

1 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (IEPA)
NOTICE OF WATER DISCHARGE PERMIT PUBLIC HEARING
2 NPDES PERMIT IL0056022

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Macoupin Energy, LLC
5 Shay No. 1 Mine

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PUBLIC COMMENT HEARING
8 HELD ON MARCH 11, 2014

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11 Carlinville Park District Building
859 Ramey Street
12 Carlinville, Illinois 62626

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (IEPA)
NOTICE OF WATER DISCHARGE PERMIT PUBLIC HEARING

NPDES PERMIT IL0056022

Macoupin Energy, LLC

Shay No. 1 Mine

A PUBLIC COMMENT HEARING was held in the
above-mentioned matter on the 11th day of March,
2014, between the hours of 6:00 o'clock in the
evening and 7:35 o'clock in the evening, at the
Carlinville Park District Building, 859 Ramey
Street, in Carlinville, Illinois, before Pamela K.
Needham, CCR, CSR (MO, IL).

1 APPEARANCES:

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20 THE HEARING OFFICER:

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24

25

1 The Court Reporter:
2 Pamela K. Needham, IL CSR, MO CCR
Midwest Litigation Services
3 711 North 11th Street
St. Louis, MO 63101
4 314-644-2191

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1 P R O C E E D I N G S

2 (On the record at 6:02 p.m.)

3 HEARING OFFICER STUDER: Good evening,
4 my name is Dean Studer, and I am the hearing officer
5 for the Illinois Environmental Protection Agency.

6 On behalf of Lisa Bonnett and Bureau of Water Chief
7 Marcia Willhite, I welcome you to tonight's hearing.
8 The Illinois EPA believes that the public hearings
9 that we hold are a crucial part of a permit review
10 process. My purpose tonight is to ensure that these
11 proceedings run properly according to rules, and in
12 a fair but efficient manner.

13 This is an informational hearing before
14 the Illinois EPA in the matter of a modified and
15 reissued National Pollutant Discharge Elimination
16 System, usually referred to as NPDES, permit
17 application for an underground coal mining facility
18 of Macoupin Energy, LLC, the Shay Number 1 Mine,
19 with discharges of treated waste water into Spanish
20 Needle Creek and unnamed tributaries of both Spanish
21 Needle Creek and Macoupin Creek.

22 Issues relevant to the NPDES hearing
23 include compliance with the requirements of the
24 Clean Water Act and the rules set forth in 35
25 Illinois Administrative Code Subtitles C and D.

1 Illinois EPA is not the state agency authorized to
2 permit the mining operations at this coal mine, so
3 issues specifically concerning operations at this
4 mine are not relevant in this proceeding. However,
5 Illinois EPA is empowered to review and make a
6 decision regarding the issuance, review, denial, or
7 revision of the NPDES permit, and that permit number
8 is I-L-0-0-5-6-0-2-2. The issues relevant to this
9 hearing generally are those regarding the NPDES
10 permit, the receiving waters, and the regulations
11 that govern the issuance of the NPDES permit. Those
12 recommending denial of this permit should be
13 prepared to list the regulatory basis for their
14 recommendation as stated in the public notice for
15 this hearing.

16 The Illinois EPA is particularly
17 interested in comments regarding the items contained
18 in the draft permit that have been specifically
19 modified and incorporated into the draft reissued
20 permit. These items are five in number, and they
21 have been identified on the bottom of Page 1 of the
22 Public Notice/Fact Sheet for the draft permit and
23 are: 1. Incorporation of various parcels of
24 additional permit area totaling 42.5 acres for
25 construction and installation of various facilities

1 in support of the underground mining operation; 2.
2 The reclassification of Outfall 003 and reclamation
3 Outfall 004 to storm water discharges; 3. Outfall
4 006 has been deleted as the basin has been
5 reclaimed; 4. Modification of refuse (slurry)
6 disposal plan to incorporate underground disposal of
7 fine coal refuse; and finally; 5. Revised
8 reclamation (abandonment) plan for the refuse
9 disposal area Numbers 5 and 6 and modification of
10 associated underground -- excuse me, underwater
11 monitoring plan. I said that wrong, and
12 modification of associated ground water monitoring
13 plan.

14 I note that this is a permit renewal, so
15 the entire permit is open for comments in this
16 proceeding. Illinois EPA previously held a hearing
17 on this renewal, and that hearing was held on April
18 27th, 2001 -- or excuse me, 2011, but Illinois EPA
19 has not yet taken action in that proceeding, and,
20 therefore, has incorporated that proceeding into
21 this proceeding. Therefore, anyone that was on the
22 contact list for the 2011 hearing will remain on
23 that list for this hearing, as well. We will update
24 that contact list with the information that is
25 received at this hearing, and from comments that are

1 submitted during the post-hearing comment period.

2 Illinois EPA has made the preliminary
3 determination that the project meets the
4 requirements for obtaining a permit and has prepared
5 a draft permit for review. The Illinois EPA is
6 holding this hearing for the purpose of accepting
7 comments from the public on the draft permit prior
8 to taking final action on the permit application.

9 This hearing is being held under the
10 provisions of Illinois EPA's procedures for permit
11 and closure plan hearings which can be found in 35
12 Illinois Administrative Code Part 166, Subpart A,
13 and in accordance with 35 Illinois Administrative
14 Code Part 309, Subpart A. Copies of these
15 regulations are available at the Illinois Pollution
16 Control Board website at www.ipcb.state.il.us, or,
17 if you do not have easy access to the web, you may
18 contact me and I can get a copy for you.

19 An informational public hearing means
20 exactly that -- this is strictly an informational
21 hearing. It is an opportunity for you to provide
22 information to the Illinois EPA concerning the
23 permit. This is not a contested case hearing.
24 Again, I stress that the purpose of this hearing is
25 for members of the public to provide information to

1 Illinois EPA that we may not have had when we made
2 our preliminary determination.

3 I'd like to explain how tonight's
4 hearing is going to proceed. First, we will have
5 the Illinois EPA panel introduce themselves and
6 provide a sentence or two regarding their
7 involvement in this permit process. Then Lynn
8 Dunaway from the Agency's groundwater Section will
9 provide a few statements regarding groundwater
10 issues. After the statement from Mr. Dunaway, I
11 will provide instructions on how statements and
12 comments will be taken during this hearing, and as
13 to appropriate conduct during the hearing tonight.
14 Following these additional instructions, I will
15 allow the public to provide comments.

16 I will enforce a time limit for each
17 speaker. That time limit will be eight minutes per
18 registered speaker. You may want to prioritize your
19 comments so that you can make sure that the comments
20 that you want to make are allowed -- are made within
21 the time period. If you have lengthy comments,
22 please consider giving a summary of the comments at
23 this hearing and submitting your comments to me in
24 writing in their entirety before the end of the
25 comment period.

1 If you have not completed a registration
2 card at this point, please see Barb Lieberoff in the
3 registration area and she can provide you with a
4 card. You may indicate on the card that you would
5 like to provide comments on the -- at this NPDES
6 hearing. Everyone legibly completing a card or
7 filing written comments in this matter with me
8 before the close of the hearing record will be
9 notified when the Illinois EPA reaches a final
10 decision in this matter. A responsiveness summary
11 will be made available at that time.

12 In the responsiveness summary, the
13 Illinois EPA will respond to all relevant and
14 significant environmental issues that were raised at
15 the hearing or submitted to me prior to the close of
16 the comment period. The hearing record in this
17 matter will close on April 10th, 2014. I will
18 accept written comments as long as they are
19 postmarked no later than April 10th.

20 Illinois EPA will also be accepting
21 email comments in this NPDES proceeding. However,
22 emails originating on a third party server designed
23 to submit comments of the same or nearly the same
24 content from multiple users will not be accepted
25 without prior approval of the hearing officer.

1 Email comments are to be sent to epa.public
2 hearingcom -- and let me go through that again,
3 that's epa.publichearingcom@illinois.gov. They need
4 to be received, emails need to be received no later
5 than April 10th, 2014, and must specify either
6 Macoupin Energy NPDES, or I-L-0-0-5-6-0-2-2 in the
7 subject line. Emails are electronically sorted and
8 distributed, so please make sure that the words in
9 the subject line are spelled correctly. Electronic
10 comments filed during normal agency business hours
11 should get an automated reply from the server. I
12 will also be sending a reply within a few business
13 days indicating the exhibit number assigned to
14 electronic submittals.

15 I note that the server can become quite
16 busy in the minutes before the record closes, so you
17 may want to take this into account when submitting
18 your comments, as electronic comments received after
19 midnight on April 10th (as the date is changing to
20 April 11th) will not be considered timely filed if
21 received after midnight. The comment instructions
22 and information are also included in the notice for
23 this hearing. If you require any further
24 information after the hearing on the filing of
25 comments, you may contact me at 217-558-8280, or you

1 may contact our community relations coordinator,
2 Barb Lieberoff, at 217-524-3038, and either of us
3 will be glad to assist you in the filing of
4 comments.

5 During this hearing and during the
6 comment period, all relevant comments, documents or
7 data will also be placed into the hearing record as
8 exhibits. Please send all written comments,
9 documents, or data, to my attention, and that's at
10 Dean Studer, Hearing Officer, Mail Code 5, Regarding
11 Macoupin Energy NPDES, Illinois EPA, 1021 North
12 Grand Avenue East, P.O. Box 19276, Springfield,
13 Illinois, 62794-9276. This address is also listed
14 on the public notice for the hearing tonight.

15 Again, please indicate the NPDES permit number, or
16 reference Macoupin Energy NPDES on your comments to
17 help ensure that these comments become part of this
18 hearing record. And again, the NPDES number is
19 I-L-0-0-5-6-0-2-2.

