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PERMIT NO. C-0297-10
PUBLIC HEARING DATE: JUNE 4, 2014
IEPA SECTION 401
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
BUREAU OF WATER, DIVISION OF WATER POLLUTION CONTROL
PERMIT SECTION
1021 NORTH GRAND AVENUE EAST
SPRINGFIELD, IL 62794
FACILITY: HILLSBORO ENERGY, LLC
DEER RUN MINE
925 SOUTH MAIN STREET
HILLSBORO, IL 62049

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PUBLIC HEARING, all parties were produced and examined on the 4th day of June, 2014, between the hours of 7:25 P.M. and 8:40 P.M. of that day, at the Hillsboro High School Gymnasium located at 522 East Tremont Street, Hillsboro, Illinois 62049, before Kelley J. Olroyd, a Certified Shorthand Reporter, and a Notary Public within and for the State of Illinois.

1 APPEARANCES

2

HEARING OFFICER:

3

Mr. Dean Studer

4 Illinois Environmental Protection Agency

1021 North Grand Avenue East

5 P.O. Box 19276

Springfield, IL 62794

6 217-558-8280

E-mail - dean.studer@illinois.gov

7

8 PANEL MEMBERS PRESENT:

9 Thaddeus Faught

Stephanie Diers

10 Bob Mosher

Eric Runkel

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21 Court Reporter:

Kelley J. Olroyd, CSR

22 Illinois CSR #084-001978

Missouri CSR #1311

23 Midwest Litigation Services

15 S. Old State Capitol Plaza

24 Springfield, Illinois 62701

217.522.2211

25 800.280.3376

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

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(Hearing began at 7:29 P.M.)

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HEARING OFFICER: I'm going to go through a
few preliminary issues and that is if you spoke at the
NPDES hearing I'm going to go through the list of people
that spoke and that and if you also want to speak at
this let me know and that way I can get a record of
those that want to speak at this hearing. Also, if you
registered and did not speak at the NPDES hearing and
did not mark your card that you wanted to speak, please
let them know at the registration table that you want to
speak at this hearing and they will bring that card to
me. Barb is sitting in the front row with her hand up.
So we'll go ahead and go on the record -- I guess we're
already on the record. I'll go ahead and officially
open the hearing.

Good Evening. My name is Dean Studer, and I

1 am the hearing officer for the Illinois Environmental
2 Protection Agency. On behalf of Director Lisa Bonnett
3 and Bureau of Water Chief Marcia Willhite, I welcome you
4 to this hearing. Illinois EPA believes that this public
5 hearing and the overall public comment process are a
6 crucial part of the certification review. As hearing
7 officer, my primary purpose tonight is to ensure that
8 this proceeding runs properly in accordance with
9 established rules and in an orderly and efficient
10 manner. Therefore, I will not generally be responding
11 to issues regarding the certification process or the
12 proposed certification, but will defer those issues to
13 the staff here with me tonight. We are primarily here
14 to listen to your concerns, but I may interrupt, if
15 necessary, to ensure that we remain on topic at this
16 hearing.

17 This and informational hearing that is being
18 held by the Illinois Environmental Protection Agency,
19 Bureau of Water, under the provisions of 35 Illinois
20 Administrative Code 164, Procedures for Informational
21 and Quasi-Legislative Public Hearings and 35 Illinois
22 Administrative Code 395, Procedures and Criteria for
23 Certification of Applications for Federal Permits or
24 Licenses for Discharges into Waters of the State.
25 Copies of these regulations are available at the website

1 for the Illinois Pollution Control Board at
2 www.ipch.state.il.us, or if you do not have ready access
3 to the web, they are available from me on request.

4 The purpose of this hearing is to provide an
5 opportunity for the public to present information to the
6 Illinois EPA regarding the review of the Section 401
7 water quality certification application associated with
8 the Hillsboro Energy, LLC, Deer Run Mine Refuse Disposal
9 Area Number Two. I note that Illinois EPA conducted a
10 hearing earlier regarding the National Pollutant
11 Discharge Elimination System, NPDES, permit for this
12 facility. If issues are raised during this hearing
13 regarding the NPDES permit, I will ask you to submit
14 your comments to the Illinois EPA in writing and
15 specifying Deer Run Mine NPDES in your submittal. I
16 point out that written comments will continue to be
17 accepted on the NPDES permitting action, as well as on
18 the 401 Water Quality Certification, through June 30,
19 2014. However, when submitting comments, please
20 indicate to which proceeding your comments pertain. If
21 commenting on both proceedings, you will need to make
22 two submittals, one in the NPDES and one in the 401
23 certification.

24 The process for this hearing, regarding the
25 401 Water Quality Certification, will be as follows. I

1 will finish reading this opening statement into the
2 record. After that, the hearing panel from Illinois EPA
3 will introduce themselves, giving a brief overview of
4 the Section 401 Water Quality Certification process and
5 their role in the Agency review of the proposed project.
6 This will be followed by comments from the public.
7 People will be called on one at a time to come forward
8 and make comments on the record. This hearing is the
9 only opportunity that the public will have to make oral
10 comments on the 401 proceedings. After this hearing is
11 adjourned, comments must be submitted in writing to be
12 included in the record.

13 Comments may be submitted by regular mail or
14 by e-mail. E-mailed comments must be directed to
15 epa.publichearingcom@illinois.gov. E-mail comments will
16 be accepted if received by June 30, 2014. E-mail
17 comments must specify Deer Rune Mine 401 in the subject
18 line or specify the Illinois EPA log number. That log
19 number is C-0297-10. E-mail comments originating on
20 third-party servers intended to send multiple comments
21 of the same or nearly the same content will not be
22 accepted without my prior approval. E-mails received at
23 epa.publichearingcom@illinois.gov are automatically
24 sorted and distributed, so it is critical that the
25 e-mails contain the words Deer Rune Mine 401 in the

1 subject line exactly as indicated in the hearing notice
2 to ensure that they will make it into the record and are
3 considered. E-mails arriving during normal business
4 hours at the Agency, should be sent an automated reply
5 from the server. I note that the server can become
6 quite busy in the minutes before the record closes, so
7 you may want to take this into account when submitting
8 your comments, as electronic comments received after
9 midnight on June 30th and that's as the date changing to
10 July 1st, 2014 will not be considered timely filed. I
11 will also attempt to send a reply to e-mail comments
12 within a few business days indicating the exhibit number
13 assigned to the electronic submittal. If you do not
14 receive such a reply, you may contact me and I will
15 provide that information to you.

16 Comments sent by regular mail must be
17 postmarked no later than June 30, 2014. They should be
18 addressed to Dean Studer, Hearing Officer, Illinois
19 Environmental Protection Agency, Office of Community
20 Relations, Mail Code 5, Regarding Deer Rune Mine 401,
21 1021 North Grand Avenue East, P.O. Box 19276,
22 Springfield, Illinois 62794-9276. This contact
23 information is included on the public notice for this
24 public hearing. The hearing notice is posted on the
25 Illinois EPA's webpage. Once the hearing is adjourned

1 tonight, the comment period, again, will remain open
2 through June 30, 2014.

