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Transcript of **Public Hearing**

Date: November 19, 2015

Case: Cronus Chemicals, In Re

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (IEPA)

PUBLIC HEARING

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IN THE MATTER OF: NATIONAL :
POLLUTANT DISCHARGE ELIMINATION :
SYSTEM PERMIT HEARING FOR CRONUS :
CHEMICALS, TUSCOLA, ILLINOIS :
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PUBLIC HEARING

Before IEPA Hearing Officer DEAN STUDER
Tuscola, Illinois
Thursday, November 19, 2015
6:30 p.m.

Job No: 96802
Pages: 1 - 18
Reported by: Lisa K. Hahn, CSR, RMR

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P R E S E N T

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Relations, IEPA

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Industrial Unit, IEPA

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Manager, Water Quality Standards Section, Bureau of
Water, IEPA

DEAN STUDER

Hearing Officer/Right-To-Know Coordinator, Office of
Community Relations, IEPA

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HEARING OFFICER STUDER: Good evening. My name is Dean Studer and I'm the Hearing Officer for the Illinois Environmental Protection Agency. On behalf of Director Lisa Bonnett and Bureau of Water Chief, Marcia Willhite, I welcome you to tonight's hearing.

My purpose here is to ensure that this proceeding runs properly and according to rules. To that end, I will not be responding to technical issues but may assist those making comments to ensure that we stay with issues appropriate for this hearing.

This is an informational hearing before the Illinois EPA in the matter of a new National Pollutant Discharge Elimination System -- we usually use the acronym NPDES -- permit for Cronus Chemicals for a proposed new fertilizer plant here in Tuscola. The permit authorizes discharge into the Kaskaskia River and also intermittent storm water discharges into Scattering Fork Creek through a drainage tile.

The Illinois EPA believes that the public hearings that we hold are a crucial part of the permit review process. Issues relevant to this hearing include the anti-degradation analysis, compliance with the requirements of the federal Clean Water Act, as well as

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1 the rules set forth in 35 Illinois Administrative Code,
2 Subtitle C. Other relevant issues include the potential
3 impacts to receiving waters from the discharge and water
4 quality in these receiving waters. The Illinois EPA has
5 made a preliminary determination that the applicant has
6 met the requirements for obtaining a permit and has
7 prepared a draft permit for review.

8 The Illinois EPA is holding this hearing for
9 the purpose of accepting comments from the public on the
10 draft permit before taking final action on the permit
11 application. This public hearing is being held under the
12 provisions of the Illinois EPA's procedures for permit
13 and closure plan hearings, which can be found in 35
14 Illinois Administrative Code, Part 166, Subpart A, and
15 under 35 Illinois Administrative Code, Part 309. Copies
16 of these regulations are available at the Illinois
17 Pollution Control Board website at www.ipcb.state.il.us,
18 or if you do not have easy access to the web, you may
19 contact me and I can get copies for you.

20 An informational public hearing means exactly
21 that -- this is strictly an informational hearing. It is
22 an opportunity for you to provide information to the
23 Illinois EPA concerning this permitting action. This is
24 not a contested case hearing.

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1 I'd like to explain how tonight's hearing is
2 going to proceed. First, I will have the Illinois EPA
3 panel introduce themselves and provide a sentence or two
4 regarding their involvement in the permit process. Then
5 Mark Liska, a permit engineer in the Permit Section of
6 the Division of Water Pollution Control will give a brief
7 statement on the draft NPDES permit. This will be
8 followed by more specific instructions on how comments
9 will be made at this hearing and on appropriate conduct
10 during this hearing. Following this, I will begin taking
11 comments from the public.

12 If you have not completed a registration card
13 at this point, please see Barb Lieberoff at the
14 registration table and she can provide you with a card.
15 You may indicate on the card that you'd like to make oral
16 comments. Everyone legibly completing a registration
17 card or submitting comments during the comment period
18 will be notified when the Illinois EPA reaches a final
19 decision in this matter. A responsiveness summary will
20 be made available at that time.