20 Everyone registering at this hearing or
21 registered at the April 27th, 2011, hearing, or who
22 have submitted written comments as part of the
23 earlier NPDES proceeding, or those submitting
24 written comments to the Illinois EPA in this matter
25 following this hearing will be notified of the final

1 decision of the Illinois EPA.

2 I would now like to ask the Illinois EPA
3 staff present here with me to introduce themselves
4 and give a brief sentence as to their role in the
5 review of this permit application. Then Lynn
6 Dunaway will make a brief presentation. This will
7 be followed by more detailed instructions as to how
8 comments will be accepted this evening.

9 MR. KOCH: Brian Koch, Water Quality
10 Standards, and my job is to ensure that water
11 quality standards are properly regulated in the
12 permit.

13 MS. DIERS: Stephanie Diers, Legal
14 Counsel for Illinois EPA.

15 MR. DUNAWAY: Lynn Dunaway, Groundwater
16 Section, Bureau of Water. I deal with groundwater
17 issues.

18 MR. CRISLIP: Larry Crislip, Manager of
19 the Mine Pollution Control Program for the Agency,
20 and we compile all the information relative to the
21 permit, draft the permit for public notice.

22 MR. DUNAWAY: This is Lynn Dunaway, I'm
23 in the Bureau of Water, Groundwater Section, and
24 I've prepared an opening statement.

25 Groundwater at the Shay Number 1 Mine

1 contains elevated levels of several inorganic
2 constituents. The elevated levels of constituents
3 were present in the groundwater when Macoupin Energy
4 bought the mine and are there today. Beginning
5 shortly after Macoupin Energy acquired the property
6 in 2009, the company undertook a series of
7 groundwater investigations. One of those
8 investigations identified contaminants that had
9 migrated beyond the permit boundary, prompting the
10 issuance of violation notice W-2011-00040. In
11 response to the violation notice, Macoupin Energy
12 proposed and the Agency approved a Compliance
13 Commitment Agreement called a CCA. As the company's
14 remedial action plan was developed, it became
15 apparent appropriate remedial actions will require
16 more time than allowed by the CCA, which was October
17 1st, 2014. Macoupin Energy submitted a final
18 corrective action plan to the Agency on June 11,
19 2013. However, due to the amount of time required
20 for the proposed remedial activities to be
21 implemented, the case was referred to the Office of
22 the Illinois Attorney General, abbreviated AGO, on
23 June 26, 2013. Therefore, the CCA is no longer the
24 guiding document. The AGO has the case under
25 review, so any information regarding the case must

1 come from the AGO.

2 While the water proposed to be
3 discharged to the mine's water circuit by the
4 operation of the proposed corrective actions is
5 included in and has been evaluated as part of this
6 draft NPDES permit, the installation of these
7 corrective actions is not part of the draft NPDES
8 permit. The agency will provide a brief description
9 of the corrective measures as they are currently
10 proposed by Macoupin Energy.

11 Groundwater collection trenches will be
12 located west and northwest Refuse Disposal Area,
13 abbreviated RDA, 5, and southeast of RDA 6. These
14 trenches will intercept and collect groundwater that
15 has been impacted by the RDAs and prevent additional
16 off-site migration. Water from the collection
17 trenches will flow or be pumped to various ponds
18 that are in the existing water circuit. Additional
19 study will be completed to determine the need for an
20 additional length of collection trench north of RDA
21 6.

22 Wick drains will be used to dewater the
23 RDAs. Wick drains are corrugated pieces of plastic
24 wrapped in porous geotextile that will provide
25 pathways for leachate contained in the RDAs to

1 migrate to the drainage layer installed at what is
2 currently the top of the RDAs. Additional coarse
3 refuse and Coal Combustion Byproduct (CCB) will be
4 added above the drainage layer to increase the
5 pressure being exerted on the materials in the RDAs.
6 The increased pressure will cause the water to rise
7 up along the drains and into the drainage layer
8 where it will flow out into the mine's water circuit
9 instead of continuing downward into groundwater.
10 Leachate that does continue downward will be
11 intercepted by the collection trenches. The wick
12 drains will be placed into RDA 5 first, and then RDA
13 6.

14 The drainage layer, though installed as
15 part of the wick drain system, will serve a second
16 function. As additional coarse refuse and CCB are
17 added to squeeze water out of the RDAs along the
18 wick drains, infiltration from the surface will be
19 intercepted and routed to the mine's water circuit
20 through the drainage layer. It should be further
21 noted that the mine has constructed an enclosed coal
22 ash processing area that mixes CCB and coarse
23 refuse, allowing the addition of water if necessary
24 to prevent dust generation while being distributed
25 on the RDA.

1 Slurry will be disposed underground in
2 the mine voids. The solids from the slurry will be
3 left under -- underground in the mine voids while
4 most of the water used to carry the solids below
5 ground will be pumped back to the mine's water
6 circuit. Underground disposal of slurry will allow
7 the water level within RDA 6 to be reduced, thus
8 reducing the hydraulic head in the impoundment,
9 which will reduce the amount of leachate leaving the
10 RDA, which, in turn, will reduce the amount of
11 contaminated groundwater being collected by the
12 groundwater collection trench near RDA 6.
13 Information provided by the Illinois State
14 Geological Survey, abbreviated ISGS, indicates that
15 the coal seam being mined at Shay Number 1, the
16 Number 6 Coal, is below the upper most fresh water.
17 In other words, the ISGS does not believe potential
18 sources of drinking water exist at or below the
19 elevation of the mine voids where the slurry will be
20 deposited.

21 The final corrective action will be the
22 placement of an engineered low permeability cover on
23 RDA 5 in approximately ten years. A low
24 permeability cover on RDA 6 will be constructed
25 approximately 15 years later. Currently two feet of

1 clay compacted to a minimum hydraulic conductivity
2 of one times ten to the minus seven centimeters per
3 second, with a protective soil layer over the top
4 has been proposed. Macoupin Energy does not -- does
5 have the option of substituting a synthetic cover in
6 place of the compacted clay as long as the synthetic
7 material provides equivalent or better protection.

8 Groundwater monitoring to assess the
9 effectiveness of the remedial activities will be
10 ongoing.

11 That concludes the Groundwater Section's
12 opening statement.

13 HEARING OFFICER STUDER: Thank you,
14 Lynn.

15 While issues raised tonight may indeed
16 be heartfelt concerns to many of us in attendance,
17 applause is not appropriate during the course of
18 this hearing. On a similar note, booing, hissing
19 and jeering and other notes are not appropriate and
20 will not be allowed this evening.

21 Secondly, I'm not going to allow
22 statements to be made tonight that do not relate to
23 the issues involved with the NPDES permit.
24 Specifically, statements and comments that are of a
25 personal nature or reflect on the comment or motive

1 of a person or group of people are not appropriate
2 in this hearing. If statements or comments begin to
3 drift into this area, I may interrupt the person
4 speaking. As hearing officer, I do intend to treat
5 everyone here tonight in a professional manner and
6 with respect. I ask that the same respect be shown
7 to those providing comments. If the conduct of
8 persons attending this hearing should become unruly,
9 I am authorized to adjourn this hearing should the
10 actions warrant. In such a case, the Illinois EPA
11 would continue to accept written comments through
12 the time indicated in the notice for this hearing.

13 Since we have a limited time in which to
14 conduct this hearing, Illinois EPA staff members
15 will be responding to issues when appropriate. We
16 are primarily here to listen to environmental issues
17 under the administrative control of the Illinois
18 EPA. Comments regarding personalities are not
19 appropriate and will not be allowed during this
20 hearing. You may disagree with or object to some of
21 the statements and comments made tonight, but this
22 is a public hearing, and everyone has a right to
23 express their comments on this draft permit and
24 issues related to it.

25 Written comments are given the same

1 consideration as oral comments made at this hearing,
2 and may be submitted to the Illinois EPA at any time
3 within the public notice comment period, again,
4 which ends on April 10th, 2014. Although we will
5 continue to accept comments through that date,
6 tonight is the only time we will be accepting oral
7 comments. Any person who wishes to make oral
8 comments may do so as long as the statements are
9 relevant to the issues at hand and time allows.

10 If you have lengthy comments, please
11 consider submitting them to me in writing before the
12 close of the comment period, and I will ensure that
13 they are included in the hearing record as an
14 exhibit. If your comments fall outside the scope of
15 this hearing, I may ask you to proceed to your next
16 relevant issue. For the purpose of allowing
17 everyone to have a chance to comment and to ensure
18 that we conduct this hearing in a timely fashion, I
19 will impose a time limit of eight minutes per
20 speaker.

21 I stress that we want to avoid
22 unnecessary repetition. If anyone before you has
23 already presented a statement or a comment that is
24 contained in your comments, please skip over those
25 issues when you speak. If someone has already said

1 what you intended to say, you may pass when I call
2 your name to come forward. Once a point is made, it
3 makes no difference if the point is made once, or
4 whether it is made 99 times, it will only be
5 reflected once in the responsiveness summary.

6 I also want to point out that our
7 decision is not based on how many people support the
8 permit being issued, or how many people oppose the
9 permit being issued. The permit will be based upon
10 the regulations for issuing and whether or not the
11 applicant complies with those regulations.

12 All comments will be part of the
13 official record. After everyone that has registered
14 to speak has had an opportunity to do so and
15 provided that times -- excuse me, that time permits,
16 I may allow those who initially did not desire to
17 speak to do so. In the event that we cannot
18 accommodate everyone who wishes to make comments
19 this evening, you may -- excuse me, or if you run
20 out of time before the, you complete your comments,
21 you do have the option to submit your comments to us
22 in writing. And again, written comments are given
23 the same weight as comments made orally at this
24 hearing, provided that those written comments are
25 filed within the comment period. All comments which

1 are timely filed will be considered by Illinois EPA
2 in reaching a final decision in this matter.