3 Please make sure that written comments for
4 this proceeding specify the 401 water quality
5 certification process for Deer Rune Mine to avoid
6 confusion with the NPDES proceeding or indicate the
7 Illinois EPA log number on this, which, again, is
8 C-0297-10. If commenting on both proceedings, two
9 separate comments letters must be submitted.

10 Timely-submitted written comments will be considered in
11 the same manner and given the same weight as statements
12 made on the record during this hearing.

13 After the record closes in this matter, the
14 Illinois EPA will develop a responsiveness summary. In
15 the responsiveness summary, the Illinois EPA will
16 respond to all significant and relevant issues raised
17 during the hearing or submitted in writing prior to the
18 close of the public comment period. The hearing
19 transcript and subsequent responsiveness summary will be
20 posted on Illinois EPA's website. The Agency will post
21 the hearing transcript on our website, but the timing of
22 such posting will depend largely on when the transcript
23 is received from the court reporter. All persons
24 registering legibly or submitting comments in either of
25 the two proceedings tonight, will be notified of the

1 final decisions and the availability of the
2 responsiveness summaries in each of these two
3 proceedings. Since they are two separate proceedings,
4 the responsiveness summaries and final decisions of the
5 Illinois EPA may be made at different times. However,
6 each person making oral comments or supplying written
7 comments in one or both of these proceedings will be
8 notified of the final decision and the availability of
9 decision documents in each one of these two proceedings.

10 The Illinois EPA has made a tentative
11 determination to issue the Section 401 water quality
12 certification in accordance with the provisions of 35
13 Illinois Administrative Code 395. However, any comments
14 made as part of this hearing and the public comment
15 process may cause the agency to request the applicant to
16 revise the project to address the issues raised.

17 This hearing is for the section 401 water
18 quality certification. Issues that are relevant in this
19 hearing are those arising from the application for the
20 401 water quality certification and the antidegradation
21 assessment specific to the 401 certification that was
22 included in the public notice fact sheet for this 401
23 certification project. Relevant issues include the
24 mitigation of wetland and stream impacts as they relate
25 to the 401 certification, impacts due to the discharge

1 of dredge and fill into surface waters or wetlands. Any
2 person who wishes to comment tonight may do so as long
3 as the comments are related to the issues that I have
4 just listed, or to the water quality certification in
5 some way.

6 For the purpose of allowing everyone to have
7 a chance to comment, and to ensure an efficient hearing
8 process I will give everyone approximately eight minutes
9 to comment. If you have lengthy comments, I am
10 requesting that you submit them to me in writing before
11 the close of the comment period and I will make sure
12 that they are included in the hearing record as an
13 exhibit.

14 Persons coming forward to provide comments
15 should first clearly state their name and, if
16 applicable, identify any governmental body or
17 organization that they represent. You should also spell
18 your last name so it can accurately reflected in the
19 record. If there are alternate spellings for your first
20 name, you may also spell your first name. If you are
21 representing yourself, you can state that you are an
22 interested citizen or a member of the public.

23 Comments should be, one, relevant to this
24 proceeding, as I previously indicated, and, two, not
25 repetitious. If someone has already said something that

1 you intended to say, please skip over that item when you
2 speak. If someone has already said what you were going
3 to say, you may pass when your name is called. Please
4 understand that making the same point many times does
5 not carry any more weight in the record than if the
6 point was mentioned only once. Arguing or prolonged
7 dialogue between agency panel members or the public will
8 not be allowed. On a similar note, I will not allow
9 anyone other than the person who has been given the
10 floor to speak. Because a verbatim record of this
11 hearing is being made for the administrative record in
12 this matter, I ask that you keep noise levels to a
13 minimum so that our court reporter can hear and
14 transcribe everything that is being said. Comments are
15 to be addressed to the hearing panel and the court
16 reporter.

17 As hearing officer I intend to treat
18 everyone here tonight in a professional manner and with
19 respect. I ask that the same respect be shown to those
20 raising relevant issues. While the issues discussed
21 tonight may indeed be heartfelt concerns to many of us
22 in attendance, this is a public hearing and everyone has
23 a right to comment on issues relevant to the water
24 quality certification process. However, I intend to
25 conduct an orderly hearing, and I will closely monitor

1 what is said to ensure that the rules that I have just
2 outlined are followed.

3 If the conduct of persons attending this
4 hearing should become unruly, I am authorized to adjourn
5 this hearing should the actions warrant. In such a
6 case, the Illinois EPA would accept written comments
7 through June 30, 2014 when the hearing record in this
8 matter closes.

9 Are there any questions on how we will
10 proceed tonight? Okay. I'm going to call a name and
11 when I call this name if you intend to speak raise your
12 hand and we will so mark your card. William Schroeder,
13 Bernard Grove, no one raised their hand. Don Karban,
14 Gary Sneed, he's gone, Catherine Edmiston, Joyce
15 Blumenshine, Mary Ellen DeClue, Cindy Skrukruud, Alan
16 Kasten, Forest DeLong.

17 All right. Thank you. For the record, I
18 have entered the following exhibits into the record,
19 Exhibit One is the notice of public hearing, Exhibit Two
20 is the public notice fact sheet, Exhibit Three is a
21 hearing request filed by Simon Stepp, Exhibit Four is a
22 comment letter and hearing request filed by Joyce
23 Blumenshine and Exhibit Five is a hearing request filed
24 by Catherine Edmiston.

25 I will now ask our Agency panel member

1 to introduce themselves and briefly describe their role
2 in the review of the 401 certification process. This
3 will be followed by Thaddeus Faught making a brief
4 presentation regarding the 401 certification process and
5 this application. Following this, I will allow those
6 that have registered to speak to come forward as their
7 name is called to make statements.

8 MR. FAUGHT: My name is Thaddeus Faught and
9 part of my job is to review the 401 water quality
10 certification application.

11 MS. DIERS: Stephanie Diers, legal counsel
12 for the Agency.

13 MR. RUNKEL: My name is Eric Runkel, last
14 name is spelled R-u-n-k-e-l. I took the 401
15 certification application and completed an
16 antidegradation for review.

17 MR. MOSHER: I'm Bob Mosher. I'm manager of
18 the water quality standards at the Bureau of Water.

19 HEARING OFFICER: Okay. Thank you. I think
20 Thad has an opening statement. Thad, speak into the mic
21 so that they had hear you in the back. I've been told
22 they are having a difficult time hearing in the back, so
23 please speak close and into the mic.

24 MR. FAUGHT: Projects that include the
25 discharge of dredged or fill material into waters of the

1 United States are required to be covered by a permit
2 issued by the U.S. Army Corps of Engineers under Section
3 404 of the Clean Water Act. The Illinois EPA issues
4 water quality certifications pursuant to Section 401 of
5 the Clean Water Act to the Corps for the Section 404
6 Corps Permit. Issuance of the 401 certification does
7 not have any effect or bearing on what is required of
8 Hillsboro Energy by any other federal, state or local
9 regulation.

10 If issued, the water quality certification
11 is not an approval of any discharge resulting from the
12 completed mine facilities, nor an approval of the design
13 of the mine facility. The project must also meet other
14 applicable permit requirements of the Illinois Pollution
15 Control Board. The 401 review is focused on potential
16 impacts to water quality due to the proposed
17 construction activity.