21 In the responsiveness summary the Illinois EPA
22 will answer all relevant and significant questions that
23 were raised at this hearing or submitted to me prior to
24 the close of the comment period. The responsiveness

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1 summary will also be posted on the Illinois EPA web page
2 in the same place where the hearing notice and draft
3 permit have been posted. I will also arrange for the
4 transcript of this hearing to be posted on that web page.

5 The written record in this matter is scheduled
6 to close on December 9, 2015. Those submitting comments
7 by mail need to mail them in sufficient time so they
8 physically arrive at Illinois EPA headquarters in
9 Springfield no later than Decembers 9, 2015.

10 E-mail comments will be accepted provided the
11 following three conditions are all met: One, they are
12 sent to epa.publichearingcom@illinois.gov -- that's
13 e-p-a, dot, p-u-b-l-i-c-h-e-a-r-i-n-g-c-o-m @ illinois,
14 spelled out, dot g-o-v, and that website is provided in
15 the hearing notice for tonight's hearing. Comments sent
16 to other e-mail addresses will not be accepted unless
17 other arrangements have been made with me. They will
18 received by the close of the record in this matter, and
19 that is on December 9th, and the subject line of the
20 e-mail needs to contain either the words, "Cronus
21 Chemicals NPDES" or the NPDES number for this permit, and
22 that NPDES number is capital I, capital L, 0080084. And,
23 again, that permit number is given on the notice for this
24 hearing. Note that I will not be accepting e-mails

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1 originating on third party systems or servers intended
2 for submittal of multiple e-mails of the same or nearly
3 the same content without my prior approval.

4 Illinois EPA anticipates having a final
5 decision in this matter yet this winter. However, the
6 actual decision date will depend upon a number of
7 factors, including the number of comments received, the
8 substantive content of those comments, as well as other
9 factors.

10 During the hearing and comment period, relevant
11 comments, documents, and data will be placed into the
12 hearing record as exhibits. Please send all written
13 comments or data to my attention at Dean Studer, Hearing
14 Officer, regarding Cronus Chemicals NPDES, Illinois EPA,
15 1021 North Grand Avenue East, P.O. Box 19276,
16 Springfield, Illinois, 62794-9276. This address, again,
17 is listed on the notice for this hearing. Again, please
18 indicate "Cronus Chemicals NPDES" or the IL number, which
19 is IL0080084 on your comments to ensure that they become
20 part of this hearing record.

21 Once the hearing record closes, Illinois EPA
22 will evaluate the comments received during this hearing,
23 as well as those submitted in writing. We will then make
24 a decision as to whether it is lawful and appropriate for

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1 Illinois EPA to issue a permit, and that will be based on
2 the record and our responsibilities under the Illinois
3 Environmental Protection Act, the Federal Clean Water
4 Act, and regulations promulgated under these acts. If
5 the decision is to issue a permit, then Illinois EPA will
6 again review the comments to determine what revisions, if
7 any, need to be made to the permit before it is
8 finalized.

9 I will now ask Illinois EPA staff to introduce
10 themselves, and this will be followed by Mark Liska
11 giving a brief overview of the permit.

12 MR. MOSHER: Good evening. My name's Bob
13 Mosher and I'm in the Water Quality Standards Section,
14 and I help the permit engineer with some of the water
15 quality based-limits, namely ammonia in this case, and
16 the anti-degradation review.

17 MS. DIERS: Stefanie Diers, legal counsel for
18 Illinois EPA.

19 MR. LISKA: I am Mark Liska. I'm in the
20 Industrial Unit of the Permit Section. I am the permit
21 writer for this permit.

22 Hello, everyone, and thank you all for coming.
23 My name is Mark Liska and I am an environmental
24 protection engineer for the Illinois EPA Bureau of Water

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1 Industrial Unit. I am the permit writer for the Cronus
2 NPDES Permit. Cronus is building an anhydrous ammonia
3 plant here just outside of Tuscola that will produce
4 800,000 tons of anhydrous ammonia per year, which will
5 then be converted to 1.4 million tons of granular urea
6 per year for use as agricultural fertilizer. The
7 permittee will be discharging an average of 1.66 million
8 gallons per day of wastewater. The majority, 1.4 million
9 gallons per day of it, is non-contact cooling tower
10 blowdown. They will also be discharging small amounts of
11 filter backwash, ion-exchange regen water, washdown
12 water, and stormwater from the facility. There is no
13 discharge of any actual process wastewater.