3 We have a court reporter here who is
4 taking a record of these proceedings for the purpose
5 of us putting together our administrative record.
6 Therefore, for her benefit, please keep the general
7 background noise in the room to a minimum so that
8 she can hear everything that is said. Illinois EPA
9 will post the transcript of this hearing on our web
10 page in the same general place where the hearing
11 notice, fact sheet and draft permit have been
12 posted. It is my desire to have this posted in
13 about two to two and a half weeks following the
14 close of this hearing, but the actual time will
15 depend on when I receive the transcript.

16 When I call your name, please come
17 forward, state your name and, if applicable, any
18 governmental body, organization or association that
19 you represent. If you are not representing a
20 governmental body or an organization or an
21 association, you may simply indicate that you are a
22 concerned citizen or a member of the public. For
23 the benefit of the court reporter, I ask that you
24 spell your last name. If there are alternate
25 spellings for your first name, you may also spell

1 your first name. Once you spell your name, I will
2 start timing you, and you will have eight minutes to
3 complete your comments.

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

15 Are there any questions regarding the
16 procedures that I will be using in conducting this
17 hearing this evening?

18 (No response.)

19 HEARING OFFICER STUDER: Okay, let the
20 record indicate that no one raised their hand.

21 Okay, the first person that has
22 registered to speak is Terri Treacy.

23 MS. TREACY: Thank you. My name is
24 Terri Treacy, T-E-R-R-I, last name is T-R-E-A-C-Y.
25 I'm Springfield representative to the Illinois

1 Chapter of the Sierra Club, we're a statewide
2 organization with about 25,000 people, and I'm here
3 to make a couple comments, but mostly ask questions
4 regarding the Macoupin Energy NPDES permit.

5 Before I get started, Lynn.

6 MR. DUNAWAY: Yes.

7 MS. TREACY: Would it be possible to get
8 a copy of your statements in advance of the
9 deadline? Because I believe you answered a lot of
10 my questions, and it would save time if I didn't
11 have to -- I couldn't take notes fast enough to make
12 sure.

13 HEARING OFFICER STUDER: Okay, they will
14 be included in the transcript for this hearing, and
15 that transcript will be posted on the web.

16 MS. TREACY: Before the deadline?

17 HEARING OFFICER STUDER: Yes.

18 MS. TREACY: Oh, okay. So we'd have
19 time to look at them, and then if all our questions
20 weren't answered, then we could go back and...

21 HEARING OFFICER STUDER: Sure.

22 MS. TREACY: Okay. So I'm going to try
23 to skip a few just because I think you did answer
24 them. But I will go on then.

25 First question is is there a 404 permit

1 for this project 2, do you know? I know it's not
2 your area, but I'm just curious if you know.

3 MR. CRISLIP: No.

4 HEARING OFFICER STUDER: No, I don't
5 think there is one.

6 MS. TREACY: Okay.

7 HEARING OFFICER STUDER: We'll check
8 into that also and give you a more definite response
9 in our responsiveness summary.

10 MS. TREACY: On October 15th, 2013, IEPA
11 requested new toxicity characteristic leaching
12 procedure tests on slurry. Do you know what the
13 results of those tests are?

14 MR. DUNAWAY: That information has been
15 submitted to me, but I have not had time to review
16 it, it was just late last week.

17 MS. TREACY: Okay. The trenches you
18 talked about. So why does the permit allow for
19 additional water to be pumped to RDA 6 from the
20 south holding pond slurry injection return water
21 since head pressure is supposed to be minimized?

22 MR. CRISLIP: Water is pumped from the
23 south slurry -- south holding pond and the slurry 6
24 will make-up water for the preparation facilities.

25 MS. TREACY: Okay.

1 MR. CRISLIP: Maintain the water levels.

2 MS. TREACY: Maintain water levels,
3 okay. Are there other waste streams that are or
4 would be permitted to be added to RDA 6 or other
5 previous permits?

6 MR. CRISLIP: Not that I'm aware of
7 right off the top of my head, but I can check into
8 that.

9 MS. TREACY: Okay. Will there be any
10 additional pollutant loading for parameters that are
11 already exceeding either groundwater or surface
12 water standards at the site?

13 MR. KOCH: From a surface water
14 perspective, there will be no increase in loading.

15 MS. TREACY: Okay.

16 MR. KOCH: We, we had meetings with the
17 applicant, they provided us with information that
18 supported that fact. The volume is actually
19 decreasing, and the NPDES permit limits, which are
20 water quality standard based, they're actually going
21 to be more stringent in this upcoming permit
22 compared to last permit. So yeah, there won't be
23 any increase in loading.

24 MS. TREACY: Thank you. When looking at
25 whether antidegradation rules apply to proposed

1 changes at the Shay 1 Mine, did IEPA staff compare
2 volumes of waste water, change in concentrations of
3 pollutants in waste streams, or change in loading of
4 pollutants in waste water?

5 MR. KOCH: We looked at the volume of,
6 of flow, and we looked at the, the common parameters
7 that are regulated at the outfalls, such as
8 manganese, chloride, sulfate, and we found there
9 would be no increase in loading.

10 MS. TREACY: Okay. Were these -- then
11 were these comparisons done in total to the
12 receiving body, or per individual outfall?

13 MR. KOCH: Could you clarify that
14 question?

15 MS. TREACY: So I guess the ultimate
16 number, did that, was that all added together, or
17 was it per, per outfall?

18 MR. KOCH: Each outfall was looked at
19 individually.

20 MS. TREACY: Mm-hmm. Okay.

21 MR. KOCH: Specifically in regards to
22 not only the, the limit at each outfall, but how the
23 effluent from each outfall would impact the
24 receiving water quality. Several of the outfalls
25 were in same stream segment, so we had to combine

1 the waste streams essentially and assure that
2 standards would be met downstream.

3 MS. TREACY: Okay. So separate, but
4 then combined if they were in the same stream.

5 MR. KOCH: Correct.

6 MS. TREACY: Okay, for the total. Okay.
7 Can you please tell us the extent of surface water
8 sampling that has been conducted at Smith Reservoir
9 and what the results have been?

10 MR. KOCH: I'm unaware of specific
11 surface water sampling at Smith Lake. There is
12 effluent data from outfall 007 which is most likely
13 pretty representative of that, but I don't know of
14 actual Smith Lake sampling.

15 MS. TREACY: Okay. What waste streams
16 are allowed to empty into Smith Reservoir?

17 MR. CRISLIP: I believe there is an
18 emergency overflow from RDA Number 5, and any other
19 sources at this time I would have to do research and
20 find for you.

21 MS. TREACY: Okay. Are there
22 withdrawals from the Smith Reservoir being
23 permitted?

24 MR. CRISLIP: There is a return pump for
25 make-up water from Smith Lake that is approved.

1 MS. TREACY: Okay. In your assessment,
2 is Smith Lake a water of the state of Illinois?

3 MS. DIERS: We're looking into that
4 issue right now, we're looking at the history of the
5 lake and everything, and we will make that
6 determination in our responsiveness summary.

7 MS. TREACY: Okay. Just for the record,
8 I'd just like to comment that Title 35 of the
9 Illinois Administrative Code, Section 301.440,
10 defines waters as: All accumulations of waters,
11 surface and underground, natural and artificial,
12 public and private, or parts thereof, which are
13 wholly or partially within, flow through, or border
14 upon the state.

15 Based on this definition, we believe
16 that Smith Lake is a water of the state of Illinois.

17 Are water withdrawals allowed from
18 adjacent streams for use at Shay 1 Mine, including
19 from Spanish Needle Creek, Macoupin Creek or
20 tributaries to either?

21 MR. CRISLIP: I believe there is a
22 withdrawal approved from one of the streams, but I
23 would have to check on that and provide you that to
24 be certain.

25 MS. TREACY: Okay. We understand that

1 under a Memorandum of Understanding between IEPA and
2 IDNR that some of the responsibilities under SMCRA,
3 namely for groundwater protection, have been
4 delegated from IDNR to IEPA. If either the
5 nondegradation standard or groundwater quality
6 standards are exceeded either on or off-site at Shay
7 1 Mine, whose responsibility is it to issue a
8 violation notice to request inspection or to request
9 additional sampling and so forth?

10 MR. DUNAWAY: It seems as if groundwater
11 standard would come from IEPA.

12 MS. TREACY: Okay.

13 MR. DUNAWAY: Issue of a violation
14 notice.

15 MS. TREACY: Have the Mine Pollution
16 Control NPDES permit section staff met with the IEPA
17 groundwater staff and staff from the Site
18 Remediation Program regarding Shay 1 Mine -- Shay 1
19 met at the same time, they met at the same time and
20 discussed?

21 MR. DUNAWAY: I'm sure over the years we
22 have, but I couldn't give you an exact date.

23 MS. TREACY: Okay. So not for this
24 particular permit then probably?

25 MR. DUNAWAY: Not specific for this

1 permit, no.

2 MS. TREACY: Okay. Have staff from
3 these three sections also met with personnel from
4 Shay 1 Mine, Foresight Energy, Macoupin Energy,
5 MaRyan Mining together?

6 MR. DUNAWAY: Yeah. Yes, we have.

7 MS. TREACY: Okay. How does IEPA
8 justify allowing Shay 1 mine site to be enrolled in
9 the site remediation program at the same time they
10 are allowed to operate and add additional pollutants
11 to the very sources that they are, the very sources
12 that are polluting groundwater and surface water?