18 The Illinois EPA received an application on
19 May 24, 2010 from Hillsboro Energy for 401 water quality
20 certification for the discharge of dredged or fill
21 materials associated with construction of a new refuse
22 disposal area. The project site is approximately 318
23 acres in size. Activities would result in the discharge
24 of dredged or fill material in approximately 400 linear
25 feet of ephemeral streams and 0.55 acres of emergent

1 wetlands. The waters include an unnamed tributary to
2 the Middle Fork Shoal Creek and an unnamed wetland.
3 Mitigation for the impacts would be through restoration
4 of approximately 714 linear feet of stream and 0.83
5 acres of wetland.

6 The Illinois EPA has reviewed the
7 certification application with regard to the Illinois
8 water quality standards and certification regulations.
9 Based on that review, the Illinois EPA issued a public
10 notice including the antidegradation assessment fact
11 sheet on March 5, 2014 to seek public comments on the
12 project.

13 HEARING OFFICER: Thank you, Thad. Okay.
14 The first person that I have to speak is William
15 Schroeder. As he's coming to the microphone, if you
16 spoke at the earlier hearing and you also want those
17 comments incorporated into the record when you get to
18 the microphone please so indicate and what we'll do is
19 I'll have the court reporter take the information from
20 the transcript at the earlier and also put that into the
21 record for this hearing and that way you won't have to
22 repeat what was said at the earlier hearing.

23 MR. SCHROEDER: Thank you. William
24 Schroeder. Briefly, first of all, I would request that
25 all of my previous comments and submission of the fact

1 sheet be entered into this record if you would please.

2 And the only other question I have is in
3 dredge and fill issue, is that to be strictly confined
4 to the 300 and some odd acres of the refuse disposal
5 area or other ponds or impoundments I guess sediment
6 ponds also dredged or -- I mean is it the dirt moving
7 confined specifically to the construction area or other
8 areas also going to be worked on under this permit?

9 MR. FAUGHT: Under this permit, under the
10 Corps of Engineer's permit that we're reviewing the
11 certification for it is limited to 318 acres.

12 MR. SCHROEDER: Okay. So if there was a --
13 if there seemed to be a necessity to deepen some other
14 ponds, that would not be covered under this permit?

15 MR. FAUGHT: Correct. If applicable they
16 would have to apply for another one if they were
17 required to.

18 MR. SCHROEDER: Okay. So discharge emitted
19 by this facility would not be contained by the existing
20 ponds, this would be whole other procedure to be able to
21 retain this water?

22 MR. FAUGHT: Are you saying if they needed
23 to basically build more ponds to contain --

24 MR. SCHROEDER: Or deepen the ones they got
25 just because going to get bigger.

1 MR. FAUGHT: The deepening it would depend
2 on how they do it and if they have any impacts of the
3 waters of the United States. I think it's just dredging
4 the material out and they're not impacting the waters of
5 the United States they would not need a new 404 permit.

6 MR. SCHROEDER: But if you dredge an
7 existing pond that is discharging into Central Park
8 Creek to say that there would no mudding or washing of
9 water it would seem to be me like that would require
10 another issuance and investigation.

11 MR. FAUGHT: That determination would be up
12 to the Corps of Engineers but they would have determine
13 there is an impact to water of the state.

14 MR. SCHROEDER: I wanted to go on the record
15 that I think it will be, so noted. Thank you very much.

16 (The following remarks are being included
17 from the previous hearing as so requested.)

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

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

1 how the membrane lining is installed? I mean are we
2 going to answer or I'm just asking questions.

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

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

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

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

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

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

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

1 whatever other detrimental effect there is.

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

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

8 MR. CRISLIP: Yes, sir.

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

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

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

1 this. Is that fair or I mean is there any correlation
2 at all?

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

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

7 MR. CRISLIP: No, sir.

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

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

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

23 MR. SCHROEDER: And then I have a fax sheet
24 that was taken from the Illinois DNR website concerning
25 the different mines that the EPA is supposedly checking,

1 and just briefly of the 72 coal mines operating with a
2 water pollution discharge permit only 12 have had
3 inspections by the Illinois EPA in the last five years,
4 over 35 have self reported non-compliance with permits.
5 It goes on and on that this is what I would like to
6 submit for the record if I may because it's very telling
7 as to after the permits are issued it just seems like
8 it's forgotten.

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

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

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

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

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

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

24 (That concludes the remarks of Mr.
25 Schroeder.)

1 HEARING OFFICER: Don Karban.

2 MR. KARBAN: I'm Don Karban, resident of
3 Hillsboro, 108 West Shore Terrace. I would also enter
4 my previous remarks into the public hearing.

5 (The following remarks are being included
6 from the previous hearing as so requested.)

7 MR. KARBAN: Hello, my name is Don Karban,
8 K-a-r-b-a-n. I'm a citizen of Hillsboro. I have some
9 concerns about RA2 and the then the run off and
10 associated water that would be dealt with in the NPDES
11 and specifically concerns relate to the method of
12 construction of the liner of installation that was
13 already discussed and then how in that potential runoff
14 would be treated or where it would be directed as part
15 of the NPDES. Also concerned about the impacts that
16 some now auto-service mines might have on some of the
17 areas within the impoundment and how it might effect
18 construction with the liner action retention of the
19 runoff, et cetera. I have got those summarized in a
20 letter that I will leave as documentation, if I may
21 tonight.

22 MR. MOSHER: Do you want us to try to answer
23 those questions tonight.

24 MR. KARBAN: I don't expect you to answer.
25 Its listed in here and there's a brief summary of that

1 in the document. I'll leave that and I'm hopeful you'll
2 answer later.

3 MR. MOSHER: We will in the responsiveness
4 summary. Thank you.

5 MR. KARBAN: But I would like to continue as
6 a commissioner of the City of Hillsboro I would also ask
7 that whatever monitoring is done that the city be copied
8 on the results of that monitoring and any reports that
9 get assembled and generated. It will just help us in
10 dealing with our citizens and responding to concerns
11 that they have about the septic. I don't have the City
12 of Hillsboro address but if that sort of information
13 could be made available to the city counsel and the
14 mayor of the City of Hillsboro that would be
15 appreciated.

16 MR. MOSHER: You're talking about the
17 reports that the mine sends to the Illinois EPA as far
18 as water quality?

19 MR. KARBAN: Yes, and then how EPA deals
20 with those reports.

21 MR. MOSHER: There is a system online from
22 U.S. EPA that anybody can go in and see all of that
23 data. It's probably a better way for you than to rely
24 on us to remember to continually send them to you. We
25 don't really have a set up at Illinois EPA. I mean on a

1 one-time basis you can ask for data and we will do it,
2 but the data keeps coming in month after month and we
3 just don't have a system to forward, but we could set
4 you up with how to use that online system and you could
5 see the data that we get that way if you really want to
6 every month.

7 MR. KARBAN: I would appreciate that.

8 MR. MOSHER: You can do that every month.

9 Probably what we will do is in the responsiveness
10 summary put the information there, put the website, put
11 the phone number of people that can help you if you have
12 questions on how to use it, that type of thing, so you
13 can go right at it. I think that's about the best thing
14 I can think of.