14 The manufacturing process is simple enough.
15 Natural gas is used to make hydrogen, which is reacted
16 with the nitrogen in the air to make the anhydrous
17 ammonia. The anhydrous ammonia is then reacted with
18 carbon dioxide in a two-stage process which forms the
19 urea.

20 As far as the discharges from the plant, again,
21 the majority of the discharge is non-contact tower
22 blowdown. There's also some various reject, backwash and
23 condensates from their ultrafiltration system, reverse
24 osmosis system, filters, and a polishing system, which

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1 are all needed during the process manufacturing. There
2 is also some washdown water and stormwater from the plant
3 area.

4 The permittee will be providing a number of
5 treatment methods to their wastewater prior to
6 discharging it. First, all of the cooling tower
7 blowdown, filter backwash, and polishing system regen
8 water will go through an oil/water separator as a
9 precaution. Next, all of the wastewater will go to one
10 of two 1.5 million gallon wastewater detention lagoons
11 for settling and to help meter in wastewater to the main
12 plant. From here, all of the wastewater will go through
13 an aerobic and anaerobic basin followed by a settling
14 basin. This will treat for nitrate, BOD, and ammonia.
15 Finally, the wastewater will go through precipitation and
16 sand filtration units, which will treat for phosphorus
17 and zinc before discharging to the Kaskaskia River.

18 The water use at the plant is going to be very
19 different than what most plants use. Rather than either
20 taking water from a river or pumping it up from wells and
21 affecting the water table, the permittee will be getting
22 all of their water from the Champaign Sanitary District
23 and using the Sanitary District's treated wastewater as
24 their water. This has some interesting effects. First,

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1 there will be no effect on the local groundwater aquifer.
2 Now, of course, there will be a small amount of metals
3 and other things in the sanitary district's treated
4 effluent, but since the permittee will be treating all of
5 their used wastewater prior to discharge, in almost all
6 cases, the water that they discharge will be cleaner than
7 the water that they received. This has a net benefit as
8 far as anti-degradation is concerned. Since the sanitary
9 district is discharging to the same section of the same
10 receiving stream as Cronus, the net discharge for most
11 parameters, such as phosphorus, zinc, nitrate, ammonia,
12 and mercury will be less than if Cronus was never there
13 and the sanitary district simply discharged on their own.

14 As far as waste loads and anti-degradation
15 goes, again, for almost all parameters, there is a net
16 reduction in loading to the receiving stream. The only
17 two parameters getting an increase are sulfate and
18 chloride. In both of these cases, there is no
19 alternative treatment available to lower the new loading
20 that wouldn't either be cost prohibitive or would end up
21 discharging more of a different parameter, which would
22 then defeat the point. However, for both the case of
23 sulfate and chloride, they easily meet water quality
24 limits and, in fact, there is no potential to exceed the

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1 water quality limit for either one.

2 Thank you for your time, and I'll give the
3 floor back to Dean.

4 HEARING OFFICER STUDER: Thank you.

5 I'll now go over the process for making
6 comments during this hearing and how Illinois EPA
7 considers these comments when making a final decision in
8 this matter.

9 As hearing officer, I intend to treat everyone
10 here tonight with respect and in a professional manner.

11 I ask that the same respect be shown by the hearing
12 panel, as well as members of the public. You may
13 disagree with or object to some of the statements and
14 comments made, but this is a public hearing and everyone
15 has a right to express their comments on this draft
16 permit and issues related to it. Arguing or prolonged
17 dialogue with others will not be permitted during this
18 hearing.

19 We have a court reporter here taking a verbatim
20 record of this hearing. For her sake, and in the
21 interest of obtaining an accurate transcript of this
22 hearing, I ask that noise levels in the room be kept to a
23 minimum. Consequently, applause and other disruptive
24 noises are not appropriate during this hearing and will

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1 not be allowed. If you have a cell phone or a pager,
2 please silence them at this time if you have not already
3 done so.