13 HEARING OFFICER STUDER: We have no one
14 here from site remediation, we'll have to respond to
15 that in the responsiveness summary.

16 MS. TREACY: Okay. Has IEPA's staff
17 ever met with Toby -- and I'm going to mess up this
18 last name, Frevert, F-R-E-V-E-R-T, with him
19 representing Macoupin Energy?

20 MR. CRISLIP: No.

21 MS. DIERS: Not that I'm aware of.

22 MS. TREACY: Okay.

23 HEARING OFFICER STUDER: And I caution
24 you, we're starting to get into areas that are
25 really deviating from the NPDES permit here, so

1 you've been given a little latitude, but you're
2 going to have to -- we're not going to continue
3 along these line of questions that aren't relevant.

4 MS. TREACY: Okay. Are groundwater
5 quality standards being met at RDA's 1 to 4?

6 MR. DUNAWAY: Can you clarify that
7 question?

8 MS. TREACY: So there's RDA's 1, 2, 3
9 and 4.

10 MR. DUNAWAY: Yes.

11 MS. TREACY: Are groundwater quality
12 standards being met at those four?

13 MR. DUNAWAY: There are groundwater
14 quality standard exceedances throughout the site,
15 but with the problem you come into with groundwater
16 is that it's difficult to separate when you have
17 flow systems where a particular molecule may have
18 come from.

19 MS. TREACY: Okay. Regarding the
20 management of onsite ponds such as recirculating
21 ponds, holding ponds, sedimentation ponds, are fines
22 ever removed, and if so, how often?

23 MR. CRISLIP: There is a requirement as
24 committed to in the original application that, as
25 necessary, sediments will be removed from basins to

1 ensure that the treatment volume of that basin is
2 maintained. I cannot answer for you right now how
3 often that has occurred or when the last time it has
4 occurred.

5 MS. TREACY: Okay. Where would such
6 removed drudge material be placed when it is --

7 HEARING OFFICER STUDER: Okay, we've
8 gone the -- how many more questions do you have?

9 MS. TREACY: A few. Can I come back
10 later if there's time?

11 HEARING OFFICER STUDER: Yeah, we'll go
12 ahead and answer the question that you've asked.

13 MS. TREACY: Okay.

14 HEARING OFFICER STUDER: And if you have
15 a question that closely relates to it, I'll also
16 allow that to be asked.

17 MS. TREACY: Okay.

18 HEARING OFFICER STUDER: Otherwise, if
19 it's in a different area, we'll come back, okay?
20 Can we have the question repeated?

21 MS. TREACY: Yeah, so where would the
22 removed or drudge material be placed?

23 MR. CRISLIP: Typically, if it has
24 potential for containing any type of contaminate,
25 such as coal or coal waste, it would be placed in

1 the refuse disposal area. If it is determined to be
2 a clean sediment material, it can be tested and
3 potentially, and I emphasize potentially, be used as
4 a top soil substitute material.

5 MS. TREACY: Okay. All right, thank you
6 very much. Appreciate it.

7 HEARING OFFICER STUDER: Thank you, Ms.
8 Treacy, and I'll keep your card up here.

9 MS. TREACY: Thanks.

10 HEARING OFFICER STUDER: Tyler, is it
11 Rotche?

12 MR. ROTCHE: Rotche.

13 HEARING OFFICER STUDER: Rotche, I'm
14 sorry.

15 MR. ROTCHE: Hi. My name is Tyler
16 Rotche, that's R-O-T-C-H-E, and I work with Prairie
17 Rivers Network.

18 Thank you for the opportunity to provide
19 comments regarding the draft NPDES permit to be
20 reissued for the Shay Number 1 Mines discharges to
21 the waters of the Spanish Needle Creek, Macoupin
22 Creek and related tributaries in Macoupin County.
23 Prairie Rivers Network is the state affiliate of the
24 National Wildlife Federation, a nonprofit
25 organization that strives to protect the rivers,

1 streams and lakes of Illinois and for the lasting
2 health and beauty of watershed communities. Prairie
3 Rivers Network has members that live and recreate in
4 the Macoupin Creek watershed and stand to be
5 adversely affected should discharges under this
6 permit impair waters in the area.

7 As detailed in our letter requesting a
8 public hearing, we object to the issuance of this
9 permit for the following reasons: 1. Macoupin
10 Energy is obligated, yet has failed to comply fully
11 with the Illinois Environmental Protection Act 415
12 ILCS 5. 2. Macoupin Energy has failed to comply
13 with the terms of the Compliance Commitment
14 Agreement. 3. Even if Macoupin Energy was
15 complying with the terms of the Compliance
16 Commitment Agreement, its implementation of the
17 remedial action plan or corrective action plan would
18 not lead to compliance with the environmental
19 standards of the Environmental Act. 4. Macoupin
20 Energy fails to meet requirements for protected
21 waters of the state of Illinois. 5. IEPA has not
22 demonstrated that the proposed discharges will not
23 cause or contribute to the violation of water
24 quality standards and tributaries and/or main stem
25 reaches of Spanish Needle Creek and Macoupin Creek.

1 6. The agency has failed to fully identify and
2 quantify proposed pollutant load increases and the
3 potential impacts of those load increases on the
4 effected waters and share the findings with the
5 public as required by 35 IAC 302.105 (c)(2) f)1)B
6 and f)3). 7. The Agency has failed to demonstrate
7 existing uses would be fully protected in accordance
8 with 35 IAC 302.105. And 8; alternatives that could
9 be -- alternatives that could minimize increases in
10 pollutant loadings, sulfate, chloride, iron,
11 manganese, et cetera, have not been fully explored.

12 Additionally, we have a number of
13 concerns and questions that we would like to be
14 addressed. A few of these were already asked. So I
15 think some of them might have been addressed in your
16 comments, so, if so, please just pass on this.

17 Are coal combustion -- you said Coal
18 Combustion Byproducts are allowed. Do you know in
19 what volumes? At RDA 5 and RDA 6.

20 MR. DUNAWAY: I don't know the volumes,
21 no.

22 MR. ROTCHE: What is the most recent
23 analysis of the leaching potential of this material,
24 and what test was used?

25 MR. DUNAWAY: Which material?

1 MR. ROTCHE: The Coal Combustion
2 Byproducts.

3 MR. DUNAWAY: Well, that was, I kind of
4 had that question before, and I've, there's been a
5 submission made on the, for CCB, and I have not had
6 a chance to review that yet.

7 MR. ROTCHE: What is the water quality
8 characterization of the waste streams regarding RDA
9 5 and RDA 6 waste water being removed by wick drains
10 in the permit?

11 MR. DUNAWAY: Are you asking how it was
12 characterized, or the exact numbers? Because I
13 don't know the exact numbers.

14 MR. ROTCHE: How it was characterized.

15 MR. DUNAWAY: In general what we did was
16 took a sample of leachate and -- or several samples
17 of leachate and we calculated tolerance limit, which
18 would estimate the maximum volume that you would
19 ever expect to see using a statistical method and
20 assumed that higher value was the actual value.

21 MR. ROTCHE: And where would these go?
22 These waste streams?

23 MR. DUNAWAY: For RDA 5, as proposed, I
24 believe it's a gravity flow from RDA 5 out of the
25 drainage layer to Smith Lake.

1 MR. ROTCHE: And for RDA 6?

2 MR. DUNAWAY: That's not been proposed
3 yet, because it's a ways down the road.

4 MR. ROTCHE: I believe that's all my
5 questions.

6 In closing, Prairie Rivers Network and
7 our members urge the Illinois Environmental
8 Protection Agency to deny this permit that is
9 currently presented and to address the
10 aforementioned concerns. Thank you.

11 HEARING OFFICER STUDER: Thank you.
12 Mary Ellen DeClue.

13 MS. DeCLUE: Mary Ellen DeClue, spelled
14 D-E, capital C-L-U-E.

15 Thank you very much for conducting this
16 very important hearing. You guys do good. I'm here
17 to learn how Chris Cline, Foresight Energy, handles
18 such an environmental challenge. This group owns
19 Deer Run Mine in Hillsboro, Illinois, which is
20 closer to my neck of the woods, so I am here to
21 learn.

22 The organization of the regulatory
23 system in Illinois is kind of difficult to
24 understand, and by that I mean IDNR approves mining
25 permits that many times should not be approved. At

1 least in the app -- as presented in the application.
2 Nevertheless, IDNR approves the mining permit, and
3 then turns over the responsibility of protecting the
4 environment to you guys. EPA, I think, is
5 responsible for monitoring and minimizing, tracking
6 the pollution from the mine site, is that correct?

7 MR. CRISLIP: Yes, our permit tracks the
8 discharge of water and the quality of that water
9 off-site.

10 MS. DeCLUE: Okay. And quite frankly,
11 Shay 1 is a mess, and I don't know how you guys are
12 going to clean it up other than maybe divine
13 intervention, which I believe in prayer, so we might
14 do it yet. Basically, though, Shay 1 is a prime
15 example of perhaps what should not have been
16 approved. To me, if they want to open the mine,
17 there should have been different arrangements for
18 the coal slurry, not put it into RDA 6. It was
19 known, I think, prior to opening -- is this correct?
20 Prior to their buying the mine in '09, that it was
21 known that there was contamination off-site. Is
22 that correct?

23 MR. DUNAWAY: Prior to buying the mine
24 in '09, there was no information that indicated
25 off-site contamination.

1 MS. DeCLUE: Okay, so it just came up
2 then when they --

3 MR. DUNAWAY: When they did further
4 investigation --

5 MS. DeCLUE: Okay.

6 MR. DUNAWAY: -- they found off-site.

7 MS. DeCLUE: See, I was mistaken about
8 that, I was thinking that it was known and -- okay,
9 that explains a lot. Thank you.

