

1 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
2 PUBLIC HEARING FOR  
3 REVISED CAAPP PERMIT  
4 POWERTON GENERATING STATION

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9 APRIL 27, 2015

10 7:00 P.M.

11 200 N.E. WATER STREET

12 DEAN STUDER, HEARING OFFICER

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21 TRANSCRIPT OF PROCEEDINGS

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I N D E X

PAGE NO.

HEARING OFFICER STUDER OPENING REMARKS 3

DOUG RUTHERFORD OPENING REMARKS 10

PUBLIC COMMENTS

JOSEPH LASZLO 21

PHILLIP LIPPI 26 & 73

NICHOLAS KERKER 27

DAVE WEIMAN 29

JOYCE BLUMENSHINE 30

KEVIN CASHMER 41 & 74

LINDSAY DUBIN 41

FAITH BUGEL 47

VERENA OWEN 55

ROBIN GARLISH 61

TRACY FOX 66

1 HEARING OFFICER STUDER: Good  
2 evening. I have got a few minutes after 7:00 so  
3 we are going to go ahead and begin this evening.

4 My name is Dean Studer and I am the  
5 Hearing Officer for the Illinois Environmental  
6 Protection Agency. On behalf of Director Lisa  
7 Bonnett, I welcome you to tonight's hearing.

8 My purpose tonight is to ensure that  
9 this proceeding runs properly, according to rules  
10 and is conducted in a fair and efficient manner.

11 Personally I will not be responding  
12 to specific technical issues related to the permit  
13 but will defer such issues to the technical staff  
14 person with me this evening.

15 This is an informational hearing  
16 before the Illinois EPA in the matter of a  
17 significant modification of a Clean Air Act  
18 Permitting Program, otherwise referred to as  
19 CAAPP, C-A-A-P-P, Permit for the Midwest  
20 Generation, LLC Powerton Power Plant. And that is  
21 located at 13082 East Manito Road near Pekin in  
22 Tazewell County.

23 An informational public hearing means  
24 exactly that, it is an opportunity for you to

1 provide information to the Illinois EPA concerning  
2 this permit. This is not a contested case  
3 hearing.

4 A Title V air permit was issued on  
5 September 29, 2005. On November 3rd, 2005 Midwest  
6 Generation petitioned the Pollution Control Board  
7 for administrative review of the permit.

8 The administrative review of a permit  
9 is often referred to as a permit appeal.

10 On February 16, 2006 the Pollution  
11 Control Board stayed the permit in its entirety,  
12 pending resolution of the appeal.

13 Illinois EPA and Midwest Generation  
14 have been negotiating to resolve the  
15 administrative review of the permit filed by the  
16 permit applicant. The permit as drafted reflects  
17 these negotiations and is the first step in  
18 revolving the permit appeal.

19 Once a permit is issued that resolves  
20 the appeal, the plans are to ask the Illinois  
21 Pollution Control Board to dismiss the  
22 administrative permit review.

23 I also note that Illinois EPA is in  
24 the process of preparing a filing with the

1 Illinois Pollution Control Board regarding sulfur  
2 dioxide, otherwise referred to as SO2. That  
3 proceeding is separate from this immediate permit  
4 modification proceeding and Illinois EPA staff  
5 will not be addressing those issues during this  
6 proceeding. Comments regarding the SO2 rule  
7 making are to be filed directly with the Illinois  
8 Pollution Control Board.

9 As part of this hearing process the  
10 Illinois EPA has prepared documents for public  
11 review that outline the modifications that are the  
12 subject of this hearing.

13 The Illinois EPA is holding this  
14 hearing for the purpose of accepting comments from  
15 the public on the proposed modification of the air  
16 pollution control permit for this project prior to  
17 taking final action on the modification. The  
18 public hearing is being held under the provisions  
19 of Illinois EPA's procedures for permit and  
20 closure plan hearings which can be found at 35  
21 Illinois Administrative Code Part 166, Subpart A.  
22 Copies of these procedures can be accessed on the  
23 website for the Illinois Pollution Control Board  
24 at [www.ipcb.state.il.us](http://www.ipcb.state.il.us), or if you do not have

1 ready access to the internet they can be obtained  
2 from me by request.

3 I would like to explain how tonight's  
4 hearing is going to proceed.

5 First I will have the Illinois EPA  
6 staff introduce himself and identify his  
7 responsibilities within the Agency in regards to  
8 this permitting action. Then Permit Engineer Doug  
9 Rutherford will briefly explain the CAAPP permit  
10 program and the permit modifications. This will  
11 be followed by additional instructions on how I  
12 will take oral comments during this hearing and  
13 then I will allow the public to begin providing  
14 comments. Comments are not required to be  
15 provided orally. Written comments are given the  
16 same consideration as oral comments made during  
17 this hearing and may be submitted to the Illinois  
18 EPA at any time during the comment period which  
19 ends on May 27, 2015. All comments submitted by  
20 mail must be postmarked no later than May 27,  
21 2015. Although we will continue to accept  
22 comments through that date, tonight is the only  
23 time that we will accept oral comments. The  
24 Illinois EPA would like to have a final resolution

1 in this matter as quickly as practical. However,  
2 the actual decision date will depend upon the  
3 number and nature of comments received as well as  
4 other factors.

5 Any person who wants to make oral  
6 comments may do so as long as the statements are  
7 relevant to the issues at hand and time allows.  
8 If you have not completed a registration card at  
9 this point please see Brad Frost in the  
10 registration area out front and he can provide you  
11 with a registration card. Please be sure to check  
12 the appropriate box on the card if you desire to  
13 make comments at the hearing this evening. If you  
14 have lengthy comments it may be helpful to submit  
15 them to me in writing before the close of the  
16 comment period and I will ensure that they are  
17 included in the hearing record as an exhibit.

18 Please keep your comments relevant to  
19 the issues at hand. The focus of this hearing is  
20 the conditions and requirements in the permit that  
21 Illinois EPA is proposing to modify. If your  
22 comments fall outside the scope of this hearing I  
23 may ask you to proceed to another issue.

24 Midwest is also free to respond to

1 issues that are raised if willing to do so but I  
2 am not in a position to require them to do so. I  
3 will not allow the speakers to argue or engage in  
4 prolonged dialogue with each other or with members  
5 of our panel. I also will not allow members of  
6 the public to address comments to other members of  
7 the public. Comments from the public are to be  
8 addressed to the hearing panel and the court  
9 reporter. For the purpose of allowing everyone to  
10 have a chance to comment I ask everyone to keep  
11 their comments initially to eight minutes. In  
12 addition I would like to stress that we want to  
13 avoid unnecessary repetition. If anyone before  
14 you has already presented what is contained in  
15 your comments, please skip over those issues when  
16 you speak. If someone speaking before you has  
17 already said what you desire to say, you may pass  
18 when I call your name to come forward.

19 Again, we are accepting written  
20 comments which will become part of the official  
21 record in this matter and your comments submitted  
22 in writing will be considered. All who legibly  
23 complete a registration card or submit written  
24 comments in this matter during the comment period



1 will be notified of the final decision in this  
2 matter and of the availability of the  
3 responsiveness summary.

4 In the responsiveness summary the  
5 Illinois EPA will respond to all significant  
6 issues that were raised at this hearing or  
7 submitted to me prior to the close of the comment  
8 period. The record again in this matter will  
9 close on May 27, 2015. I will accept written  
10 comments as long as they are postmarked by that  
11 date. While the record is open, all relevant  
12 comments, documents and data will be placed into  
13 the hearing record as exhibits. Please send all  
14 written documents to my attention. They should be  
15 sent to Dean Studer, Hearing Officer, Office of  
16 the Community Relations Regarding Midwest  
17 Generation, Powerton, Illinois EPA, 1021 North  
18 Grand Avenue East, P.O. Box 19276, Springfield,  
19 Illinois, 62794-9276. This address is given on  
20 the public notice for the hearing tonight.

21 At this time please silence all cell  
22 phones and pagers if you have not already done so.

23 I will now have the Illinois EPA  
24 staff present tonight introduce themselves and

1 then Doug Rutherford will make a brief statement  
2 regarding the permit. I will then provide further  
3 instructions on how we will be taking comments  
4 during this hearing and then I will begin taking  
5 comments from the public.

6 MR. RUTHERFORD: Good evening. My  
7 name is Doug Rutherford and I am an engineer with  
8 the Bureau of Air, the Permit Section. And thank  
9 you again for attending this public meeting.

10 The planned action being discussed  
11 tonight involves issuance of a revised CAAPP  
12 permit for the Powerton station. The provisions  
13 arise from the settlement of the permit appeal  
14 currently pending before the Illinois Pollution  
15 Control Board for the CAAPP permit that was  
16 initially issued to the Illinois EPA in 2005.

17 The Illinois EPA is committed to  
18 getting a CAAPP permit in place for the Powerton  
19 station as well as the CAAPP permits in place for  
20 the other coal fire plants in Illinois where  
21 original CAAPP permits are still subject to the  
22 appeals.

23 It should not go unnoticed that after  
24 working cooperatively with USEPA the original

1 permit for the Powerton station was issued in 2005  
2 without objection from the USEPA. However, it was  
3 appealed by Midwest Generation and stayed in  
4 entirety by the Pollution Control Board.

5 The draft revised permit that is now  
6 being discussed is the result of settlement  
7 discussions between Midwest Generation and the  
8 Illinois EPA with the assistance of the Illinois  
9 Attorney General's office.

10 The essential nature of a negotiated  
11 settlement is that the parties reach an agreement  
12 in which they each believe that their key concerns  
13 would be fairly and appropriately addressed.  
14 Given the nature of the air pollution control  
15 operating permit for the coal plants, the  
16 settlement negotiations have involved significant  
17 effort over a period of time by both the Illinois  
18 EPA and the resources.

19 I will now briefly summarize  
20 prominent changes that are planned for the CAAPP  
21 permit for the Powerton generating station.  
22 Specific details regarding all the plan changes  
23 can be found in the Statement of Basis that  
24 accompanied the draft permit of the revised

1 permit.

2 One plan change to the permit  
3 involves pollutants addressed in the annual  
4 Emission Report. Illinois EPA's authority to  
5 require reporting of certain pollutants, including  
6 mercury, was challenged in the appeal because of  
7 no underlying requirement existed for any  
8 environmental statutory or regulatory provision at  
9 the time of permit issuance.

10 Illinois EPA found the underlying  
11 rules did not provide support for this requirement  
12 and plans to remove these specific details  
13 regarding content of the annual emission report  
14 from the permit. It can be noted that the  
15 underlying reporting rules have changed since  
16 2005, as they now encompass additional regulated  
17 pollutants. In effect the general language in the  
18 permit condition will cover an expanded list of  
19 pollutants subject to the annual emissions  
20 reporting.

21 Another plan change to the permit is  
22 the addition of compliance assurance monitoring,  
23 commonly referred to as CAM, C-A-M, for the  
24 emissions of particulate matter from the coal fire

1 plants. This is required because changes to the  
2 permit would be significant modifications.

3 For the coal fire boilers, Illinois  
4 EPA would conditionally approve the approved  
5 CAM -- proposed CAM plan. The CAM plan provides  
6 Midwest Generation with up to 180 days after  
7 permit issuance to complete necessary testing for  
8 particulate matter conditions, submit test  
9 results, apply for a proposed modification to the  
10 permit and begin implementation of a CAM plan.

11 Another area where changes to the  
12 permit are planned is in recordkeeping for startup  
13 of the coal boilers.

14 Illinois EPA agreed to revise the  
15 issued permit to reflect a different duration of a  
16 typical startup when it became apparent that the  
17 original condition had been based on incorrect  
18 assumptions. Midwest Generation must continue to  
19 keep basic information related to each startup,  
20 date, time, duration, but they now must also keep  
21 additional records including documentation that  
22 established startup providers were followed. If  
23 procedures were not followed, detailed records are  
24 needed, including reasons why established

1 procedures were not followed.

2 Startups where there might have been  
3 an exceedance will trigger additional record  
4 keeping and reporting to the Illinois EPA.

5 Another area where changes to the  
6 permit are planned are the requirements for  
7 handling of coal and fly ash. Inspection  
8 protocols for these operations and processes will  
9 be revised, as well as requirements for periodic  
10 observations of visual emission, using standard  
11 USEPA methods.

12 Also a requirement to obtain a  
13 separate contingency plan for handling temporary  
14 sources of fly ash during malfunction and  
15 breakdown events will be removed from the permit.  
16 This is because it would be redundant to a source  
17 wide condition to maintain a specific operating  
18 program that addresses these situations.

19 As I mentioned before, details  
20 concerning these and other permit changes  
21 addressed in the permitting action as well as  
22 accompanying justifications for the changes are  
23 set forth in the Statement of Basis.

24 I will now turn things back over to

1 the Hearing Officer.

2 HEARING OFFICER STUDER: Thanks,  
3 Doug.

4 While issues raised tonight may  
5 indeed be heartfelt concerns to many of us here in  
6 attendance, applause, booing, hissing, cheering  
7 and other noises are not appropriate during the  
8 course of this hearing.

9 Tonight when statements are made they  
10 are to relate to the issues involved with this air  
11 permit. Statements and comments that are of a  
12 personal nature or reflect on the character or  
13 motive of a person or group of persons are not  
14 appropriate in this hearing. If statements or  
15 comments begin to drift into this area or other  
16 areas that are not appropriate for this hearing I  
17 may interrupt and ask you to proceed to your next  
18 relevant issue.

19 As Hearing Officer I intend to treat  
20 everyone here tonight in a courteous, respectful  
21 and professional manner. I ask that members of  
22 the panel and public do the same.

23 If the conduct of persons attending  
24 this hearing should become unruly, I am authorized

1 to adjourn this hearing should the actions  
2 warrant. In such a case Illinois EPA would still  
3 continue to accept written comments through the  
4 close of the comment period, which is through  
5 May 27, 2015.

6 Since we have a limited amount of  
7 time in which to conduct this hearing, Illinois  
8 EPA staff members will be responding to issues  
9 primarily for clarification purposes. We are here  
10 tonight to listen to environmental issues. You  
11 may disagree with or object to some of the  
12 statements and comments made tonight, but this is  
13 a public hearing and everyone has a right to  
14 express their comments in this matter.

15 Again, written comments are given the  
16 same consideration as oral comments received  
17 during the hearing and may be submitted to  
18 Illinois EPA at any time within the public comment  
19 period. Although we will continue to accept  
20 comments through May 27, 2015, tonight is the only  
21 time that we will accept oral comments. Any  
22 person who wishes to make an oral comment may do  
23 so as long as statements are relevant to the  
24 permit and time allows. If you have lengthy



1 comments, please consider giving only a summary of  
2 those comments during this hearing and submitting  
3 the comments in their entirety to me in writing  
4 before the close of the comment period. I will  
5 ensure that they are included in the hearing  
6 record as an exhibit. Please keep your comments  
7 relevant to the issues at hand. And again, if  
8 comments fall outside the scope of this hearing I  
9 may ask you to proceed to your next issue. For  
10 the purposes of allowing everyone to comment this  
11 evening and to ensure that we conduct this hearing  
12 in a timely fashion, I will impose a time limit of  
13 eight minutes per speaker. If everyone has had an  
14 opportunity to speak and time allows, I may allow  
15 those who initially did not desire to speak to do  
16 so. If time still allows, I may then allow those  
17 who have spoken to speak if they have additional  
18 comments to make. In the event we cannot  
19 accommodate everyone who wishes to make comments  
20 this evening, you would be asked to submit  
21 comments in writing to us during the comment  
22 period. Again, written comments are given the  
23 same consideration as oral comments. Again, I  
24 stress we want to avoid unnecessary repetition.

1 Once a point is made, it makes no difference if  
2 that point is made once or whether it is made 99  
3 times. It will be considered and will be  
4 reflected only once in the responsiveness summary.

5 The final decision of the Illinois  
6 EPA will not be based upon how many people support  
7 or oppose the modification of this permit but  
8 rather upon the record and whether the facility  
9 will comply with the applicable laws, regulations  
10 and requirements for permit issuance.

11 We have a court reporter here who is  
12 taking a record of these proceedings for the  
13 purpose of us compiling our administrative record.  
14 Therefore, for her benefit please keep the general  
15 background noise in the room to a minimum so that  
16 she can hear everything and that it is accurately  
17 reflected in the transcript.

18 Illinois EPA will post the transcript  
19 of this hearing on our web page in the same  
20 general place where the hearing notice, Statement  
21 of Basis, the draft permit and other documents  
22 associated with this proceeding have been posted.

23 It is my desire to have this posted  
24 within three weeks. The actual time will depend,

1       however, on when I get the transcript back from  
2       the court reporter.

3                   When it is your turn to speak I will  
4       call your name to come forward. For the record,  
5       you should state your name and if applicable any  
6       governmental body, organization or association  
7       that you represent. If you are not representing a  
8       governmental body, an organization or an  
9       association, you may simply indicate that you are  
10      a concerned citizen or a member of the public.  
11      For the benefit of the court reporter I will ask  
12      that you spell your last name. If there are  
13      alternate spellings for your first name you may  
14      also choose to spell your first name. Once you  
15      spell your name, I will start timing and you will  
16      have eight minutes to complete your comments. I  
17      ask that while you are speaking that you direct  
18      your attention to the hearing panel and to the  
19      court reporter to ensure that an accurate record  
20      of your comments are made. Again, prolonged  
21      dialogue with members of the hearing panel or with  
22      others here in attendance is not permitted.  
23      Comments directed to the audience are also not  
24      permitted this evening.

1 I remind everyone that the focus of  
2 this hearing is the proposed modification of the  
3 Title V permit, specifically the conditions and  
4 the requirements that Illinois EPA has proposed  
5 for modification as outlined in the documents  
6 available at the registration table and on the  
7 Illinois EPA website.

8 Are there questions regarding the  
9 procedures that will be used for conducting this  
10 hearing?

11 (No response.)

12 Let the record indicate that no one  
13 raised their hand.

14 With that, I want to point out  
15 tonight that we have one microphone, so I am going  
16 to set this microphone and the stand -- and its  
17 stand on the podium. Because when you speak you  
18 are going to have your back to the audience,  
19 please speak into the microphone so that everyone  
20 can hear what you are saying.

21 I think everyone in the room wants to  
22 hear what everyone else is saying when they are  
23 addressing the hearing panel, so I would  
24 appreciate that if you could do that.

1 The first person is Joseph Laszlo.

2 JOSEPH LASZLO: All right. My name  
3 is Joseph Laszlo, L-A-S-Z-L-O. I am a resident  
4 of Peoria County. Private citizen making  
5 comments and questions.

6 I have one question in particular.  
7 And I refer you to the Statement of Basis,  
8 page 14, changes in Section 5, paragraph 3, which  
9 starts out with the statement, the explicit  
10 requirements for recordkeeping for emissions of  
11 mercury hydrochloric acid and hydrofluoric acid  
12 would be removed from the permit. The reason for  
13 doing this is given in that paragraph. And the  
14 final paragraph or sentence of that paragraph  
15 reads, because the source is now required to  
16 maintain records of emissions for HCL, the removal  
17 of HF from condition 5.6.1 is of minor  
18 significance because HCL serves as a surrogate for  
19 HF. Hydrochloric acid and hydrofluoric acid have  
20 very different dissociation contents.  
21 Hydrochloric acid is a much stronger acid under  
22 most environmental conditions. The toxicity  
23 issues related to HCL and HF are very different  
24 and their absorption properties, particulates and

1 surfaces are also quite different.

2 Can you explain why the HF is going  
3 to be not monitored because HCL is a surrogate?

4 I dispute that contention.

5 MR. RUTHERFORD: I understand your  
6 question. I can't honestly give you a good  
7 answer at this point. That is something I would  
8 probably have to do some research on to get back  
9 with you.

10 Mike Reed is the supervisor and has  
11 also been involved in the development of the  
12 statement basis. Maybe he can answer.

13 HEARING OFFICER STUDER: Spell your  
14 last name and state your title so we have it for  
15 the record.

16 MR. REED: Michael Reed. I am the  
17 CAAPP Unit Supervisor. Last name is R-E-E-D.

18 Basically the boiler pact and the  
19 utility pact -- I don't know if you are familiar  
20 with those or not, new regulations that have just  
21 been promulgated and resolved through USEPA --  
22 have basically deemed HCL as a surrogate for HF.  
23 And basically monitoring HCL from an air emissions  
24 perspective, water emissions, which is what I

1 believe the dissociation factor you were  
2 discussing is about, would be equivalent to HF.  
3 So basically using HCL, you would basically say  
4 HCL is equivalent to HF. So whatever HCL  
5 emissions are being emitted you would assume would  
6 be HF emissions also.