4 If the conduct of persons attending this
5 hearing should become unruly, I am authorized to adjourn
6 this hearing should the actions warrant. In such a case,
7 Illinois EPA would accept written comments through the
8 close of the comment period.

9 Written comments may be submitted to Illinois
10 EPA at any time within that comment period, but they must
11 physically arrive at Illinois EPA no later than December
12 9, 2015. This hearing is the only time that Illinois EPA
13 will accept oral comments.

14 Once a comment is made, it makes no difference
15 if the comment is made multiple times, it will be
16 considered on its merit and addressed only once in the
17 responsiveness summary. The decision of the Illinois EPA
18 will not be based on the number of people that desire a
19 certain outcome, but rather will be based on whether or
20 not a permit can be lawfully issued under existing
21 requirements, laws and regulations. The issues that are
22 relevant in the Illinois EPA final decision are those
23 that directly relate to the content of the permit and the
24 regulations governing the issuance of the permit. Simply

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1 stating objection or support for this permit will not
2 impact the Illinois EPA decision in this matter.
3 Illinois EPA decisionmaking is limited to those items
4 associated with the environmental issues and other items
5 as determined by state and federal law. In this case,
6 relevant issues must relate to the water discharge,
7 otherwise known as the NPDES permit, in some way.

8 When it's your turn to speak, I will call your
9 name. Please come forward to the podium. If you -- when
10 I call your name, if you do not desire to speak or if
11 someone has already said what you were prepared to say,
12 you may pass and I will move on to the next person.

13 When giving comments, please speak clearly and
14 project your voice into the microphone so that everyone
15 can hear you. Please state your name and, if applicable,
16 any governmental body, organization, or association that
17 you represent. If you are not representing a
18 governmental body, an organization, or an association,
19 you may simply indicate you are a concerned citizen or a
20 member of the public.

21 For the benefit of the court reporter, I ask
22 that you spell your last name. If there are alternate
23 spellings of your first name, you may also spell that, if
24 you desire. Comments are to be directed to the court

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1 reporter and to the members of the hearing panel here on
2 stage. This will help to ensure that an accurate
3 transcription of your comments is made for our records.
4 Again, prolonged dialog with the hearing panel or with
5 others in attendance will not be permitted.

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

8 Okay. Let the record indicate that no one
9 raised their hand.

10 With that, the first person is Richard -- is it
11 Willoughby?

12 MR. WILLOUGHBY: Willoughby.

13 HEARING OFFICER STUDER: Okay. Do you want to
14 pass?

15 MR. WILLOUGHBY: Yes.

16 HEARING OFFICER STUDER: Okay. It looks like
17 we have Wilbur Crouch?

18 MR. CROUCH: Yeah. I was just going to ask a
19 question, but I think I'm all right now.

20 HEARING OFFICER STUDER: Okay. So do you want
21 to pass as well.

22 MR. CROUCH: (Nods in the affirmative.)

23 HEARING OFFICER STUDER: Okay. Is there anyone
24 else here that wants to make a statement on the record

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1 while we're here?

2 Okay. Let the record indicate no one raised
3 their hand. Since no one wants to speak, I remind
4 everyone that we are accepting written comments through
5 the 9th of December, and we will have a decision after
6 the comment period closes.

7 This hearing is adjourned unless someone else
8 has something that they want to make on the record. If
9 not, I appreciate your attendance and your patiently
10 waiting for us to go through the preliminary.

11 Thank you.

12 (Off the record at 6:53 p.m.)

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2

3 I, LISA K. HAHN, Registered Merit Reporter,
4 Certified Shorthand Reporter and Notary Public, the
5 officer before whom the foregoing hearing was taken, do
6 hereby certify that the foregoing transcript is a true
7 and correct record of the testimony given; that said
8 testimony was taken by me stenographically and thereafter
9 reduced to typewriting under my supervision; and that I
10 am neither counsel for or related to, nor employed by any
11 of the parties to this case and have no interest,
12 financial or otherwise, in its outcome

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 and affixed my notarial seal this 24th day of November,
15 2015.

16 My commission expires October 7, 2017.

17

18

19

Lisa K Hahn



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NOTARY PUBLIC IN AND FOR

21

THE STATE OF ILLINOIS

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