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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN RE: REQUEST BY SUNRISE COAL FOR NEW NATIONAL  
POLLUTANT DISCHARGE ELIMINATION SYSTEM  
PERMIT

No. WLP-110

Sunrise Coal, LLC

Bulldog Mine

NPDES Permit No. IL0080071

PUBLIC COMMENT HEARING

HELD ON AUGUST 12, 2015

Salt Fork Junior High School

7087 North 600 East Road

Sidell, Illinois 61876

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A P P E A R A N C E S

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY  
BY: MR. DEAN STUDER  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62702  
217-558-8280  
HEARING OFFICER

ILLINOIS EPA BOARD:  
MS. DORA MASCHHOFF,  
MS. STEPHANIE N. DIERS  
MR. BRIAN T. KOCH  
MR. CARL KAMP

ALSO PRESENT:  
  
MIDWEST LITIGATION SERVICES  
Kathy Johnson, Court Reporter  
314-644-2191

1 (Hearing start time: 5:30 p.m.)

2 MR. STUDER: I thank you for coming  
3 out this evening, and I appreciate everyone's  
4 attendance here. My name is Dean Studer, and I'm  
5 the Hearing Officer for the Illinois  
6 Environmental Protection Agency.

7 On behalf of Director Lisa Bonnett,  
8 and Bureau of Water Chief Marcia Willhite, I  
9 welcome you to tonight's hearing. The Illinois  
10 EPA believes that the public hearings that we  
11 hold are a crucial part of the NPDES permit  
12 review process.

13 My purpose tonight is to ensure that  
14 this proceeding runs properly and according to  
15 applicable hearing rules. To that end, I will  
16 start by reading an opening statement into the  
17 record.

18 This is an informational hearing  
19 before the Illinois EPA in the matter of a new  
20 National Pollutant Discharge Elimination System,  
21 NPDES is the acronym we use, permit for surface  
22 activities from an underground coal mining  
23 facility by Sunrise Coal, L.L.C., with proposed  
24 discharges of treated wastewater into an unnamed

1 tributary to Olive Branch. An informational  
2 public hearing means exactly that. This is  
3 strictly an informational hearing. It is an  
4 opportunity for you to provide information to the  
5 Illinois EPA concerning the permit so that such  
6 information can be considered when taking final  
7 action on this permit application.

8 This is not a contested case hearing.  
9 I'm going to take a few minutes to explain how  
10 the permitting process works and what factors  
11 Illinois EPA considers when making permitting  
12 decisions, and some factors that the Illinois EPA  
13 cannot consider in that decision.

14 The decision on whether or not to  
15 issue a permit simply comes down to whether or  
16 not the applicant meets the requirements of the  
17 Illinois Environmental Protection Act for  
18 obtaining a permit. If the Applicant meets the  
19 requirements for obtaining a permit, under state  
20 law the Illinois EPA will issue the permit.

21 In the event that the applicant does  
22 not meet the requirements for obtaining a permit,  
23 Illinois EPA may either allow the applicant an  
24 opportunity to correct the deficiencies or may

1 deny the application for the permit. In the  
2 event that a denial is issued, the Illinois EPA  
3 is required by law to specify reasons why a  
4 permit has not, has been denied; including the  
5 regulations or requirements that have not been  
6 met.

7           The applicant is free to correct the  
8 deficiencies and reapply for a permit, and then  
9 the process would start over again. Final  
10 permitting decisions made by the Illinois EPA can  
11 be appealed to the Illinois Pollution Control  
12 Board. The applicant can appeal the denial of a  
13 permit or any condition contained in an issued  
14 permit.

15           The public can also appeal a permit  
16 issued by the Illinois EPA, provided that they  
17 meet certain requirements as established by the  
18 Illinois Pollution Control Board.

19           For appeals filed by either the  
20 applicant or by third parties, the general rule  
21 is that the issue that is the basis for the  
22 appeal must have been raised to the Illinois EPA  
23 during the comment period for the permit, and we  
24 are currently in the comment period for this

1 permit. And that comment period will continue  
2 until the end of the post-hearing comment period  
3 which is 30 days from now on September 11th. I  
4 will now go over the factors that Illinois EPA  
5 may consider when making a permitting decision.

6 First, the application is for a permit  
7 to discharge wastewater and certain storm waters  
8 from this site. Illinois EPA is not permitting  
9 this project overall, but rather is the agency  
10 responsible for permitting the discharge of these  
11 two types of waters.

12 Items that do not relate to the  
13 discharge of wastewater or storm water may not be  
14 germane to the Illinois EPA's permitting  
15 decision. Secondly, the issues raised should  
16 fall under the purview of the Illinois EPA.

17 Illinois EPA needs to have been given  
18 the specific authority to act on the issue under  
19 existing law. For example, Illinois EPA is not  
20 the permitting agency for the mining operations.

21 Mining operations are regulated by the  
22 Illinois Department of Natural Resources Office  
23 of Mines and Minerals. Illinois EPA staff have  
24 general knowledge of the proposed mining

1 operations at this site, but primary authority to  
2 directly regulate those activities belongs to the  
3 Office of Mines and Minerals, otherwise referred  
4 to as OMM, at the Illinois Department of Natural  
5 Resources. And, again, we use an acronym IDNR.

6 Issues raised during this hearing  
7 regarding mining operations must relate to the  
8 NPDES permit, and the Illinois EPA response to  
9 those issues will be limited to how the specific  
10 mining operation relates to the NPDES permit.

11 I will now go over some of the issues that  
12 Illinois EPA cannot consider when making a  
13 permitting decision. This is not an  
14 all-inclusive list, but is based on issues that  
15 have been raised in previous NPDES hearings.

16 Illinois EPA cannot consider, one;  
17 flooding, unless the flooding causes damage to  
18 the water pollution control structures sufficient  
19 to result in water pollution. Second; when coal,  
20 whether or not coal is an appropriate energy  
21 source.

22 Third; how many people desire that a  
23 permit be issued, or how many people desire that  
24 a permit not be issued. Four is property values.

1 Five is issues not falling under the purview of  
2 the Illinois EPA Bureau of Water. This generally  
3 includes issues related to air emissions and  
4 other issues that aren't water related. Six; air  
5 and land pollution issues unless the item  
6 specifically impacts water discharges.

7 And, finally, any other issue that is  
8 not reflected in State or Federal NPDES  
9 regulations. These are just some of the issues  
10 that Illinois EPA cannot consider when making  
11 this NPDES permitting decision.

12 Once this hearing is concluded and all  
13 the comments have been received, Illinois EPA  
14 will evaluate the comments and determine if the  
15 applicant has complied with the requirements for  
16 issuing a permit.

17 If the applicant has complied with  
18 these requirements, then we will determine what,  
19 if any, revisions are needed to the draft permit  
20 and proceed with finalizing the permit.

21 Issuance of a permit by Illinois EPA  
22 is simply a recognition that the applicant has  
23 met the requirements for obtaining the permit.  
24 The Illinois EPA is holding this hearing for the

1 purpose of accepting comments on the draft permit  
2 prior to taking final action on the application.  
3 This public hearing is being held under the  
4 provisions of the Illinois EPA's procedures for  
5 permit and closure plan hearings, which can be  
6 found in 35 Illinois Administrative Code, Part  
7 166, Subpart A, and under the Illinois Pollution  
8 Control Board regulations found in 35 Illinois  
9 Administrative Code 309.115 through 309.119.