7 JOSEPH LASZLO: So you are taking  
8 the assumption the atmosphere has no moisture in  
9 it which to dissociate these molecules into?

10 Is that the judgment, that there is  
11 no moisture on any surface or in the atmosphere?

12 MR. REED: I don't know that we are  
13 making any assumption. We are simply following  
14 the federal regulations that allow for HCL to be  
15 a surrogate for HF.

16 JOSEPH LASZLO: Well, I personally  
17 find that as a chemist to be an inadequate basis  
18 for going forward with that permit.

19 On a minor point, you guys prepared  
20 these records, this statement, right? That's  
21 yours, right?

22 HEARING OFFICER STUDER: Yes.

23 JOSEPH LASZLO: On the link, this  
24 link is supposed to be to these documents that

1 you are handing out, this document. No?

2 MR. FROST: Which link specifically  
3 are you talking about?

4 JOSEPH LASZLO: There is a blue link  
5 right there.

6 MR. FROST: Yes.

7 JOSEPH LASZLO: It does not go to  
8 these documents.

9 MR. FROST: It takes you to the  
10 general website.

11 JOSEPH LASZLO: To the EPA.

12 MR. FROST: We maintain the Illinois  
13 permit's database on the USEPA website. So the  
14 link in the notice takes you to the Illinois EPA  
15 database which is posted on the USEPA website.

16 JOSEPH LASZLO: Without a keyword  
17 for us to search this does not link us to any  
18 useful information.

19 MR. FROST: The keyword is right in  
20 the title. But the documents are also on the  
21 Illinois EPA website under our hearing web page.

22 JOSEPH LASZLO: I believe you stated  
23 that link.

24 HEARING OFFICER STUDER: Yes.



1 JOSEPH LASZLO: That would be useful  
2 to actually use.

3 HEARING OFFICER STUDER: That is  
4 Brad Frost, F-R-O-S-T.

5 JOSEPH LASZLO: That would be useful  
6 for public in general to have the actual link in  
7 the actual documents rather than trying to search  
8 through a huge database.

9 MR. FROST: And then the follow-up  
10 to that is our contact information is on there.  
11 If you have any difficulty you just call us and  
12 we can --

13 JOSEPH LASZLO: That's it.

14 HEARING OFFICER STUDER: Phillip  
15 Lippi.

16 PHILLIP LIPPI: Phillip Lippi. I am  
17 a concerned citizen. While at the same time I am  
18 a member of the Sierra Club, I can't speak for  
19 them.

20 I have come tonight to --

21 HEARING OFFICER STUDER: Spell your  
22 last name.

23 PHILLIP LIPPI: L-I-P-P-I.

24 I have come tonight to gather more

1 information and as a citizen, a lifetime, lifelong  
2 citizen of Pekin, Illinois, convey some thoughts I  
3 have.

4 It is interesting all my life I  
5 notice sometimes the only clouds in the sky are  
6 coming from the power plant smoke stacks.

7 One thought I have as I consider how  
8 the IEPA functions for us citizens and protecting  
9 us, we as citizens need to charge them with our  
10 demands and ideas because someone has to look out  
11 for us. And we are grateful at the work they have  
12 done, but I think overall I would like to see any  
13 force or demand that can be put on the power plant  
14 to keep our air clean be done.

15 I consider that while the profiteers  
16 or, you know, the energy plant could be making  
17 whatever, billions, millions, I don't know  
18 exactly, but I am pretty sure that anything they  
19 could do to help keep the air clean they can  
20 afford to do. So I am a businessman and I can  
21 define the economy of my business to include or  
22 not include things like environmental cleanup or  
23 efforts I can make to keep the air clean. And the  
24 IEPA can do that too. They can request whatever

1 funds are required to get the job done to keep the  
2 community safe.

3 Second, I understand -- and I don't  
4 know this as a fact, I will pose it as a question  
5 but make it my comment -- they are depending on  
6 the testing and monitoring by the industry. And  
7 my question is why? Why aren't we demanding that  
8 we have watchdog groups or people doing testing  
9 and monitoring? I think anything else is absurd.

10 And I think those are my only two  
11 major points.

12 Thank you very much.

13 HEARING OFFICER STUDER: Thank you.  
14 Nicholas Kerker.

15 NICHOLAS KERKER: Good evening. My  
16 name is Nicholas Kerker, K-E-R-K-E-R. I am here  
17 as a concerned citizen.

18 I believe that the Illinois EPA, it  
19 is incumbent on them to make sure there are  
20 sufficient accountability and safeguards in place  
21 to make sure that communities like Peoria, Pekin  
22 and surrounding areas are sufficiently protected  
23 from air pollution.

24 Now I will refer to the Statement of

1 Basis, specifically page 12, Chapter 2. The  
2 Factual Basis For Plan Permit Action, Section 2.5,  
3 which quotes the construction permits listed below  
4 issued prior to October, 2005 were reviewed in  
5 development of the initial CAAPP permit issued for  
6 the source. Applicable conditions that originated  
7 in these construction permits were incorporated  
8 into the initial CAAPP permit. Listed below there  
9 are five permits issued between October 29, 2001  
10 and April 2nd, 2004.

11 Now, I would like to know, how many  
12 construction permits had been issued to Powerton  
13 since 2005?

14 And why are we just now in 2015  
15 reviewing permits last issued in 2004? And are  
16 those initial permits being taken into  
17 consideration? Thank you.

18 MR. RUTHERFORD: I will just say  
19 regarding the fact that we only went up to 2004,  
20 2005 is we are really basically just trueing this  
21 permit up as if it were issued in 2005. This  
22 will resolve the appeal and get it released from  
23 the morgue. And immediately after that it will  
24 go through what we are referring to as reopening.

1 And at that point the newer construction permits  
2 as well as any new regulatory requirements will  
3 be incorporated into the permit.

4 HEARING OFFICER STUDER: Next person  
5 is Dave Weiman. I am having a hard time making  
6 that out. I probably butchered the name and I  
7 apologize.

8 DAVE WEIMAN: As long as we spell it  
9 we don't have a problem.

10 My name is Dave Weiman, W-E-I-M-A-N.  
11 I am Immediate Past President of the Interfaith  
12 Alliance Chapter here in central Illinois.

13 I could speak to you this evening  
14 about the moral obligation that Powerton has for  
15 the citizens that live here, but I also am a  
16 member of an organization called Care Compass.  
17 And Care Compass tries to help elders find good  
18 elder care in long-term care situations. For the  
19 last ten or 12 years I have been involved in  
20 improving the culture of skilled nursing homes,  
21 making it person oriented, staff oriented, making  
22 choices important for the elders. The elders  
23 living in skilled nursing homes depend on their  
24 care providers to give them quality of life every

1 day.

2 What I am asking this panel to do is  
3 consider themselves a care provider.

4 The nursing homes can do a great job,  
5 and they are doing a great job in taking care of  
6 our most elderly people. But those people are  
7 sick sometimes, and no matter how much they get  
8 help and care from their care providers in that  
9 skilled nursing home, if the air is polluted they  
10 are not making a lot of progress. We can't  
11 continue to do this. Our elders need your help.  
12 They need you to get the air clean.

13 I ask you to become elder care  
14 providers and clean our air. Thank you.

15 HEARING OFFICER STUDER: Joyce  
16 Blumenshine.

17 JOYCE BLUMENSHINE: My name is Joyce  
18 Blumenshine, B-L-U-M-E-N-S-H-I-N-E.

19 I am a citizen of the area and a  
20 volunteer with the Heart of Illinois Group Sierra  
21 Club. I want to thank the Illinois Environmental  
22 Protection Agency for being here tonight. And we  
23 appreciate very much that you are listening to us  
24 and taking our comments into consideration.

1 I grew up in Tazewell County. I  
2 lived two years south of downtown Pekin because I  
3 worked near there. And I wanted to leave Pekin  
4 almost the entire time. I either had headaches or  
5 nasal congestion.

6 Anyway, to make a long story short, I  
7 am here tonight because I am very concerned as an  
8 individual and as a group member from our, my  
9 group, about air quality.

10 I feel there is a lot of holes in  
11 this proposed permit. I am not a scientist. I  
12 tried go through the Statement of Basis. I do  
13 have some questions.

14 This is very complicated. It is 81  
15 pages just kind of for the summary. I know you  
16 all are experts and you work with these things all  
17 of the time, but I had hoped that because of this  
18 CAAPP permit process was to compile things  
19 together, that you as the experts could keep us,  
20 the public, in mind and perhaps make it, you know,  
21 more digestible. I just think this seems like it  
22 is not even quite maybe up to the parts of the  
23 CAAPP permitting, as my limited understanding is  
24 that it is to compile everything in one place for

1 the public to be able to look at and understand  
2 the risks to their community.

3 We all know, whether we live in Pekin  
4 or East Peoria or Peoria, on up this river valley  
5 the pollution from Powerton comes with the  
6 prevailing winds day in and day out and we are  
7 living in this soup of pollution and have been for  
8 decades.

9 And we thank you for your every  
10 effort to help us with our air quality. We need  
11 you to continue that.

12 Just beginning the reading that I did  
13 on this, it seems to me that this whole thing is  
14 more like an effort to resolve this impasse for  
15 the company and to get this moving forward, which  
16 I can see the importance of, but I still have a  
17 lot of concerns about how this is being done and  
18 the loopholes that you could drive a truck  
19 through.

20 Here is just a couple of them, if you  
21 will bear with me to comment on that.

22 The first thing that hit me between  
23 the eyes is on page 12 -- sorry, that was already  
24 mentioned. On page 14 on the requirements. And



1 Mr. Laszlo talked about that so let me go back  
2 here to the part that talks about the actual air  
3 conditions in the area. That was a real concern  
4 to me.

5 In your Statement of Basis it  
6 contains a section that says there is -- I believe  
7 it says there is no concerns for the air quality  
8 or that it is not under a non-attainment. I  
9 needed to ask about that. And I am fishing right  
10 now, I apologize, for my note.

11 CHRIS ROMAINE: I see that. Chris  
12 Romaine, Manager of the Construction Unit, the  
13 Air Permit Section. I think you have identified  
14 an error. I believe it's -- it is just a partial  
15 error.

16 My understanding is that Powerton is  
17 not in the SO2 monitoring attainment area but it  
18 is certainly adjacent to the Pekin SO2, is that  
19 correct?

20 MR. REED: Yes.

21 CHRIS ROMAINE: So it could have  
22 been clearer to remind people that it is close to  
23 the SO2 non-attainment.

24 MR. REED: You are speaking of

1 Section 2.2, Chris?

2 CHRIS ROMAINE: Yes.

3 MR. REED: Yes.

4 HEARING OFFICER STUDER: Can  
5 everyone in back hear what is being said?

6 AUDIENCE MEMBER: No, I am not  
7 following it.

8 HEARING OFFICER STUDER: I am going  
9 to have to ask when we start talking back and  
10 forth we will have to use the mic and I will come  
11 back and get it.

12 MR. REED: I will repeat.

13 I think in Section 2.2 of the  
14 Statement of Basis on page 11 is where we discuss  
15 the ambient air quality status of the source. And  
16 just to reiterate what Chris mentioned earlier was  
17 Powerton Station is on the edge of the  
18 non-attainment SO2. It is not directly in the  
19 non-attainment area for SO2. So the Statement of  
20 Basis does have a slight misreading, error,  
21 whatever you want to call that. So we could have  
22 been clearer in the document.

23 JOYCE BLUMENSHINE: Thank you for  
24 that explanation.

1                   So as a citizen of this area, that is  
2                   just mind boggling to me. And I realize there is  
3                   a lot in here so it could be an error, and I  
4                   certainly hope that is corrected.

5                   So I brought for your information the  
6                   January 30, 2015 printout from the Federal EPA  
7                   that lists current non-attainment counties for all  
8                   criteria pollutants. And indeed it doesn't  
9                   specify Powerton but it does have that Tazewell  
10                  County part, and it has Pekin there, is in  
11                  non-attainment. And maybe that the plant is on  
12                  the edge -- the reason the plant is on the edge is  
13                  partly due that it is adding to the whole air  
14                  problems of the area. And I fail to understand as  
15                  a citizen how Illinois EPA can neatly set  
16                  non-attainment areas like, okay, Powerton is not  
17                  in the non-attainment and then the boundary is  
18                  some imaginary line somewhere else but the air  
19                  goes all over. So to me it is kind of an outrage  
20                  that you are saying, well, it is on the edge, but  
21                  we all know there is humongous tons and tons and  
22                  tons of air pollution that goes all over. So I  
23                  really hope that IEPA addresses that.

24                  I have brought also for an exhibit

1 that I will hand in shortly here in addition to  
2 the EPA printout an article from way back in 2011  
3 in the Pekin Daily Times. And this just talks  
4 about Pekin's air problems and that it's -- the  
5 hearing that you all were kindly enough to have in  
6 Pekin at the City Hall there back in earlier  
7 years. So there are other plants in Pekin we  
8 fully recognize that contribute to air pollution,  
9 but Powerton is a huge problem.

10 Just a quick list, my source is the  
11 Clean Air Task Force, a letter dated 2011, plant  
12 data, that there is over 9 million tons of CO2.  
13 19,000 tons of SO2. We are not talking about  
14 that. NOx, nitrogen oxide, 25,000 tons, and  
15 Mercury, hundreds of pounds.

16 So my other exhibit that I wish to  
17 hand in tonight is Death and Disease Attributable  
18 to Pollution from Powerton. These are costs to  
19 the public. That's us. These are costs to the  
20 healthcare system for the United States and the  
21 State of Illinois. That's taxpayers. And the  
22 value of our lives and our health seems to me  
23 should be very important in your consideration of  
24 this air permit and that the company should be

1 required first and foremost to do the right thing,  
2 and that is to clean up what it is doing.

3 So the loopholes on their reporting  
4 of pollutants, the loopholes that were just from  
5 my limited understanding when they start up and  
6 shut down, that's being excused somehow. I  
7 thought plants normally start up and shut down for  
8 all kinds of regular operations during a year. So  
9 why is that being given a waiver of some kind that  
10 they should not have to fall under the strict  
11 regulations for reporting and for considering  
12 startup and shutdown as events that have to be  
13 documented in detail? I fail to understand that.

14 And I would hope that you would  
15 review that and require that this plant be more  
16 transparent. I thought that was the purpose of  
17 this permit work and that we also have an easy way  
18 for the public to find out about what is going on.

19 I would like to ask, is the local  
20 IEPA office person here? Or the inspector I guess  
21 is the right term. Is the person here locally who  
22 goes to Powerton and does the regular inspections  
23 or assessments?

24 MR. REED: Is he here tonight?

1 JOYCE BLUMENSHINE: Yes.

2 MR. REED: I don't believe he is  
3 here.

4 JOYCE BLUMENSHINE: I don't know who  
5 that person is. I have at different times called  
6 the local Peoria IEPA office about air concerns.  
7 And I think it would be very helpful if your  
8 department could share that information when you  
9 are so good to come to like Peoria where you have  
10 all of these citizens here tonight. I mean the  
11 room is -- for a beautiful spring night, you  
12 know, it is pretty full for a spring night like  
13 that. So I think it would be very helpful that  
14 you could let us know directly who locally we can  
15 contact as well as the information that you did  
16 post about this. That would be appreciated.

17 I will hand in these exhibits. I did  
18 put my name on them, Mr. Hearing Officer.

19 HEARING OFFICER STUDER: Thank you.

20 JOYCE BLUMENSHINE: I just had a  
21 couple more comments.

22 As I mentioned, I do think that there  
23 is a concern for more monitoring and not less  
24 monitoring.

1 HEARING OFFICER STUDER: For the  
2 record, Death and Disease Attributable to Fine  
3 Particle Pollution from Powerton will go in as  
4 Exhibit 13 -- excuse me, Exhibit 12. Current  
5 Non-Attainment Counties For All Criteria  
6 Pollutants will go in as Exhibit 13. And the  
7 story from the Pekin Daily Times, Pekin Has Worst  
8 Sulfur Dioxide Air Pollution In The State, will  
9 go in as Exhibit 14.

10 JOYCE BLUMENSHINE: Thank you very  
11 much, Mr. Hearing Officer.

12 I just had a couple of quick  
13 questions yet, please.

14 May I ask the panel, is Powerton  
15 currently in compliance with its air permits that  
16 are existing?

17 MR. RUTHERFORD: We are not aware of  
18 any issues at this time.

19 JOYCE BLUMENSHINE: Okay. And then  
20 may I ask will you be reviewing their current  
21 reporting before you finalize this permit? Will  
22 you be assessing potential violations in the  
23 meantime or do you go back a certain amount to  
24 look for air permit concerns?

1 MR. RUTHERFORD: We always monitor  
2 and look at inspection reports as well as  
3 reporting requirements to make sure things are  
4 completed and fulfilled, that their obligations  
5 are met and make sure compliance is not an issue.  
6 We do through a similar process as we go through  
7 the opening of this permit.

8 JOYCE BLUMENSHINE: I did have a  
9 question from the definitions of the Statement of  
10 Basis. It talks about opacity and it says in  
11 there that -- something about the opacity  
12 definition would include observable. Is that  
13 something that the citizens can make a complaint  
14 about or -- I am just concerned, is it just the  
15 plant people that walk out and use their  
16 subjective assessment if there is an opacity  
17 problem or is it something that the public can  
18 find out about that we could also report?

19 MR. RUTHERFORD: The permit does  
20 talk about two different methods that are  
21 currently USEPA methods you can use for  
22 determining opacity.

23 Method 22, which is basically just  
24 determining if there is a visible emission. And



1 Method 9 is a more rigorous process. Requires  
2 service -- or requires certifications and gives  
3 you a quantitative answer of what the opacity is.  
4 The plant people have been trained and are  
5 certified on how to do those readings.

6 JOYCE BLUMENSHINE: Okay. I'll try  
7 to wrap up here.

8 So if the public was, you know, in  
9 the area, the plant, at the fishing lake or, you  
10 know, headed toward Manito to buy melons or  
11 whatever, if the public sees noticeable emissions  
12 that look dark or yellow or other strange things,  
13 how does the public respond then? What would your  
14 agency advise us to do, please?

15 MR. REED: Well, to back up just a  
16 minute, Joyce, the public could be certified if  
17 they wish to be certified and take opacity  
18 readings in Method 9. The IEPA does hold classes  
19 twice a year free of charge. So they could be  
20 certified and they could take opacity readings if  
21 they chose. Method 22, the public or anybody  
22 could do, which would be similar to what you are  
23 speaking of, of if you just see anything coming  
24 out of the stack, you could characterize it as

1 dark, light, heavy, the color, you know, that  
2 sort of thing. And then we would just ask that  
3 you document that and also contact our local  
4 field office so they can follow up on that.

5 JOYCE BLUMENSHINE: Thank you very  
6 much. I do appreciate that. I didn't know about  
7 the opportunity to be certified. That is very  
8 helpful.

9 I will leave the podium now because I  
10 know there are others that want to speak, but I  
11 might have just a couple of questions later.  
12 Thank you.

13 HEARING OFFICER STUDER: Thank you,  
14 Joyce.

15 Next person is Kevin Cashmer.

16 KEVIN CASHMER: Good evening. My  
17 name is Kevin Cashmer, C-A-S-H-M-E-R. I am here  
18 just as a concerned citizen.

19 Most of the technical questions have  
20 been covered so I guess I am left with personal  
21 comments.

22 I am told as an infant I suffered  
23 acute asthma and numerous times my parents were  
24 rushing me to the hospital because I was turning

1 blue. And I can't say that I actually remember  
2 that, I was too young, but what I do take  
3 exception to is this is almost five, six decades  
4 later and the whole situation has not improved.

5           Years ago I worked for a local  
6 machining company and one of my primary  
7 responsibilities was resources reclamation. I ran  
8 an industrial evaporator. And through engineering  
9 changes of my own the company was astounded that I  
10 managed to decrease the waste flow by 75 percent.

11           So I know from a personal standpoint  
12 that that can be done, needs to be done, has to be  
13 done.

14           In regards to public health, anyone  
15 on the face of this planet breathing right now is  
16 here due entirely from those who came before them  
17 who have taught us certain things, moral  
18 obligations, ethical considerations. And in  
19 regard to the youth and the elder and everybody  
20 else in between, we have a moral imperative to do  
21 what is right.

22           HEARING OFFICER STUDER: Thank you.  
23 Lindsay Dubin. She will be followed by Faith  
24 Bugel.

1 LINDSAY DUBIN: Good evening. My  
2 name is Lindsay Dubin, L-I-N-D-S-A-Y, last name  
3 D, as in dog, U-B, as in boy, I-N, as in Nancy.