10 IDNR approved the coal slurry injection
11 at Shay 1. Is there anything that you do to monitor
12 for groundwater contamination with respect to the
13 coal slurry?

14 MR. DUNAWAY: We do not do groundwater
15 monitoring relative to the slurry disposal.

16 MS. DeCLUE: Do you -- do you know
17 offhand if there is a way, if there is -- to me it's
18 not if -- whenever there is contamination to
19 groundwater from coal slurry, is there a way to
20 remediate that, to clean it up? Is there a Plan B,
21 in other words?

22 MR. DUNAWAY: Well, the current
23 groundwater problem is partially caused by slurry
24 that was stored above ground, so by injecting -- you
25 may have missed this, but by injecting underground,

1 the, the level of, that the mine works, the State
2 Geological Survey has done maps statewide where they
3 have mapped out what they believe the highest level
4 is, what the elevation is, if you will, below the
5 ground surface of where fresh water stops, and the
6 Number 6 coal seam is below that level, so that
7 means that they're, based on the Geological Survey's
8 expertise, there is no drinking water below that
9 level. So the slurry should have -- should not have
10 impact on drinking water. Or potential drinking
11 water.

12 MS. DeCLUE: I know that at the one IDNR
13 meeting that I went to, Scott Fowler said that,
14 unlike West Virginia, that he did not anticipate
15 coal slurry to contaminate drinking water, and I
16 sure hope he's right. Bear with me. My computer
17 died today, and I normally type, and I can't read my
18 writing, so I apologize. This doesn't make me happy
19 either.

20 Although basically I would like to
21 please not approve this NPDES permit application.
22 Quite frankly, I think it's a feeble attempt to
23 legalize ongoing contamination. I really don't
24 think, and I'm not -- not that I don't have a lot of
25 faith in the EPA, but I do not think that the

1 contamination can be stopped. It's just like
2 Monterey 2 where they pump out all this water from
3 under the impoundment and ship it to Kaskaskia
4 River, and I think that's going to be a similar,
5 regrettably, but we shall see.

6 Could I ask you why, why when you talk
7 about NPDES chemicals that you analyze for, like
8 chloride, sulfate, manganese, iron, whatever, why
9 aren't some of the more toxic components of coal,
10 like arsenic, cadmium, thallium, beryllium, lead,
11 mercury, why aren't they analyzed or checked for?

12 MR. DUNAWAY: The -- I know the
13 groundwater monitoring required in this NPDES permit
14 does require the beginning of monitoring for those
15 constituents. They've not been previous.

16 MS. DeCLUE: Okay, but why not, though,
17 surface water I guess is my point.

18 MR. CRISLIP: In surface water with the
19 renewal applications every five years, they do a
20 range of monitoring, and the results of that
21 monitoring has not indicated that there was a need
22 or an expectation that those contaminants would be
23 present in the discharge water.

24 MS. DeCLUE: Okay. And have, has EPA
25 changed their policy about, like a Freedom of

1 Information request? Can I get NPDES results from
2 a, like Shay 1 or Deer Run Mine? Is there any type
3 of...

4 HEARING OFFICER STUDER: Yeah, those
5 should be available. The discharge monitoring
6 report should be available, the only thing that is
7 not released are documents that are in draft form,
8 but the results that come in, my understanding is
9 that those, those are releasable and requests for
10 those should be, should be honored.

11 MS. DeCLUE: Well, okay, I know you said
12 discharge monitoring report. I asked in January EPA
13 to, for the NPDES analytical reports for Deer Run
14 Mine, and I got a thing back saying that they were
15 exempt from FOIA requests, which I was surprised.

16 HEARING OFFICER STUDER: I don't know,
17 I'm not familiar with your specific FOIA request, so
18 I can't --

19 MS. DeCLUE: Oh, no, I'm not...

20 HEARING OFFICER STUDER: Yeah. But I
21 can -- I mean we should have a record of that FOIA,
22 and I can provide a more --

23 MS. DeCLUE: It was January 10th of this
24 year.

25 HEARING OFFICER STUDER: Okay. I can

1 provide a more detailed response once we look into
2 specifically what, what caused it to, or what they
3 cited as the reason for it being exempt and what was
4 requested.

5 MS. DeCLUE: Okay. I appreciate that
6 very much. Thank you so much, and again, I want to
7 it emphasize please do not renew this NPDES permit.

8 HEARING OFFICER STUDER: All right.
9 Joyce Blumenshine.

10 MS. BLUMENSHINE: Thank you. My name is
11 Joyce, last name Blumenshine, B-L-U-M-E-N-S-H-I-N-E,
12 I am a volunteer member of the Illinois Chapter
13 Sierra Club and a member of their Illinois Mining
14 Issues Committee, and we, as Sierra Club members,
15 are concerned about the protection of the
16 environment for our families and for our future, and
17 we really do view the role of each of you at IEPA as
18 critically important, and thank you very much for
19 your time tonight. I do have a few comments and
20 questions, please, and I do want to first ask, I
21 have here a document which I'll term it Exhibit 1,
22 it is Lake and Watershed Management Plan,
23 Carlinville, Macoupin County, Illinois. There are a
24 couple maps here, but I just wanted to point out
25 something, Mr. Hearing officer, could I just

1 approach?

2 HEARING OFFICER STUDER: Sure.

3 MS. BLUMENSHINE: Thank you. And I'll
4 speak loudly enough, but there is a watershed map
5 here, and the watershed is clearly marked, and the
6 line is right by the Shay 1 Mine. My question is in
7 no documentation in this NPDES permit did I see any
8 mention -- I mean I realize there might be a divide
9 there, but concerns if there were a breach or
10 inundation type spill, if the inundation risks of
11 this RDA are considered regarding what I understand
12 is a continuation of the public water supply back-up
13 lake for Carlinville, which this is the extension
14 which I'm pointing to, and I do not know the name.
15 So there are two maps here, I'd like to ask IEPA to
16 please explain in your summary statement if there
17 are any concerns, and here again is this water body
18 I'm referring to, it is directly east, slightly
19 north of RDA 6. And just a short distance from the
20 watershed divide.

21 HEARING OFFICER STUDER: Thank you, and
22 I'll enter this as an exhibit also.

23 MS. BLUMENSHINE: Thank you, certainly
24 appreciate that. It's something that I don't
25 understand, not being a scientist, but it seems that

1 that water area is pretty close. I realize there's
2 concern about where is the divide of the watershed,
3 but certainly what other mines have shown is an
4 emergency plan for an inundation dam breach or
5 something, I realize that's probably not in your
6 purview, but could I please ask is there any review
7 of risks of a breach of RDA 6, considering this
8 NPDES allows the height of it to be raised over 701
9 feet above sea level?

10 MR. CRISLIP: As part of the NPDES
11 review, we did not investigate a potential breach of
12 that impoundment and the effects it may have on that
13 back-up water supply.

14 MS. BLUMENSHINE: Thank you, and I do
15 understand that, it's not actually a metered
16 pollution discharge, but it's certainly a concern
17 for that, what is in this NPDES with the height
18 being, you know, raised and more volume into RDA 6.

19 MR. CRISLIP: That particular issue
20 would be outside of our purview on our reviews, but
21 I can check into that and see what I can find for
22 you.

23 MS. BLUMENSHINE: Thank you, appreciate
24 this.

25 And this was briefly referred to

1 earlier, I just wasn't quite clear, because on this
2 permit it does allow for 42.5 acres, and the answer
3 was that there was no 404 necessary, might I just
4 ask to clarify, are there any wetlands or, you know,
5 like prairie pothole potential wetlands that IEPA
6 hasn't identified in the acreage being added under
7 this NPDES?

8 MR. CRISLIP: When I answered that, that
9 there was no 404, that was to the best of my
10 knowledge.

11 MS. BLUMENSHINE: Okay.

12 MR. CRISLIP: Since we had no 401 issue,
13 that is why I assumed there was no 404.

14 MS. BLUMENSHINE: Okay.

15 MR. CRISLIP: But we can doublecheck
16 the, any wetland issues with regards to the
17 corridors for the, for the slurry pipelines.

18 MS. BLUMENSHINE: Thank you, that's
19 appreciated. Also question, and I have not located,
20 but the rainfall 24-hour extreme event, and then
21 they had another event. Considering the fact that
22 there does appear to be some changes in our climate,
23 I wondered if there might be IEPA checking to assure
24 if those figures are accurate for the rainfall
25 expectations for the extreme events.

1 MR. CRISLIP: Those rainfall values come
2 from published data.

3 MS. BLUMENSHINE: Okay.

4 MR. CRISLIP: And I would assume that if
5 any climate changes affect those, that that
6 published data would be revised.

7 MS. BLUMENSHINE: Thank you. I was
8 concerned also at classifications for Outfall 003
9 and Outfall 004 are being changed to storm water
10 discharges, and could I just ask for explanation
11 why, because they appear to be on the west side
12 where there could be problems from the RDA.

13 MR. CRISLIP: Outfalls are reclassified
14 based on the condition of the watershed tributary of
15 those basins. If I'm not mistaken, those watersheds
16 are basically the outslopes of the older refuse
17 disposal areas. Those slopes have been covered and
18 are now well vegetated, which that watershed
19 characteristic qualifies those for reclassification.

20 MS. BLUMENSHINE: Okay, and again, I'm
21 not a scientist, but I just was concerned, because
22 obviously for a capping of RDA 5, which now
23 incorporates some of the older ones, even those
24 vegetated, seems like a lot more coarse refuse and
25 other potential contaminants are being added inside

1 that, so I guess the concern is that that surface
2 water would run off the edge and, is that it?