10 Copies of these regulations are  
11 available at the Illinois Pollution Control Board  
12 website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Or, if you do  
13 not have easy access to the web, you may contact  
14 me and I can get a copy for you.

15 I'd like to explain how tonight's  
16 hearing is going to proceed. First, I will have  
17 the Illinois EPA panel introduce themselves and  
18 provide a sentence or two regarding their  
19 involvement in this permit process.

20 Following these introductions, I will  
21 provide further instructions as to how statements  
22 and comments will be taken during this hearing  
23 and as to appropriate conduct during this hearing  
24 tonight. I will then allow the public to provide

1 comments starting with Miss Suzanne Jaworowski.  
2 She's Director of Communications for Sunrise  
3 Coal. If you have not completed a registration  
4 card at this point, please see either Barb  
5 Lieberoff or Nicole Hallmark in the registration  
6 area, and either of these two can provide you  
7 with a card. You may indicate on the card that  
8 you would like to make comments tonight.

9 Everyone legibly completing a card  
10 tonight or providing written or email comments in  
11 this proceeding will be notified when the  
12 Illinois EPA reaches a final decision in this  
13 matter. A Responsiveness Summary will be made  
14 available at that time.

15 In the Responsiveness Summary the  
16 Illinois EPA will respond to all relevant and  
17 significant issues that were raised at this  
18 hearing or submitted to me prior to the close of  
19 the comment period. The hearing record in this  
20 matter will close on September 11th, 2015.

21 I will accept written comments as long  
22 as they are postmarked in sufficient time to  
23 physically arrive at Illinois EPA headquarters in  
24 Springfield or are emailed by September 11th,

1 2015. Illinois EPA is committing, or is  
2 committed to resolving outstanding issues and  
3 reaching a final decision in this matter in an  
4 expeditious manner.

5           However, the actual decision date will  
6 depend on the number of comments received, the  
7 substantive content of those comments, and other  
8 factors. During this hearing and during the  
9 comment period all relevant comments, documents  
10 and data will be placed into the hearing record  
11 as exhibits.

12           Please send all written documents or  
13 data to my attention at Dean Studer, Mail Code  
14 #5, Hearing Officer, Regarding Bulldog Mine  
15 NPDES, Illinois EPA, 1021 North Grand Avenue,  
16 East, Post Office Box 19276, Springfield,  
17 Illinois, 62794-9276.

18           And this address is also provided on  
19 the public notice for this hearing tonight, and I  
20 believe there are written documents that have  
21 that information on them at the registration  
22 table.

23           Also, please indicate the NPDES permit  
24 number or reference Bulldog Mine on your comments

1 to help ensure that they become part of this  
2 hearing record. The NPDES permit number for this  
3 facility is IL0080071. And that number is also  
4 on the hearing notice for this evening's hearing.  
5 Illinois EPA will also be accepting email  
6 comments in this NPDES proceeding.

7           Email comments are to be sent to  
8 epa.publichearingcom@illinois.gov. And that's  
9 epa.publichearingcom@illinois spelled out, dot  
10 gov.

11           They need to be received no later than  
12 September 11th, 2015, and must specify either  
13 Bulldog Mine NPD, Bulldog Mine NPDES or the NPDES  
14 permit number in the subject line. That number  
15 for the NPDES is, again, IL0080071. Emails are  
16 electronically sorted and distributed, so please  
17 make sure that the words in the subject line are  
18 spelled correctly.

19           Electronic comments filed during  
20 normal agency business hours should get an  
21 automated reply from the server. I will also  
22 attempt to send a reply to email comments within  
23 a few business days indicating the exhibit number  
24 assigned to the electronic submittal. If you do

1 not receive such a reply, you may contact me and  
2 I can provide that information to you. Because  
3 the server can easily be overloaded and, and  
4 easily overload individual mailboxes, I am asking  
5 that if you set up a system designed to submit  
6 comments of the same or nearly the same content  
7 from multiple users, that you contact me and I  
8 would be happy to provide guidance on how to do  
9 this in a manner that will not overload our  
10 system.

11 I also point out that sending the same  
12 information to Illinois EPA for multiple people  
13 or sources is not going to be effective in the  
14 weight given to that issue. Relevant comments  
15 will be reviewed and considered by the agency,  
16 and repeating the same information does not cause  
17 Illinois EPA to put anymore weight on the issue  
18 raised.

19 This is especially true in cases of  
20 unsupported opinions. The most effective  
21 comments are supported by technical documentation  
22 and specific facts. I now ask the Illinois EPA  
23 panel to introduce themselves.

24 MS. MASCHHOFF: My name is Dora

1 Maschhoff, and I'm an Environmental Protection  
2 Agency engineer with the Mine Pollution Control  
3 Program, and I was the permit writer for this  
4 permit.

5 MS. DIERS: Stephanie Diers, legal  
6 counsel for Illinois EPA.

7 MR. KOCH: Brian Koch, Water Quality  
8 Standards. I wrote the Anti-Degradation  
9 assessment for this project.

10 MR. KAMP: Carl KAMP. I work in  
11 Public Water Supplies, and I look at the ground  
12 water protection measures.

13 MR. STUDER: As Hearing Officer I  
14 intend to treat everyone here tonight with  
15 respect and in a professional manner. I ask the  
16 same respect be shown by the hearing panel and  
17 members of the audience.

18 You may disagree with or object to  
19 some of the statements and comments made, but  
20 this is a public hearing and everyone has a right  
21 to express their comments on this draft permit  
22 and the issues related to it.

23 Arguing or prolonged dialogue with  
24 others will not be permitted. I remind everyone

1 we have a court reporter here making a verbatim  
2 record of tonight's hearing. For her sake and in  
3 the interest of having an accurate transcript of  
4 this hearing I ask that noise levels in the room  
5 be kept to a minimum.

6 The transcript for this hearing will  
7 be posted on the Illinois EPA web page in the  
8 same area where the hearing notice, the draft  
9 permit, otherwise referred to as the public  
10 notice, and the site map have been posted.

11 During this hearing, applause, booing,  
12 hissing, and other disruptive noises will not be  
13 permitted. Please silence all cell phones and  
14 pagers if you have not already done so. If the  
15 conduct of persons attending this hearing should  
16 become unruly, I am authorized to adjourn this  
17 hearing should the action warrant.

18 In such a case, the Illinois EPA would  
19 continue to accept written comments through the  
20 September 11th, 2015 deadline. Written comments  
21 may be submitted to the Illinois EPA at any time  
22 within the public comment period, but must be  
23 physically received by the Illinois EPA  
24 headquarters in Springfield no later than

1 September 11th, 2015. Comments submitted by  
2 carrier or U.S. mail need to be sent in  
3 sufficient time to physically arrive in  
4 Springfield in our office by that date.

5           If you have lengthy oral comments to  
6 make at this hearing, please consider giving only  
7 a summary of those comments during this hearing  
8 and then submitting the comments in their  
9 entirety to me before the close of the comment  
10 period and I will ensure they are included in the  
11 hearing record as an exhibit.

12           This hearing is the only time that  
13 Illinois EPA will accept oral comments. Please  
14 keep your comments relative to the issues  
15 involved with this permit. If your comments fall  
16 outside the scope of this hearing I may ask you  
17 to proceed to your next relevant issue.