4 So like I said, my name is Lindsay.  
5 I am here with the Environmental Law and Policy  
6 Center. And first off I wanted to thank you for  
7 taking the time to hear about all of our concerns  
8 this evening. I know like Joyce said it is a  
9 beautiful spring night and we really appreciate  
10 you making time for us.

11 So I wanted to talk a little bit  
12 about some of the inadequacies pertaining to the  
13 CAM plan.

14 As you guys had mentioned, opacity is  
15 used to measure particulate matter limits. And I  
16 believe that -- we believe that the CAM plan must  
17 be revised to first, include an appropriate  
18 indicator range; second, to monitor additional  
19 parameters; and third, to create enforceable  
20 responsive actions for excursions.

21 Now on the first note, the CAM plan  
22 must include an appropriate indicator range. Now,  
23 opacity, which is used to monitor particulate  
24 matter, has a nonlinear correlation to particulate

1 matter. Because of that it makes the relationship  
2 between the two a little bit tricky and it is  
3 difficult to tell when there is a violation of  
4 particulate matter based off of what the level of  
5 opacity is.

6 Furthermore, the permit doesn't even  
7 yet say what the level of opacity will be when  
8 there is an exceedance in particulate matter.

9 Rather as you mentioned it will be several months  
10 until testing is completed, and we as the members  
11 of the public and also the plan itself will  
12 actually know when there is a violation of  
13 particulate matter with respect to levels of  
14 opacity.

15 Furthermore, opacity is calculated  
16 based off of three hour block averaging. Sorry,  
17 particulate matter is monitored based off of three  
18 our block averaging of opacity. Now, this is  
19 contrary to the state implementation plan. Rather  
20 the block averaging should be on an hourly basis  
21 to monitor particulate matter.

22 Furthermore, there is no -- there is  
23 only an upper limit that will be established for  
24 particulate matter as far as opacity goes. So say

1 the upper limit, which the upper limit for opacity  
2 is 30 percent, we need to know -- or the plant  
3 should really monitor when -- before that  
4 30 percent is reached and have some set of  
5 guidelines and responsive actions before there is  
6 an excursion, before there is a violation in  
7 opacity and particulate matter. Therefore, there  
8 should be monitoring beyond that one upper limit.

9 Secondly, there should be additional  
10 parametric monitoring included in the permit.

11 Like I said, there is a nonlinear  
12 relationship between particulate matter and  
13 opacity. Because of this we believe that voltage  
14 and current should also be monitored. And the  
15 United States EPA mentions that this wave  
16 monitoring is presumptively -- is a presumptively  
17 acceptable approach.

18 Finally, the permit must delineate  
19 responsive actions for excursions.

20 Currently essentially the permit says  
21 that it will restore normal operations as  
22 expeditiously as possible. But this language is  
23 pretty -- is so vague that it essentially renders  
24 this condition unenforceable.

1                   Rather the permit should lay out  
2                   steps of exactly how it plans to achieve  
3                   compliance following an excursion.

4                   I know it is getting late in the  
5                   evening and I just wanted to wrap it up here to  
6                   save everybody some time. So again, thank you so  
7                   much for listening to our comments this evening.  
8                   Thank you.

9                   HEARING OFFICER STUDER: Faith Bugel  
10                  will be followed Verena Owen.

11                  FAITH BUGEL: I am submitting a  
12                  comment card for Tracy Fox who would like to be  
13                  added to the list.

14                  HEARING OFFICER STUDER: Okay.

15                  FAITH BUGEL: She's arrived and is  
16                  here.

17                  My name is Faith Bugel. Last name is  
18                  spelled B-U-G-E-L. I representing the Sierra  
19                  Club.

20                  I have a list of about 25 comments or  
21                  questions, so I am going to go ahead and just ask  
22                  the questions and not expect an immediate response  
23                  from the panel. I am satisfied with an answer in  
24                  the response to comments.

1 I have about five different  
2 categories of concerns. Generally my concerns  
3 fall into the categories of changes that affect  
4 the emissions limits for criteria pollutants. I  
5 have concerns regarding startup, shutdown and  
6 malfunction, concerns regarding monitoring,  
7 concerns regarding the coal handling equipment,  
8 and also concerns with what I believe creates an  
9 incentive for the company to argue that there  
10 are -- is a de minimus exception.

11 Starting with criteria pollutants, I  
12 am concerned about the permit being switched from  
13 just listing solid fuel, parenthetical coal, to  
14 coal or other solid fuel. And that's -- the page  
15 numbers I reference are all to the red line  
16 version of the permit. That appears at page 39  
17 and 40.

18 I am also concerned that the sulfur  
19 dioxide standard for fuel oil was deleted.

20 I am concerned as to the carbon  
21 monoxide measurements from the natural gas boiler  
22 being deleted.

23 And my final concern on the general  
24 that will affect criteria of pollutants is as to



1 the heat rate. The heat rate appears in  
2 conditions 7.1.1, but the permit makes it clear  
3 that the heat rate is not enforceable.

4 This is a longstanding concern of  
5 environmental groups.

6 For instance, the heat rate needs to  
7 be both enforceable and it needs to be provided so  
8 that members of the public and citizens can  
9 estimate or calculate what the emissions limits  
10 actually are. And once you have a certain heat  
11 rate for the plant, you can calculate what the  
12 limits -- the emissions are in actuality compared  
13 to the permit limits. And you can also take  
14 limits based on heat input and convert them to  
15 emissions per hour and annual emissions. And that  
16 allows citizens to verify that the permit -- that  
17 the plant is in compliance with hourly limits,  
18 annual limits and also limits based on heat input.

19 My next group of concerns are about  
20 startup, shutdown and malfunction.

21 As already has been mentioned  
22 tonight, startups went from six -- under the  
23 previous version of the permit six hours to 28  
24 hours under this current version of the permit.

1 We question that that is simply some sort of error  
2 that was verified by NRG or Midwest General  
3 currently as to how the plant actually operates  
4 because the permit application was submitted by  
5 Midwest General.

6 Therefore, if this was based on -- if  
7 the six hours was based on the current  
8 application, it is troubling to hear that somehow  
9 things have changed from the permit application  
10 and startups are actually 28 hours based on how  
11 the plant actually operates.

12 While this plant has a new owner and  
13 this is a -- I don't know if this is a new permit  
14 or not. It is ten years old. But while the  
15 plant's owner has changed in that time, it is the  
16 same plant and should be operating in the same  
17 manner as when the application was submitted.

18 Generally some other concerns about  
19 startup malfunction and breakdown are concerns on  
20 page 93, 94 that malfunction and breakdown  
21 recordkeeping requirements were deleted. And also  
22 on page 130, recordkeeping requirements during  
23 malfunction were deleted.

24 And finally I have a concern that the

1 requirement to estimate the magnitude of emissions  
2 during startups was also deleted. That is  
3 important information for the public.

4           Again, there is a long history with  
5 startup, shutdown malfunction as we all know. And  
6 whether there is an affirmative defense or an  
7 exception or are startups normal operations, this  
8 has been a moving target for the public. But what  
9 is not a moving target is that emissions during  
10 startups, shutdown and malfunction are real. They  
11 have an impact on health. We need to know how  
12 much they are. We need to know if they are in  
13 compliance with permit requirements. So the  
14 estimate of startup emissions is important for the  
15 public to have.

16           Generally as to monitoring  
17 requirements, again, I am going to emphasize the  
18 concern about -- on page 51 of the red line that  
19 what previously was a one hour -- reporting of one  
20 hourly emissions for opacity got converted into a  
21 three hour block average above 30 percent. That  
22 is troubling and it is inconsistent with the SIP.

23           And the need to -- my understanding  
24 of the SIP is that it requires immediate reporting

1 of emissions violations.

2 A three hour block average doesn't  
3 tell us what the peak was, it doesn't tell us what  
4 the maximum was. If those records are kept in six  
5 minute increments, averaging shouldn't be allowed  
6 over three hours.

7 And my next concern is about  
8 particulate measurements at 90 percent of seasonal  
9 load instead of what was previously maximum normal  
10 operations.

11 What is representative of normal  
12 operations? That is normal operations, not  
13 90 percent of normal operations. And if PM  
14 measurements are only going to calculate  
15 90 percent of PM measurements, whether that is  
16 maximum PM or normal PM, that is a problem.

17 We need to know what emissions are  
18 coming out of the plant, how much are they total,  
19 not 90 percent of the total.

20 Next set of concerns is about the  
21 coal handling equipment.

22 I realize I am probably running short  
23 on time so I am just going to list off a series of  
24 questions.

1                   Again, citing to the red line  
2           page 80, why was the coal crushing house deleted?

3                   Page 81, why was the coal conveying  
4           equipment deleted?

5                   Page 84, why was the PM limit for the  
6           coal silo deleted?

7                   Page 90, why was the PM demonstration  
8           requirement deleted?

9                   Page 107, why was the inspection of  
10          dust collection equipment deleted?

11                  And page 119, the contingency plan  
12          for the handling of fly ash was deleted.

13                  I realize that there is an  
14          overarching plan or operating program, but again,  
15          fly ash is a concern. Again this is a concern not  
16          just from an air quality perspective, a water  
17          perspective -- I realize that is not an issue  
18          today, but if any PM is coming from handling of  
19          fly ash, there should be a contingency plan for  
20          handling of fly ash.

21                  Generally as far as the coal handling  
22          equipment, I am also concerned about how fugitive  
23          emission from the coal handling equipment is  
24          treated in the permit and about whether opacity

1 observations from the coal handling equipment are  
2 still required.

3 Finally as to what I am calling the  
4 de minimus exception. Page 60 to 63 of the red  
5 line allow a 1 percent -- a change to what  
6 previously was reporting of excess opacity  
7 emissions. It then was -- there is a new  
8 requirement that says if they are below 1 percent  
9 of the operating time you are allowed to do less  
10 stringent reporting than otherwise required in the  
11 permit. And even though these reports will still  
12 be gathered I believe in quarterly or annual  
13 reports, there is still an exception for reporting  
14 for 1 percent operating time.

15 As far as opacity goes, we have  
16 battled with industry for dozens of years about  
17 opacity emissions and whether there is a de  
18 minimus exception. The USEPA has tried to make it  
19 clear there is no de minimus exception. In this  
20 state there has never been a de minimus exception.  
21 Although there is obviously enforcement  
22 discretion, we understand and respect that, but we  
23 have now armed industry to argue that there is in  
24 fact a de minimus exception and that this is not

1 just a de minimus exception for reporting but it  
2 means that there is a de minimus exception that if  
3 there are opacity violations less than 1 percent  
4 of the time there shouldn't be enforcement.

5 This issue is being battled right now  
6 in an ongoing opacity enforcement case in this  
7 state. We do not need to arm industry with any  
8 additional reasons to argue that there is a de  
9 minimus exception.

10 That is all I have. Thank you for  
11 your time.

12 HEARING OFFICER STUDER: As Verena  
13 Owen is coming to the podium, Robin Garlish will  
14 follow her.

15 VERENA OWEN: Thank you for the  
16 introduction.

17 My name is Verena Owen, V-E-R-E-N-A.  
18 For the record, it is O-W-E-N, four letter word.  
19 Thank you. Thank you for the hearing today.

20 I came down from the northeastern  
21 part of the state tonight to stand in solidarity  
22 with my friends and the folks in the Pekin and  
23 Peoria area to demand a strong and protective  
24 permit for their power plant.

1                   As they, I am affected by an energy  
2                   plant, the Waukegan plant in Lake County. And I  
3                   bring greetings from Lake County to you all. And  
4                   thanks for showing up last year for our event on  
5                   the lakefront. That was fun and we should do it  
6                   again.

7                   Powerton applied for the permit first  
8                   in 1995. My son was a year and a half old. He  
9                   will graduate from college on Mother's Day this  
10                  year. So this should be the happy occasion of the  
11                  fourth renewal of an operating permit for  
12                  Powerton, but here we are.

13                  So they got their drafted permit in  
14                  2003, which was already a couple of years late.  
15                  Some of us were around for that. You know who you  
16                  are. We had a round of interesting hearings and  
17                  discussions. And we have not made much progress  
18                  because we are now looking at the same permit that  
19                  expired by the year 2010 and is a ten year old  
20                  permit that was in this process not updated.

21                  So what happens if you don't update  
22                  things? What happens if you don't update your PC?  
23                  It actually stops working and it is worthless.

24                  So why are we doing this?



1 I have a question. Actually I have a  
2 couple. But let me ask the first one. You can  
3 say yes or no, up or down.

4 Did NRG, Midwest Generation, whoever,  
5 actually apply for the significant modification?

6 Do you have an application?

7 MR. RUTHERFORD: Yes.

8 VERENA OWEN: Yes?

9 MR. RUTHERFORD: Yes.

10 VERENA OWEN: Great.

11 The next question I have, in this  
12 process are we truly only fixing contested  
13 conditions that are currently under appeal at the  
14 Pollution Control Board?

15 MR. RUTHERFORD: Yes.

16 VERENA OWEN: Yes?

17 MR. RUTHERFORD: Yes.

18 VERENA OWEN: Okay, great.

19 So going back to the fact that we  
20 just put a date on an old permit that is ten  
21 years -- it doesn't even look like your permits  
22 anymore, thank God by the way. But it is clearly  
23 not a modern permit and it's ten years old. The  
24 intent of Title V was to have all applicable

1 requirements in one place. It also needs to be  
2 understandable and readable by the public so  
3 citizens know what the polluters will be held to,  
4 accountable for and have to be in compliance.

5 So the question is did this company  
6 ever sign a compliance certification?

7 The answer should be no because they  
8 don't have a permit that makes them sign that.

9 Do you know when the last inspection  
10 was?

11 You said you are pretty sure they are  
12 in compliance. When did you last look at it?

13 I know because I looked it up. I  
14 cheated. It is actually 2013.

15 I think large sources like that,  
16 especially if they are not required to serve  
17 compliance certifications, a certification where  
18 you go to jail if you are lying on it, should at a  
19 minimum be inspected once a year by IEPA. I find  
20 that astonishing that there is this lax  
21 enforcement going on.

22 So the process, I understand it,  
23 beginning the significant modification perhaps, I  
24 suggest if you are truly interested in making this

1 a useful permit, a protective permit, to reopen it  
2 the next day. There is no excuse to wait 35 days  
3 or whatever. I didn't even understand that. But  
4 if it gets issued July 2nd, reopen it July 3rd.  
5 Let's not wait.

6 I have to say -- and I give people  
7 credit reading through a statement of basis  
8 that -- IEPA has a long history of statement of  
9 basis. That is -- you are smiling because you  
10 know what I am talking about.

11 The question is, is this better than  
12 having none? I don't think so.

13 You can't really write a statement of  
14 basis that is 65 pages long and 85 footnotes and  
15 try to explain to people your thinking and your  
16 decision making, which is what a statement of  
17 basis is supposed to do.

18 Some people managed to make it to  
19 page 14 and 12 but I doubt they made it to page 85  
20 because it is not readable.

21 A statement of basis is supposed to  
22 supply the rationale for IEPA decision when it  
23 comes to certain conditions, but it seems to me  
24 that it makes -- it applies rationale for this

1 negotiated settlement. This wasn't your decision.  
2 This wasn't asked by industry that was put into  
3 the permit. I don't think that that statement of  
4 basis is meant for that, even to explain that  
5 away.

6 So what I see -- and Faith went  
7 through a wonderful list. There are definitely  
8 themes in this permit that I think significantly  
9 weakened what we had before, as flawed as it may  
10 have been, but I don't think it was all that  
11 flawed.

12 There is things that the communities  
13 says we should care about like good testing. So  
14 why is testing delayed?

15 On 7.27 opacity testing is now two  
16 years for the permit instead of 100 days. That is  
17 not protective. It delays monitoring.

18 There is less recordkeeping required,  
19 and the recordkeeping that is required is less  
20 strong.

21 And I do have a question. And I am  
22 sure you will answer this in your responsive  
23 notes. But I actually don't understand what  
24 atypical coal fines are. Are those the peaked

1 ones or the triangular ones? It was added to a  
2 condition where it was required that they have to  
3 keep a record of their coal fines and report  
4 those. Not atypical ones, all of them.

5 There is just -- we have nine pages  
6 of detailed things that we found that are  
7 weakened, delayed, late and changed that just  
8 undermine this whole process.

9 And with that I think I will sit down  
10 and let other people talk. You will get comments  
11 from the Sierra Club on this for sure.

12 Thank you very much.

13 HEARING OFFICER STUDER: Thank you,  
14 Verena.

15 As Robin is coming to the podium, she  
16 will be followed by Tracy Fox.

17 ROBIN GARLISH: Hi. Thank you for  
18 having us up here tonight to speak to you guys.

19 My name is Robin Garlish, R-O-B-I-N,  
20 G-A-R-L-I-S-H. I forgot my glasses.

21 I am a resident of Tazewell County.  
22 I am a mother of chronic asthmatic children. And  
23 I will mention really quick, since Kevin brought  
24 it up, I happen to sleep next to my chronic

1       asthmatic daughter and luckily we fell asleep by  
2       each other because she has -- did turn blue during  
3       an asthmatic condition and I had to perform CPR on  
4       her. And I don't wish that on anybody on their  
5       own family member. I am glad I knew what to do.

6                        Again, you know, thank you.

7                        I have this question, and I don't  
8       know science, but if I -- between being next to a  
9       non-attainment, right next to it, I don't  
10      understand that -- and again, I am not a  
11      scientist, but if I have a bad virus and cold  
12      right now, how far in the air is it going to get  
13      to you guys? Who can tell me that scientifically?  
14      I don't understand that. If someone could give me  
15      that.

16                      And before I forget, I would love to  
17      sign up to be -- to take those classes to measure.  
18      I'll be available and I will be ready. I can -- I  
19      think you guys have all of my information on my  
20      card. I have been to a couple of hearings. This  
21      is my third one.

22                      And another question I have is who  
23      made this meeting, hearing here and made it at  
24      this time tonight?

1                   Because right now I am usually at the  
2                   Pekin City Council meeting trying to help them  
3                   understand the issues that we are going through  
4                   with the pollution. My mother-in-law just passed  
5                   at 71. That is way too young. They water skied  
6                   in this river right by Powerton. Her sister, my  
7                   aunt, just died shortly before that of cancer. I  
8                   have a campground that from Powerton is on an S  
9                   curve on the river. We have a Manito/Bloomington  
10                  campground within a couple of miles of the  
11                  Powerton plant. We have had -- last year Allison  
12                  with no last name is my daughter's age, she went  
13                  to the ER at midnight. She lives in Hudson,  
14                  Illinois. We have so many children there. These  
15                  kids get to play on the beach. We are being a  
16                  little leery about waterskiing with mercury and  
17                  particles. We don't know what is in the water.  
18                  We are starting to really be concerned about being  
19                  there. But they don't even live where the plant  
20                  is and when they are there at the campground they  
21                  are getting sick.

22                         And if I can take extra copies to  
23                         these guys, because I just found out about this  
24                         meeting, this hearing tonight and so I got in the

1 car and got over here right away from the Tazewell  
2 County area.

3 Right now our campers, they are --  
4 the campers are setting and bringing everything in  
5 from Bloomington and Manito and Hudson, campers  
6 set up, our boats set up. I was concerned about  
7 this before I even heard about the hearing because  
8 we have grandfathers taking their kids fishing.  
9 They are not aware of the non-attainment. I know  
10 we are not talking about the water I don't think,  
11 but the air -- I am just really concerned. I was  
12 really concerned before I heard about this  
13 hearing.

14 Is this a toxic summer for us again?  
15 Is this worse this year?

16 Are we trying to pass things or not  
17 pass things so that the plant can get by making it  
18 and we have more people dying of cancer?

19 We have a cancer alley right there  
20 next to Powerton.

21 People, they call this community --  
22 this little residential area has got Karo Syrup  
23 Street and Flynn -- different names of different  
24 products that they have made over in that area



1 with -- I think there is a couple of other plants  
2 also that has some problems.

3 I am scared to death for our  
4 families. I am really scared to death.

5 You know, I taught my kids and as  
6 Girl Scout leader too I am the one that took them  
7 all out snow skiing, snow -- tobogganing, teaching  
8 them all how to water ski, tubing, fishing,  
9 looking for animal track prints in the beach along  
10 the river. What have I done to these kids? This  
11 is what we grew up doing.