3 MR. CRISLIP: If, if any of the
4 reclamation activities or any future disturbance is,
5 becomes tributary to those basins, those basins
6 would be required to be again reclassified back to
7 an active status such as alkaline or acid of run
8 drainage.

9 MS. BLUMENSHINE: Okay, that's helpful
10 thank you. And that revegetated slopes or vegetated
11 slopes has been a concern for a very long time for
12 RDA 6. We realize that the Office of Mines and
13 Minerals says the site is still being built, even
14 after all these years of mining, but to a person
15 driving from road, public roads, you look at that,
16 and it does seem to be fissures, erosion, and other,
17 you know, concerns to me as a citizen in parts of
18 RDA 6 on the walls, and I, I realize that's not
19 directly in your purview, but it seems like that
20 would be adding to the suspended solids and other
21 things that are in your purview. Is there any
22 concern or observations that IEPA can make regarding
23 RDA 6 slopes?

24 MR. CRISLIP: Of course, any time
25 there's erosion of a slope, then that is indicative

1 that there is sediments being added to that basin,
2 which would indicate that that basin at some point
3 may need cleaned out to restore the designed
4 treatment volume of the structure.

5 MS. BLUMENSHINE: Okay. So that would
6 be then, if it's, you know, in the designer
7 treatment, when would that come up for
8 reconsideration? Is that -- I'm sorry, I didn't
9 quite follow how that would ever be dealt with if
10 it's adding to the sediment problems in the NPDES.

11 MR. CRISLIP: It, that erosion would add
12 to the sediment accumulation volume within the
13 basin.

14 MS. BLUMENSHINE: Okay, in the basin.

15 MR. CRISLIP: Right. Regardless of that
16 erosion or not, they are still required to meet the
17 permit limits with regards to sediments coming out
18 the discharge.

19 MS. BLUMENSHINE: Okay, thank you. I
20 did also notice on this NPDES that a Subtitle C
21 provision is in this permit, and I'm just very
22 concerned, Subtitle C is hazardous waste, to my
23 understanding, and for a long time public concerns
24 have been that basically by what happens with the
25 permitting of these mine sites what is supposed to

1 be just a coal slurry impoundment grows and grows
2 and grows like a cancer on the land, and then the
3 company gets to make more money or try to mitigate
4 other things by adding coal combustion waste or coal
5 ash with more heavy metals, so the result is
6 basically an unlined, no leachate control hazardous
7 waste landfill. So I did want to know, I couldn't
8 find anywhere else in this what specifically is this
9 Subtitle C provision listed in the NPDES?

10 HEARING OFFICER STUDER: Where are --

11 MS. BLUMENSHINE: Okay, I'm on Page 2
12 here.

13 HEARING OFFICER STUDER: That's the
14 Water Pollution Control Regulations by the Illinois
15 Pollution Control Board, not federal regs.

16 MS. BLUMENSHINE: If it's not in this
17 one, I apologize.

18 HEARING OFFICER STUDER: That's okay.

19 MS. BLUMENSHINE: That took that one
20 away.

21 HEARING OFFICER STUDER: I was sitting
22 here confused.

23 MS. BLUMENSHINE: Well, I obviously was
24 confused, so I apologize. Thank you.

25 The earlier NPDES, which I realize this

1 is a continued NPDES, but there was something about
2 the August 23rd, 2010, had a comment that
3 transferred water from Refuse Disposal Area 5 to
4 Smith Lake by pumpage is approved, and then it gave
5 a log number, and it says: The volume of water
6 transferred shall be limited to prevent a discharge
7 from the Smith Lake.

8 I, I'm not sure that I found that or
9 maybe I missed that in the current one, but is there
10 something that's going to limit the amount of water
11 that's pumped from Refuse Disposal 5 to Smith Lake?
12 I mean what if we have one of these amazing heavy
13 rainfall situations? We're just, you know,
14 concerned that there could be a large amount of
15 water.

16 MR. CRISLIP: Well, the pump size, the
17 pump rate, and the operation of that pump would,
18 would limit the volume being directed to that basin.
19 I would have to go back and pull that log number to
20 exactly see what was proposed and provide you
21 additional information.

22 MS. BLUMENSHINE: And I just, I have no
23 idea what the pump, you know, high end is and what
24 the low end is, so that was a question. Thank you.

25 I did want to comment that, you know,

1 since May 21st, 2003, there was the site remediation
2 program it says here in the Executive Summary of the
3 actual, I believe it was the 2013 Constogaroger
4 (ph.) Remedial Action Plan, it gives a little
5 history, and I don't know if I was in error in
6 understanding if there was a comment earlier, but I
7 did want to read into the record, it says here in
8 print. The site was entered into the IEPA's Site
9 Remediation Program on May 21st, 2003, to address
10 potential impacts to groundwater.

11 And it goes on, and I realize that the
12 Macoupin concerns and, that the mine was not
13 purchased from Exxon until 2009, but it seems like
14 there were grievous great substantial concerns
15 before this mine was purchased.

16 MR. DUNAWAY: The previous question was
17 with regard to off-site contamination and our time
18 of knowledge, we at the time, in 2009 before those
19 studies were done, we, IEPA was aware that there was
20 onsite contaminations.

21 MS. BLUMENSHINE: Okay. That helps with
22 that, okay. There is mention of the underground
23 slurry injection, and I would like to ask, since it
24 appears that that's going to be, you know,
25 definitely used at this site, does the mine have an

1 underground injection permit from IEPA?

2 MR. DUNAWAY: The Underground Injection
3 Control Program is actually under the Bureau of
4 Land, however, it's, it's my understanding that
5 those are Class 5 wells. However, I'd have to
6 confirm that with our UIC program.

7 MS. BLUMENSHINE: And I'm sorry, I
8 didn't understand what you said, you said classified
9 wells, is that different from --

10 MR. DUNAWAY: No, Class 5.

11 MS. BLUMENSHINE: Oh, Class 5 --

12 MR. DUNAWAY: Injections.

13 MS. BLUMENSHINE: -- I got it, okay,
14 okay. And so this is not of that extent.

15 MR. DUNAWAY: Class 5 injection wells
16 don't require a permit, they only require a, an
17 inventory.

18 MS. BLUMENSHINE: Okay. There were
19 comments earlier, and that was very helpful about
20 the groundwater trenches, it is our understanding
21 that the Mining Safety and Health Administration
22 would have to approve those, and there was some
23 note, although we haven't seen details, they might
24 go down to bedrock I mean trenching 145 feet deep.
25 Will IEPA be reviewing all plans for the trenching?

1 Of course, the concerns are that it might add to
2 actually stability issues or something else with the
3 site as far as drainage changes.

4 HEARING OFFICER STUDER: How many more
5 questions and comments?

6 MS. BLUMENSHINE: I have a few more, so
7 I probably should wait if there's somebody else who
8 wants to speak.

9 HEARING OFFICER STUDER: Yeah, or if you
10 can finish up in five minutes or so, then we'll
11 continue.

12 MS. BLUMENSHINE: I can finish up this
13 section, that would be most helpful. I have about
14 two more on the underground.

15 HEARING OFFICER STUDER: Okay, very
16 good.

17 MS. BLUMENSHINE: Thank you, I'll finish
18 this section, and I appreciate that consideration.

19 We do wonder, because if these trenches
20 are -- this is just a comment, and I realize it's
21 not totally in the purview of IEPA, but the fact
22 that this operations that continue at this mine are
23 based on these proposals to stop the groundwater
24 contamination and to do these specific steps to, to
25 deal with that. You know, just as a citizen we're

1 concerned that this might not seem too
2 understandable, because if the trenches go to
3 bedrock, how would, you know, how can they construct
4 a trench like that? It would have to be just
5 gigantic. I just raise that in a general kind of
6 comment.

7 MR. DUNAWAY: Well, the depth of bedrock
8 varies in that area due to the fact that there's a
9 valley there.

10 MS. BLUMENSHINE: Okay.

11 MR. DUNAWAY: So it, while some areas
12 could be over a hundred feet to bedrock, that's not
13 the condition in all places.

14 MS. BLUMENSHINE: Okay. And just two
15 more items and I'll quit on the underground
16 injection as part of this permit. There are a lot
17 of room and pillar sections going north toward
18 Carlinville, and that would be north toward the
19 gradient that appears to be draining toward Lake
20 Carlinville, so without knowing exactly the plan for
21 the injection, we wonder how IEPA can, can be
22 certain that the requirements to protect the public
23 water supply lake could be met? I mean if, if
24 underground room and pillar sections are injected
25 that allow some kind of leakage underground that

1 drains toward Lake Carlinville, even though it's a
2 surface lake, with differing levels of underground
3 layers, is that a concern?

4 MR. DUNAWAY: We did look at the
5 direction of the slope of the bed of the coal that
6 they would be injecting on, or that they would be
7 disposing the slurry on, and I, it's been too long
8 since I've seen it to recall exactly where it is,
9 however, my recollection is that the coal seam was
10 about 300 or 350 feet below ground level, which
11 would be well below Lake Carlinville. So even if it
12 were to migrate through that distance I, I don't
13 believe there would be an issue with Lake
14 Carlinville.

15 MS. BLUMENSHINE: Okay, and does IEPA
16 know if any of those chambers where the injection
17 will go do currently have water in them?