18           I will initially allow everyone four  
19 minutes to make comments. After everyone has had  
20 an opportunity to speak, if time still permits, I  
21 may allow those who initially did not desire to  
22 speak to do so. If time still permits, I may  
23 then return to those who ran out of time  
24 initially and yet have comments to make.

1                   Please avoid repetition. If anyone  
2 before you has already presented a statement or  
3 comment that is contained in your comments,  
4 please skip over those issues when you speak. If  
5 someone has already said what you intended to  
6 say, you may pass when I call your name to come  
7 forward.

8                   Once a point is made it makes no  
9 difference if that point is made 99 times, it  
10 will be considered on its merit and addressed  
11 only once in the Responsiveness Summary.

12                   The issues that are relevant in the  
13 Illinois EPA final decision are those directly  
14 related to the contents of the permit and the  
15 regulations governing the issuance of such  
16 permit. Simply stating opposition to or support  
17 for this permit will not impact the Illinois EPA  
18 decision in this matter.

19                   The decision in this matter will be  
20 made on whether or not a permit can lawfully be  
21 issued, and will not be based on the number of  
22 people that either oppose or support the issuance  
23 of a permit.

24                   As stated earlier, if the applicant

1 meets the requirements for obtaining a permit,  
2 Illinois EPA will issue the permit. Illinois  
3 EPA's decision making is simply limited to those  
4 items associated with environmental issues and  
5 other items as determined by State and Federal  
6 law.

7           These items also must fall under the  
8 purview of the Bureau of Water at Illinois EPA.  
9 In this case, relevant issues must relate to the  
10 water discharge permit in some way. Please keep  
11 this in mind when speaking this evening as well  
12 as when filing the written comments on this NPDES  
13 permit.

14           When it is your turn to speak I will  
15 call your name. Please come forward. I will  
16 then call a second name and that person should  
17 come forward and take the assigned seat in the  
18 front row. When I first call your name, if you  
19 do not desire to speak or if someone has already  
20 said what you were prepared to say, you may pass  
21 and I will announce another name.

22           When the person speaking has completed  
23 their comments the person seated in the assigned  
24 seat should come forward and I will announce the

1 name of the next person to be seated up front.  
2 In this way we will keep things moving this  
3 evening and we'll accommodate as many people as  
4 we possibly can.

5 When speaking, please speak clearly  
6 into the microphone. Remember, your backs are  
7 toward the audience and if you don't speak into  
8 the microphone it may be difficult for the rest  
9 of those here in the gymnasium to hear you.

10 State your name and, if applicable,  
11 any governmental body, organization, or  
12 association that you represent. If you are not  
13 representing a governmental body, an  
14 organization, or an association, you may simply  
15 indicate that you are a concerned citizen or a  
16 member of the public.

17 For the benefit of the court reporter  
18 I ask that you spell your last name. If there  
19 are alternate spellings for your first name, you  
20 may also spell that if you desire.

21 Comments are to be directed to members  
22 of the hearing panel. This will help to ensure  
23 that an accurate transcription of your comments  
24 is made. Prolonged dialogue with the hearing

1 panel or with others in attendance will not be  
2 allowed.

3 Finally, I again remind those making  
4 comments that Illinois EPA will make a decision  
5 in this matter based on whether or not the  
6 applicant has complied with the requirements of  
7 the Act for obtaining a permit.

8 Again, unsupported opinions are less  
9 effective than specific facts and technical  
10 documentation when making your case to the  
11 Illinois EPA in this proceeding. Are there any  
12 questions regarding the procedures that will be  
13 used for conducting this hearing?

14 (No response.)

15 MR. STUDER: Okay. Let --

16 AUDIENCE MEMBER: I'm sorry. But I  
17 have (inaudible) --

18 MR. STUDER: Okay. You'll have to  
19 come forward to the mic because I can't hear you  
20 from back there.

21 MR. BERGGREN: A simple question. I  
22 was in (inaudible) and does the EPA or --

23 MR. STUDER: Okay. You need to speak  
24 into the mic.

1 MR. BERGGREN: Does the EPA or --

2 MR. STUDER: You'll have to turn --

3 MR. BERGGREN: Sorry. All I wanted to  
4 know is would the EPA and DNR receive these  
5 comments already prepared? I'm happy enough to  
6 send them along a different way.

7 MR. STUDER: Yeah. The EPA and the  
8 DNR permits are two separate issues.

9 MR. BERGGREN: Right, I know.

10 MR. STUDER: Okay. And so your  
11 question was will they receive --

12 MR. BERGGREN: Tonight. These are  
13 ready.

14 MR. STUDER: Oh, yes. Oh, yes. We'll  
15 gladly accept anything you've got. I'm sorry.

16 MR. BERGGREN: It's just a simple  
17 question.

18 MR. STUDER: I apologize for that.  
19 Any other questions on procedures or the  
20 procedures that Illinois EPA uses?

21 (No response.)

22 MR. STUDER: Let the record, let the,  
23 or let the record indicate that no one raised  
24 their hand. The first person that is going to

1 speak this evening is Suzanne, and if I can  
2 pronounce it, Jaworowski.

3 MS. JAWOROWSKI: Jaworowski.

4 MR. STUDER: Oh, wow. I was off.

5 MS. JAWOROWSKI: That's okay. I have  
6 to spell it every day.

7 MR. STUDER: And if you would spell  
8 your first and last name for the record and state  
9 your position and title.

10 MS. JAWOROWSKI: Thank you, I will.  
11 I'm Suzanne, S-u-z-a-n-n-e. Last name  
12 J-a-w-o-r-o-w-s-k-i, pronounced Jaworowski.

13 MR. STUDER: Can everyone hear her?  
14 (Audience indicated yes.)

15 MR. STUDER: Okay. I want to make  
16 sure that everyone hears all the comments that  
17 are given at this hearing.

18 MS. JAWOROWSKI: Thank you so much.  
19 Thanks, everyone, for coming. Thank you to the  
20 Illinois EPA for hearing our comments and for  
21 holding this proceeding. I'm the Director of  
22 Communications for Sunrise Coal. I've held this  
23 position for five years, and I'm here to make a  
24 statement on behalf of the company.

1 Sunrise Coal has made application for  
2 the NPDES permit in good faith and with the goal  
3 of opening a well-run operation which will work  
4 in accord with the State and Federal regulations  
5 according to this permit. I want to make a  
6 statement that the company is a good company to  
7 work for.

8 It takes good care of its employees  
9 and it works hard to be a good neighbor in the  
10 community. We do operate four coal mines in  
11 Indiana. Right now we have three underground  
12 coal mines and a small surface mine, all in  
13 Indiana.

14 Our company is a very responsible  
15 operator. We take safety and environmental  
16 stewardship seriously. We are committed to  
17 owning the Bulldog Mine. We are committed to  
18 providing good jobs in the area, to caring for  
19 the environment, and for being a supportive  
20 neighbor in the community.

21 Our management believes that safe,  
22 responsible operations are the ones that are most  
23 successful. We live and work in the communities  
24 in which we mine. We work hard each day to

1 protect the environment in which we live. We've  
2 worked in and around Carlisle, Indiana for six  
3 years. We've worked in and around Oakton,  
4 Indiana as well. Also in Clay City, Indiana.

5 In those areas you'll find a track  
6 record for a good neighbor in Sunrise Coal. We  
7 have shown up and participated strongly and  
8 supported strongly the 4-H auction in each area.  
9 We have supported the first responders with  
10 equipment when they need it.