15 MR. KARBAN: Thank you.

16 HEARING OFFICER: I'll enter those as
17 exhibits into the record.

18 (That concludes the remarks of Mr. Karban.)

19 HEARING OFFICER: Thank you. Catherine
20 Edmiston.

21 MS. EDMISTON: Catherine Edmiston. You made
22 a comment, Dean, that there had been no request for the
23 renewal of the five year permit, and I want to point out
24 that the citizens never got their opportunity for an
25 administrative review of permit 399. This is really due

1 to no reason for the citizens, the citizens were not at
2 fault for that, but citizens were never allowed an
3 administrative review of permit 399, the original
4 review.

5 HEARING OFFICER: Is that the corps permit
6 or NPDES permit?

7 MS. EDMISTON: The original mine permit.

8 HEARING OFFICER: Okay. So that's the DNR
9 permit.

10 MS. EDMISTON: Is that what it is, and you
11 have nothing to do with that permit 399?

12 HEARING OFFICER: Correct.

13 MS. EDMISTON: Okay. You made that comment
14 and I wanted to point that out it should be made.

15 HEARING OFFICER: If you want DNR to know
16 that you are going to have to let them know because we
17 have no authority.

18 MS. EDMISTON: They already know all about
19 it.

20 HEARING OFFICER: I believe you.

21 MS. EDMISTON: Now moving along, I want to
22 enter my comments from the last hearing into this
23 hearing, but I have a few extra comments I want to make.
24 These discharges, it could effect very well the wells in
25 the area of the mine and ground water and if it is

1 polluted it is going to really effect things big time,
2 you know, where people live and the ground water because
3 it's a shallow aquifer and it spreads a long ways and we
4 are very concerned about that. Then, too, why couldn't
5 water be treated for some of the pollutants so it would
6 be much more pure feed before it is released into these
7 creeks? Of course, that would cost the mine more money.
8 Why couldn't the water be treated to remove the
9 pollutants?

10 HEARING OFFICER: We're getting into the
11 NPDES permit. This is the 401 and those comments if you
12 want those in the records once we close that hearing
13 they need to be submitted in writing. I know you well
14 enough to know that that will happen and we will be
15 checking for those. I wanted to let you know.

16 MS. EDMISTON: You haven't answered my
17 question.

18 HEARING OFFICER: We're not going to answer
19 NPDES questions at the 401 hearing.

20 MS. EDMISTON: I'm mixed up with all of the
21 agencies I guess.

22 Now then, you mentioned wetlands being
23 effected. We know Southern Illinois has 3,000 acres of
24 wetlands. That's why we're so concerned about Middle
25 Fork Shoal Creek and that's also why we are so concerned

1 about the loss of water, too. It's when these are
2 polluted it can effect its rich bottom ground and long
3 well will destroy the farmland that 3,000 acres that
4 grows crops in Southern Illinois in long well it drops
5 the land and impossible to farm that, some of it on my
6 farm has had to have drainage ditch dug and has grown my
7 bottom 200 bushels and this will be destroyed if it goes
8 that far. We have 3,000 acres in Montgomery County,
9 billions of dollars of damage. This is why it's been
10 stirred up in Montgomery County, that among with other
11 things, all of these other things we have been bringing
12 up, and then also the disappearances of water. We know
13 that mining destroys streams that go through pastures.
14 We are very aware of what is happening. We are very
15 aware of the disappearance of water. We are aware of
16 disappearance of water in the State of Illinois. That's
17 why I come down there to your annual meeting every year
18 and ask you how many miles of streams does Illinois
19 have.

20 And lastly, polluted water and these waste
21 impoundments may effect lives of the people in their
22 home, you live near this mine. The peoples whose homes
23 have already been destroyed some of them -- I know of at
24 least one, there's more than one, that were family
25 homes, centennial, listed on the Illinois list of

1 centennial farms, and if you don't think that destroys
2 the way of life you have got another thing coming. It's
3 all of these things are important to us here in
4 Montgomery County and they are points that need to be
5 brought out in every hearing you have. The impacts on
6 family life and the impacts on the people, and I refer
7 you if you want law to the Bill of Rights. Thank you.

8 (The following remarks are being included
9 from the previous hearing as so requested.)

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

23 Secondly, the mine is already causing water
24 quality problems and is not following rules of its
25 permit. These should be dealt with before you even

1 consider any further pollutants. Since the mine is
2 already exceeding permit levels, why should more be
3 permitted? Anyone going to answer?

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

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

13 MR. MOSHER: Okay.

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

16 MR. MOSHER: Well, they have gone through a
17 process called antidegradation.

18 MS. EDMISTON: What is that?

19 MR. MOSHER: That's a water quality standard
20 that requires the applicant to look at their proposed
21 discharges and to assure us that they are doing all that
22 is reasonable to minimize pollutant loading. We are
23 also besides antidegradation regulating the facility
24 with permit limits set at the water quality standards
25 for the substances that are going to be found in the

1 mine discharge, mainly chloride, sulfate, new other
2 things, and they have to meet those limits. And, again,
3 those are based on the water quality standards that are
4 protective of fish, aquatic life that is found
5 downstream.

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

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

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

14 MS. EDMISTON: And that information will be
15 available to us?

16 MR. CRISLIP: It will be available as part
17 of the DMR report.

18 MS. EDMISTON: DNR report?

19 MR. CRISLIP: DMR, discharge monitoring
20 reports.

21 MS. EDMISTON: Okay. Discharge monitoring
22 report.

23 MR. CRISLIP: Right. The reporting that is
24 required under the NPDES permit.

25 MS. EDMISTON: I see. My farm is close to

1 Middle Fork Creek which floods and pollutes the soil and
2 crops. I don't see how people can eat fish from the
3 creek and contaminated water. Have they taken into
4 account what it is going to do to the environment when
5 there are increases in pollutants?

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

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

1 Governor and said it seems to me that one violation, a
2 mine should be closed until that is repaired, but as far
3 as 170 and 600 violations, you know. Is there ever any
4 time limit for taking care of the violations in mines?

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

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

19 HEARING OFFICER: Thank you. I will enter
20 that as an exhibit. Thank you.

21 (That concludes the remarks of Ms.
22 Edmiston.)

23 HEARING OFFICER: Thank you. Ms. Joyce
24 Blumenshine. She will be followed by Mary Ellen DeClue.

25 MS. BLUMENSHINE: Thank you. Joyce

1 Blumenshine, first name J-o-y-c-e, last name
2 B-l-u-m-e-n-s-h-i-n-e. I'm a volunteer of the Illinois
3 chapters for this 401 hearing. I have just have a
4 couple questions. I was very curious as it seems the
5 waste will destroy 399 feet of stream and about a half
6 acre of wetland, so how can the mitigation for losing
7 these resources of the state, how can they get credit
8 they will restore an area of long well panel that
9 subsided? How can the mine destroy these things and
10 then to get credit for destroying something they
11 destroyed while mining? It's like you give them credit
12 for something they should have fixed anyway. I
13 apologize if I didn't make that clear. Does that make
14 any sense? I just don't see how they can get credit for
15 the destroying a wetland by applying that destruction to
16 an area of long wall damages because they are
17 responsible for that, too.