12 Two out of three of my daughter's  
13 friends have inhalers. Unless you guys are  
14 different than me, we didn't all have inhalers  
15 when I was growing up. That was not the norm.  
16 Just absolutely not the norm. It is the norm now.  
17 These kids have asthma specialists, they have  
18 inhalers. I am taking one today and I am not sure  
19 why. Because we don't get warnings. We don't  
20 have any kinds of air warning like most cities do.  
21 I signed up for one with I think American Lung  
22 Association but they don't report back to me on my  
23 phone.

24 I just am a little upset because this

1 was not made public over in Tazewell County. As a  
2 resident I didn't see it in the paper, unless it  
3 was in a little bitty thing. Sometimes -- I don't  
4 know who is responsible for that, but I wish they  
5 would make that more public. And tonight the City  
6 Council meeting over there is going on right now,  
7 so obviously they don't know anything about this.

8 And I am sorry to be upset about it,  
9 but you know, I don't want to see these kids  
10 suffer. If I got the flu, I sure don't want to  
11 give it to you right now.

12 That's all I have. Thank you again  
13 for allowing me to talk. I am really concerned  
14 about this situation.

15 HEARING OFFICER STUDER: Thank you.

16 TRACY FOX: My name is Tracy Fox. I  
17 live in Chillicothe, Illinois. Quite a bit north  
18 of the plant. I am here representing Peoria  
19 Families Against Toxic Waste.

20 When I looked at the notice for  
21 this -- when I heard about this meeting I wanted  
22 to go online and look for the notice for this.

23 I went to the EPA website. Illinois  
24 EPA has a nice new friendly front end. When I

1 clicked on Citizen and I looked under Public  
2 Notices, I thought no problem. First word said,  
3 remember this site may not tell you all public  
4 meetings and the information here may not be  
5 accurate.

6 Well, that's a fine how do you do,  
7 because of course this wasn't listed there.

8 I wasn't at all surprised to find  
9 that out. But I persevered and eventually went  
10 off to the Illinois Permit database and waded  
11 through a bunch of stuff and I found that listed  
12 still under Midwest General, not under NRG. It  
13 did have the meeting notice. And I got there and  
14 I found out that, hey, this has been going on  
15 since 2005. Great. It's taken them ten years to  
16 bring us up to 2005 regulations. Absolutely  
17 fabulous.

18 Then I saw that you were looking at  
19 implementing some conditions from the Illinois  
20 Pollution Control Board, 2006, 2007, 2008 and went  
21 through the whole thing on who in the Clerk's  
22 office and found that, and not only did nothing  
23 happen but nothing substantive was reported  
24 anywhere on that website.

1                   You have had ten years and you can't  
2                   even get a description of the permit online  
3                   anywhere.

4                   So I went back to the original  
5                   documents and I looked at the statement of basis.

6                   Now, Verena thought maybe no one  
7                   would persevere past page 15 or 16, but I did read  
8                   the whole thing, and I was absolutely  
9                   disappointed. I did not find any rationale for  
10                  any of the decisions. And I certainly did not see  
11                  any concern for citizens on any page of that  
12                  document.

13                  All it did was backpedal as to don't  
14                  worry, you are only going to be limited to nothing  
15                  newer than 2008 when talking about coal ash  
16                  standards. Lengthy discussion of permit shield  
17                  and how if application shield isn't helping you,  
18                  by God permit shield will. Don't worry about  
19                  having to catch up with any new source of  
20                  regulations that might have come about, not to  
21                  mention that there was no discussion whatsoever of  
22                  the new knowledge that we have on the harmful  
23                  effects of many of these pollutants.

24                  All in all, from a citizen's

1 perspective it was extremely disappointing to read  
2 through that that document.

3 Furthermore, I looked at things like  
4 all of the changes to the startup and malfunction  
5 rule. I couldn't help in my mind but connect that  
6 to the fact that I know that USEPA is going to be  
7 working on SSM as one of its objectives this  
8 summer. I hope that you have managed to get NRG  
9 set up so that they will not have to do any  
10 changes when these new rules come in, because it  
11 certainly looks like that. You know, when I see  
12 the numbers going in the affirmative towards a  
13 company -- for example, we are extending the time  
14 from eight to 28 hours or whatever the specifics  
15 were -- I can see the press releases now. NRG  
16 will cut back its allowance by 50 percent or  
17 whatever, you know, and comply with the new rule.  
18 You let them do this time and time again, and  
19 frankly it is tiresome that Illinois EPA continues  
20 to fall head over heels into their ideas, what  
21 turns out just to be publicity opportunities for  
22 these companies.

23 I think in this whole permitting  
24 process it has not at all been focused on the

1 citizens and I think you are letting a lot of  
2 people down.

3 First and foremost I think you are  
4 letting elected officials down. They believe that  
5 Illinois EPA is looking out for us. And frankly  
6 when I talked to two county board members from  
7 Peoria that I was coming to this tonight and it  
8 was about a permit that hadn't been renewed since  
9 2005, they thought I had it wrong. I didn't argue  
10 with them. But I mean quite frankly you make them  
11 look foolish because they don't understand. You  
12 need to get out in front of it, get the problem  
13 corrected. And if you can't correct it, you need  
14 to make it clear to people what is going on,  
15 because officials rely on the fact that the EPA is  
16 around and operating and they take it as evidence  
17 that things are okay. And that can't possibly be  
18 the case if you are not even looking at what is  
19 going on in 2015.

20 Secondly, you are letting down  
21 concerned activists. The way the information is  
22 reported, the way that data is available to us is  
23 absolutely absurd.

24 You know, I realize that Illinois EPA

1 is not responsible for things like the toxics  
2 release inventory and the fact that criteria  
3 pollutants are aren't reported there, but it is  
4 not an easy matter to go in and to find tons of  
5 SO2 -- any information about these plants. You  
6 have to go to 15 different places. I mean in  
7 today's era of big data, instead of spending your  
8 time on a fancy front end and, you know, taking  
9 people to pages that say they are going to contain  
10 inaccurate and incomplete information, why not put  
11 something together that really contains useful  
12 data for decision making?

13           You yourself could probably shave  
14 some years off of your permitting time if you take  
15 the time to do that. And activists like myself  
16 and some of the other people in this room could  
17 also be satisfied by having reasonable data to  
18 look at to be able to assess where these plants  
19 are at.

20           Thirdly, you are letting down the  
21 general public, because like elected officials  
22 they believe if air raid sirens aren't going off  
23 and they aren't being told to wear masks outside  
24 that everything is okay.

1                   The history of opacity problems at  
2                   this plant, the high levels of SO2 in the air, the  
3                   fact that we have counties in non-attainment all  
4                   speak to the fact that that isn't true.

5                   You know, third world countries  
6                   understand this concept of leapfrogging. They are  
7                   not fighting to get landlines, they are looking to  
8                   put their people directly to cell phones. I don't  
9                   understand why Illinois EPA is still messing  
10                  around with standards from 2005. Why are we not  
11                  looking at some that would be appropriate for 2015  
12                  and the things that we know about how very low  
13                  levels of particulates, low levels of sulfur  
14                  dioxide, short exposures like for an hour are  
15                  creating definite human harm?

16                  Your statement of basis should be  
17                  dealing with things like that and not just  
18                  justifying why you are implementing everything NRG  
19                  wants.

20                  Thank you.

21                  HEARING OFFICER STUDER: Thank you,  
22                  Tracy.

23                  Is there anyone in the room that  
24                  hasn't spoken this evening that would like to make



1 a comment on the record?

2 (No Response.)

3 Let the record indicate that no one  
4 raised their hand.

5 Is there someone in the room that has  
6 already spoken that has some additional comments  
7 that they would like to make?

8 Okay. I am going to ask for a show  
9 of hands. There is one. Keep your hand up  
10 because I am going to make a count. Two.

11 Anyone else? Okay. There is two  
12 people.

13 We will go ahead and allow them two  
14 additional minutes, and then when those two are  
15 done we will go ahead and adjourn this hearing.  
16 But if you would come forward and again if you  
17 would state your name for the record when you come  
18 forward.

19 PHILLIP LIPPI: Phillip Lippi. I  
20 don't know how applicable this thought is, but if  
21 there is some kind of waste component, fly ash,  
22 something that is going to get into the air that  
23 the permit addresses or doesn't mandate the plant  
24 clean up, I just don't want to see this permit so

1 lax that the taxpayers end up having to clean up  
2 what I would consider should be part of the  
3 economy of their doing their business.

4 Thanks.

5 HEARING OFFICER STUDER: Thank you.

6 Next.

7 KEVIN CASHMER: My name is Kevin  
8 Cashmer.

9 In regard to public trust, fiduciary  
10 responsibility and systemic problems regarding  
11 loopholes, the whole process looks like macrame.

12 HEARING OFFICER STUDER: Okay. I  
13 thank you for coming out on this evening.

14 This hearing record will remain open  
15 until the 27th of May and we will take written  
16 comments through that time period.

17 I thank you for your attendance this  
18 evening and this hearing adjourned.

19

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21

22 (Hearing adjourned.)

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A				
<b>ability</b> 75:7	<b>additional</b> 6:11	72:2 73:22	68:17	<b>assumption</b> 23:8
<b>able</b> 32:1 71:18	12:16 13:21	<b>alley</b> 64:19	<b>applied</b> 56:7	23:13
<b>absolutely</b> 65:16	14:3 17:17	<b>Alliance</b> 29:12	<b>applies</b> 59:24	<b>assumptions</b>
67:16 68:8	44:18 46:9 55:8	<b>Allison</b> 63:11	<b>apply</b> 13:9 57:5	13:18
70:23	73:6,14	<b>allow</b> 6:13 8:3,5	<b>appreciate</b> 20:24	<b>assurance</b> 12:22
<b>absorption</b> 21:24	<b>address</b> 8:6 9:19	17:14,16 23:14	30:23 42:6 44:9	<b>asthma</b> 42:23
<b>absurd</b> 27:9	<b>addressed</b> 8:8	54:5 73:13	<b>appreciated</b>	65:17
70:23	11:13 12:3	<b>allowance</b> 69:16	38:16	<b>asthmatic</b> 61:22
<b>accept</b> 6:21,23	14:21	<b>allowed</b> 52:5	<b>approach</b> 46:17	62:1,3
9:9 16:3,19,21	<b>addresses</b> 14:18	54:9	<b>appropriate</b> 7:12	<b>astonishing</b>
<b>acceptable</b> 46:17	35:23 73:23	<b>allowing</b> 8:9	15:7,14,16	58:20
<b>accepting</b> 5:14	<b>addressing</b> 5:5	17:10 66:13	44:17,22 72:11	<b>astounded</b> 43:9
8:19	20:23	<b>allows</b> 7:7 16:24	<b>appropriately</b>	<b>atmosphere</b> 23:8
<b>access</b> 6:1	<b>adjacent</b> 33:18	17:14,16 49:16	11:13	23:11
<b>accessed</b> 5:22	<b>adjourn</b> 16:1	<b>alternate</b> 19:13	<b>approve</b> 13:4	<b>attainment</b> 33:17
<b>accommodate</b>	73:15	<b>ambient</b> 34:15	<b>approved</b> 13:4	<b>attendance</b> 15:6
17:19	<b>adjourned</b> 74:18	<b>American</b> 65:21	<b>April</b> 1:9 28:10	19:22 74:17
<b>accompanied</b>	74:22	<b>amount</b> 16:6	<b>area</b> 7:10 13:11	<b>attending</b> 10:9
11:24	<b>administrative</b>	39:23	14:5 15:15	15:23
<b>accompanying</b>	4:7,8,15,22	<b>animal</b> 65:9	30:19 33:3,17	<b>attention</b> 9:14
14:22	5:21 18:13	<b>annual</b> 12:3,13	34:19 35:1,14	19:18
<b>accountability</b>	<b>advise</b> 41:14	12:19 49:15,18	41:9 55:23 64:2	<b>attorney</b> 11:9
27:20	<b>affect</b> 48:3,24	54:12	64:22,24	75:13
<b>accountable</b> 58:4	<b>affirmative</b> 51:6	<b>answer</b> 22:7,12	<b>areas</b> 15:16	<b>Attributable</b>
<b>accurate</b> 19:19	69:12	41:3 47:23 58:7	27:22 35:16	36:17 39:2
67:5	<b>afford</b> 26:20	60:22	<b>argue</b> 8:3 48:9	<b>atypical</b> 60:24
<b>accurately</b> 18:16	<b>age</b> 63:12	<b>anybody</b> 41:21	54:23 55:8 70:9	61:4
<b>achieve</b> 47:2	<b>agency</b> 1:1 3:6	62:4	<b>arm</b> 55:7	<b>audience</b> 19:23
<b>acid</b> 21:11,11,19	6:7 30:22 41:14	<b>anymore</b> 57:22	<b>armed</b> 54:23	20:18 34:6
21:19,21,21	<b>ago</b> 43:5	<b>Anyway</b> 31:6	<b>arrived</b> 47:15	<b>aunt</b> 63:7
<b>Act</b> 3:17	<b>agreed</b> 13:14	<b>Apologize</b> 29:7	<b>article</b> 36:2	<b>authority</b> 12:4
<b>action</b> 5:17 6:8	<b>agreement</b> 11:11	33:10	<b>ash</b> 14:7,14 53:12	<b>authorized</b> 15:24
10:10 14:21	<b>ahead</b> 3:3 47:21	<b>apparent</b> 13:16	53:15,19,20	<b>availability</b> 9:2
28:2 75:11,16	73:13,15	<b>appeal</b> 4:9,12,18	68:15 73:21	<b>available</b> 20:6
<b>actions</b> 16:1	<b>air</b> 3:17 4:4 5:15	4:20 10:13 12:6	<b>asked</b> 17:20 60:2	62:18 70:22
44:20 46:5,19	10:8 11:14	28:22 57:13	<b>asking</b> 30:2	<b>Avenue</b> 9:18
<b>activists</b> 70:21	15:10 22:23	<b>appealed</b> 11:3	<b>asleep</b> 62:1	<b>average</b> 51:21
71:15	26:14,19,23	<b>appeals</b> 10:22	<b>assess</b> 71:18	52:2
<b>actual</b> 7:2 18:24	27:23 30:9,12	<b>appears</b> 48:16	<b>assessing</b> 39:22	<b>averaging</b> 45:16
25:6,7 33:2	30:14 31:9	49:1	<b>assessment</b> 40:16	45:18,20 52:5
<b>actuality</b> 49:12	32:10 33:2,7,13	<b>applause</b> 15:6	<b>assessments</b>	<b>avoid</b> 8:13 17:24
<b>acute</b> 42:23	34:15 35:13,18	<b>applicable</b> 18:9	37:23	<b>aware</b> 39:17 64:9
<b>added</b> 47:13 61:1	35:22 36:4,8,11	19:5 28:6 57:24	<b>assistance</b> 11:8	
<b>adding</b> 35:13	36:24 38:6 39:8	73:20	<b>associated</b> 18:22	<b>B</b>
<b>addition</b> 8:12	39:15,24 53:16	<b>applicant</b> 4:16	<b>association</b> 19:6	<b>back</b> 14:24 19:1
12:22 36:1	62:12 64:11	<b>application</b> 50:4	19:9 65:22	20:18 22:8 33:1
	65:20 71:22	50:8,9,17 57:6	<b>assume</b> 23:5	34:5,9,11 36:2

<p>36:6 39:23 41:15 57:19 65:22 68:4 69:16 <b>background</b> 18:15 <b>backpedal</b> 68:13 <b>bad</b> 62:11 <b>based</b> 13:17 18:6 45:4,16,17 49:14,18 50:6,7 50:10 <b>basic</b> 13:19 <b>basically</b> 22:18 22:22,23 23:3,3 28:20 40:23 <b>basis</b> 11:23 14:23 18:21 21:7 22:12 23:17 28:1,2 31:12 33:5 34:14,20 40:10 45:20 59:7,9,14,17,21 60:4 68:5 72:16 <b>battled</b> 54:16 55:5 <b>beach</b> 63:15 65:9 <b>bear</b> 32:21 <b>beautiful</b> 38:11 44:9 <b>beginning</b> 32:12 58:23 <b>behalf</b> 3:6 <b>believe</b> 11:12 23:1 24:22 27:18 33:6,14 38:2 44:16,16 46:13 48:8 54:12 70:4 71:22 <b>benefit</b> 18:14 19:11 <b>best</b> 75:7 <b>better</b> 59:11 <b>beyond</b> 46:8 <b>big</b> 71:7 <b>billions</b> 26:17</p>	<p><b>bit</b> 44:11 45:2 66:17 <b>bitty</b> 66:3 <b>block</b> 45:16,18 45:20 51:21 52:2 <b>Bloomington</b> 64:5 <b>blue</b> 24:4 43:1 62:2 <b>Blumenshine</b> 2:12 30:16,17 30:18 34:23 38:1,4,20 39:10 39:19 40:8 41:6 42:5 <b>board</b> 4:6,11,21 5:1,8,23 10:15 11:4 57:14 67:20 70:6 <b>boats</b> 64:6 <b>body</b> 19:6,8 <b>boggling</b> 35:2 <b>boiler</b> 22:18 48:21 <b>boilers</b> 13:3,13 <b>Bonnett</b> 3:7 <b>booning</b> 15:6 <b>boundary</b> 35:17 <b>box</b> 7:12 9:18 <b>boy</b> 44:3 <b>Brad</b> 7:9 25:4 <b>breakdown</b> 14:15 50:19,20 <b>breathing</b> 43:15 <b>brief</b> 10:1 <b>briefly</b> 6:9 11:19 <b>bring</b> 56:3 67:16 <b>bringing</b> 64:4 <b>brought</b> 35:5,24 61:23 <b>Bugel</b> 2:15 43:24 47:9,11,15,17 <b>bunch</b> 67:11 <b>Bureau</b> 10:8 <b>business</b> 26:21 74:3</p>	<p><b>businessman</b> 26:20 <b>butchered</b> 29:6 <b>buy</b> 41:10 <b>B-L-U-M-E-N-...</b> 30:18 <b>B-U-G-E-L</b> 47:18</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>CAAPP</b> 1:3 3:19 6:9 10:11,15,18 10:19,21 11:20 22:17 28:5,8 31:18,23 <b>calculate</b> 49:9,11 52:14 <b>calculated</b> 45:15 <b>call</b> 8:18 19:4 25:11 34:21 64:21 <b>called</b> 29:16 38:5 <b>calling</b> 54:3 <b>CAM</b> 12:23 13:5 13:5,5,10 44:13 44:16,21 <b>campers</b> 64:3,4,5 <b>campground</b> 63:8,10,20 <b>cancer</b> 63:7 64:18,19 <b>car</b> 64:1 <b>carbon</b> 48:20 <b>card</b> 7:8,11,12 8:23 47:12 62:20 <b>care</b> 29:16,17,18 29:18,24 30:3,5 30:8,8,13 60:13 <b>case</b> 4:2 16:2 55:6 70:18 <b>Cashmer</b> 2:13 42:15,16,17 74:7,8 <b>catch</b> 68:19 <b>categories</b> 48:2,3 <b>cell</b> 9:21 72:8</p>	<p><b>Center</b> 44:6 <b>central</b> 29:12 <b>certain</b> 12:5 39:23 43:17 49:10 59:23 <b>certainly</b> 33:18 35:4 68:10 69:11 <b>CERTIFICATE</b> 75:1 <b>certification</b> 58:6 58:17 <b>certifications</b> 41:2 58:17 <b>certified</b> 41:5,16 41:17,20 42:7 75:4 <b>certify</b> 75:4 <b>challenged</b> 12:6 <b>chance</b> 8:10 <b>change</b> 12:2,21 54:5 <b>changed</b> 12:15 50:9,15 61:7 <b>changes</b> 11:20,22 13:1,11 14:5,20 14:22 21:8 43:9 48:3 69:4,10 <b>Chapter</b> 28:1 29:12 <b>character</b> 15:12 <b>characterize</b> 41:24 <b>charge</b> 26:9 41:19 <b>cheated</b> 58:14 <b>check</b> 7:11 <b>cheering</b> 15:6 <b>chemist</b> 23:17 <b>children</b> 61:22 63:14 <b>Chillicothe</b> 66:17 <b>choices</b> 29:22 <b>choose</b> 19:14 <b>chose</b> 41:21 <b>Chris</b> 33:11,11 33:21 34:1,2,16</p>	<p><b>chronic</b> 61:22,24 <b>cities</b> 65:20 <b>citing</b> 53:1 <b>citizen</b> 19:10 21:4 25:17 26:1 26:2 27:17 30:19 35:1,15 42:18 67:1 <b>citizens</b> 26:8,9 29:15 38:10 40:13 49:8,16 58:3 68:11 70:1 <b>citizen's</b> 68:24 <b>City</b> 36:6 63:2 66:5 <b>clarification</b> 16:9 <b>classes</b> 41:18 62:17 <b>clean</b> 3:17 26:14 26:19,23 30:12 30:14 36:11 37:2 73:24 74:1 <b>cleanup</b> 26:22 <b>clear</b> 49:2 54:19 70:14 <b>clearer</b> 33:22 34:22 <b>clearly</b> 57:22 <b>Clerk's</b> 67:21 <b>clicked</b> 67:1 <b>close</b> 7:15 9:7,9 16:4 17:4 33:22 <b>closure</b> 5:20 <b>clouds</b> 26:5 <b>Club</b> 25:18 30:21 47:19 61:11 <b>coal</b> 10:20 11:15 12:24 13:3,13 14:7 48:7,13,14 52:21 53:2,3,6 53:21,23 54:1 60:24 61:3 68:15 <b>Code</b> 5:21 <b>cold</b> 62:11 <b>collection</b> 53:10 <b>college</b> 56:9</p>
--	---	--	---	---