11 We've provided support for the  
12 schools. We've not just been a business in  
13 operation in the area, we've really tried to be a  
14 good neighbor in the area.

15 Here in Vermilion County five years  
16 ago when we first approached land owners and  
17 started to meet people in the area we came  
18 directly to the boards, Village Boards, the  
19 County Board, introduced ourselves, and then  
20 started to get to know people by being active in  
21 the community.

22 For five years we've partnered with  
23 Sidell Township on supporting their recycling  
24 program. We have worked with the Jamaica School

1 as a partner to support their fundraising  
2 programs, providing math programs. And we've  
3 worked in partnership with community  
4 organizations to help them, such as the Sidell  
5 Lion's Club in their annual barbecue for four  
6 years running.

7 This mine will be a positive economic  
8 impact to the area, bringing many good jobs, a  
9 significant tax contribution, and will provide a  
10 local boost to businesses all over the area. In  
11 addition to the operation, we will bring needed  
12 water infrastructure to the area. This water  
13 infrastructure can also serve as the basis for a  
14 fire hydrant system.

15 So I'd like to just conclude with  
16 saying that we are committed to building the coal  
17 mine. We have shown ourselves to be a  
18 responsible operator, a good neighbor, and we  
19 look forward to being a positive contribution to  
20 the Vermilion County area. Thank you for your  
21 time.

22 MR. STUDER: Thank you, Mrs.  
23 Jaworowski. The first person that will make  
24 comments this evening is Bob Hunzinger. And if

1 he would make his way to the microphone. And he  
2 will be followed by Keith Rohl. And if Mr. Rohl  
3 will take a seat down here so that he can  
4 immediately follow Mr. Hunzinger. I can't even  
5 talk this evening.

6 I also want to point out that the  
7 person sitting behind me will be keeping, keeping  
8 track of time. She will announce when there are  
9 30 seconds of the four minutes left, and you will  
10 have 30 seconds to complete your comments and  
11 that way it will keep, keep me on time and fair  
12 to everyone that is speaking this evening. Go  
13 ahead.

14 MR. HUNZINGER: Okay. Thank you.  
15 Good evening. Thank you, Mr. Studer, and the  
16 IEPA staff for this opportunity. My name is Bob  
17 Hunzinger, H-u-n-z-i-n-g-e-r, and I'm here  
18 tonight speaking in my capacity as the President  
19 and CEO of Eastern Illini Electric Cooperative in  
20 support of this, and of approval of this permit.

21 Our full board will consider approval  
22 of a letter of support for this permit at our  
23 next meeting. Eastern Illini Electric is a  
24 member-owned distribution cooperative that

1 provides electricity to our members in a 6000  
2 square mile area. We serve about 11,000 members.  
3 We're headquartered in Paxton, Illinois, and our  
4 territory is predominantly rural. Our service  
5 territory does include the site of the proposed  
6 Sunrise Mine.

7           This mine will improve the economy and  
8 provide much needed economic employment in this  
9 portion of our service territory benefitting our  
10 membership in full. So on behalf of our member  
11 owners and employees I am supportive of this  
12 project and ask the IEPA to approve and issue the  
13 final NPDES permit. Thank you very much.

14           MR. STUDER: Thank you. Keith Rohl,  
15 if you can come to the microphone. And he will  
16 be followed by Brenda Rohl. Did I say that  
17 right?

18           MR. ROHL: Hi. Thank you for allowing  
19 me to speak here tonight. My name is Keith Rohl,  
20 spelled R-o-h-l. I am a farmer in the proposed,  
21 around the proposed mine site. I've never lived  
22 around a coal mine in my life that closely, and I  
23 have some concerns and I just want to make sure  
24 that everything is done properly. So I have some

1 questions, and some of my questions regard the  
2 Outfall One, Two and Three where water leaves the  
3 property. It's on Sunrise's page number nine,  
4 and the EPA permit page number six. My neighbors  
5 and I depend on tile to drain our ground, and a  
6 lot of the tile was installed 50 plus years ago.  
7 Some of it may have been dug by hand by my  
8 forefathers.

9 The farmers in this area years ago got  
10 together and worked to pay for the installation  
11 of all this tile to drain their farm land. The  
12 first question deals with Outfall Number One.

13 According to the permit, Outfall  
14 Number One is fed by sediment pond number two.  
15 Sediment pond number two collects surface runoff  
16 from 95 acres and water from 502 acres of field  
17 tile. Does this mean that the field tile from  
18 the 502 acres is being diverted from the existing  
19 flow that it is currently at this time?

20 MR. STUDER: Do you want to answer  
21 that or do you want to, do you need to look at  
22 documents? Are you talking specifically about  
23 the drainage tile?

24 MR. ROHL: Yes.

1 MS. DIERS: Okay. We've started  
2 looking into that issue based on the comments  
3 we've received already in letters and stuff, and  
4 we have contacted the Mine and we are going to  
5 look at that issue further and do some more  
6 investigation --

7 MR. ROHL: Okay.

8 MS. DIERS: -- and talk to OMM and  
9 IDNR, and we'll respond in the Responsiveness  
10 Summary once we get more information, and that  
11 will be provided to the public.

12 MR. ROHL: Okay. Well, then my next  
13 question you may not be able to answer either. I  
14 was wondering is the, if the field tile is  
15 allowed to flow freely into sediment pond number  
16 two, will it be controlled or just flow freely  
17 and they, and Sunrise would have no control over  
18 it?

19 I mean, you know, are they going to be  
20 able to shut a valve down to shut the flow off to  
21 back up water into the fields or or is it just  
22 going to run continuously free flowing?

23 MS. MASCHHOFF: You mean the water  
24 that would be collected in the sediment pond?

1 MR. ROHL: In the, yes.

2 MS. MASCHHOFF: That water will be  
3 used in the coal process, processing, and may  
4 contain that water. Most of the ponds are  
5 designed for five to seven feet of freeboard, so  
6 they're likely to only discharge during a  
7 rainfall event.

8 MR. ROHL: I'm, I'm, I'm kind of  
9 talking about the inlet where the water comes in  
10 from the field drainage. Are they going to be  
11 able to shut that down if the pond gets too full  
12 or, or, I mean, you know, they could restrict the  
13 flow from the, from the drainage from the farm  
14 fields and stuff too if they was to shut it down  
15 if it wasn't free flowing. That's, I guess  
16 that's my question.

17 I guess the thing that I'm concerned  
18 about I guess is that this tile was put in for  
19 agriculture use that they're, they're going to be  
20 dumping into that drains into the Olive Branch,  
21 and it was put in years ago by our forefathers  
22 and it's an old system.

23 It's a 24-inch. I've had experience  
24 with 24-inchers on another farm that they blow up

1 and you've got a big pond out in your field and  
2 everything. I would like to recommend that  
3 Sunrise be required to put the size of the  
4 property, put in their own tile line from their  
5 facility to the ditch. So thank you very much  
6 for hearing me.