18 MR. DUNAWAY: I don't recall if that was
19 part of the report or not.

20 MS. BLUMENSHINE: Okay, and I just, my
21 last comment, because of concerns for the future of
22 this mine, because there is a large expansion
23 coming, and it means, you know, 30, who knows how
24 many more years at this site, that if you permit it
25 will continue, so the concern is that there are room

1 and pillar chambers under RDA 6 and under RDA 5 and
2 the conglomeration RDAs there, there's room and
3 pillar chambers going clear north quite a ways
4 almost to Route 4, and so the concern for the future
5 is as we know, there have been roof falls at this
6 mine, there have been concerns about stability of
7 perhaps some of the underground chambers. Is this a
8 safe thing to do for the protection of the
9 groundwater for the future? Thank you.

10 HEARING OFFICER STUDER: Okay, now I
11 assume you have a few more questions.

12 MS. BLUMENSHINE: I do.

13 HEARING OFFICER STUDER: Okay. Is there
14 anyone here that hasn't spoken this evening that
15 would like to make comments on the record?

16 Okay. Did you complete a card?

17 MR. SUHLING: Yeah.

18 HEARING OFFICER STUDER: Okay. All
19 right, if you state your name, we'll take care of
20 that.

21 MR. SUHLING: Randall. Randall Suhling,
22 S-U-H-L-I-N-G.

23 My property lies just west of the mine.
24 I've been dealing with this for a long time, I think
25 I was at the first hearing at Blackburn College I

1 guess about a year ago, three years ago?

2 HEARING OFFICER STUDER: Three years
3 ago.

4 MR. SUHLING: Three years ago. We had a
5 question a while ago if Exxon knew about these
6 problems. They definitely knew about it, because
7 they contacted me to buy some ground so that
8 their --

9 HEARING OFFICER STUDER: You need to
10 direct -- you need to direct your questions to the
11 hearing panel.

12 MR. SUHLING: Okay. So the discharge
13 didn't get off their site. That's what I found out
14 later. But since I have talked to -- I had
15 complaints at the first hearing we went to, I had a
16 lot of questions and complaints, because I've been
17 fighting this for a long time, and since then Roger,
18 Roger and Guy have been really forthcoming, I've had
19 several meetings with them, we have tested the
20 creek, DNR has tested the creek. There's been some
21 issues, I got this water sample reports, and I don't
22 know what they mean, you know, there's some elevated
23 levels of this and that, I can give you the water
24 sample reports if you want them, but I just want to
25 say that Roger and Guy have been really forthcoming

1 in helping me answer all these questions over the
2 past, since the last hearing.

3 So having said that, I think the
4 trenches are a good thing, they, they explained to
5 me how the trenches might work in the wicks. I
6 don't know much about it, may not be a good idea,
7 may not be a bad idea, I don't know, we'll see. At
8 least it's something. We're going in the right
9 direction. That's the way I feel. So I appreciate
10 all your efforts, and I appreciate their efforts,
11 and that's all I have to say.

12 HEARING OFFICER STUDER: Thank you. Is
13 there anyone else that has not made comments?

14 Sir, if you would come forward.

15 MR. LOVELESS: Come forward?

16 HEARING OFFICER STUDER: Yeah. And if
17 you'd state your name and spell your last name for
18 the record, please?

19 MR. LOVELESS: Bruce Loveless,
20 L-O-V-E-L-E-S-S. I've got some land to the
21 southeast of RDA 6, Loveless Feed Lot, and prior to
22 my brother's death in '07, I know Exxon came to him
23 and they filled in our, or his well there at the
24 house, and we have no water there right now. I
25 can't rent my house out. It's costing me money, and

1 lately I've went to the assessor's office, I've got
2 my taxes lowered, and I guess my question is Lynn,
3 you said that these trenches are going to prevent
4 further additional contamination, but what's going
5 to happen to the contamination that's already there?
6 And is there any way to get all of that back? I
7 don't believe so.

8 MR. DUNAWAY: We don't have any
9 information currently regarding contamination
10 offsite to the southeast of RDA 6.

11 MR. LOVELESS: But you've said that
12 there's a plume offsite to the southeast.

13 MR. DUNAWAY: I've said that there was,
14 there was offsite migration, that we have
15 information of offsite migration to the west. We
16 have, Macoupin Energy is installing a collection
17 trench to make sure migration doesn't continue to
18 the southeast, but we don't have the information to
19 the southeast.

20 MR. LOVELESS: Okay, but I think Exxon
21 probably knew that there was offsite contamination
22 if they went to my brother and filled, and filled
23 in, and I don't know who filled it in, if they had
24 him do it or if they did it, but I'm going to
25 suggest that they knew that the contamination was

1 there, so I'm thinking that we probably do. So I'd
2 like that looked into somehow. I think that --

3 HEARING OFFICER STUDER: It's way
4 outside the scope of the NPDES permit.

5 MR. LOVELESS: I know. I'm just nervous
6 I guess.

7 HEARING OFFICER STUDER: There are other
8 activities that are going on at the site which I'm
9 really not completely at liberty to discuss right
10 now, but there are issues dealing with remediation
11 that are...

12 MR. LOVELESS: Okay. I think that's all
13 I got.

14 HEARING OFFICER STUDER: Is there anyone
15 here in the room that has not spoken this evening
16 that would like to make comments on the record?

17 (No response.)

18 HEARING OFFICER STUDER: Okay, let the
19 record indicate that no one raised their hand. We
20 have two additional people that have spoken that
21 have additional questions and concerns, and we will
22 go ahead and let them finish with their, their
23 questions and their comments, and then we will go
24 ahead and adjourn the hearing. Tracy. Or excuse
25 me, Terri Treacy, excuse me.

1 MS. TREACY: Thank you for the
2 opportunity to come back and finish up, I'll try to
3 be brief if I can. Terri Treacy.

4 Can you describe the revisions made in
5 the abandonment -- abandonment plan for RDAs 5 and 6
6 and the Groundwater Monitoring Plan?

7 MR. DUNAWAY: Changes?

8 MS. TREACY: Yeah, have there been
9 revisions made in the abandonment plans for those
10 two RDAs? And will there be opportunities for the
11 public to see that and comment?

12 MR. DUNAWAY: Any change to the
13 configuration of RDA 5 would have to get an Office
14 of Mines and Minerals permit.

15 MS. TREACY: Okay, so it's off to OMM,
16 okay. Okay, so I think some of these in your intro
17 you kind of went through, so I'm just going to go
18 through this, and if you've already... okay.

19 So the, the Corrective Action Plan that
20 was received June 10th of 2013, how does that plan
21 relate to the May, 2012, Remedial Action Plan?

22 MR. DUNAWAY: The June, 2013?

23 MS. TREACY: Yeah.

24 MR. DUNAWAY: The, it's a separate plan,
25 it was, the Remedial Action Plan was a submission, I

1 believe, under the SRP, the Corrective Action Plan
2 was, took some of that information, updated it, made
3 changes that, that Illinois EPA wanted made changed
4 to better protect groundwater and was, a new plan
5 was developed that would meet the needs of the EM.

6 MS. TREACY: Okay. So Special Condition
7 17 is a two-year compliance scheduled for Outfall
8 007 to meet chloride water quality standards of 500
9 milligrams per year. What is the basis for the
10 two-year compliance schedule, and what treatment
11 methods for chloride are being considered?

12 MR. CRISLIP: Our regulations limit
13 compliance schedules to a period of 24 months, that
14 was the basis for the two-year period, and since
15 this permit has yet to be issued, we have no
16 information on treatment that the applicant may
17 propose under this compliance schedule.

18 MS. TREACY: Can you repeat that?

19 MR. CRISLIP: I am not aware that they
20 have submitted anything regarding the compliance
21 schedule and the treatment proposed for that outfall
22 to meet the core limits at this point.

23 MS. TREACY: Okay. How does this
24 special condition fit with Special Condition 16
25 which says that discharges of chloride up to 1000

1 milligrams per liter will be allowed from Outfall
2 007?

3 MR. CRISLIP: The dis -- the discharges
4 initially will be, I believe they are being granted
5 allow mixing in the receiving waters. And they will
6 be granted up to 1000, and with, 24 months after
7 this permit's issued, they will be required to meet
8 the water quality standard of 500.

9 MS. TREACY: Okay. So after 24 months,
10 two years, they're at 500.

11 Special Condition 17 gives the option of
12 moving Outfall 007 to Spanish Needle Creek. Will
13 that, if they do that, would that require an
14 antidegradation analysis, and would the public have
15 an opportunity to comment?

16 MR. KOCH: That's something that we'd
17 have to take into consideration when the time comes,
18 but it's my current understanding that the applicant
19 does not have any issues meeting the chloride
20 standard of 500 milligrams per liter. When that was
21 initially proposed, the, the extension of the
22 pipeline to Spanish Needle Creek, that was five or
23 six years ago when they initially purchased the
24 mine, and the Outfall 007 did have chloride issues
25 back then, but based on what I've seen over the last

1 three years, I believe they should be able to meet
2 the chloride standard of 500, so that pipeline
3 probably isn't going to be necessary.

4 MS. TREACY: Okay. So I probably know
5 the answer to this one, but I'll go ahead and ask
6 it. Has IEPA evaluated cumulative impacts of
7 allowing chloride discharges of up 1000 milligrams
8 per liter at three outfalls, Special Condition 16 to
9 Spanish Needle Creek and on whether the water will
10 exceed the State's water quality standard of 500
11 milligrams per liter?