<p><b>color</b> 42:1  <b>come</b> 8:18 19:4  25:20,24 34:10  38:9 68:20  69:10 73:16,17  <b>comes</b> 32:5 59:23  <b>coming</b> 26:6  41:23 52:18  53:18 55:13  61:15 70:7  74:13  <b>comment</b> 6:18  7:16 8:10,24  9:7 16:4,18,22  17:4,10,21 27:5  32:21 47:12  73:1  <b>comments</b> 2:7  5:6,14 6:12,14  6:14,15,16,19  6:22,23 7:3,6  7:13,14,18,22  8:6,7,11,15,20  8:21,24 9:10,12  10:3,5 15:11,15  16:3,12,14,15  16:16,20,21  17:1,2,3,6,8,18  17:19,21,22,23  19:16,20,23  21:5 30:24  38:21 42:21  47:7,20,24  61:10 73:6  74:16  <b>committed</b> 10:17  <b>commonly</b> 12:23  <b>communities</b>  27:21 60:12  <b>community</b> 9:16  27:2 32:2 64:21  <b>companies</b> 69:22  <b>company</b> 32:15  36:24 43:6,9  48:9 58:5 69:13  <b>compared</b> 49:12  <b>Compass</b> 29:16</p>	<p>29:17  <b>compile</b> 31:18,24  <b>compiling</b> 18:13  <b>complaint</b> 40:13  <b>complete</b> 8:23  13:7 19:16  <b>completed</b> 7:8  40:4 45:10  <b>compliance</b>  12:22 39:15  40:5 47:3 49:17  51:13 58:4,6,12  58:17  <b>complicated</b>  31:14  <b>comply</b> 18:9  69:17  <b>component</b> 73:21  <b>concept</b> 72:6  <b>concern</b> 33:3  38:23 48:23  49:4 50:24  51:18 52:7  53:15,15 68:11  <b>concerned</b> 19:10  25:17 27:17  31:7 40:14  42:18 48:12,18  48:20 53:22  63:18 64:6,11  64:12 66:13  70:21  <b>concerning</b> 4:1  14:20  <b>concerns</b> 11:12  15:5 32:17 33:7  38:6 39:24 44:7  48:2,2,5,6,7,8  49:19 50:18,19  52:20  <b>condition</b> 12:18  13:17 14:17  21:17 46:24  61:2 62:3  <b>conditionally</b>  13:4  <b>conditions</b> 7:20</p>	<p>13:8 20:3 21:22  28:6 33:3 49:2  57:13 59:23  67:19  <b>conduct</b> 15:23  16:7 17:11  <b>conducted</b> 3:10  <b>conducting</b> 20:9  <b>congestion</b> 31:5  <b>connect</b> 69:5  <b>consider</b> 17:1  26:7,15 30:3  74:2  <b>consideration</b>  6:16 16:16  17:23 28:17  30:24 36:23  <b>considerations</b>  43:18  <b>considered</b> 8:22  18:3  <b>considering</b>  37:11  <b>construction</b>  28:3,7,12 29:1  33:12  <b>contact</b> 25:10  38:15 42:3  <b>contain</b> 71:9  <b>contained</b> 8:14  <b>contains</b> 33:6  71:11  <b>content</b> 12:13  <b>contention</b> 22:4  <b>contents</b> 21:20  <b>contested</b> 4:2  57:12  <b>contingency</b>  14:13 53:11,19  <b>continue</b> 6:21  13:18 16:3,19  30:11 32:11  <b>continues</b> 69:19  <b>contrary</b> 45:19  <b>contribute</b> 36:8  <b>control</b> 4:6,11,21  5:1,8,16,23</p>	<p>10:15 11:4,14  57:14 67:20  <b>convert</b> 49:14  <b>converted</b> 51:20  <b>convey</b> 26:2  <b>conveying</b> 53:3  <b>cooperatively</b>  10:24  <b>copies</b> 5:22 63:22  <b>correct</b> 33:19  70:13  <b>corrected</b> 35:4  70:13  <b>correlation</b> 44:24  <b>costs</b> 36:18,19  <b>Council</b> 63:2  66:6  <b>counsel</b> 75:9,13  <b>count</b> 73:10  <b>counties</b> 35:7  39:5 72:3  <b>countries</b> 72:5  <b>county</b> 3:22 21:4  31:1 35:10 56:2  56:3 61:21 64:2  66:1 70:6  <b>couple</b> 32:20  38:21 39:12  42:11 56:14  57:2 62:20  63:10 65:1  <b>course</b> 15:8 67:7  <b>court</b> 8:8 18:11  19:2,11,19  <b>courteous</b> 15:20  <b>cover</b> 12:18  <b>covered</b> 42:20  <b>CO2</b> 36:12  <b>CPR</b> 62:3  <b>create</b> 44:19  <b>creates</b> 48:8  <b>creating</b> 72:15  <b>credit</b> 59:7  <b>criteria</b> 35:8 39:5  48:4,11,24 71:2  <b>crushing</b> 53:2  <b>culture</b> 29:20</p>	<p><b>current</b> 35:7 39:4  39:20 46:14  49:24 50:7  <b>currently</b> 10:14  39:15 40:21  46:20 50:3  57:13  <b>curve</b> 63:9  <b>cut</b> 69:16  <b>C-A-A-P-P</b> 3:19  <b>C-A-M</b> 12:23  <b>C-A-S-H-M-E-R</b>  42:17  <b>C.S.R</b> 75:20,22</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p><b>D</b> 2:1 44:3  <b>Daily</b> 36:3 39:7  <b>dark</b> 41:12 42:1  <b>data</b> 9:12 36:12  70:22 71:7,12  71:17  <b>database</b> 24:13  24:15 25:8  67:10  <b>date</b> 6:22 7:2  9:11 13:20  57:20  <b>dated</b> 36:11  <b>daughter</b> 62:1  <b>daughter's</b> 63:12  65:12  <b>Dave</b> 2:11 29:5,8  29:10  <b>day</b> 30:1 32:6,6  56:9 59:2  <b>days</b> 13:6 59:2  60:16  <b>de</b> 48:10 54:4,17  54:19,20,24  55:1,2,8  <b>dealing</b> 72:17  <b>Dean</b> 1:12 3:4  9:15  <b>death</b> 36:17 39:2  65:3,4  <b>decades</b> 32:8</p>
--	---	--	--	---

43:3 <b>decision</b> 7:2 9:1 18:5 59:16,22 60:1 71:12 <b>decisions</b> 68:10 <b>decrease</b> 43:10 <b>deemed</b> 22:22 <b>defense</b> 51:6 <b>defer</b> 3:13 <b>define</b> 26:21 <b>definite</b> 72:15 <b>definitely</b> 60:7 <b>definition</b> 40:12 <b>definitions</b> 40:9 <b>delayed</b> 60:14 61:7 <b>delays</b> 60:17 <b>deleted</b> 48:19,22 50:21,23 51:2 53:2,4,6,8,10 53:12 <b>delineate</b> 46:18 <b>demand</b> 26:13 55:23 <b>demanding</b> 27:7 <b>demands</b> 26:10 <b>demonstration</b> 53:7 <b>department</b> 38:8 <b>depend</b> 7:2 18:24 29:23 <b>depending</b> 27:5 <b>description</b> 68:2 <b>desire</b> 7:12 8:17 17:15 18:23 <b>detail</b> 37:13 <b>detailed</b> 13:23 61:6 <b>details</b> 11:22 12:12 14:19 <b>determining</b> 40:22,24 <b>development</b> 22:11 28:5 <b>dialogue</b> 8:4 19:21 <b>died</b> 63:7	<b>difference</b> 18:1 <b>different</b> 13:15 21:20,23 22:1 38:5 40:20 48:1 64:23,23 65:14 71:6 <b>difficult</b> 45:3 <b>difficulty</b> 25:11 <b>digestible</b> 31:21 <b>dioxide</b> 5:2 39:8 48:19 72:14 <b>direct</b> 19:17 <b>directed</b> 19:23 <b>direction</b> 75:9 <b>directly</b> 5:7 34:18 38:14 72:8 <b>Director</b> 3:6 <b>disagree</b> 16:11 <b>disappointed</b> 68:9 <b>disappointing</b> 69:1 <b>discretion</b> 54:22 <b>discuss</b> 34:14 <b>discussed</b> 10:10 11:6 <b>discussing</b> 23:2 <b>discussion</b> 68:16 68:21 <b>discussions</b> 11:7 56:17 <b>Disease</b> 36:17 39:2 <b>dismiss</b> 4:21 <b>dispute</b> 22:4 <b>dissociate</b> 23:9 <b>dissociation</b> 21:20 23:1 <b>document</b> 24:1 34:22 42:3 68:12 69:2 <b>documentation</b> 13:21 <b>documented</b> 37:13 <b>documents</b> 5:10	9:12,14 18:21 20:5 23:24 24:8 24:20 25:7 68:5 <b>dog</b> 44:3 <b>doing</b> 21:13 27:8 30:5 37:2 56:24 65:11 74:3 <b>doubt</b> 59:19 <b>Doug</b> 2:5 6:8 10:1,7 15:3 <b>downtown</b> 31:2 <b>dozens</b> 54:16 <b>draft</b> 11:5,24 18:21 <b>drafted</b> 4:16 56:13 <b>drift</b> 15:15 <b>drive</b> 32:18 <b>Dubin</b> 2:14 43:23 44:1,2 <b>due</b> 35:13 43:16 <b>duration</b> 13:15 13:20 <b>dust</b> 53:10 <b>dying</b> 64:18	43:19 <b>elderly</b> 30:6 <b>elders</b> 29:17,22 29:22 30:11 <b>elected</b> 70:4 71:21 <b>emission</b> 12:4,13 14:10 40:24 53:23 <b>emissions</b> 12:19 12:24 21:10,16 22:23,24 23:5,6 41:11 48:4 49:9 49:12,15,15 51:1,9,14,20 52:1,17 54:7,17 <b>emitted</b> 23:5 <b>emphasize</b> 51:17 <b>employed</b> 75:10 75:13 <b>employee</b> 75:13 <b>encompass</b> 12:16 <b>ends</b> 6:19 <b>energy</b> 26:16 56:1 <b>enforceable</b> 44:19 49:3,7 <b>enforcement</b> 54:21 55:4,6 58:21 <b>engage</b> 8:3 <b>engineer</b> 6:8 10:7 <b>engineering</b> 43:8 <b>ensure</b> 3:8 7:16 17:5,11 19:19 <b>entire</b> 31:4 <b>entirely</b> 43:16 <b>entirety</b> 4:11 11:4 17:3 <b>environmental</b> 1:1 3:5 12:8 16:10 21:22 26:22 30:21 44:5 49:5 <b>EPA</b> 3:16 4:1,13 4:23 5:4,10,13 6:5,18,24 7:21	9:5,17,23 10:16 10:17 11:8,18 12:10 13:4,14 14:4 16:2,8,18 18:6,18 20:4,7 24:11,14,21 27:18 35:6,15 36:2 46:15 66:23,24 69:19 70:5,15,24 72:9 <b>EPA's</b> 5:19 12:4 <b>equipment</b> 48:7 52:21 53:4,10 53:22,23 54:1 <b>equivalent</b> 23:2,4 <b>ER</b> 63:13 <b>era</b> 71:7 <b>error</b> 33:14,15 34:20 35:3 50:1 <b>especially</b> 58:16 <b>essential</b> 11:10 <b>essentially</b> 46:20 46:23 <b>established</b> 13:22 13:24 45:23 <b>estimate</b> 49:9 51:1,14 <b>ethical</b> 43:18 <b>evaporator</b> 43:8 <b>evening</b> 3:2,3,14 7:13 10:6 17:11 17:20 19:24 27:15 29:13 42:16 44:1,8 47:5,7 72:24 74:13,18 <b>event</b> 17:18 56:4 <b>events</b> 14:15 37:12 <b>eventually</b> 67:9 <b>everybody</b> 43:19 47:6 <b>evidence</b> 70:16 <b>exactly</b> 3:24 26:18 47:2 <b>example</b> 69:13 <b>exceedance</b> 14:3
---	---	--	--	--

45:8 <b>exception</b> 43:3 48:10 51:7 54:4 54:13,18,19,20 54:24 55:1,2,9 <b>excess</b> 54:6 <b>excursion</b> 46:6 47:3 <b>excursions</b> 44:20 46:19 <b>excuse</b> 39:4 59:2 <b>excused</b> 37:6 <b>exhibit</b> 7:17 17:6 35:24 36:16 39:4,4,6,9 <b>exhibits</b> 9:13 38:17 <b>existed</b> 12:7 <b>existing</b> 39:16 <b>expanded</b> 12:18 <b>expect</b> 47:22 <b>expeditiously</b> 46:22 <b>experts</b> 31:16,19 <b>expired</b> 56:19 <b>explain</b> 6:3,9 22:2 59:15 60:4 <b>explanation</b> 34:24 <b>explicit</b> 21:9 <b>exposures</b> 72:14 <b>express</b> 16:14 <b>extending</b> 69:13 <b>extra</b> 63:22 <b>extremely</b> 69:1 <b>eyes</b> 32:23	<b>Factual</b> 28:2 <b>fail</b> 35:14 37:13 <b>fair</b> 3:10 <b>fairly</b> 11:13 <b>Faith</b> 2:15 43:23 47:9,11,15,17 60:6 <b>fall</b> 7:22 17:8 37:10 48:3 69:20 <b>familiar</b> 22:19 <b>families</b> 65:4 66:19 <b>family</b> 62:5 <b>fancy</b> 71:8 <b>far</b> 45:24 53:21 54:15 62:12 <b>fashion</b> 17:12 <b>February</b> 4:10 <b>federal</b> 23:14 35:6 <b>feel</b> 31:10 <b>fell</b> 62:1 <b>fiduciary</b> 74:9 <b>field</b> 42:4 <b>fighting</b> 72:7 <b>filed</b> 4:15 5:7 <b>filing</b> 4:24 <b>final</b> 5:17 6:24 9:1 18:5 21:14 48:23 <b>finalize</b> 39:21 <b>finally</b> 46:18 50:24 54:3 <b>financially</b> 75:14 <b>find</b> 23:17 29:17 37:18 40:18 58:19 67:8 68:9 71:4 <b>fine</b> 39:2 67:6 <b>finest</b> 60:24 61:3 <b>fire</b> 10:20 12:24 13:3 <b>first</b> 4:17 6:5 19:13,14 21:1 32:22 37:1 44:6 44:17,21 56:7	57:2 67:2 70:3 <b>fishing</b> 33:9 41:9 64:8 65:8 <b>five</b> 28:9 43:3 48:1 <b>fixing</b> 57:12 <b>flawed</b> 60:9,11 <b>flow</b> 43:10 <b>flu</b> 66:10 <b>fly</b> 14:7,14 53:12 53:15,19,20 73:21 <b>Flynn</b> 64:23 <b>focus</b> 7:19 20:1 <b>focused</b> 69:24 <b>folks</b> 55:22 <b>follow</b> 42:4 55:14 <b>followed</b> 6:11 13:22,23 14:1 43:23 47:10 61:16 <b>following</b> 23:13 34:7 47:3 <b>follow-up</b> 25:9 <b>foolish</b> 70:11 <b>footnotes</b> 59:14 <b>force</b> 26:13 36:11 <b>foregoing</b> 75:5 <b>foremost</b> 37:1 70:3 <b>forget</b> 62:16 <b>forgot</b> 61:20 <b>forth</b> 14:23 34:10 <b>forward</b> 8:18 19:4 23:18 32:15 73:16,18 <b>found</b> 5:20 11:23 12:10 61:6 63:23 67:11,14 67:22 <b>four</b> 55:18 <b>fourth</b> 56:11 <b>Fox</b> 2:18 47:12 61:16 66:16,16 <b>frankly</b> 69:19 70:5,10 <b>free</b> 7:24 41:19	<b>friendly</b> 66:24 <b>friends</b> 55:22 65:13 <b>front</b> 7:10 66:24 70:12 71:8 <b>Frost</b> 7:9 24:2,6 24:9,12,19 25:4 25:9 <b>fuel</b> 48:13,14,19 <b>fugitive</b> 53:22 <b>fulfilled</b> 40:4 <b>full</b> 38:12 <b>fully</b> 36:8 <b>fun</b> 56:5 <b>functions</b> 26:8 <b>funds</b> 27:1 <b>further</b> 10:2 75:12 <b>Furthermore</b> 45:6,15,22 69:3 <b>F-R-O-S-T</b> 25:4	59:6 62:14 66:11 <b>given</b> 6:15 9:19 11:14 16:15 17:22 21:13 37:9 <b>gives</b> 41:2 <b>giving</b> 17:1 <b>glad</b> 62:5 <b>glasses</b> 61:20 <b>go</b> 3:3 10:23 24:7 28:24 31:12 33:1 39:3,6,9 39:23 40:6 47:21 58:18 66:22 71:4,6 73:13,15 <b>God</b> 57:22 68:18 <b>goes</b> 35:19,22 37:22 45:24 54:15 <b>going</b> 3:3 6:4 20:15,18 22:2 23:18 34:8 37:18 47:21 51:17 52:14,23 57:19 58:21 62:12 63:3 66:6 67:14 68:14 69:6,12 70:14 70:19 71:9,22 73:8,10,22 <b>good</b> 3:1 10:6 22:6 27:15 29:17 38:9 42:16 44:1 60:13 <b>governmental</b> 19:6,8 <b>graduate</b> 56:9 <b>Grand</b> 9:18 <b>grandfathers</b> 64:8 <b>grateful</b> 26:11 <b>great</b> 30:4,5 57:10,18 67:15 <b>greetings</b> 56:3
<b>G</b>				
<b>Garlish</b> 2:17 55:13 61:17,19 <b>gas</b> 48:21 <b>gather</b> 25:24 <b>gathered</b> 54:12 <b>general</b> 12:17 18:14,20 24:10 25:6 48:23 50:2 50:5 67:12 71:21 <b>Generally</b> 48:2 50:18 51:16 53:21 <b>General's</b> 11:9 <b>generating</b> 1:4 11:21 <b>Generation</b> 3:20 4:6,13 9:17 11:3,7 13:6,18 57:4 <b>getting</b> 10:18 47:4 63:21 <b>Girl</b> 65:6 <b>give</b> 22:6 29:24				