7 MR. STUDER: Thank you. You're  
8 certainly welcome. Brenda, if you could come  
9 forward to the microphone. And she'll be  
10 followed by, it looks like Dwain, is it --

11 MR. BERGGREN: Berggren.

12 MR. STUDER: Oh, I'm sorry.

13 MR. BERGGREN: Yeah.

14 MR. STUDER: Okay. And you'll be on  
15 board after she is, if you would have a seat in  
16 the front.

17 MS. ROHL: Okay. My name is Brenda  
18 Rohl, spelled R-o-h-l. It's a follow-up question  
19 to one of the questions that my husband had  
20 asked, is, on the inlet side of that, but if it's  
21 allowed, the water is allowed to freely flow into  
22 sediment pond two, then will there be a back  
23 siphon so that when there is a period of dry time  
24 the water can't flow back into the tile, and if

1 that water would be contaminated water you'd be  
2 flushing water back into the tile. So there's  
3 two questions, you know. Is it going to be  
4 controlled, if it's shut down when it's heavy  
5 rain water's going to back up on that 502 acres.  
6 And if it's not controlled for back siphon then  
7 contaminated water will flow back.

8 MS. MASCHHOFF: Any water that will be  
9 discharged off the mine site will have to meet  
10 the effluent limits on pages one and --

11 MR. STUDER: Can everyone hear Dora?

12 (Audience responded no.)

13 MR. STUDER: Speak up.

14 MS. MASCHHOFF: Any water that will be  
15 leaving the mine site will have to meet the  
16 effluent limits on the effluent page of the  
17 permit.

18 MS. ROHL: Yeah, I realize that. But  
19 if you don't have a way to know if it's leaving  
20 the facility or not you won't know if it's in, if  
21 there's not a back flow indicator or a way to  
22 ensure that the water isn't flowing back. But  
23 that's my husband's question.

24 So moving onto mine. He's going to

1 submit those, so. My questions deal with  
2 contamination of the local private wells. And I  
3 notice that when I read the report sent to the  
4 DNR and then your report, there is a disparity in  
5 the millimeter inch thick liner that could  
6 potentially be used on some of the ponds.

7 The one submitted to the DNR says 20  
8 mil. The one submitted to you says 60 mil. So  
9 which one is required if they use it?

10 MR. KAMP: As far as I know, 60 mil  
11 because that's what I'd suggest.

12 MS. ROHL: I just noticed in, that  
13 when I read the Department of Natural  
14 Resources --

15 MR. KAMP: Yeah, we want some accident  
16 protection.

17 MS. ROHL: Right. So we, that's my  
18 concern. The other question is, I asked this of  
19 the IDNR when we was at the last hearing, and  
20 they said it might be better asked from your  
21 group. Is, in the Sunrise permit application  
22 there was a question about will wells be  
23 affected, or if they're affected.

24 And the response was; although no

1 adverse effects are anticipated on nearby wells,  
2 if any proven, valid complaints are received  
3 alternative water will be supplied. My question  
4 is, what is the definition of if any proven,  
5 valid complaints? What's a proven, valid  
6 complaint by my standards might be different from  
7 yours, might be different from a lawyer's, might  
8 be different from theirs.

9 MR. STUDER: That's not a question  
10 that is under the purview of Illinois EPA.  
11 Private wells are actually regulated in the State  
12 of Illinois by the Illinois Department of Public  
13 Health.

14 MS. ROHL: So this question I would  
15 ask to the Public Health?

16 MR. STUDER: Yeah. The question that  
17 you're asking really doesn't fall under the  
18 purview of that either because what you're asking  
19 is a question that has to do with what is someone  
20 else's statement that someone else made, and I'm  
21 not going to speak and you're probably not going  
22 to get another State agency to speak for a third  
23 party as to what they had --

24 MS. ROHL: But if --

1 TIMEKEEPER: 30 seconds.

2 MS. ROHL: Okay. Then I'll move to my  
3 next question, then maybe come back. The slope;  
4 Sunrise cuts that into the, cuts the slope and  
5 it's going to go through the water table. From  
6 my reading, that they'll be pumping water out of  
7 the water table to avoid flooding of the mine.

8 Will that, if other wells are drilled  
9 into that water table there was a possibility  
10 that you're going to be draining the wells of the  
11 people that live in the area.

12 TIMEKEEPER: Time.

13 MR. STUDER: We'll go ahead and try to  
14 answer your question, but I want to make sure  
15 that we've got --

16 MR. KOCH: That I don't know an  
17 answer. Yeah, this would be something that we'll  
18 have to get back with you on. I don't have an  
19 answer right now.

20 (Some audience members responded they  
21 couldn't hear.)

22 MR. KOCH: Oh, I'm sorry. I don't  
23 have an answer right now. We'll get back to her  
24 on this in the Responsiveness Summary.

1 MR. STUDER: And while we're here, I  
2 want to explain that the issues that are raised  
3 tonight will also be reflected in the  
4 Responsiveness Summary. Obviously, we're  
5 starting to talk about some things that are  
6 technical, and we're very limited on what kind of  
7 information and resources we can bring with us.  
8 So our final responses after a hearing are always  
9 provided in writing in a Responsiveness Summary.

10 We also respond to issues that are  
11 raised after the hearing that come to us as  
12 written comments in that document as well.

13 And any response that is given tonight  
14 is to be deemed preliminary, and the final  
15 response will be in writing in our Responsiveness  
16 Summary. I should have made that clear at the  
17 start and I don't think I did, and I apologize.

18 MS. ROHL: Okay. Thank you.

19 MR. STUDER: Thank you. And she will  
20 followed by Rick, is it Larimore?

21 MR. BERGGREN: Thank you. My name is  
22 Dwain Berggren. B-e-r-g-g-r-e-n. And before I  
23 get into it I'd like to provide copies to the  
24 EPA.

1 MR. STUDER: And do you want this, do  
2 you want us to enter this into the hearing record  
3 as an exhibit? I will do that.

4 MR. BERGGREN: Yes.

5 MR. STUDER: For the record, this will  
6 be Exhibit Number 10.

7 MR. BERGGREN: I'm a retired  
8 geologist. I worked with the Illinois State  
9 Geological Survey for about 30 years. Among  
10 other specializations was I worked with coal  
11 resources and coal mine restoration, and I'm  
12 quite well acquainted with the long history of  
13 coal mining in Illinois.

14 The remarks I want to make, bring to  
15 your attention tonight, concern the monitoring  
16 well construction for the present six monitor  
17 wells that are installed and the additional 10  
18 that have been suggested or approved.

19 The problem that, there is a problem  
20 with those monitoring wells and it's a problem  
21 that stems from the fact that this application  
22 for a permit has never recognized, acknowledged  
23 in any way, that the limestone underlying the  
24 drift, all over the permit area nearly, is an

1 aquifer, and I have historic precedence that I  
2 happened to find a couple of months ago. In 1870  
3 the first Illinois geologist to look at the  
4 geology of Vermilion County reported that along a  
5 creek south of Fairmount he had seen a line of  
6 outcrops two to three miles long.

7 Two to three miles long and with  
8 frequent springs. He described that outcrop of  
9 Limestone as being 15 to 18 feet thick. He  
10 didn't see it all. And he reported it as a, from  
11 below this limestone flow very strong springs.

12 In fact, this locality has disappeared  
13 from history because before 1900's sometime it  
14 was quarried out. The easiest way to get to the  
15 limestone was to follow the creek upstream and so  
16 the next pass-through fill in the outcrop.