18 MR. RUNKEL: In the original proposed permit
19 they used mitigation estimate by the Missouri stream
20 mitigation method and that allows for certain
21 percentages to be given for mines and feats of
22 subsidized long wall mining. Any further explanation?

23 MS. BLUMENSHINE: I do apologize. I just
24 don't understand. The mine is doing damage already and
25 they are going to do damage by this, how can you let

1 damage stream they will lose forever and the wetland
2 repair is damage that they have already done some place
3 else? I just don't get it.

4 MR. MOSHER: Joyce, let me try to answer
5 that. As with everything we say here tonight, we are
6 going to repeat the answer in our responsiveness summary
7 and probably give you a better more thorough answer in
8 the responsiveness summary, okay. That goes through for
9 just about everything we say. What I think is going on
10 here is the mine is under obligation to fix streams that
11 they subside. They have got to put the drainage back so
12 it functions the way it used to. There could be other
13 things wrong with those streams through years and years
14 of agricultural practices, abuse of the repairing area,
15 that means the trees bordering the streams. There's
16 many things that has gone wrong with the habitat of many
17 of our streams, and what this mitigation is they have
18 used this Missouri stream mitigation method. They have
19 identified how many linear feet of stream they need to
20 improve somewhere to makeup for what they are filling
21 in. It's an accepted way of dealing with this
22 mitigation by the Corps of Engineer and Illinois EPA and
23 others. So when it is said that there is a stream that
24 is being subsided that they're going to mitigate they
25 are going to do two mitigations on that, the subsided

1 mitigation to fix the drainage and then improving the
2 repairing corridor and other factors, and if anything I
3 just said here isn't exactly right we will make sure it
4 is right in the responsiveness summary.

5 MS. BLUMENSHINE: Thank you. You are saying
6 there's two steps. I'm understanding, so that's very
7 helpful. Thank you.

8 I had a couple other questions. It says no
9 action that would result in deterioration of aquatic
10 communities, does that mean the areas within this
11 permit? I wasn't clear. Have the aquatic communities
12 been assessed for water streams and the wetland that is
13 in this permit? My understanding there is a section in
14 the 401 there is not suppose to damage to the aquatic
15 communities. I apologize if I didn't quite say that
16 right.

17 MR. MOSHER: I don't know if we understand
18 that question. Are you talking about a survey of the
19 stream that is being filled?

20 MS. BLUMENSHINE: Yes.

21 MR. MOSHER: Eric, was there a survey taken
22 or was it too small?

23 MR. RUNKEL: No. It was too small of water
24 stream for any biological survey to be done, so there
25 was never an assessment.

1 MS. BLUMENSHINE: Is it the same for the
2 half acre? Is there a guideline what is too small
3 wetland if there was no biological survey done?

4 MR. RUNKEL: No. I think they identified
5 emerging wetlands they were going to be impacted, and
6 then the original permit they had included additional
7 wetlands that were previously approved and they just
8 included that previously permit as part of this
9 mitigation and that's where the 0.5 acres came out to
10 0.83 acres, which is adequate.

11 MS. BLUMENSHINE: Thank you. I just, you
12 know, as a member of the public, you know, I guess it's
13 a small area in this day and age. I wanted to know if
14 there was a biological assessment and you clearly
15 answered that.

16 I have a couple more points. Again, I have
17 issues with the antidegradation statement. One is the
18 claim the mine was going to originally site this
19 impoundment potentially in another location that was
20 less desirable because of the damage but in the
21 degradation, I realize this isn't your purview, they
22 acquired the public airport, you know, that was
23 assessed, you know, improved land value. Basically the
24 town, the community, the state, the county lost a very
25 popular and well maintained area because the mine

1 basically got it for a bargain basement cost. That's
2 not economic to the community for this new disposal
3 area. This was never revealed and the mine gets by with
4 these kind of things. The value of the land itself, you
5 know, the mine is said, well, we would have put it in
6 another place but now we have this new purchase -- I'm
7 pointing out this new purchase has a lot of baggage, a
8 lot of issues with it. It was publicly good and now
9 they exists no more because the mine got it and that's
10 not economics. Okay, point made. A second economic
11 point not in the economic structure five was built by
12 the Army Corps and I think that's tax dollars was to
13 serve containment, now it's used by a private mine for
14 their profit for the purpose of a mixing zone. I don't
15 think it was intended to do that. I just protest, and I
16 sure it doesn't fit in your IEPA, the airport. Now the
17 Army Corps structure that was a damn is obtained by a
18 company and there is no economic consideration for the
19 loss of that value to the public or the fact that the
20 tax payers paid for that. And I'm almost done here.
21 Thank you so much. In the 401 says the increase in
22 suspended solids local and temporary in downstream
23 reaches that not be filled during mining. Could I ask
24 IEPA what is the definition of temporary and how far
25 does a local part go?

1 MR. RUNKEL: Well, you got to realize with
2 all human activities is going to have some type of
3 temporary impact and while they're digging obviously
4 there is going to be suspended solids released,
5 especially any water in the stream, but after
6 construction is complete those solids are no longer
7 going to be introduced into that water body, so as
8 temporary as the construction activity occurred.

9 MS. BLUMENSHINE: Thank you very much.
10 That's helpful. As a member of the community I like to
11 protest on the mine side of things we see the
12 impoundment under construction the whole entire time,
13 nothing is being planted and it was consistently being
14 raised that pollution run off has been going on for a
15 long time, like years, so the temporary -- I just really
16 question that it seems to me it doesn't tell the real
17 situation with the construction building walls up to 60
18 feet over some years of time. Thank you very much.

19 HEARING OFFICER: Thank you. Mary Ellen
20 DeClue and she'll be followed by Cindy Skrukud.

21 MS. DECLUE: I just don't know my strength.
22 Mary Ellen DeClue. I want to thank you guys for this
23 second meeting. I appreciate very, very much. I know
24 the community does also. The scheduling of this public
25 hearing is much appreciated, as I mentioned. I forgot

1 to say that I do want my prior testimony to be included
2 in the record, thank you.

3 I am requesting that Illinois EPA log number
4 C-0297-10 permit be denied on the basis this area is
5 already compromised and quality of life issues. The
6 location of second impoundment is a permanent threat to
7 the community deterrent to the progress in the county.
8 There is not sufficient information about the condition
9 of the receiving waters at Middle Fork Shoal Creek and
10 unnamed wetland to make a valid decision for sand and
11 discharges from Deer Run Mine. There has not been
12 adequate testing to document the harmful chemicals known
13 to exist in coal -- without knowing the amounts of toxic
14 metals. Sadly, these harmful chemicals will had not be
15 monitored because Illinois EPA allows Hillsboro Energy,
16 LLC, to chose what it wants to test in water samples,
17 not what is harmful.