<p><b>grew</b> 31:1 65:11  <b>group</b> 15:13  30:20 31:8,9  49:19  <b>groups</b> 27:8 49:5  <b>growing</b> 65:15  <b>guess</b> 37:20  42:20  <b>guidelines</b> 46:5  <b>guys</b> 23:19 44:14  61:18 62:13,19  63:23 65:13  <b>G-A-R-L-I-S-H</b>  61:20</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>half</b> 56:8  <b>Hall</b> 36:6  <b>hand</b> 7:7,19 17:7  20:13 36:1,17  38:17 73:4,9  <b>handing</b> 24:1  <b>handling</b> 14:7,13  48:7 52:21  53:12,18,20,21  53:23 54:1  <b>hands</b> 73:9  <b>happen</b> 61:24  67:23  <b>happens</b> 56:21  56:22  <b>happy</b> 56:10  <b>hard</b> 29:5  <b>harm</b> 72:15  <b>harmful</b> 68:22  <b>HCL</b> 21:16,18,23  22:3,22,23 23:3  23:4,4,14  <b>head</b> 69:20  <b>headaches</b> 31:4  <b>headed</b> 41:10  <b>health</b> 36:22  43:14 51:11  <b>healthcare</b> 36:20  <b>hear</b> 18:16 20:20  20:22 34:5 44:7  50:8</p>	<p><b>heard</b> 64:7,12  66:21  <b>hearing</b> 1:2,12  2:4 3:1,5,7,15  3:23 4:3 5:9,12  5:14,18 6:4,12  6:17 7:13,17,19  7:22 8:8 9:6,13  9:15,20 10:4  15:1,2,8,14,16  15:19,24 16:1,7  16:13,17 17:2,5  17:8,11 18:19  18:20 19:18,21  20:2,10,23  22:13 23:22  24:21,24 25:3  25:14,21 27:13  29:4 30:15 34:4  34:8 36:5 38:18  38:19 39:1,11  42:13 43:22  47:9,14 55:12  55:19 61:13  62:23 63:24  64:7,13 66:15  72:21 73:15  74:5,12,14,18  74:22 75:11  <b>hearings</b> 5:20  56:16 62:20  <b>Heart</b> 30:20  <b>heartfelt</b> 15:5  <b>heat</b> 49:1,1,3,6  49:10,14,18  <b>heavy</b> 42:1  <b>heels</b> 69:20  <b>held</b> 5:18 58:3  <b>help</b> 26:19 29:17  30:8,11 32:10  63:2 69:5  <b>helpful</b> 7:14 38:7  38:13 42:8  <b>helping</b> 68:17  <b>hereto</b> 75:14  <b>hey</b> 67:14  <b>HF</b> 21:17,19,23</p>	<p>22:2,22 23:2,4  23:6,15  <b>Hi</b> 61:17  <b>high</b> 72:2  <b>hissing</b> 15:6  <b>history</b> 51:4 59:8  72:1  <b>hit</b> 32:22  <b>hold</b> 41:18  <b>holding</b> 5:13  <b>holes</b> 31:10  <b>home</b> 30:9  <b>homes</b> 29:20,23  30:4  <b>honestly</b> 22:6  <b>hope</b> 35:4,23  37:14 69:8  <b>hoped</b> 31:17  <b>hospital</b> 42:24  <b>hour</b> 45:16 49:15  51:19,21 52:2  72:14  <b>hourly</b> 45:20  49:17 51:20  <b>hours</b> 49:23,24  50:7,10 52:6  69:14  <b>house</b> 53:2  <b>Hudson</b> 63:13  64:5  <b>huge</b> 25:8 36:9  <b>human</b> 72:15  <b>humongous</b>  35:21  <b>hundreds</b> 36:15  <b>hydrochloric</b>  21:11,19,21  <b>hydrofluoric</b>  21:11,19</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>ideas</b> 26:10 69:20  <b>identified</b> 33:13  <b>identify</b> 6:6  <b>IEPA</b> 26:8,24  35:23 37:20  38:6 41:18</p>	<p>58:19 59:8,22  <b>Illinois</b> 1:1 3:5,16  4:1,13,20,23  5:1,4,7,10,13  5:19,21,23 6:5  6:17,24 7:21  9:5,17,19,23  10:14,16,17,20  11:8,8,17 12:4  12:10 13:3,14  14:4 16:2,7,18  18:5,18 20:4,7  24:12,14,21  26:2 27:18  29:12 30:20,21  35:15 36:21  63:14 66:17,23  67:10,19 69:19  70:5,24 72:9  75:3  <b>imaginary</b> 35:18  <b>immediate</b> 5:3  29:11 47:22  51:24  <b>immediately</b>  28:23  <b>impact</b> 51:11  <b>impasse</b> 32:14  <b>imperative</b> 43:20  <b>implementation</b>  13:10 45:19  <b>implementing</b>  67:19 72:18  <b>importance</b>  32:16  <b>important</b> 29:22  36:23 51:3,14  <b>impose</b> 17:12  <b>improved</b> 43:4  <b>improving</b> 29:20  <b>inaccurate</b> 71:10  <b>inadequacies</b>  44:12  <b>inadequate</b> 23:17  <b>incentive</b> 48:9  <b>include</b> 26:21,22  40:12 44:17,22</p>	<p><b>included</b> 7:17  17:5 46:10  <b>including</b> 12:5  13:21,24  <b>incomplete</b> 71:10  <b>inconsistent</b>  51:22  <b>incorporated</b>  28:7 29:3  <b>incorrect</b> 13:17  <b>increments</b> 52:5  <b>incumbent</b> 27:19  <b>indicate</b> 19:9  20:12 73:3  <b>indicator</b> 44:18  44:22  <b>individual</b> 31:8  <b>industrial</b> 43:8  <b>industry</b> 27:6  54:16,23 55:7  60:2  <b>infant</b> 42:22  <b>information</b> 4:1  13:19 24:18  25:10 26:1 35:5  38:8,15 51:3  62:19 67:4  70:21 71:5,10  <b>informational</b>  3:15,23  <b>inhalers</b> 65:13,14  65:18  <b>initial</b> 28:5,8,16  <b>initially</b> 8:11  10:16 17:15  <b>input</b> 49:14,18  <b>inspected</b> 58:19  <b>inspection</b> 14:7  40:2 53:9 58:9  <b>inspections</b> 37:22  <b>inspector</b> 37:20  <b>instance</b> 49:6  <b>instructions</b> 6:11  10:3  <b>intend</b> 15:19  <b>intent</b> 57:24  <b>interested</b> 58:24</p>
--	--	--	---	---

75:15 <b>interesting</b> 26:4 56:16 <b>Interfaith</b> 29:11 <b>internet</b> 6:1 <b>interrupt</b> 15:17 <b>introduce</b> 6:6 9:24 <b>introduction</b> 55:16 <b>inventory</b> 71:2 <b>involved</b> 11:16 15:10 22:11 29:19 <b>involves</b> 10:11 12:3 <b>issuance</b> 10:11 12:9 13:7 18:10 <b>issue</b> 7:23 15:18 17:9 40:5 53:17 55:5 <b>issued</b> 4:4,19 10:16 11:1 13:15 28:4,5,9 28:12,15,21 59:4 <b>issues</b> 3:12,13 5:5 7:7,19 8:1,15 9:6 15:4,10 16:8,10 17:7 21:23 39:18 63:3 <b>I-N</b> 44:3	44:8 <b>judgment</b> 23:10 <b>July</b> 59:4,4 <b>justifications</b> 14:22 <b>justifying</b> 72:18	71:8 72:5,12 73:20 <b>knowledge</b> 68:22 <b>K-E-R-K-E-R</b> 27:16	<b>limited</b> 16:6 31:23 37:5 68:14 <b>limits</b> 44:15 48:4 49:9,12,13,14 49:17,18,18 <b>Lindsay</b> 2:14 43:23 44:1,2,4 <b>line</b> 35:18 48:15 51:18 53:1 54:5 <b>link</b> 23:23,24 24:2,4,14,17,23 25:6 <b>Lippi</b> 2:9 25:15 25:16,16,23 73:19,19 <b>Lisa</b> 3:6 <b>list</b> 12:18 36:10 47:13,20 52:23 60:7 <b>listed</b> 28:3,8 67:7 67:11 <b>listen</b> 16:10 <b>listening</b> 30:23 47:7 <b>listing</b> 48:13 <b>lists</b> 35:7 <b>little</b> 44:11 45:2 63:16 64:22 65:24 66:3 <b>live</b> 29:15 32:3 63:19 66:17 <b>lived</b> 31:2 <b>lives</b> 36:22 63:13 <b>living</b> 29:23 32:7 <b>LLC</b> 3:20 <b>load</b> 52:9 <b>local</b> 37:19 38:6 42:3 43:5 <b>locally</b> 37:21 38:14 <b>located</b> 3:21 <b>long</b> 7:6 9:10 16:23 29:8 31:6 51:4 59:8,14 <b>longstanding</b> 49:4	<b>long-term</b> 29:18 <b>look</b> 26:10 32:1 39:24 40:2 41:12 57:21 58:12 66:22 70:11 71:18 <b>looked</b> 58:13 66:20 67:1 68:5 69:3 <b>looking</b> 56:18 65:9 67:18 70:5 70:18 72:7,11 <b>looks</b> 69:11 74:11 <b>loopholes</b> 32:18 37:3,4 74:11 <b>LORRAINE</b> 75:3,21 <b>lot</b> 30:10 31:10 32:17 35:3 70:1 <b>love</b> 62:16 <b>low</b> 72:12,13 <b>luckily</b> 62:1 <b>Lung</b> 65:21 <b>lying</b> 58:18 <b>L-A-S-Z-L-O</b> 21:3 <b>L-I-N-D-S-A-Y</b> 44:2 <b>L-I-P-P-I</b> 25:23
<hr/> <b>J</b> <hr/> <b>jail</b> 58:18 <b>January</b> 35:6 <b>job</b> 27:1 30:4,5 <b>Joseph</b> 2:8 21:1,2 21:3 23:7,16,23 24:4,7,11,16,22 25:1,5,13 <b>Joyce</b> 2:12 30:15 30:17,17 34:23 38:1,4,20 39:10 39:19 40:8 41:6 41:16 42:5,14	<hr/> <b>K</b> <hr/> <b>K</b> 75:21 <b>Karo</b> 64:22 <b>keep</b> 7:18 8:10 13:19,20 17:6 18:14 26:14,19 26:23 27:1 31:19 61:3 73:9 <b>keeping</b> 14:4 <b>kept</b> 52:4 <b>Kerker</b> 2:10 27:14,15,16 <b>Kevin</b> 2:13 42:15 42:16,17 61:23 74:7,7 <b>key</b> 11:12 <b>keyword</b> 24:16 24:19 <b>kids</b> 63:15 64:8 65:5,10,17 66:9 <b>kind</b> 31:15 35:19 37:9 73:21 <b>kindly</b> 36:5 <b>kinds</b> 37:8 65:20 <b>knew</b> 62:5 <b>know</b> 22:19 23:12 26:16,17 27:4 28:11 31:15,20 32:3 35:21 38:4,12 38:14 41:8,10 42:1,6,10 43:11 44:8 45:12 46:2 47:4 50:13 51:5 51:11,12 52:17 56:15 58:3,9,13 59:10 62:6,8 63:17 64:9 65:5 66:4,7,9 69:6 69:11,17 70:24	<hr/> <b>L</b> <hr/> <b>lake</b> 41:9 56:2,3 <b>lakefront</b> 56:5 <b>landlines</b> 72:7 <b>language</b> 12:17 46:22 <b>large</b> 58:15 <b>Laszlo</b> 2:8 21:1,2 21:3 23:7,16,23 24:4,7,11,16,22 25:1,5,13 33:1 <b>late</b> 47:4 56:14 61:7 <b>Law</b> 44:5 <b>laws</b> 18:9 <b>lax</b> 58:20 74:1 <b>lay</b> 47:1 <b>leader</b> 65:6 <b>leapfrogging</b> 72:6 <b>leave</b> 31:3 42:9 <b>leery</b> 63:16 <b>left</b> 42:20 <b>legibly</b> 8:22 <b>lengthy</b> 7:14 16:24 68:16 <b>letter</b> 36:11 55:18 <b>letting</b> 70:1,4,20 71:20 <b>Let's</b> 59:5 <b>level</b> 45:4,7 <b>levels</b> 45:13 72:2 72:13,13 <b>License</b> 75:22 <b>life</b> 26:4 29:24 <b>lifelong</b> 26:1 <b>lifetime</b> 26:1 <b>light</b> 42:1 <b>limit</b> 17:12 45:23 46:1,1,8 53:5	<hr/> <b>M</b> <hr/> <b>machining</b> 43:6 <b>macrame</b> 74:11 <b>magnitude</b> 51:1 <b>mail</b> 6:20 <b>maintain</b> 14:17 21:16 24:12 <b>major</b> 27:11 <b>making</b> 5:7 21:4 23:13 26:16 29:5,21,21 30:10 44:10 58:24 59:16 64:17 71:12 <b>malfunction</b> 14:14 48:6	

<p>49:20 50:19,20 50:23 51:5,10 69:4 <b>managed</b> 43:10 59:18 69:8 <b>Manager</b> 33:12 <b>mandate</b> 73:23 <b>Manito</b> 3:21 41:10 64:5 <b>Manito/Bloomi...</b> 63:9 <b>manner</b> 3:10 15:21 50:17 <b>masks</b> 71:23 <b>matter</b> 3:16 7:1 8:21,24 9:2,8 12:24 13:8 16:14 30:7 44:15,24 45:1,4 45:8,13,17,21 45:24 46:7,12 71:4 <b>maximum</b> 52:4,9 52:16 <b>McCREIGHT</b> 75:3,21 <b>mean</b> 38:10 70:10 71:6 <b>means</b> 3:23 55:2 <b>meant</b> 60:4 <b>measure</b> 44:15 62:17 <b>measurements</b> 48:21 52:8,14 52:15 <b>meeting</b> 10:9 62:23 63:2,24 66:6,21 67:13 <b>meetings</b> 67:4 <b>melons</b> 41:10 <b>member</b> 19:10 25:18 29:16 31:8 34:6 62:5 <b>members</b> 8:4,5,6 15:21 16:8 19:21 45:10 49:8 70:6</p>	<p><b>mention</b> 61:23 68:21 <b>mentioned</b> 14:19 32:24 34:16 38:22 44:14 45:9 49:21 <b>mentions</b> 46:15 <b>mercury</b> 12:6 21:11 36:15 63:16 <b>messaging</b> 72:9 <b>met</b> 40:5 <b>Method</b> 40:23 41:1,18,21 <b>methods</b> 14:11 40:20,21 <b>mic</b> 34:10 <b>Michael</b> 22:16 <b>microphone</b> 20:15,16,19 <b>midnight</b> 63:13 <b>Midwest</b> 3:19 4:5 4:13 7:24 9:16 11:3,7 13:6,18 50:2,5 57:4 67:12 <b>Mike</b> 22:10 <b>miles</b> 63:10 <b>million</b> 36:12 <b>millions</b> 26:17 <b>mind</b> 31:20 35:2 69:5 <b>minimum</b> 18:15 58:19 <b>minus</b> 48:10 54:4,18,19,20 54:24 55:1,2,9 <b>minor</b> 21:17 23:19 <b>minute</b> 41:16 52:5 <b>minutes</b> 3:2 8:11 17:13 19:16 73:14 <b>misreading</b> 34:20 <b>modern</b> 57:23</p>	<p><b>modification</b> 3:17 5:4,15,17 13:9 18:7 20:2 20:5 57:5 58:23 <b>modifications</b> 5:11 6:10 13:2 <b>modify</b> 7:21 <b>moisture</b> 23:8,11 <b>molecules</b> 23:9 <b>monitor</b> 40:1 44:18,23 45:21 46:3 <b>monitored</b> 22:3 45:17 46:14 <b>monitoring</b> 12:22 22:23 27:6,9 33:17 38:23,24 46:8 46:10,16 48:6 51:16 60:17 <b>monoxide</b> 48:21 <b>months</b> 45:9 <b>moral</b> 29:14 43:17,20 <b>morgue</b> 28:23 <b>mother</b> 61:22 <b>Mother's</b> 56:9 <b>mother-in-law</b> 63:4 <b>motive</b> 15:13 <b>moving</b> 32:15 51:8,9</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>N</b> 2:1 <b>name</b> 3:4 8:18 10:7 19:4,5,12 19:13,14,15 21:2 22:14,17 25:22 27:16 29:6,10 30:17 38:18 42:17 44:2,2,4 47:17 47:17 55:17 61:19 63:12 66:16 73:17 74:7</p>	<p><b>names</b> 64:23 <b>Nancy</b> 44:3 <b>nasal</b> 31:5 <b>natural</b> 48:21 <b>nature</b> 7:3 11:10 11:14 15:12 <b>near</b> 3:21 31:3 <b>neatly</b> 35:15 <b>necessary</b> 13:7 <b>need</b> 26:9 30:11 30:12 32:10 46:2 51:11,12 51:23 52:17 55:7 70:12,13 <b>needed</b> 13:24 33:9 <b>needs</b> 43:12 49:6 49:7 58:1 <b>negotiated</b> 11:10 60:1 <b>negotiating</b> 4:14 <b>negotiations</b> 4:17 11:16 <b>neither</b> 75:9 <b>never</b> 54:20 <b>new</b> 22:20 29:2 50:12,13 54:7 66:24 68:19,22 69:10,17 <b>newer</b> 29:1 68:15 <b>nice</b> 66:24 <b>Nicholas</b> 2:10 27:14,15,16 <b>night</b> 38:11,12 44:9 <b>nine</b> 61:5 <b>nitrogen</b> 36:14 <b>noise</b> 18:15 <b>noises</b> 15:7 <b>nonlinear</b> 44:24 46:11 <b>non-attainment</b> 33:8,23 34:18 34:19 35:7,11 35:16,17 39:5 62:9 64:9 72:3 <b>norm</b> 65:15,16</p>	<p>65:16 <b>normal</b> 46:21 51:7 52:9,11,12 52:13,16 <b>normally</b> 37:7 <b>north</b> 9:17 66:17 <b>northeastern</b> 55:20 <b>note</b> 4:23 33:10 44:21 <b>noted</b> 12:14 <b>notes</b> 60:23 <b>notice</b> 9:20 18:20 24:14 26:5 66:20,22 67:13 <b>noticeable</b> 41:11 <b>Notices</b> 67:2 <b>notified</b> 9:1 <b>November</b> 4:5 <b>NOx</b> 36:14 <b>NRG</b> 50:2 57:4 67:12 69:8,15 72:18 <b>number</b> 7:3 75:22 <b>numbers</b> 48:15 69:12 <b>numerous</b> 42:23 <b>nursing</b> 29:20,23 30:4,9 <b>N.E</b> 1:11</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>object</b> 16:11 <b>objection</b> 11:2 <b>objectives</b> 69:7 <b>obligation</b> 29:14 <b>obligations</b> 40:4 43:18 <b>observable</b> 40:12 <b>observations</b> 14:10 54:1 <b>obtain</b> 14:12 <b>obtained</b> 6:1 <b>obviously</b> 54:21 66:7 <b>occasion</b> 56:10</p>
---	---	---	---	---