17 All of this is cited in here. In 1879  
18 the County's premier historian, H.W. Beckwith,  
19 spent some paragraphs describing --

20 TIMEKEEPER: 30 seconds.

21 MR. BERGGREN: What?

22 MR. STUDER: 30 seconds remaining.

23 MR. BERGGREN: It's all in here, and I  
24 have extra copies. At any rate, the limestone is

1 there. It is demonstrably, and from history, a  
2 spring. There are many clues in the application  
3 for Bulldog Mine that its limestone has  
4 permeability, is porous, that it has not been  
5 investigated and --

6 TIMEKEEPER: Time.

7 MR. BERGGREN: -- the present design  
8 of those monitoring wells is inadequate because  
9 it does not test the limestone. Thank you.

10 MR. STUDER: Thank you. And, again,  
11 for the record that was Exhibit 10 that was  
12 entered. And he will be followed by, it looks  
13 like Jonathan Ashbrook.

14 MR. LARIMORE: Rick Larimore.  
15 L-a-r-i-m-o-r-e. And my name is Rick Larimore.  
16 I'm a retired aquatic ecologist and botanist from  
17 the Illinois Natural History Center. My father  
18 was an aquatic ecologist also at the Natural  
19 History Survey and worked on many of the streams  
20 in the area.

21 My family has land on the Salt Fork  
22 River and Jordan Creek. First, I want to mainly  
23 address the biotic report, which I thought was  
24 very poorly done. I could not find legal or GPS

1 locations of the study sites from the aerial  
2 photo or any other reference points such as road  
3 names or numbers. North only.

4 MR. STUDER: Keep moving at a slower  
5 pace so the court reporter can keep up with you.

6 MR. LARIMORE: I'll give you this too.  
7 You're cutting everybody so short on time. On  
8 page 63 the author describes how mussels were  
9 collected, but on page 69 they said they did not  
10 collect because, quote, the stream conditions  
11 were not conducive to extensive mussel system  
12 sampling during a site visit during high flood  
13 conditions and high water.

14 So, anyway, that just indicates a  
15 little bit of sloppiness to me. On page 67 they  
16 have Olive Branch, Olive Branch as Olive Creek.  
17 On page 68 Olive Branch, but also Gallup Creek,  
18 which is in Perry and Jackson Counties. I assume  
19 they worked there recently.

20 In the early fifties my father studied  
21 Olive Branch, which he called Smith Branch, and  
22 published that work called Destruction and  
23 Reestablishment of Stream Fish and Invertebrates  
24 Affected by Drought, Volume 88 of the 1959

1 transactions, the American Fishery Society. In  
2 that study my father, R.W. Larimore, William  
3 Childers, Carl Hekcrotte, wrote, found 35 species  
4 of fish in Olive Branch. In their report the  
5 Sunrise Coal MRRI found four species. My father  
6 and his team made many trips along sampling in  
7 many locations.

8                   Sampling jars full of fish were taken  
9 back to the lab to be carefully identified. The  
10 Sunrise people threw everything they couldn't  
11 identify back in the stream. Even though this  
12 was a very important survey, MRRI acted like a  
13 casual quickie would be acceptable. It should  
14 not be.

15                   Recently, Josh Sherwood with the  
16 Natural Survey sampled Olive Branch at one  
17 location and found 20 fish species. Three of  
18 these, the Stonecat and grass fed gold and  
19 striped shiner had not been found in the 1950's  
20 study. So Olive Branch, at least for now, has 38  
21 known species of fish. Pretty good I would say  
22 for what MRRI called a channelized ditch.

23                   Perhaps female fishes which were  
24 unidentified by MRRI indicated the importance of

1 these small headwater streams as nursery areas  
2 for fish, safe places to feed and avoid predators  
3 such as larger fish. The whole stream is tied  
4 together and is tied to the Salt Fork River. It  
5 is not only the place where that discharge comes  
6 out from the mine site. The Sunrise crew found  
7 eight individual crayfish, all the same species.

8 In the 50's study Larimore, Childers  
9 and Hekcrotte wrote they found four species.  
10 There's no reason to think those four species are  
11 not still there --

12 TIMEKEEPER: 30 seconds.

13 MR. LARIMORE: -- and abundant, as my  
14 father said. Early in the biotic report MRRI  
15 described in detail how they sampled mussels.  
16 However, they said stream conditions were not  
17 conducive so they didn't do it.

18 MRRI had four species of mussels, 38  
19 of fishes. No mussels of a possible six or more,  
20 and only one crayfish species of the possible  
21 four or more. Many invertebrate groups were not  
22 addressed at all.

23 TIMEKEEPER: Time.

24 MR. LARIMORE: Snails, for example.

1 Please reject the application. I have copies.

2 MR. STUDER: I will go ahead and enter  
3 this into the record as an exhibit, and it will  
4 be Exhibit 11. Okay.

5 MR. LARIMORE: The Larimore Olive  
6 Branch Study. Thank you.

7 MR. STUDER: And I will scan this and  
8 send this to you by email. Okay. Jonathan, and  
9 he'll be followed by Chuck Nesbitt. And if Chuck  
10 would make his way down to the seat.

11 MR. ASHBROOK: Thank you for holding  
12 this hearing today. My name is Jonathan  
13 Ashbrook. It's A-s-h-b-r-o-o-k. My wife and I  
14 live with our four sons on a farm along the Olive  
15 Branch approximately four miles downstream from  
16 the proposed mine. This farm has been in my  
17 family for 130 years.

18 While this hearing is intended to  
19 focus on discharge into the Olive Branch, the  
20 permit application has several mentions of the  
21 supposed economic benefits of opening this mine  
22 and how these should support issuance of the  
23 NPDES permit.

24 I'm concerned that Sunrise Coal has

1 overstated these benefits that the Bulldog Mine  
2 would offer to Vermilion and Champaign Counties.  
3 First, in the assessment of Alternatives For  
4 Minimal Environmental Degradation Report prepared  
5 by Midwest Reclamation Resources, Inc., under the  
6 heading of the No Mining Alternative several  
7 statements of loss are made, including, and I  
8 quote, loss of mining jobs; quote, substantial  
9 loss of revenue to the local economy; quote,  
10 economic losses will occur; and quote, tax  
11 revenue loss would be significant.

12 To be clear, there currently is no  
13 active coal mine in Vermilion County. Not mining  
14 would not result in any economic losses because  
15 the County is currently not receiving many  
16 economic gains from coal mining at all. The  
17 small gains that the County may be receiving are,  
18 in fact, coming from miners who reside here and  
19 work elsewhere.

20 Next in the Economic Benefit Analysis  
21 section of the same report, the future Gen 2.0  
22 Project is mentioned as a means to enable, and I  
23 quote again, advanced coal burning power plants,  
24 end quote, with an implication that this helps

1 justify the Bulldog Mine. Federal funding for  
2 this project was suspended on February 4th, 2015.  
3 The report further mentions the high unemployment  
4 rate of Champaign County at an astounding  
5 20.5 percent. This is likely a typographical  
6 mistake, since at the height of the recession the  
7 Champaign County unemployment rate maxed out at  
8 9.5 percent.

9           However, in June of this year it was  
10 only 4.9 percent. Similarly, Vermilion County  
11 had an unemployment rate of 6.5 percent in June.  
12 The economic picture of Champaign and Vermilion  
13 County as painted in this report is  
14 unrealistically bleak.

15           Sunrise Coal is here tonight applying  
16 for an NPDES permit to open another mine and  
17 touting all of the great jobs that this would  
18 create in Vermillion County. Two weeks ago they  
19 laid off 175 of the approximately 300 employees  
20 at their Carlisle mine because of decreased  
21 production.