18 HEARING OFFICER: Those are NPDES issues.

19 MS. DECLUE: Okay. Sorry about that. No
20 testing of air is performed by the Illinois EPA of the
21 coal mine. The residents of Montgomery County have not
22 been heard as to their concerns and issues with Deer Run
23 Mine and the expansion that will place them at even more
24 of a risk. In January 2009 111 signed a petition
25 addressed to Hillsboro Zoning Board of Appeal to rescind

1 the zoning change to allow long wall mining as an
2 acceptable agricultural issue of the city, over 360
3 attending Old Settlers celebration in 2013 signed a
4 petition to place monitors at the Hillsboro Hospital and
5 nursing homes, neither petition was successful. Deer
6 Run Mine is progressing in the city of Hillsboro and
7 there are no monitors or testing of coal dust.
8 Referring to the facts sheet for antidegradation
9 assessment for Illinois C-0297-10 Deer Run Mine is in
10 the city of limits not east of it and near Hillsboro
11 Hospital, the day care center and business. These
12 hazards, there is no mention of dissolved materials, the
13 type or concentrations in the discharges. What is
14 Hillsboro Energy required to do to be in compliance five
15 year performance period of monitoring?

16 HEARING OFFICER: We are well into the NPDES
17 issues.

18 MS. DECLUE: That was taken from your fact
19 sheet.

20 HEARING OFFICER: I thought or do you have
21 the fact sheet from the -- I don't see it in the fact
22 sheet.

23 MS. DECLUE: So that it's a five year
24 performance period of monitoring I sure thought.

25 HEARING OFFICER: Okay. Go on. You are

1 absolutely right.

2 MR. DECLUE: I appreciate it. This is
3 confusing. It's on the on the bottom of page two.
4 Thank you for checking. What I want to know what will
5 be included in the monitoring and will the public have
6 access to the reports? Can anyone answer that?

7 MR. FAUGHT: That's part of the monitoring.
8 They will do reports on basically the quality of the
9 wetlands. There is not really any chemical type
10 composition, but for the wetlands they'll look at the
11 plants and hydrology and the soils basically to make
12 sure it is what's considered a jurisdictional wetland,
13 and for the streams there's monitoring report that will
14 look at the stability of the streams, if their banks are
15 stable and just the general conditions of the streams.
16 And that monitoring period is also required by the U.S.
17 Army Corps of Engineers who overlooks the mitigation as
18 well. So that's sort of what is included in that five
19 year monitoring period.

20 MS. DECLUE: Okay. But there will be no
21 chemical aspect of the stream?

22 MR. FAUGHT: Correct, yeah.

23 MS. DECLUE: Thank you. The social and
24 economic benefits of the proposed activity did not
25 address the real issue in the community, the two will be

1 threat for real estate, loss of property, over 20 homes
2 torn down, road destruction, water contamination,
3 farmland loss and/or damage, the use of county tax money
4 to cover the emergency action management of the second
5 impoundment, increased health hazards, coal train
6 passages, loss of sales tax on coal, no severance tax on
7 the extracted coal are not recognized as a direct result
8 already existing and future expansions of Deer Run Mine.
9 These are real social and economic effects from
10 Hillsboro Energy. It is wrong to accept the supposed
11 decision that you must approve the proposed location of
12 the second impoundment or there would be no mining.
13 This is a false premise. The location is a threat to
14 the safety of residents of Hillsboro, Schram City. IDNR
15 ECO cat system does not appear to see the threat to
16 human life as a significant consideration in the
17 location. Hillsboro Energy indication showed there
18 would be potential loss of life and property if the
19 second impoundment failed. The economic benefit seems
20 to be mother important to the office of mines and
21 minerals than the safety of residents. If Hillsboro
22 Energy would use a dry process sedimentation in its coal
23 processing a high hazard -- would not be a threat to the
24 community. I would like to go ahead and submit the
25 rest, please. Thank you very much.

1 (The following remarks are being included
2 from the previous hearing as so requested.)

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

9 I feel that this NPDES permit should not be
10 approved because it does not protect surface water from
11 potential contamination and does not provide evidence of
12 compliance with the Clean Water Act. This permit number
13 IL0080039 adds to discharge outfalls to the already
14 existing seven outfalls. All nine discharges empty into
15 the Shoal Creek water shed structure five that overflows
16 into Central Park Creek that continues to Middle Fork
17 Shoal Creek. I think that's right.

18 Coal dust from the mine ends up in surface
19 water and surrounding land. For the following reasons
20 this permit should be denied. Number one, there is not
21 adequate testing of air and water samples at Deer Run
22 Mine to determine the exposure of the community to
23 particulate matter and harmful chemicals in surface
24 water. Number two, there were water discharge
25 violations in the first five years of operation of Deer

1 Run Mine. This was acknowledged by Illinois Department
2 of Natural Resources Office of Mines and Minerals in the
3 permanent program finding for permit application number
4 424 not by the Illinois EPA. The disfunction of the
5 regulatory process by IDNR and Illinois Environmental
6 Protection Agency is well illustrated by the difficulty
7 to get factual answers. IDNR has not been able to
8 enforce the Clean Water Act or the Clean Air Act, and
9 thereby applicating all monitoring of air and water to
10 Illinois EPA ends of blocking citizens ability to know
11 what is happening in their environment. Number three,
12 what is the process for handling water analysis of
13 samples from Deer Run Mine? That's actually a question,
14 because what I would like to get that kind of straight.
15 Deer Run Mine takes a water sample, sends it to a lab,
16 gets results; what happens to the results? I mean --

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

21 MS. DECLUE: The ECO system?

22 MR. MOSHER: Well, it's the ISIS, I think
23 the ECO has gone away now. The new system is called
24 ISIS.

25 MS. DECLUE: Good. I'm glad to hear that.

1 I guess my concern about that is remember I said that I
2 saw the violations from IDNR in that same handout
3 Illinois EPA said there were no violations. Who gets
4 the data? So basically if you get the data then you
5 determine whether there's a violation and then you tell
6 IDNR or the mine or both?

7 MR. MOSHER: If there is a violation the
8 mine is notified. Again, we will clear this up on the
9 responsiveness summary, because, again, none of us here
10 are in that section of our agency that deals with
11 violations, but the mine is notified. They have to come
12 up with a plan to satisfy us that they are going to take
13 care of the problem, whatever it is, and it's a very
14 formal process. It involves mandatory meetings and
15 compliance commitment agreement the mine has to come up
16 with to our satisfaction.

17 MS. DECLUE: Thank you. I appreciate that.
18 How often is Deer Run Mine required to submit samples
19 for analysis?

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

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

25 MR. CRISLIP: The permit itself outlines the

1 sampling requirements. Those sampling requirements are
2 they are required to pull one sample per month of a base
3 flow, three samples per quarter of a precipitation
4 event, the remaining three samples that they are
5 required to get during a calendar quarter, which gives
6 them a total of nine possible samples, may be collected
7 during either a precipitation even discharge or a base
8 flow discharge. That data is compiled every quarter and
9 submitted by the 15th of the following month after the
10 quarter.

11 MS. DECLUE: When -- the discharge
12 monitoring reports, is that the same as the NPDES
13 reports?

14 MR. CRISLIP: Yes. The discharge monitoring
15 reports are those reports required under the NPDES
16 permit.

17 MS. DECLUE: Okay. So basically whether or
18 not, because we were talking about no discharge,
19 regardless whether there is a discharge or not they do
20 that, they take the sample and analyze it.