12 MR. KOCH: Yes, I touched on that
13 earlier. Given that these three outfalls all are
14 received from Spanish Needle Creek, we have to do a
15 mass balance of the chloride going into this creek
16 and how that mixes with water that is presently in
17 the creek. And then you take that waste stream,
18 combine it with the water, and it goes down to the
19 next outfall, you have to do another mass balance of
20 that effluent with the upstream Spanish Needle Creek
21 water, then you go down to the final outfall, which
22 I believe is 007, and as Larry touched on, they're
23 given allowed mixing up to 1000 milligrams per liter
24 chloride during rainfall events based on a specific
25 rainfall event, and I believe I provided information

1 to Larry in a memo that, that showed chloride would
2 not come anywhere near exceeding the standard of 500
3 milligrams per liter under those conditions.

4 MS. TREACY: Okay, thank you. The
5 permit on Page 19 states that the disposal of fine
6 coal refuse underground is authorized. Downgradient
7 recovery wells are described.

8 Will these wells need to operate into
9 the indefinite future to capture decant water and
10 protect groundwater resources from contamination?

11 MR. CRISLIP: When we have a facility
12 that is approved for underground slurry disposal,
13 they are required to have downgradient wells that
14 withdrawals and a volume of water approximately
15 equal to what is put into the well with the slurry,
16 that prevents the buildup of any hydraulic head that
17 would force that slurry water out into the
18 surrounding groundwater area.

19 MS. TREACY: Will there be any
20 monitoring of pollutants in the water collected by
21 these wells?

22 MR. CRISLIP: That water will be
23 maintained within the coal preparation circuit, so
24 they, there is no outside discharge, so there's no
25 monitoring on that water required under the NPDES

1 permit.

2 MS. TREACY: How do you expect the
3 disposal of this collected water into RDA 6 to
4 impact groundwater contamination? I think you've
5 answered that.

6 MR. CRISLIP: (Nods affirmatively.)

7 MS. TREACY: This is another 404/401,
8 401 permit, 401 certification question for the 25.3
9 acres being added to the permit for the development
10 of underground slurry. Will there be, to your
11 knowledge, 404 or 401?

12 MR. CRISLIP: To my knowledge, it's my
13 understanding there is no 401 issue at this site
14 without additional acreage.

15 MS. TREACY: So groundwater at this site
16 has become contaminated from mining operations.
17 What analysis has IEPA performed to show that the
18 plan to dispose of coal refuse underground won't
19 further result in groundwater contamination. I
20 assume your earlier comments that ISGS has made that
21 determination is your final answer?

22 MR. DUNAWAY: Yes, and in conjunction
23 with, you know, Larry's explanation that the water,
24 the decant water is not under pressure, so there
25 will not be a pressurized system under there to

1 cause it to move vertically. That's -- that's it.

2 MS. TREACY: And then my final question
3 again with chloride, what is the basis for the
4 two-year compliance schedule to meet the proper
5 total residual chloride levels in Special Condition
6 18? We understand that this is a pretty common
7 practice and it just, I just don't understand why
8 they can't meet the limit sooner.

9 MR. CRISLIP: I don't believe I'm
10 following your question.

11 MR. KOCH: Chlorine.

12 MS. TREACY: I'm sorry, I've got
13 chloride in my notes, must be a typo.

14 MR. CRISLIP: The residual chlorine of
15 that special condition, if I'm not mistaken, is
16 related to a sanitary waste water discharge that is
17 currently inactive, and that special condition will
18 only come into play if and when they ever want to
19 reactivate that sanitary waste water discharge.

20 MS. TREACY: Okay, thank you very much,
21 appreciate it, thanks.

22 HEARING OFFICER STUDER: Joyce
23 Blumenshine.

24 MS. BLUMENSHINE: Thank you very much, I
25 appreciate it, I just have a few short questions,

1 I'll be as succinct as I can.

2 I did want to ask under what legal
3 authority or regulation change or something, it was
4 my understanding that the original NPDES for this
5 mine when it was Monterey 1 with Exxon said that the
6 NPDES permit could not be transferred and that a new
7 permit would have to be obtained and, you know, then
8 it was transferred, the permit was transferred from
9 Monterey Coal Company to Macoupin Energy. And is
10 IEPA aware of this? Is there some I guess
11 explanation?

12 MS. DIERS: We've researched this issue,
13 and we will respond to it in responsiveness summary,
14 but under the federal laws, the way I understand, it
15 can be transferred. But again, I've done the
16 research, I don't have it all with me, but I'll
17 answer it in the responsiveness summary, because
18 we've definitely looked into that issue, because
19 it's been raised to us before.

20 MS. BLUMENSHINE: Thank you, I
21 appreciate it.

22 Just to briefly ask, and I'm not a
23 scientist, but I was concerned that perhaps the
24 selenium detection levels, I wanted to ask, are
25 they, are they within the US EPA standards? I was

1 concerned that perhaps at like Deer Run that the
2 NPDES levels might not be -- is that something you
3 could explain for a nonscientist?

4 MR. KOCH: Are you referencing Special
5 Condition 20?

6 MS. BLUMENSHINE: That could well be it,
7 yes.

8 MR. KOCH: Okay. To be honest, I'm
9 unaware of if that detection limit, looks like it's
10 .005 milligrams per liter, I'm unaware of how that
11 limit relates to what a water quality standard could
12 be across the nation. I know that selenium isn't a
13 problem for mines in Illinois, I know our standard
14 is well above .005 milligrams per liter. There may
15 be more stringent detection limit out there that
16 should be enforced, that's something we can
17 definitely look into.

18 MS. BLUMENSHINE: I appreciate that, I
19 don't know if it's just West Virginia or Federal,
20 but there has been some discussion about, you know,
21 making the standards more stringent, so that would
22 be very helpful.

23 MR. KOCH: That's correct, there's a
24 draft EPA national recommended water quality
25 criteria for selenium that is, it's fish tissue

1 based, or else it's based on invertebrates. Either
2 way, I don't know if any state has adopted that yet
3 due to issues actually carrying that standard out.

4 MS. BLUMENSHINE: Okay. And thank you,
5 that's really helpful. It relates to another
6 concern, and that is the TCLP testing that I
7 realize, I think there's some concerns perhaps on a
8 national level that this may not be the best way by
9 any means, and that there could be changes in that?
10 Is that something that the IEPA might be looking at
11 in regard to the permit year at some point?

12 MR. CRISLIP: The TCLP test has been
13 discussed as possibly not being the best test for
14 that. It's been discussed for several years. We
15 continue to require that test, because that is what
16 is cited in the regulations for these materials. If
17 it's being considered for revision or replacement, I
18 am not aware of that at this time.

19 MS. BLUMENSHINE: Okay. May I ask,
20 Mr. Crislip, this might be your question, too. I
21 thought there was a mention of a slurry pond or a
22 pool construction within this NPDES, I wasn't clear
23 on is that an incised impoundment, or could that be
24 something that at some point could be changed into a
25 new RDA? Do you have any specifics on what might be

1 under consideration for an additional slurry pond?

2 MR. CRISLIP: I don't recall any
3 reference to a new slurry pond in this permit.

4 MS. BLUMENSHINE: Or pool? Okay. My
5 error then. I'll give you that, thank you.

6 I had mentioned earlier that we are
7 aware that there are plans for a very large long
8 wall mine to be tied into this operating plan on
9 this specific NPDES perhaps in 2017, or at least
10 there would be perhaps a fourfold -- threefold or
11 fourfold increase in tonnage per year, from 3
12 million tons to 10 million tons per year production
13 at this mine. And I wondered what will IEPA due to
14 review this NPDES if and when that happens? It
15 seems that would make a huge difference in the
16 amount of contaminants being loaded into this entire
17 facility.

18 MR. CRISLIP: If there is a significant
19 increase in the output of their production and there
20 would be any increase of onsite storage of coal or
21 waste material, then we would have to evaluate that
22 and potentially do a new antidegradation assessment
23 for that additional material.

24 MS. BLUMENSHINE: Thank you. Almost
25 done. There was a mention earlier about arsenic,

1 and just as an exhibit, it's a general news article,
2 but I did want to mention this article from
3 Thursday, January 23rd, 2014, in a Springfield paper
4 where a research scientist Mr. Ben Stout is quoted
5 as saying his review of some samples showed arsenic
6 levels 80 times above what he thought were federal
7 drinking water standards. I just would like to have
8 this in the record as concerns the public has for
9 what is happening at this mine.

10 (Ms. Blumenshine presents document to the Hearing
11 Officer.)

12 And then we do appreciate that, we
13 realize that IEPA and this agency cannot relinquish
14 its primary mandate of environmental protection, we
15 do rely on you for that, and we certainly hope that
16 this mine will contain its groundwater pollution, it
17 is essential we think for the future well-being of
18 Illinois that we are not saddled as a state and as
19 we might burden future citizens with a situation
20 like the sister mine here, which was mentioned
21 earlier, Exxon 2 Monterey -- well, it's Monterey 2
22 in Clinton County between DeWitt and Albers where
23 the shallow groundwater aquifer was contaminated,
24 and people got cancer and it can be pointed to this
25 mine, people got sick, their lands lost their value,

1 people lost their farms, friends, people we know got
2 kidney transplants, the ramifications, as you water
3 experts all well know, this affects real people for
4 their families and for their generations ahead and
5 could be a legacy problem for our state if these
6 mines are not made to comply and follow the
7 regulations. Thank you.

8 HEARING OFFICER STUDER: Thank you.

9 That concludes those that have registered to speak.
10 I thank everyone for their attendance this evening,
11 and I remind everyone that the hearing record will
12 remain open for written comments through April 10th.
13 Thank you. This hearing is adjourned.

14 (Hearing adjourned at 7:35 p.m.)

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1 CERTIFICATE OF REPORTER

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

15

16 -----

17 Pamela K. Needham, CSR, CCR

Illinois CSR No. 084-002247

18 Missouri CCR No. 505

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