22           Just one year ago as part of their  
23 acquisition of Vectron Fuels they laid off 120  
24 employees. I wonder how Western Indiana counties

1 feel about the loss of 195 coal jobs from just  
2 one company in the last year. There's a  
3 reasonable probability that Vermilion County  
4 miners may have been included in these recent  
5 layoffs. This does not sound like the economic  
6 boon that is touted in the Economic Benefit  
7 Analysis attached to the permit.

8 Vermilion County does not need  
9 additional economic uncertainty. So I would like  
10 to say that the no mining alternative is, in  
11 fact, an economically reasonable alternative to  
12 the proposed NPDES outfalls and that the permit  
13 should not be issued. Thank you.

14 MR. STUDER: Thank you. Okay. Chuck  
15 Nesbitt. And he'll be followed by, and I'll mark  
16 your comments, was it Jonathan Ashbrook?

17 MR. ASHBROOK: That's fine. I just  
18 didn't --

19 MR. STUDER: Yeah, it will be  
20 Exhibit 12.

21 MR. ASHBROOK: Okay.

22 MR. STUDER: Go ahead. And he'll be  
23 followed by Suzanne Smith.

24 MR. NESBITT: Okay. Thank you very

1 much. My name is Chuck Nesbitt. The last name  
2 is spelled N-e-s-b-i-t-t.

3 MR. STUDER: Can everyone hear Mr.  
4 Nesbitt?

5 (Audience responded no.)

6 MR. NESBITT: Okay. I am a member of  
7 the Vermilion County Board and represent the area  
8 where Sunrise Coal Bulldog Mine will be located.  
9 I've been patiently waiting for the day when the  
10 mine opens to provide high paying jobs  
11 without --

12 (Audience indicated they couldn't  
13 hear.)

14 MR. NESBITT: Sorry.

15 AUDIENCE MEMBER: Can't hear. Closer,  
16 closer to the mic.

17 MR. NESBITT: Okay. I've been  
18 patiently waiting for the day when the mine opens  
19 and provides high paying jobs with outstanding  
20 benefits to local residents, the spinoff jobs  
21 that will be created by businesses who will  
22 provide goods and services to the mine.

23 The history of coal mining in  
24 Vermilion County goes back to the 1850's, and

1 there are several generations of families that  
2 have mined coal, including my own, in Vermilion  
3 County. I would like to address concerns of the  
4 local citizens that have been brought up in the  
5 two IDNR hearings that have been answered in the  
6 IEPA public fact sheet.

7 Concern number one was the clay liners  
8 at the mine site. Compacted clay liners with  
9 minimum thickness of four feet will be installed  
10 in all the coal processing areas, including the  
11 refuse impoundment. All seven of their treatment  
12 ponds would also have a liner.

13 Concern number two was the closed loop  
14 system at the mine. After the excess or  
15 prolonged rainfall the facility will operate as a  
16 closed loop system. The two treatment ponds,  
17 three sediment ponds, one holding pond, and the  
18 water above the slurry sediment and the  
19 impoundment pond would be used in coal  
20 processing.

21 Concern number three; water discharge  
22 from the mine would destroy habitat in the Olive  
23 Branch and the Salt Fork River. The Summary of  
24 Findings from the Olive Branch Survey by Midwest

1 Reclamation Resources shows poor habitat quality  
2 in the stream right now. During nine water  
3 sampling visits between 2011 and 2014, water was  
4 not present on four visits upstream from the  
5 proposed mine site and two visits downstream.

6           During biological surveys no  
7 threatened or endangered organisms were collected  
8 on the Olive Branch. Discharge from the three  
9 outfalls of the Bulldog Mine would flow into  
10 concrete holding catch basins. NPDES sampling  
11 for each outfall would be conducted in the catch  
12 basin.

13           Water quality standards must be met at  
14 each outfall before it could be sent to the Olive  
15 Branch. So in conclusion, Sunrise Coal is a  
16 company that has always done the right thing for  
17 their employers, local land owners and the  
18 citizens in the communities that they mine coal  
19 in.

20           We in Vermilion County already know  
21 that firsthand. Sunrise founder Ron Laswell  
22 operated the Riola Mine as Catlin Coal Company in  
23 Southern Vermillion County for several years.  
24 His reputation was second to none in those days,

1 and Brent Billsland, president of Sunrise Coal,  
2 benefitted from Mr. Laswell's leadership. I  
3 would ask the IEPA to issue the NPDES permit  
4 number Illinois 0080071 to Sunrise Coal. Thank  
5 you.

6 MR. STUDER: Thank you, Mr. Nesbitt.  
7 Suzanne Smith. As she's coming to the  
8 microphone, Thomas Smith will be next.

9 MS. SMITH: I have a few questions in  
10 my statement, but I will just go ahead and keep  
11 on reading with the time constraints, and I hope  
12 maybe I'll have time to answer them later.

13 MR. STUDER: And we'll respond to  
14 those in writing in the Responsiveness Summary.

15 MS. SMITH: Hopefully tonight.

16 MR. STUDER: Okay.

17 MS. SMITH: My name is Suzanne Smith,  
18 and I thank you all for coming tonight to hear  
19 our concerns and questions, and I know that you  
20 will be taking them into serious consideration  
21 before issuing this permit.

22 I find it interesting that we are  
23 discussing whether or not to issue a water  
24 quality permit to Sunrise Coal tonight while

1 recent news reports talks about President Obama's  
2 EPA ruling which requires significant cuts in  
3 power plant carbon emissions, rewriting of the  
4 stream protection rule, Illinois current  
5 discussions on passing the Clean Jobs Bill,  
6 decreased local demand for coal, and last week's  
7 press release about the layoff of 175 miners at  
8 Carlisle Mine.

9           And in reading the draft I noticed  
10 there are a number of comments that do appear in  
11 the report by Sunrise Coal's consultant, Midwest  
12 Reclamation Resources. And I'm concerned about  
13 these because some of their statements are highly  
14 subjective and unsubstantiated.

15           So I would like to know how much of  
16 the draft NPDES language is taken from this  
17 report. The draft issues states that the Salt  
18 Fork is not listed as a biologically  
19 insignificant stream. This is incorrect.

20           A summary of the biologically  
21 significant Illinois streams from the Illinois  
22 Natural History Survey in 1992 stated the  
23 biologic stream characterization rated the Salt  
24 Fork as a B basin stream, a highly aquatic value,



1 channelized beaches and tributaries. It is  
2 necessary to protect tributaries as nurseries for  
3 fish, insects and other critical life to come  
4 upstream, providing plants and animals for  
5 recovery from accidents and protecting the  
6 watershed as a whole.

7 I did notice on page two of the draft  
8 that the three outlets at underground  
9 agricultural field tiles are classified as  
10 unnamed tributaries to the Olive Branch, so I'm  
11 wondering is it a standard practice for IEPA to  
12 label underground tiles as tributaries?

13 The draft also states that all water  
14 quality standards for parameters associated with  
15 this facility are expected to be met in effluent  
16 within the Olive Branch, and I'm wondering does  
17 this mean that the Olive Branch is expected to  
18 dilute impaired discharge waters coming from the  
19 three outlets to make the waters compliant?