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

24 MS. DECLUE: Okay. I'll let it go. I'm
25 easily confused.

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

15 Number five, the surface monitoring of
16 discharge mine water is inadequate to show the amounts
17 and types of chemicals found in coal to which the
18 community is exposed. The application for NPDES permit
19 filled out by Hillsboro Energy asked if it believed, I
20 use quotation marks because that was the word used,
21 believed certain chemicals are present and if marked
22 present must either submit one analysis or briefly
23 describe the particulars of the pollutant expected to
24 being discharged. On page B3 of the application
25 Hillsboro Energy believed only mercury to be present in

1 coal but denied arsenic, beryllium, lead, zinc. These
2 metals are known to be present in coal and are
3 considered health risk upon exposure. The assumption
4 that the compounds only be leached from the coal in
5 acidic conditions and only in a rare occurrence is not
6 valid, and even if it were cannot be maintained in
7 receiving streams. A major problem is that the quantity
8 of metal being discharged is unknown and
9 biomagnification that occurs is not considered.

10 Number six, Hillsboro Energy also denied on
11 application on page V6 and V7 the presence of Polycyclic
12 Aromatic Hydrocarbons known as PAHs, capital P, capital
13 A, capital H-s, that are known to be present in coal.
14 Some PAHs are thought to be carcinogenic. The acidic
15 PAHs and sedative PAHs are coal dust are not analyzed
16 for the PAHs or toxic metals. This is unacceptable
17 exposure of toxic materials to residents via air and
18 water. A copy of the three pages of the NPDES permit of
19 Hillsboro Energy will be submitted for the record.

20 Number seven, does Illinois EPA know the
21 quantities and types of harmful chemicals discharged
22 into Central Park Creek and Middle Fork Shoal Creek?
23 How can you agree to NPDES permit without knowing the
24 existing conditions resulting from five years of
25 operations?

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

6 HEARING OFFICER: The 200 section are air
7 pollution control rates. This is a water discharge
8 permit so --

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

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

15 MS. DECLUE: Well, I hate to -- the Illinois
16 EPA gave a lifetime air permit to Deer Run Mine so to me
17 it is an issue. Again, whatever is in the water ends up
18 in the land. Air goes to land water.

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

22 MS. DECLUE: Thank you. I'm almost done.
23 The 2012 and 2013 air report by Hillsboro Energy to
24 Illinois EPA states that it did not use saturated tubes
25 because air standards met without their use. A copy of

1 the report is submitted for the record or will be
2 submitted. The present system to control air emissions
3 is not working for the community. Coal dust is a
4 persistent problem along with fumes from smoldering
5 coal. There are no monitoring or testing on or off
6 site. The calculated reported to Illinois EPA are not
7 any indication of the amount of coal dust that residents
8 are exposed to.

9 Number nine, is the Illinois EPA aware of
10 the health risk to the community that chronic exposure
11 to coal dust contaminated surface water and invasion
12 from a failed high rise slurry threatening the
13 residents? I'm also submitting an article on toxicity
14 of possible fuel production, which I will submit.

15 Please save the citizens by not approving this permit.

16 Thank you.

17 (That concludes the remarks of Ms. DeClue.)

18 HEARING OFFICER: Cindy Skrukud.

19 MS. SKRUKRUD: So thank you for the
20 opportunity to comment on the 401 certification that
21 will be required. So I just have a few questions. The
22 antidegradation assessment says that the mitigation area
23 will be constructed and planted in the spring and summer
24 of 2014. Is this work already underway?

25 MR. RUNKEL: That was originally proposed by

1 the applicant. Of course, everything is subject to
2 change based on movement in schedules, so obviously
3 they're not going to be planting in the spring until
4 they have their permit and got it approved so that date
5 has probably been moved forward.

6 MS. SKRUKRUD: Thank you. I had a question,
7 too, of concern about the fact that the antidegradation
8 assessment states that the mitigation site is located in
9 the first long wall panel, which was subsided in 2012.
10 Again, I'm concerned with this potential double counting
11 that Hillsboro Energy needs to resolve, restore drainage
12 due to the subsidence that their underground mining is
13 in addition they need to mitigate for these impacts at
14 the disposal site, the proposed disposal site. I
15 appreciate what Mr. Moser had to say about there is two
16 mitigations that are going on, but I think it would be
17 really helpful if you would spell out in the
18 responsiveness summary what activities are being done to
19 mitigate for the impacts from the construction of the
20 disposal site, because I see there's kind of two very
21 different aims here, correcting, restoring drainage has
22 an aim to probably to a large extent get that water out
23 of the farm fields as much as possible, I would think
24 that under the Army Corps permit and 401 certification
25 some kind of mitigation needs to be done for work that

1 going to be done restoring stream and wetland health. I
2 think those are two very different things. I have a
3 question whose property is the mitigation work being
4 done on? Who is the property owned by?

5 MR. RUNKEL: Hillsboro owns the property
6 that they are proposing to do the mitigation on.

7 MS. SKRUKRUD: So then hopefully you will be
8 able to answer what they are going to be doing is going
9 to be restoring wetland and stream habitat at the time
10 to benefit the wildlife that will make use of that?

11 MR. RUNKEL: IDNR has a requirement that
12 they must do the same as or better values and we concur.
13 They are taking basically farmland that had some area
14 running through it and it was identified that there were
15 some emerging wetlands in there, whether it be in soils,
16 whether wetland vegetation and Hillsboro is going to
17 produce the same, probably better than what was already
18 existing.

19 MS. SKRUKRUD: Okay. I had a question about
20 the five year monitoring period for monitoring of the
21 mitigation site. Other including I have seen U.S. EPA
22 often times has a ten year monitoring to make sure that
23 the mitigation truly is performed as it should over a
24 longer term and I wonder why IEPA doesn't ask for a
25 longer monitoring period?

1 MR. RUNKEL: This particular area that
2 they're proposing to do is very small and it's not as
3 like a forced wetland where you have to wait decades to
4 see if you're having some success. They will have more
5 of an immediate achievement of success, so you will be
6 able to know it in shorter amount of time. And if it's
7 not reaching that in the five year review monitoring
8 then you can ask for additional work.

9 MS. SKRUKRUD: Okay. Thank you. Then
10 referring to part of the antidegradation regulation at
11 35IE302.105.C2B4 that part of the regulation states that
12 it's the agency's responsibility to, quote, assure the
13 following, the activity results -- the activity which
14 would result in an increased pollutant loading will
15 benefit, unquote. That's what the regulation says. My
16 question is what goes into the agency's determination
17 that that condition has been met? Here again, I think
18 this is where we are asked, the public is asking, are
19 you looking at things like not just what the benefit is
20 to the mining company but how does this activity impact
21 things like the loss of a public airport, the creation
22 of an industry right at the end of town, coal dust
23 impacts on the community, the establishment of a refuse
24 disposal area that is contained, held back by a high
25 hazard damn. That's my question. I don't read it but

1 it's the coal mining company's responsibility to answer
2 this question, it's the agency's responsibility to
3 enforce it.