<p><b>October</b> 28:4,9  <b>office</b> 9:15 11:9  37:20 38:6 42:4  67:22  <b>Officer</b> 1:12 2:4  3:1,5 9:15 15:1  15:2,19 22:13  23:22 24:24  25:3,14,21  27:13 29:4  30:15 34:4,8  38:18,19 39:1  39:11 42:13  43:22 47:9,14  55:12 61:13  66:15 72:21  74:5,12  <b>official</b> 8:20  <b>officials</b> 70:4,15  71:21  <b>oil</b> 48:19  <b>okay</b> 35:16 39:19  41:6 47:14  57:18 70:17  71:24 73:8,11  74:12  <b>old</b> 50:14 56:8,19  57:20,23  <b>once</b> 4:19 18:1,2  18:4 19:14  49:10 58:19  <b>ones</b> 61:1,1,4  <b>ongoing</b> 55:6  <b>online</b> 66:22 68:2  <b>opacity</b> 40:10,11  40:16,22 41:3  41:17,20 44:14  44:23 45:5,7,14  45:15,18,24  46:1,7,13 51:20  53:24 54:6,15  54:17 55:3,6  60:15 72:1  <b>open</b> 9:11 74:14  <b>opening</b> 2:4,5  40:7  <b>operates</b> 50:3,11</p>	<p><b>operating</b> 11:15  14:17 50:16  53:14 54:9,14  56:11 70:16  <b>operations</b> 14:8  37:8 46:21 51:7  52:10,12,12,13  <b>opportunities</b>  69:21  <b>opportunity</b> 3:24  17:14 42:7  <b>oppose</b> 18:7  <b>oral</b> 6:12,16,23  7:5 16:16,21,22  17:23  <b>orally</b> 6:15  <b>organization</b>  19:6,8 29:16  <b>oriented</b> 29:21  29:21  <b>original</b> 10:21,24  13:17 68:4  <b>originated</b> 28:6  <b>outcome</b> 75:15  <b>outline</b> 5:11  <b>outlined</b> 20:5  <b>outrage</b> 35:19  <b>outside</b> 7:22 17:8  71:23  <b>overall</b> 26:12  <b>overarching</b>  53:14  <b>Owen</b> 2:16 47:10  55:13,15,17  57:8,10,16,18  <b>owner</b> 50:12,15  <b>oxide</b> 36:14  <b>O-W-E-N</b> 55:18</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>pact</b> 22:18,19  <b>page</b> 2:3 18:19  21:8 24:21 28:1  32:23,24 34:14  48:14,16 50:20  50:22 51:18  53:2,3,5,7,9,11</p>	<p>54:4 59:19,19  68:7,11  <b>pagers</b> 9:22  <b>pages</b> 31:15  59:14 61:5 71:9  <b>panel</b> 8:5,8 15:22  19:18,21 20:23  30:2 39:14  47:23  <b>paper</b> 66:2  <b>paragraph</b> 21:8  21:13,14,14  <b>parameters</b>  44:19  <b>parametric</b> 46:10  <b>parenthetical</b>  48:13  <b>parents</b> 42:23  <b>part</b> 5:9,21 8:20  33:2 35:10  55:21 74:2  <b>partial</b> 33:14  <b>Particle</b> 39:3  <b>particles</b> 63:17  <b>particular</b> 21:6  <b>particulate</b> 12:24  13:8 44:15,23  44:24 45:4,8,13  45:17,21,24  46:7,12 52:8  <b>particulates</b>  21:24 72:13  <b>parties</b> 11:11  75:10,14  <b>partly</b> 35:13  <b>parts</b> 31:22  <b>pass</b> 8:17 64:16  64:17  <b>passed</b> 63:4  <b>PC</b> 56:22  <b>peak</b> 52:3  <b>peaked</b> 60:24  <b>Pekin</b> 3:21 26:2  27:21 31:2,3  32:3 33:18  35:10 36:3,6,7  39:7,7 55:22</p>	<p>63:2  <b>Pekin's</b> 36:4  <b>pending</b> 4:12  10:14  <b>people</b> 18:6 27:8  30:6,6 33:22  40:15 41:4 59:6  59:15,18 61:10  64:18,21 70:2  70:14 71:9,16  72:8 73:12  <b>Peoria</b> 21:4  27:21 32:4,4  38:6,9 55:23  66:18 70:7  <b>percent</b> 43:10  46:2,4 51:21  52:8,13,15,19  54:5,8,14 55:3  69:16  <b>perform</b> 62:3  <b>period</b> 6:18 7:16  8:24 9:8 11:17  16:4,19 17:4,22  74:16  <b>periodic</b> 14:9  <b>permit</b> 1:3 3:12  3:19 4:2,4,7,8,9  4:11,15,16,16  4:18,19,22 5:3  5:16,19 6:8,9  6:10 7:20 10:2  10:8,12,13,15  10:18 11:1,5,15  11:21,24 12:1,2  12:9,14,18,21  13:2,7,10,12,15  14:6,15,20  15:11 16:24  18:7,10,21 20:3  21:12 23:18  28:2,5,8,21  29:3 31:11,18  33:13 36:24  37:17 39:21,24  40:7,19 45:6  46:10,18,20</p>	<p>47:1 48:12,16  49:2,13,16,23  49:24 50:4,9,13  51:13 53:24  54:11 55:24  56:7,11,13,18  56:20 57:20,23  58:8 59:1,1  60:3,8,16 67:10  68:2,16,18 70:8  73:23,24  <b>permits</b> 10:19,21  28:3,7,9,12,15  28:16 29:1  39:15 57:21  <b>permitted</b> 19:22  19:24  <b>permitting</b> 3:18  6:8 14:21 31:23  69:23 71:14  <b>permit's</b> 24:13  <b>persevere</b> 68:7  <b>persevered</b> 67:9  <b>person</b> 3:14 7:5  15:13 16:22  21:1 29:4,21  37:20,21 38:5  42:15  <b>personal</b> 15:12  42:20 43:11  <b>personally</b> 3:11  23:16  <b>persons</b> 15:13,23  <b>perspective</b>  22:24 53:16,17  69:1  <b>pertaining</b> 44:12  <b>petitioned</b> 4:6  <b>Phillip</b> 2:9 25:14  25:16,16,23  73:19,19  <b>phone</b> 65:23  <b>phones</b> 9:22 72:8  <b>place</b> 10:18,19  18:20 27:20  31:24 58:1  <b>placed</b> 9:12</p>
--	--	--	--	--

<p><b>places</b> 71:6</p> <p><b>plan</b> 5:20 11:22 12:2,21 13:5,5 13:10 14:13 28:2 44:13,16 44:21 45:11,19 53:11,14,19</p> <p><b>planet</b> 43:15</p> <p><b>planned</b> 10:10 11:20 13:12 14:6</p> <p><b>plans</b> 4:20 12:12 47:2</p> <p><b>plant</b> 3:20 26:6 26:13,16 35:11 35:12 36:11 37:15 40:15 41:4,9 46:2 49:11,17 50:3 50:11,12,16 52:18 55:24 56:2,2 63:11,19 64:17 66:18 72:2 73:23</p> <p><b>plants</b> 10:20 11:15 13:1 36:7 37:7 65:1 71:5 71:18</p> <p><b>plant's</b> 50:15</p> <p><b>play</b> 63:15</p> <p><b>please</b> 7:9,11,18 8:15 9:13,21 17:1,6 18:14 20:19 39:13 41:14</p> <p><b>PM</b> 52:13,15,16 52:16 53:5,7,18</p> <p><b>podium</b> 20:17 42:9 55:13 61:15</p> <p><b>point</b> 7:9 18:1,2 20:14 22:7 23:19 29:1</p> <p><b>points</b> 27:11</p> <p><b>Policy</b> 44:5</p> <p><b>pollutants</b> 12:3,5 12:17,19 35:8</p>	<p>37:4 39:6 48:4 48:11,24 68:23 71:3</p> <p><b>polluted</b> 30:9</p> <p><b>polluters</b> 58:3</p> <p><b>pollution</b> 4:6,10 4:21 5:1,8,16 5:23 10:14 11:4 11:14 27:23 32:5,7 35:22 36:8,18 39:3,8 57:14 63:4 67:20</p> <p><b>pose</b> 27:4</p> <p><b>position</b> 8:2</p> <p><b>possible</b> 46:22</p> <p><b>possibly</b> 70:17</p> <p><b>post</b> 18:18 38:16</p> <p><b>posted</b> 18:22,23 24:15</p> <p><b>postmarked</b> 6:20 9:10</p> <p><b>potential</b> 39:22</p> <p><b>pounds</b> 36:15</p> <p><b>power</b> 3:20 26:6 26:13 55:24</p> <p><b>Powerton</b> 1:4 3:20 9:17 10:12 10:18 11:1,21 28:12 29:14 32:5 33:16 34:17 35:9,16 36:9,18 37:22 39:3,14 56:7,12 63:6,8,11 64:20</p> <p><b>practical</b> 7:1</p> <p><b>prepared</b> 5:10 23:19</p> <p><b>preparing</b> 4:24</p> <p><b>present</b> 9:24</p> <p><b>presented</b> 8:14</p> <p><b>President</b> 29:11</p> <p><b>press</b> 69:15</p> <p><b>presumptively</b> 46:16,16</p> <p><b>pretty</b> 26:18 38:12 46:23</p>	<p>58:11</p> <p><b>prevailing</b> 32:6</p> <p><b>previous</b> 49:23</p> <p><b>previously</b> 51:19 52:9 54:6</p> <p><b>primarily</b> 16:9</p> <p><b>primary</b> 43:6</p> <p><b>printout</b> 35:6 36:2</p> <p><b>prints</b> 65:9</p> <p><b>prior</b> 5:16 9:7 28:4</p> <p><b>Private</b> 21:4</p> <p><b>probably</b> 22:8 29:6 52:22 71:13</p> <p><b>problem</b> 29:9 36:9 40:17 52:16 67:2 70:12</p> <p><b>problems</b> 35:14 36:4 65:2 72:1 74:10</p> <p><b>procedures</b> 5:19 5:22 13:23 14:1 20:9</p> <p><b>proceed</b> 6:4 7:23 15:17 17:9</p> <p><b>proceeding</b> 3:9 5:3,4,6 18:22</p> <p><b>proceedings</b> 1:21 18:12</p> <p><b>process</b> 4:24 5:9 31:18 40:6 41:1 56:20 57:12 58:22 61:8 69:24 74:11</p> <p><b>processes</b> 14:8</p> <p><b>products</b> 64:24</p> <p><b>professional</b> 15:21</p> <p><b>profiteers</b> 26:15</p> <p><b>program</b> 3:18 6:10 14:18 53:14</p> <p><b>progress</b> 30:10 56:17</p>	<p><b>project</b> 5:16</p> <p><b>prolonged</b> 8:4 19:20</p> <p><b>prominent</b> 11:20</p> <p><b>promulgated</b> 22:21</p> <p><b>properly</b> 3:9</p> <p><b>properties</b> 21:24</p> <p><b>proposed</b> 5:15 13:5,9 20:2,4 31:11</p> <p><b>proposing</b> 7:21</p> <p><b>protected</b> 27:22</p> <p><b>protecting</b> 26:8</p> <p><b>Protection</b> 1:1 3:6 30:22</p> <p><b>protective</b> 55:23 59:1 60:17</p> <p><b>protocols</b> 14:8</p> <p><b>provide</b> 4:1 7:10 10:2 12:11</p> <p><b>provided</b> 6:15 49:7</p> <p><b>provider</b> 30:3</p> <p><b>providers</b> 13:22 29:24 30:8,14</p> <p><b>provides</b> 13:5</p> <p><b>providing</b> 6:13</p> <p><b>provision</b> 12:8</p> <p><b>provisions</b> 5:18 10:12</p> <p><b>public</b> 1:2 2:7 3:23 5:10,15,18 6:13 8:6,7,7 9:20 10:5,9 15:22 16:13,18 19:10 25:6 31:20 32:1 36:19 37:18 40:17 41:8,11 41:13,16,21 43:14 45:11 49:8 51:3,8,15 58:2 66:1,5 67:1,3 71:21 74:9</p> <p><b>publicity</b> 69:21</p>	<p><b>purpose</b> 3:8 5:14 8:9 18:13 37:16</p> <p><b>purposes</b> 16:9 17:10</p> <p><b>put</b> 26:13 38:18 57:20 60:2 71:10 72:8</p> <p><b>P.M</b> 1:10</p> <p><b>P.O</b> 9:18</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>quality</b> 29:24 31:9 32:10 33:7 34:15 53:16</p> <p><b>quantitative</b> 41:3</p> <p><b>quarterly</b> 54:12</p> <p><b>question</b> 21:6 22:6 27:4,7 40:9 50:1 57:1 57:11 58:5 59:11 60:21 62:7,22</p> <p><b>questions</b> 20:8 21:5 31:13 39:13 42:11,19 47:21,22 52:24</p> <p><b>quick</b> 36:10 39:12 61:23</p> <p><b>quickly</b> 7:1</p> <p><b>quite</b> 22:1 31:22 66:17 70:10</p> <p><b>quotes</b> 28:3</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>raid</b> 71:22</p> <p><b>raised</b> 8:1 9:6 15:4 20:13 73:4</p> <p><b>ran</b> 43:7</p> <p><b>range</b> 44:18,22</p> <p><b>rate</b> 49:1,1,3,6,11</p> <p><b>rationale</b> 59:22 59:24 68:9</p> <p><b>reach</b> 11:11</p> <p><b>reached</b> 46:4</p> <p><b>read</b> 68:7 69:1</p> <p><b>readable</b> 58:2 59:20</p>
--	---	--	--	---

<p><b>reading</b> 32:12 59:7 <b>readings</b> 41:5,18 41:20 <b>reads</b> 21:15 <b>ready</b> 6:1 62:18 <b>real</b> 33:3 51:10 <b>realize</b> 35:2 52:22 53:13,17 70:24 <b>really</b> 28:20 35:23 44:9 46:3 59:13 61:23 63:18 64:11,12 65:4 66:13 71:11 <b>reason</b> 21:12 35:12 <b>reasonable</b> 71:17 <b>reasons</b> 13:24 55:8 <b>received</b> 7:3 16:16 <b>reclamation</b> 43:7 <b>recognize</b> 36:8 <b>record</b> 7:17 8:21 9:8,11,13 14:3 17:6 18:8,12,13 19:4,19 20:12 22:15 39:2 55:18 61:3 73:1 73:3,17 74:14 <b>recordkeeping</b> 13:12 21:10 50:21,22 60:18 60:19 <b>records</b> 13:21,23 21:16 23:20 52:4 <b>red</b> 48:15 51:18 53:1 54:4 <b>reduced</b> 75:8 <b>redundant</b> 14:16 <b>Reed</b> 22:10,16,16 23:12 33:20,24 34:3,12 37:24 38:2 41:15</p>	<p><b>refer</b> 21:7 27:24 <b>reference</b> 48:15 <b>referred</b> 3:18 4:9 5:2 12:23 <b>referring</b> 28:24 <b>reflect</b> 13:15 15:12 <b>reflected</b> 18:4,17 <b>reflects</b> 4:16 <b>regard</b> 43:19 74:9 <b>regarding</b> 5:1,6 9:16 10:2 11:22 12:13 20:8 28:19 48:5,6,7 74:10 <b>regards</b> 6:7 43:14 <b>registration</b> 7:8 7:10,11 8:23 20:6 <b>regular</b> 37:8,22 <b>regulated</b> 12:16 <b>regulations</b> 18:9 22:20 23:14 37:11 67:16 68:20 <b>regulatory</b> 12:8 29:2 <b>reiterate</b> 34:16 <b>relate</b> 15:10 <b>related</b> 3:12 13:19 21:23 75:10 <b>Relations</b> 9:16 <b>relationship</b> 45:1 46:12 <b>relative</b> 75:12 <b>release</b> 71:2 <b>released</b> 28:22 <b>releases</b> 69:15 <b>relevant</b> 7:7,18 9:11 15:18 16:23 17:7 <b>rely</b> 70:15 <b>remain</b> 74:14 <b>REMARKS</b> 2:4</p>	<p>2:5 <b>remember</b> 43:1 67:3 <b>remind</b> 20:1 33:22 <b>removal</b> 21:16 <b>remove</b> 12:12 <b>removed</b> 14:15 21:12 <b>renders</b> 46:23 <b>renewal</b> 56:11 <b>renewed</b> 70:8 <b>reopen</b> 59:1,4 <b>reopening</b> 28:24 <b>repeat</b> 34:12 <b>repetition</b> 8:13 17:24 <b>report</b> 12:4,13 40:18 61:3 65:22 <b>reported</b> 67:23 70:22 71:3 75:6 <b>reporter</b> 8:9 18:11 19:2,11 19:19 75:1,4 <b>reporting</b> 12:5 12:15,20 14:4 37:3,11 39:21 40:3 51:19,24 54:6,10,13 55:1 <b>reports</b> 40:2 54:11,13 <b>represent</b> 19:7 <b>representative</b> 52:11 <b>representing</b> 19:7 47:18 66:18 <b>request</b> 6:2 26:24 <b>require</b> 8:2 12:5 37:15 <b>required</b> 6:14 13:1 21:15 27:1 37:1 54:2,10 58:16 60:18,19 61:2 <b>requirement</b></p>	<p>12:7,11 14:12 51:1 53:8 54:8 <b>requirements</b> 7:20 14:6,9 18:10 20:4 21:10 29:2 32:24 40:3 50:21,22 51:13 51:17 58:1 <b>requires</b> 41:1,2 51:24 <b>research</b> 22:8 <b>resident</b> 21:3 61:21 66:2 <b>residential</b> 64:22 <b>resolution</b> 4:12 6:24 <b>resolve</b> 4:14 28:22 32:14 <b>resolved</b> 22:21 <b>resolves</b> 4:19 <b>resources</b> 11:18 43:7 <b>respect</b> 45:13 54:22 <b>respectful</b> 15:20 <b>respond</b> 7:24 9:5 41:13 <b>responding</b> 3:11 16:8 <b>response</b> 20:11 47:22,24 73:2 <b>responsibilities</b> 6:7 43:7 <b>responsibility</b> 74:10 <b>responsible</b> 66:4 71:1 <b>responsive</b> 44:20 46:5,19 60:22 <b>responsiveness</b> 9:3,4 18:4 <b>restore</b> 46:21 <b>result</b> 11:6 <b>results</b> 13:9 <b>review</b> 4:7,8,15 4:22 5:11 37:15</p>	<p><b>reviewed</b> 28:4 <b>reviewing</b> 28:15 39:20 <b>revise</b> 13:14 <b>revised</b> 1:3 10:11 11:5,24 14:9 44:17 <b>revolving</b> 4:18 <b>right</b> 16:13 21:2 23:20,21 24:5 24:19 33:9 37:1 37:21 43:15,21 55:5 62:9,12 63:1,6 64:1,3 64:19 66:6,11 <b>rigorous</b> 41:1 <b>risks</b> 32:2 <b>river</b> 32:4 63:6,9 65:10 <b>Road</b> 3:21 <b>Robin</b> 2:17 55:13 61:15,17,19 <b>Romaine</b> 33:11 33:12,21 34:2 <b>room</b> 18:15 20:21 38:11 71:16 72:23 73:5 <b>round</b> 56:16 <b>rule</b> 5:6 69:5,17 <b>rules</b> 3:9 12:11 12:15 69:10 <b>running</b> 52:22 <b>runs</b> 3:9 <b>rushing</b> 42:24 <b>Rutherford</b> 2:5 6:9 10:1,6,7 22:5 28:18 39:17 40:1,19 57:7,9,15,17 <b>R-E-E-D</b> 22:17 <b>R-O-B-I-N</b> 61:19</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>S</b> 63:8 <b>safe</b> 27:2 <b>safeguards</b> 27:20</p>
---	---	--	---	--

<p><b>satisfied</b> 47:23 71:17 <b>save</b> 47:6 <b>saw</b> 67:18 <b>saying</b> 20:20,22 35:20 <b>says</b> 33:6,7 40:10 46:20 54:8 60:13 <b>scared</b> 65:3,4 <b>science</b> 62:8 <b>scientifically</b> 62:13 <b>scientist</b> 31:11 62:11 <b>scope</b> 7:22 17:8 <b>Scout</b> 65:6 <b>search</b> 24:17 25:7 <b>seasonal</b> 52:8 <b>second</b> 27:3 44:18 <b>Secondly</b> 46:9 70:20 <b>section</b> 10:8 21:8 28:2 33:6,13 34:1,13 <b>see</b> 7:9 26:12 32:16 33:11 41:23 60:6 66:2 66:9 68:10 69:11,15 73:24 <b>sees</b> 41:11 <b>send</b> 9:13 <b>sent</b> 9:15 <b>sentence</b> 21:14 <b>separate</b> 5:3 14:13 <b>September</b> 4:5 <b>series</b> 52:23 <b>serve</b> 58:16 <b>serves</b> 21:18 <b>service</b> 41:2 <b>set</b> 14:23 20:16 35:15 46:4 52:20 64:6,6 69:9</p>	<p><b>setting</b> 64:4 <b>settlement</b> 10:13 11:6,11,16 60:1 <b>share</b> 38:8 <b>shave</b> 71:13 <b>shield</b> 68:16,17 68:18 <b>short</b> 31:6 52:22 72:14 <b>Shorthand</b> 75:4 <b>shortly</b> 36:1 63:7 <b>show</b> 73:8 <b>showing</b> 56:4 <b>shut</b> 37:6,7 <b>shutdown</b> 37:12 48:5 49:20 51:5 51:10 <b>sick</b> 30:7 63:21 <b>Sierra</b> 25:18 30:20 47:18 61:11 <b>sign</b> 58:6,8 62:17 <b>signed</b> 65:21 <b>significance</b> 21:18 <b>significant</b> 3:17 9:5 11:16 13:2 57:5 58:23 <b>significantly</b> 60:8 <b>silence</b> 9:21 <b>silos</b> 53:6 <b>similar</b> 40:6 41:22 <b>simply</b> 19:9 23:13 50:1 <b>SIP</b> 51:22,24 <b>sirens</b> 71:22 <b>sister</b> 63:6 <b>sit</b> 61:9 <b>site</b> 67:3 <b>situation</b> 43:4 66:14 <b>situations</b> 14:18 29:18 <b>six</b> 43:3 49:22,23 50:7 52:4 <b>ski</b> 65:8</p>	<p><b>skied</b> 63:5 <b>skiing</b> 65:7 <b>skilled</b> 29:20,23 30:9 <b>skip</b> 8:15 <b>sky</b> 26:5 <b>sleep</b> 61:24 <b>slight</b> 34:20 <b>smiling</b> 59:9 <b>smoke</b> 26:6 <b>snow</b> 65:7,7 <b>solid</b> 48:13,14 <b>solidarity</b> 55:21 <b>son</b> 56:8 <b>sorry</b> 32:23 45:16 66:8 <b>sort</b> 42:2 50:1 <b>soup</b> 32:7 <b>source</b> 14:16 21:15 28:6 34:15 36:10 68:19 <b>sources</b> 14:14 58:15 <b>south</b> 31:2 <b>SO2</b> 5:2,6 33:17 33:18,23 34:18 34:19 36:13 71:5 72:2 <b>speak</b> 8:16 17:14 17:15,17 19:3 20:17,19 25:18 29:13 42:10 61:18 72:4 <b>speaker</b> 17:13 <b>speakers</b> 8:3 <b>speaking</b> 8:16 19:17 33:24 41:23 <b>specialists</b> 65:17 <b>specific</b> 3:12 11:22 12:12 14:17 <b>specifically</b> 20:3 24:2 28:1 <b>specifics</b> 69:14 <b>specify</b> 35:9</p>	<p><b>spell</b> 19:12,14,15 22:13 25:21 29:8 <b>spelled</b> 47:18 <b>spellings</b> 19:13 <b>spending</b> 71:7 <b>spoken</b> 17:17 72:24 73:6 <b>spring</b> 38:11,12 44:9 <b>Springfield</b> 9:18 <b>SSM</b> 69:7 <b>stack</b> 41:24 <b>stacks</b> 26:6 <b>staff</b> 3:13 5:4 6:6 9:24 16:8 29:21 <b>stand</b> 20:16,17 55:21 <b>standard</b> 14:10 48:19 <b>standards</b> 68:16 72:10 <b>standpoint</b> 43:11 <b>start</b> 19:15 34:9 37:5,7 <b>starting</b> 48:11 63:18 <b>starts</b> 21:9 <b>startup</b> 13:12,16 13:19,22 37:12 48:5 49:20 50:19 51:5,14 69:4 <b>startups</b> 14:2 49:22 50:10 51:2,7,10 <b>state</b> 19:5 22:14 36:21 39:8 45:19 54:20 55:7,21 73:17 <b>stated</b> 24:22 <b>statement</b> 10:1 11:23 14:23 18:20 21:7,9 22:12 23:20 27:24 31:12 33:5 34:14,19</p>	<p>40:9 59:7,8,13 59:16,21 60:3 68:5 72:16 <b>statements</b> 7:6 15:9,11,14 16:12,23 <b>States</b> 36:20 46:15 <b>station</b> 1:4 10:12 10:19 11:1,21 34:17 <b>status</b> 34:15 <b>statutory</b> 12:8 <b>stayed</b> 4:11 11:3 <b>step</b> 4:17 <b>steps</b> 47:2 <b>stops</b> 56:23 <b>story</b> 31:6 39:7 <b>strange</b> 41:12 <b>Street</b> 1:11 64:23 <b>stress</b> 8:12 17:24 <b>strict</b> 37:10 <b>stringent</b> 54:10 <b>strong</b> 55:23 60:20 <b>stronger</b> 21:21 <b>Studer</b> 1:12 2:4 3:1,4 9:15 15:2 22:13 23:22 24:24 25:3,14 25:21 27:13 29:4 30:15 34:4 34:8 38:19 39:1 42:13 43:22 47:9,14 55:12 61:13 66:15 72:21 74:5,12 <b>stuff</b> 67:11 <b>subject</b> 5:12 10:21 12:19 <b>subjective</b> 40:16 <b>submit</b> 7:14 8:23 13:8 17:20 <b>submitted</b> 6:17 6:19 8:21 9:7 16:17 50:4,17 <b>submitting</b> 17:2</p>
--	--	--	---	--

