. FREVERT: Are there many stations
10 or locations or segments in Illinois where you
11 have sufficient data to determine whether or not
12 there are increasing or declining trends in fish
13 contamination over time?

14 MR. MUIR: I'm sure there are some.
15 I have no idea how many.

16 MR. FREVERT: Okay. I think that
17 will conclude my questions for the time, and I
18 thank you all and look forward to your answers in
19 the responsiveness summary.

20 HEARING OFFICER STUDER: Thank you,
21 Mr. Frevert.

22 Catherine Edmiston.

23 MS. EDMISTON: I'm Catherine
24 Edmiston. You spell that C-a-t-h-e-r-i-n-e.

1 Edmiston is E-d-m-i-s-t-o-n. I lead a group
2 called Citizens Against Longwall Mining, and I'm
3 a familiar face at all these Bureau of Water
4 hearings, if I know about them. Found this
5 notice for this one in The Farm News, the Farm
6 Bureau state paper. Otherwise, I probably
7 wouldn't have seen it.

8 My primary question is how many miles
9 of streams do we have in Illinois? I ask it at
10 every hearing that I get to of the Bureau of
11 Water.

12 MR. MUIR: Miles of stream -- is that
13 what -- you want to know how many miles of
14 stream? Boy, I wish I had that. Right off the
15 top of my head, there's over -- somewhere around
16 200,000, I believe. Is that what -- do you have
17 it in there?

18 MR. GOOD: Gregg Good, Illinois EPA.
19 The total number I'm seeing in our draft report
20 is 119,244 stream miles.

21 HEARING OFFICER STUDER: Gregg, where
22 does that information come from? Do you know
23 offhand?

24 MR. GOOD: I --

1 MR. MUIR: You mean where is it found
2 in writing, or where did that specific number --

3 HEARING OFFICER STUDER: Where did
4 that number come from?

5 MR. MUIR: That number was based on
6 the National Hydrography Dataset, 1 to 24,000
7 scale. In other words, it is a digital database
8 of all the streams in Illinois or actually all
9 streams in the nation, and we just summed those
10 that were from Illinois. That includes not just
11 named streams but all unnamed tributaries as
12 well.

13 MS. EDMISTON: How does that compare
14 with five years ago?

15 MR. MUIR: I don't know, and I'm not
16 sure I would even know how to derive that.

17 HEARING OFFICER STUDER: Did we use
18 the same source and --

19 MR. MUIR: No.

20 HEARING OFFICER STUDER: -- the same
21 information? This is not something that we --
22 we, as an agency, measure. We rely on other
23 sources for this.

24 MR. MUIR: Right. In past reports --

1 a number of cycles ago we used a different source
2 for that number. So the number has changed over
3 various cycles. But if you're asking me how --
4 how does the actual number of miles of streams in
5 Illinois change, I can't -- I can't tell you that
6 I know or even know how you would come up with
7 that answer.

8 MS. EDMISTON: Someone needs to be
9 keeping track of that because mining is
10 destroying our water in Illinois. We need to
11 know this, and who is going to keep track if it's
12 not the Bureau of Water of the IEPA?

13 Second question: I'm a landowner in
14 Montgomery County. Shoal Creek is listed as an
15 impaired water on your list of impaired water, as
16 I understand it. It just mentions a couple miles
17 that they tested that is impaired. Sierra Club
18 has said that Shoal Creek is a biologically
19 significant stream that is protected by law, and
20 that has me wondering if it's now listed as
21 impaired, and why is it lis -- why is it
22 impaired?

23 MR. MUIR: We would have to get back
24 to you on the specifics of an assessment. We'd

1 have to look that up to know which part of Shoal
2 Creek is impaired and for what reason and what
3 uses. I mean, we don't have that information at
4 our fingertips right now. So we would have to
5 look that up and get back to you.

6 MS. EDMISTON: Uh-huh. Also, in your
7 report, I notice that Macoupin County -- you have
8 a map where you show the number of tests.
9 Montgomery County had five different tests, I
10 believe, of the water. Macoupin County has none.
11 I'm wondering why. They have -- they have a lot
12 of mines over there. Macoupin Creek has its
13 origins in Montgomery County. It goes down
14 through there. There are three huge waste
15 impoundments in Macoupin County that cannot be
16 permanent structures, according to federal law,
17 but they're still there. Has Macoupin Creek
18 become an intermittent stream? Isn't that what
19 you call it when the water doesn't run in and out
20 all year round? How come you haven't tested
21 anything in Macoupin County? It's next door to
22 Montgomery.

23 MS. WALKENBACH: Explain the rotating
24 basis.

1 MR. MUIR: Well, first of all, I'm
2 not sure what you mean when you say we haven't
3 tested anything in --

4 MS. EDMISTON: Well, your map doesn't
5 show any little black dots.

6 MR. MUIR: Which map is that?

7 MS. EDMISTON: The one that's in the
8 report that's -- the Integrated Water Quality
9 Report for 2012, I believe it is.

10 MS. WALKENBACH: I think what you're
11 looking at --

12 MR. MUIR: Boy, I don't know. I'm
13 confused.

14 MS. WALKENBACH: -- are updated
15 stations -- updated stations for that report.
16 And, Roy, I'm going to look at you, but I believe
17 you're seeing only the stations that were updated
18 sampled in that -- if you're looking at 2012, in
19 that two-year time frame. Because Illinois is
20 such a large state, we can only visit so many
21 basins during each cycle. So when I talked about
22 in my testimony how we had only one year's worth
23 of data for the 2014 report, you would see even a
24 smaller map because we're looking only at very

1 specific basins. The entire state is covered
2 every five years. So you will see all basins
3 covered every five years and then repeated again
4 in the next five-year cycle.

5 There is indeed assessments on
6 Macoupin County waters that you can find in the
7 integrated report, both 2012 and 2014.

8 MS. EDMISTON: Now, then, last
9 question: Impaired waters -- who is -- I think
10 the Illinois Pollution -- I really like coming to
11 this hearing where we've got the Illinois
12 Pollution Board here. Impaired waters -- who
13 does something about it? Where is the action on
14 those waters that are impaired?

15 MS. WALKENBACH: Those actions would
16 take place through the total maximum daily load
17 program where we would look at those specific
18 pollutants and develop reductions needed for
19 those pollutants to meet the water quality
20 standards and use supports.

21 MS. EDMISTON: So you do do something
22 to try and purify?

23 MS. WALKENBACH: Absolutely.

24 MS. EDMISTON: Thank you.

1 HEARING OFFICER STUDER: Thank you,
2 Ms. Edmiston.

3 Is there anyone here that has not
4 spoken this morning that has a question or a
5 comment that they would like to make on the
6 record? Okay. Let the record indicate that no
7 one raised their hand.

8 Is there anyone here that has already
9 spoken that has any additional comments or
10 questions that they would like to raise on the
11 record this morning before I adjourn this
12 hearing? Okay.

13 I remind everyone that the hearing
14 record is open for 30 days, and that you may
15 submit comments in writing in that 30-day time
16 period.

17 I thank you for your attendance this
18 morning, and this hearing is adjourned.

19 (Hearing adjourned at 11:08 A.M.)

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CERTIFICATE OF REPORTER

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

I, ROBIN A. ENSTROM, a Registered Professional Reporter and Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the foregoing proceedings were taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

ROBIN A. ENSTROM
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