4 MR. MOSHER: I think if you look at the
5 antidegradation the language of the regulation very
6 closely it requires the benefits to the community to be
7 stated, but it does not require any detriments. There
8 is -- in other words, it is not a cost benefit analysis.
9 It simply says provide what the benefits will be to the
10 community and the applicant gives that information, the
11 agency evaluates it. And I suppose if the applicant
12 said one part-time job would be created and that's it,
13 paying minimum wage, then we could use that information
14 in our overall review and we could decide possibly that
15 wasn't enough benefit, but I think in projects of this
16 magnitude there would be a lot of people that would
17 agree that the benefits are very significant to the
18 community. So I encourage you to re-read it. What
19 you're asking for is not specified in that regulation
20 anywhere that I can see.

21 MS. SKRUKRUD: I appreciate how the agency
22 is interpreting it. I read it verbatim. The activity
23 that results in the increased will benefit the community
24 at large. That seems to be a different question than
25 what it benefits from this activity. So thank you.

1 (The following remarks are being included
2 from the previous hearing as so requested.)

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

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

1 into the coal preparation circuit.

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

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

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

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

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

20 MR. CRISLIP: Correct.

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

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

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

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

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

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

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

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

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

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

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

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

1 refers to that log it's not included.

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

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

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

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

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

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

10 MR. CRISLIP: I believe so, yes.

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

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

1 the creek?

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

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

25 MR. MOSHER: You are right. We can

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

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

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

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

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

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

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

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

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

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

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

3 MS. ZIMMER: Okay.

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

6 (That concludes the remarks of Ms.
7 Skrukruud.)

8 HEARING OFFICER: Thank you. Is there
9 anyone in the room who has not spoken at the hearing
10 that would like to make a comment or ask a question on
11 the record? Sir, if you can come forward to the
12 microphone and if you would state your name and spell
13 your last name for the record, thank you.

14 MR. SNEED: Gary Sneed, S-n-e-e-d, and I
15 didn't realize that my comment could be put on that I
16 said before so can you put my comments also on this.

17 (The following remarks are being included
18 from the previous hearing as so requested.)

19 MR. SNEED: My name is Gary Sneed,
20 S-n-e-e-d.

21 HEARING OFFICER: You are going to have to
22 speak into the microphone or we're not going to be able
23 to hear you.

24 MR. SNEED: I wonder if you have -- I was
25 wondering if you have taken the time to check about the

1 impact on all of the wildlife that this water is going
2 to be discharging and the quality of the water and who
3 is watching the quality of the water that is going to be
4 discharged and how often it is going to be checked,
5 because I mean you can check it one day and they can do
6 something else the next. So I would like to know the
7 answers to all of them questions if I might.

8 MR. CRISLIP: There is a set requirement for
9 monitoring in the NPDES permit that the applicant is
10 required to monitor discharges from their site and have
11 the samplings analyzed and reported. In addition, we
12 the EPA performs inspections of the site. We will be
13 performing inspections and we will pull samples and have
14 those analyzed to check against what is reported by the
15 applicant, and in addition to that Department of Natural
16 Resources Mines and Minerals is on the site at least
17 monthly I believe, and they also pull samples and have
18 those analyzed.

19 MR. SNEED: What about the impact on
20 wildlife, like fish, game that drinks out of the creeks
21 and everything they are you fixing to dump that stuff
22 into? I would like to know if you have had a chance to
23 look at the impact on the animals which a lot of people
24 around here rely on for food and other substance. The
25 fish that come out of these places, and I want to know

1 if you are willing to eat the fish that comes out after
2 you dump it?

3 MR. CRISLIP: Our permit limits were
4 established at the water quality standards, which should
5 be protective of the fish and wildlife.

6 HEARING OFFICER: I do remind you that the
7 standard for the permit issuances is whether or not it
8 meets those standards. You can ask any questions you
9 want but to it's not going to affect our decision. Our
10 decision is going to be based on whether it meets the
11 law. So if there is a problem with the law then the law
12 has to be changed.

13 MR. SNEED: I'm asking whether or not it's
14 safe or not.

15 HEARING OFFICER: The standard is based on
16 what the Illinois Pollution Control Board has
17 established for us. Those standards are suppose to be
18 protective of aquatic life and wildlife as well as a
19 host of other uses of those streams.

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

24 MR. MOSHER: Illinois EPA monitors streams
25 on a routine basis and also on a water shed basis that

1 occurs every five years, and the Middle Fork Shoal Creek
2 where the mine eventually drains to is monitored. We
3 monitor biologic fish and macroinvertebrates. We
4 monitor the water quality and that information is
5 available on our website.

6 MR. SNEED: I don't have a computer. A lot
7 of us don't.

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

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

15 MR. MOSHER: Well, the reason we have the
16 water quality standards that Dean was mentioning is
17 research has been done, the concentrations that are
18 protective of fish and wildlife are adopted, it's very
19 formal process, and those are the values that we use to
20 regulate this mine, the sewage treatment plant in town
21 and every other discharge. They are all subject to
22 those water quality standards, and the limits in this
23 mine are for this mine are reflective of those values.
24 There is no other issues that I know about that would
25 cause harm to fish and wildlife from this mine. The

1 mine permit doesn't allow that. It doesn't allow
2 anything else to be discharge other than what we
3 specified.

4 MR. SNEED: But are you having them watch
5 it?

6 MR. MOSHER: That's the system in place for
7 everybody.

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

13 HEARING OFFICER: That was a system
14 established by a federal government and this is a permit
15 that is issued under federal requirements. The state
16 can't change federal laws. You may not like it but I
17 would suggest you talk to your federal elected officials
18 then.

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

22 HEARING OFFICER: I think you are being
23 presumptuous there.

24 MR. SNEED: All right. Thank you.

25 HEARING OFFICER: I didn't mean to be rude

1 to you. We have a certain system that is set up and
2 that's what the system is. If the system needs to be
3 changed you are free to make those recommendations to
4 the change, and as a citizen in the State of Illinois
5 you are also free to file proposals. We are not the
6 agency that sets that system. The state does not set
7 environmental laws. EPA does not set the environmental
8 laws of the state. Those are set by a whole different
9 state agency, because we are obligated to enforce those
10 laws and they did not want the same body making the laws
11 as was enforcing. So there is kind of a check and
12 balance that was set in there long before U.S. EPA was
13 around. That's the system that was in place. We have
14 that authority that was passed down from the general
15 assembly to both the Pollution Control Board and to our
16 agency. You don't hear much about the Pollution Control
17 Board, but they are the board that establishes the
18 environmental regulation in the state of substance. We
19 have some authority to set certain requirements but that
20 authority has to come either from the board or from the
21 general assembly, and our authority is primarily
22 procedural.

23 (That concludes the remarks of Mr. Sneed.)

24 HEARING OFFICER: Thank you. While
25 Mr. Sneed did that, I'm going to ask this. Is there

1 anyone here at the earlier hearing that made comments
2 that hasn't indicated that they want those comments
3 brought into the transcript for this hearing? If so
4 raise your hand and come forward to the mic. I don't
5 see anyone that has done that. Okay. My final question
6 is, is there anyone that has comment at this hearing
7 that has any additional comments or question that they
8 want to make on the record before I adjourn this
9 hearing? Let the record indicated that no one raised
10 their hand. I appreciate everyone's patience this
11 evening. Thank you. This hearing is adjourned and the
12 comment period remains open until June 30th.

13 (We are off the record at 8:32 P.M.)

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Notary Public Within and
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