47:11 <b>Subpart</b> 5:21 <b>substantive</b> 67:23 <b>suffer</b> 66:10 <b>suffered</b> 42:22 <b>sufficient</b> 27:20 <b>sufficiently</b> 27:22 <b>suggest</b> 58:24 <b>sulfur</b> 5:1 39:8 48:18 72:13 <b>summarize</b> 11:19 <b>summary</b> 9:3,4 17:1 18:4 31:15 <b>summer</b> 64:14 69:8 <b>supervisor</b> 22:10 22:17 <b>supply</b> 59:22 <b>support</b> 12:11 18:6 <b>supposed</b> 23:24 59:17,21 <b>sure</b> 7:11 26:18 27:19,21 40:3,5 58:11 60:22 61:11 65:18 66:10 <b>surface</b> 23:11 <b>surfaces</b> 22:1 <b>surprised</b> 67:8 <b>surrogate</b> 21:18 22:3,22 23:15 <b>surrounding</b> 27:22 <b>switched</b> 48:12 <b>Syrup</b> 64:22 <b>system</b> 36:20 <b>systemic</b> 74:10	<b>taken</b> 28:16 67:15 75:7,11 <b>takes</b> 24:9,14 <b>talk</b> 40:20 44:11 61:10 66:13 <b>talked</b> 33:1 70:6 <b>talking</b> 24:3 34:9 36:13 59:10 64:10 68:15 <b>talks</b> 33:2 36:3 40:10 <b>target</b> 51:8,9 <b>Task</b> 36:11 <b>taught</b> 43:17 65:5 <b>taxpayers</b> 36:21 74:1 <b>Tazewell</b> 3:22 31:1 35:9 61:21 64:1 66:1 <b>teaching</b> 65:7 <b>technical</b> 3:12,13 42:19 <b>tell</b> 45:3 52:3,3 62:13 67:3 <b>temporary</b> 14:13 <b>ten</b> 29:19 50:14 56:19 57:20,23 67:15 68:1 <b>term</b> 37:21 <b>test</b> 13:8 <b>testimony</b> 75:5,6 <b>testing</b> 13:7 27:6 27:8 45:10 60:13,14,15 <b>thank</b> 10:8 27:12 27:13 28:17 30:14,21 32:9 34:23 38:19 39:10 42:5,12 42:13 43:22 44:6 47:6,8 55:10,15,19,19 57:22 61:12,13 61:17 62:6 66:12,15 72:20 72:21 74:5,13	74:17 <b>thanks</b> 15:2 56:4 74:4 <b>themes</b> 60:8 <b>thing</b> 32:13,22 37:1 42:2 66:3 67:21 68:8 <b>things</b> 14:24 26:22 31:16,18 40:3 41:12 43:17 50:9 56:22 60:12 61:6 64:16,17 69:3 70:17 71:1 72:12,17 <b>think</b> 20:21 26:12 27:9,10 31:21 33:13 34:13 38:7,13 38:22 58:15 59:12 60:3,8,10 61:9 62:19 64:10 65:1,21 69:23 70:1,3 <b>thinking</b> 59:15 <b>third</b> 44:19 62:21 72:5 <b>Thirdly</b> 71:20 <b>thought</b> 26:7 37:7,16 67:2 68:6 70:9 73:20 <b>thoughts</b> 26:2 <b>three</b> 18:24 45:16 45:17 51:21 52:2,6 65:12 <b>time</b> 6:18,23 7:7 9:21 11:17 12:9 13:20 16:7,18 16:21,24 17:12 17:14,16 18:24 25:17 29:5 31:4 31:17 39:18 44:7,10 47:6 50:15 52:23 54:9,14 55:4,11 62:24 69:13,18 69:18 71:8,14	71:15 74:16 <b>timely</b> 17:12 <b>times</b> 18:3 36:3 38:5 39:7 42:23 <b>timing</b> 19:15 <b>tiresome</b> 69:19 <b>title</b> 4:4 20:3 22:14 24:20 57:24 <b>tobogganing</b> 65:7 <b>today</b> 53:18 55:19 65:18 <b>today's</b> 71:7 <b>told</b> 42:22 71:23 <b>tonight</b> 3:8 6:22 9:20,24 10:11 15:4,9,20 16:10 16:12,20 20:15 25:20,24 30:22 31:7 36:17 37:24 38:10 49:22 55:21 61:18 62:24 63:24 66:5 70:7 <b>tonight's</b> 3:7 6:3 <b>tons</b> 35:21,21,22 36:12,13,14 71:4 <b>total</b> 52:18,19 <b>toxic</b> 64:14 66:19 <b>toxicity</b> 21:22 <b>toxics</b> 71:1 <b>track</b> 65:9 <b>Tracy</b> 2:18 47:12 61:16 66:16,16 72:22 <b>trained</b> 41:4 <b>transcript</b> 1:21 18:17,18 19:1 75:5 <b>transparent</b> 37:16 <b>treat</b> 15:19 <b>treated</b> 53:24 <b>triangular</b> 61:1 <b>tricky</b> 45:2	<b>tried</b> 31:12 54:18 <b>tries</b> 29:17 <b>trigger</b> 14:3 <b>troubling</b> 50:8 51:22 <b>truck</b> 32:18 <b>true</b> 72:4 <b>trueing</b> 28:20 <b>truly</b> 57:12 58:24 <b>trust</b> 74:9 <b>try</b> 41:6 59:15 <b>trying</b> 25:7 63:2 64:16 <b>tubing</b> 65:8 <b>turn</b> 14:24 19:3 62:2 <b>turning</b> 42:24 <b>turns</b> 69:21 <b>twice</b> 41:19 <b>two</b> 27:10 31:2 40:20 45:2 60:15 65:12 70:6 73:10,11 73:13,14 <b>typewriting</b> 75:8 <b>typical</b> 13:16
<hr/> <b>U</b> <hr/>				
			<b>underlying</b> 12:7 12:10,15 <b>undermine</b> 61:8 <b>understand</b> 22:5 27:3 32:1 35:14 37:13 54:22 58:22 59:3 60:23 62:10,14 63:3 70:11 72:6 72:9 <b>understandable</b> 58:2 <b>understanding</b> 31:23 33:16 37:5 51:23 <b>unenforceable</b> 46:24 <b>Unit</b> 22:17 33:12 <b>United</b> 36:20	



46:15 <b>unnecessary</b> 8:13 17:24 <b>unnoticed</b> 10:23 <b>unruly</b> 15:24 <b>update</b> 56:21,22 <b>updated</b> 56:20 <b>upper</b> 45:23 46:1 46:1,8 <b>upset</b> 65:24 66:8 <b>use</b> 25:2 34:10 40:15,21 <b>useful</b> 24:18 25:1 25:5 59:1 71:11 <b>USEPA</b> 10:24 11:2 14:11 22:21 24:13,15 40:21 54:18 69:6 <b>usually</b> 63:1 <b>utility</b> 22:19 <b>U-B</b> 44:3	55:17 <hr/> <b>W</b> <hr/> <b>waded</b> 67:10 <b>wait</b> 59:2,5 <b>waiver</b> 37:9 <b>walk</b> 40:15 <b>want</b> 8:12 17:24 20:14 30:21 34:21 42:10 66:9,10 73:24 <b>wanted</b> 31:3 44:6 44:11 47:5 66:21 <b>wants</b> 7:5 20:21 72:19 <b>warning</b> 65:20 <b>warnings</b> 65:19 <b>warrant</b> 16:2 <b>wasn't</b> 60:1,2 67:7,8 <b>waste</b> 43:10 66:19 73:21 <b>watchdog</b> 27:8 <b>water</b> 1:11 22:24 53:16 63:5,17 64:10 65:8 <b>waterskiing</b> 63:16 <b>Waukegan</b> 56:2 <b>wave</b> 46:15 <b>way</b> 36:2 37:17 57:22 63:5 70:21,22 <b>weakened</b> 60:9 61:7 <b>wear</b> 71:23 <b>web</b> 18:19 24:21 <b>website</b> 5:23 20:7 24:10,13,15,21 66:23 67:24 <b>weeks</b> 18:24 <b>Weiman</b> 2:11 29:5,8,10 <b>welcome</b> 3:7 <b>went</b> 28:19 49:22 60:6 63:12	66:23 67:9,20 68:4 <b>whatsoever</b> 68:21 <b>wide</b> 14:17 <b>willing</b> 8:1 <b>winds</b> 32:6 <b>wish</b> 36:16 41:17 62:4 66:4 <b>wishes</b> 16:22 17:19 <b>wonderful</b> 60:7 <b>word</b> 55:18 67:2 <b>work</b> 26:11 31:16 37:17 <b>worked</b> 31:3 43:5 <b>working</b> 10:24 56:23 69:7 <b>world</b> 72:5 <b>worry</b> 68:14,18 <b>worse</b> 64:15 <b>Worst</b> 39:7 <b>worthless</b> 56:23 <b>wrap</b> 41:7 47:5 <b>write</b> 59:13 <b>writing</b> 7:15 8:22 17:3,21 <b>written</b> 6:15 8:19 8:23 9:9,14 16:3,15 17:22 74:15 <b>wrong</b> 70:9 <b>www.ipcb.stat...</b> 5:24 <b>W-E-I-M-A-N</b> 29:10	36:7 43:5 50:14 54:16 56:14 57:21,23 60:16 67:15 68:1 71:14 <b>yellow</b> 41:12 <b>young</b> 43:2 63:5 <b>youth</b> 43:19 <hr/> <b>0</b> <hr/> <b>084-003070</b> 75:22 <hr/> <b>1</b> <hr/> <b>1</b> 54:5,8,14 55:3 <b>10</b> 2:5 <b>100</b> 60:16 <b>1021</b> 9:17 <b>107</b> 53:9 <b>11</b> 34:14 <b>119</b> 53:11 <b>12</b> 28:1 29:19 32:23 39:4 59:19 <b>13</b> 39:4,6 <b>130</b> 50:22 <b>13082</b> 3:21 <b>14</b> 21:8 32:24 39:9 59:19 <b>15</b> 68:7 71:6 <b>16</b> 4:10 68:7 <b>166</b> 5:21 <b>180</b> 13:6 <b>19,000</b> 36:13 <b>19276</b> 9:18 <b>1995</b> 56:8	11:1 12:16 28:4 28:13,20,21 67:15,16 70:9 72:10 <b>2006</b> 4:10 67:20 <b>2007</b> 67:20 <b>2008</b> 67:20 68:15 <b>2010</b> 56:19 <b>2011</b> 36:2,11 <b>2013</b> 58:14 <b>2015</b> 1:9 6:19,21 9:9 16:5,20 28:14 35:6 70:19 72:11 <b>21</b> 2:8 <b>22</b> 40:23 41:21 <b>25</b> 47:20 <b>25,000</b> 36:14 <b>26</b> 2:9 <b>27</b> 1:9 2:10 6:19 6:20 9:9 16:5 16:20 <b>27th</b> 74:15 <b>28</b> 49:23 50:10 69:14 <b>29</b> 2:11 4:5 28:9
<hr/> <b>V</b> <hr/> <b>V</b> 4:4 20:3 57:24 <b>vague</b> 46:23 <b>valley</b> 32:4 <b>value</b> 36:22 <b>Verena</b> 2:16 47:10 55:12,15 55:17 57:8,10 57:16,18 61:14 68:6 <b>verified</b> 50:2 <b>verify</b> 49:16 <b>version</b> 48:16 49:23,24 <b>violation</b> 45:3,12 46:6 <b>violations</b> 39:22 52:1 55:3 <b>virus</b> 62:11 <b>visible</b> 40:24 <b>visual</b> 14:10 <b>voltage</b> 46:13 <b>volunteer</b> 30:20 <b>V-E-R-E-N-A</b>	<hr/> <b>W</b> <hr/> <b>waded</b> 67:10 <b>wait</b> 59:2,5 <b>waiver</b> 37:9 <b>walk</b> 40:15 <b>want</b> 8:12 17:24 20:14 30:21 34:21 42:10 66:9,10 73:24 <b>wanted</b> 31:3 44:6 44:11 47:5 66:21 <b>wants</b> 7:5 20:21 72:19 <b>warning</b> 65:20 <b>warnings</b> 65:19 <b>warrant</b> 16:2 <b>wasn't</b> 60:1,2 67:7,8 <b>waste</b> 43:10 66:19 73:21 <b>watchdog</b> 27:8 <b>water</b> 1:11 22:24 53:16 63:5,17 64:10 65:8 <b>waterskiing</b> 63:16 <b>Waukegan</b> 56:2 <b>wave</b> 46:15 <b>way</b> 36:2 37:17 57:22 63:5 70:21,22 <b>weakened</b> 60:9 61:7 <b>wear</b> 71:23 <b>web</b> 18:19 24:21 <b>website</b> 5:23 20:7 24:10,13,15,21 66:23 67:24 <b>weeks</b> 18:24 <b>Weiman</b> 2:11 29:5,8,10 <b>welcome</b> 3:7 <b>went</b> 28:19 49:22 60:6 63:12	66:23 67:9,20 68:4 <b>whatsoever</b> 68:21 <b>wide</b> 14:17 <b>willing</b> 8:1 <b>winds</b> 32:6 <b>wish</b> 36:16 41:17 62:4 66:4 <b>wishes</b> 16:22 17:19 <b>wonderful</b> 60:7 <b>word</b> 55:18 67:2 <b>work</b> 26:11 31:16 37:17 <b>worked</b> 31:3 43:5 <b>working</b> 10:24 56:23 69:7 <b>world</b> 72:5 <b>worry</b> 68:14,18 <b>worse</b> 64:15 <b>Worst</b> 39:7 <b>worthless</b> 56:23 <b>wrap</b> 41:7 47:5 <b>write</b> 59:13 <b>writing</b> 7:15 8:22 17:3,21 <b>written</b> 6:15 8:19 8:23 9:9,14 16:3,15 17:22 74:15 <b>wrong</b> 70:9 <b>www.ipcb.stat...</b> 5:24 <b>W-E-I-M-A-N</b> 29:10	36:7 43:5 50:14 54:16 56:14 57:21,23 60:16 67:15 68:1 71:14 <b>yellow</b> 41:12 <b>young</b> 43:2 63:5 <b>youth</b> 43:19 <hr/> <b>0</b> <hr/> <b>084-003070</b> 75:22 <hr/> <b>1</b> <hr/> <b>1</b> 54:5,8,14 55:3 <b>10</b> 2:5 <b>100</b> 60:16 <b>1021</b> 9:17 <b>107</b> 53:9 <b>11</b> 34:14 <b>119</b> 53:11 <b>12</b> 28:1 29:19 32:23 39:4 59:19 <b>13</b> 39:4,6 <b>130</b> 50:22 <b>13082</b> 3:21 <b>14</b> 21:8 32:24 39:9 59:19 <b>15</b> 68:7 71:6 <b>16</b> 4:10 68:7 <b>166</b> 5:21 <b>180</b> 13:6 <b>19,000</b> 36:13 <b>19276</b> 9:18 <b>1995</b> 56:8	11:1 12:16 28:4 28:13,20,21 67:15,16 70:9 72:10 <b>2006</b> 4:10 67:20 <b>2007</b> 67:20 <b>2008</b> 67:20 68:15 <b>2010</b> 56:19 <b>2011</b> 36:2,11 <b>2013</b> 58:14 <b>2015</b> 1:9 6:19,21 9:9 16:5,20 28:14 35:6 70:19 72:11 <b>21</b> 2:8 <b>22</b> 40:23 41:21 <b>25</b> 47:20 <b>25,000</b> 36:14 <b>26</b> 2:9 <b>27</b> 1:9 2:10 6:19 6:20 9:9 16:5 16:20 <b>27th</b> 74:15 <b>28</b> 49:23 50:10 69:14 <b>29</b> 2:11 4:5 28:9
			<hr/> <b>2</b> <hr/> <b>2</b> 28:1 <b>2nd</b> 28:10 59:4 <b>2.2</b> 34:1,13 <b>2.5</b> 28:2 <b>200</b> 1:11 <b>2001</b> 28:9 <b>2003</b> 56:14 <b>2004</b> 28:10,15,19 <b>2005</b> 4:5,5 10:16	<hr/> <b>3</b> <hr/> <b>3</b> 2:4 21:8 <b>3rd</b> 4:5 59:4 <b>30</b> 2:12 35:6 46:2 46:4 51:21 <b>35</b> 5:20 59:2 <b>39</b> 48:16
			<hr/> <b>4</b> <hr/> <b>4</b> 48:17 <b>41</b> 2:13,14 <b>47</b> 2:15	<hr/> <b>5</b> <hr/> <b>5</b> 21:8 <b>5.6.1</b> 21:17 <b>50</b> 69:16 <b>51</b> 51:18 <b>55</b> 2:16
			<hr/> <b>6</b> <hr/> <b>6</b>	

<b>60</b> 54:4 <b>61</b> 2:17 <b>62794-9276</b> 9:19 <b>63</b> 54:4 <b>65</b> 59:14 <b>66</b> 2:18 <hr/> <b>7</b> <hr/> <b>7.1.1</b> 49:2 <b>7.27</b> 60:15 <b>7:00</b> 1:10 3:2 <b>71</b> 63:5 <b>73</b> 2:9 <b>74</b> 2:13 <b>75</b> 43:10 <hr/> <b>8</b> <hr/> <b>80</b> 53:2 <b>81</b> 31:14 53:3 <b>84</b> 53:5 <b>85</b> 59:14,19 <hr/> <b>9</b> <hr/> <b>9</b> 36:12 41:1,18 <b>90</b> 52:8,13,15,19 53:7 <b>93</b> 50:20 <b>94</b> 50:20 <b>99</b> 18:2				
---	--	--	--	--