20 The draft also states the use of  
21 sediment basins and permitted NPDES outfalls for  
22 treatment of storm water runoff and could pump as  
23 the --

24 TIMEKEEPER: 30 seconds.

1 MS. SMITH: -- most practical method  
2 of minimizing pollutant damage. I'm wondering  
3 why are wetlands and other options not being more  
4 thoroughly considered? You also need to make  
5 note that the Champaign Sanitary Plant will be  
6 reducing the flow of the Salt Fork by three to  
7 six million gallons a day as they sell their  
8 effluent outside the watershed.

9 And, further, I would like to know how  
10 EPA will be involved in ensuring proper  
11 reclamation of this project as it pertains to  
12 slurry impoundments and underground waste?

13 TIMEKEEPER: Time.

14 MS. SMITH: Thank you very much.

15 MR. STUDER: Thank you. And you can  
16 either submit the comments to us as an exhibit  
17 now or you can do it any time during the comment  
18 period as well.

19 MS. SMITH: I'll leave you one now.  
20 And I would also like to add, I'm adding the  
21 study, the economic study, here from downstream  
22 strategies on the impact of coal on the Illinois  
23 State Budget published in 2013 to address some of  
24 the issues Jonathan Ashbrook mentioned. And

1 also, I just have a brief handout that outlines  
2 the social and financial impacts to our local  
3 non-coal resources. Thank you.

4 MR. STUDER: Thank you. And for the  
5 record, that is Exhibit 13. Thomas Smith is the  
6 person that is at the microphone now, and he'll  
7 be followed by Eileen, is it Borgia?

8 MS. BORGIA: Yes.

9 MR. SMITH: Okay. My name's Thomas  
10 Smith, S-m-i-t-h. And I have a couple of  
11 questions and comments. You can answer them if  
12 you wish. Will the EPA address the large  
13 quantities of water coming from Cayuga, Indiana,  
14 portions of which would then be released into a  
15 waterway in fields downstream, which would reduce  
16 the waterway's drainage capacity?

17 You'd be taking water from one  
18 watershed and introducing it to another. The  
19 permit application indicates that Sunrise Coal  
20 plans to use existing field tile as discharge for  
21 their effluent.

22 Sunrise Coal will be on the higher  
23 ground, meaning that its discharge would take  
24 precedence in utilizing the tile, reducing the

1 ability of the tile to drain the current fields.

2 The field tile --

3 MR. STUDER: Can everybody hear him?

4 (Audience indicated yes by nodding.)

5 MR. STUDER: Okay.

6 MR. SMITH: The field tile is porous,  
7 meaning that pollutants in the tile could exit  
8 the tile while it is still in the field before it  
9 gets to the outlet. Being on higher ground will  
10 create higher mid pressure on the tile leading to  
11 a greater chance of the effluent leaving the tile  
12 ahead of the tile outlet.

13 This would lead to reduced  
14 productivity of the ground with possible  
15 contamination of crops. Will you address this  
16 concern in your examination of the permit?  
17 Effluent leaving the mine site will contain  
18 pollutants, which will impair any and all water  
19 with which it comes in contact.

20 Olive Branch and the Salt Fork are  
21 both biologically significant. Any attempt to  
22 portray them otherwise is incorrect. Even if  
23 they were not biologically significant, does that  
24 mean they could be polluted as much as possible?

1 That seems to be what the permit application  
2 indicates when it states that the Salt Fork is  
3 not biologically significant. I submit to you  
4 that allowing effluent to leave the mine site is  
5 not protecting the environment.

6 Leaving large slurry impoundments on  
7 the land after the mine has left that can leak  
8 later is not protecting the environment.

9 MR. STUDER: Thank you. And for the  
10 record, that will be Exhibit 14. And the person  
11 in the seat would be Chip Dudley, and if you  
12 would go ahead.

13 MS. BORGIA: My name is Eileen Borgia.  
14 E-i-l-e-e-n, B-o-r-g-i-a. And I will be brief  
15 because many of my questions have already been  
16 submitted. On the economic benefits that, that  
17 Sunrise Coal put in their, their permit  
18 application, the questions --

19 MR. STUDER: Can everyone hear?  
20 (Audience indicated no, that she  
21 should be closer to the mic.)

22 MS. BORGIA: The question of the  
23 information that we have been told that there  
24 will be many miners from the Carlisle mine who

1 will be transferred here. And if that is the  
2 case, how does Sunrise Coal consider those new  
3 jobs? The other question that I had has to do  
4 with this issue of the two streams that have been  
5 discussed and have been thoroughly, you have been  
6 provided with documentation that refutes what has  
7 been written in the permit application that, and  
8 I did not know about all those research things  
9 when it occurred to me.

10           If the two waterways are in low  
11 quality conditions, why would the EPA approve the  
12 request for a permit to make the waterway worse  
13 with coal refuse? And the third comment is,  
14 there are two conflicting statements by the  
15 Sunrise Coal about where they're going to get  
16 their additional water.

17           And in one statement, quote, the  
18 applicant foresees the need for an additional  
19 water source should water availability be limited  
20 to severe drought conditions or other unforeseen  
21 circumstances. And then below, it says the  
22 applicant has entered into an agreement with the  
23 City of Georgetown to receive up to  
24 300,000 gallons per day from the City for the

1 first two years. So I ask the writers of the  
2 Sunrise Coal permit, which is it? Are you going  
3 to get water from Georgetown in the event of a  
4 drought, or, we know you already have the  
5 contract with Georgetown so that's, that's a  
6 little bit misleading.

7 Third, it's just a comment for the EPA  
8 in general. After this week's river  
9 contamination in Colorado and many others, it  
10 seems there's a problem in what is contained, how  
11 those, how this effluent is contained. And it  
12 seems like the EPA needs to take a good look at  
13 how they're containing or not containing these,  
14 these terrible poisonous messes that come as a  
15 result of coal mining. Thank you.

16 MR. STUDER: Thank you. And as Chip  
17 Dudley is coming to the microphone he'll be  
18 followed by Wayne Laswell.

19 MR. DUDLEY: Yes, my name's Chip  
20 Dudley, D-u-d-l-e-y, and I'm the fire chief of  
21 the Carlisle-Haddon Township Fire Department.  
22 And I just want to talk about how good a neighbor  
23 Sunrise Coal's been for us. They've donated  
24 numerous times to us and helped us with

1 equipment. If it wasn't for them, we now have  
2 the only real rescue team in Sullivan County to  
3 help with grain bin rescue.

4 MR. STUDER: Just a moment. If I  
5 can't see the people behind me you can't raise  
6 your signs up. I've got to be able to make eye  
7 contact with everyone in the room, and that's  
8 critically important in public gatherings for  
9 everyone's safety. Thank you. Go ahead.

10 MR. DUDLEY: Yes. For Sunrise Coal  
11 donated to us to help us with a grain bin rescue  
12 team. We're only two in the four county area in  
13 Sullivan County. Excuse me, Knox County, Davis  
14 County, and Greenwood County, Indiana. If it  
15 wasn't for them we would not have this equipment  
16 to support and help the farmers in the area and  
17 our neighbors.

18 So Sunrise Coal has been a great  
19 neighbor and have helped donate a lot of  
20 equipment to us and the ambulance service in  
21 Carlisle and the town of Carlisle. Thank you.

22 MR. STUDER: Thank you, Mr. Dudley.  
23 As Wayne Laswell is coming to the microphone,  
24 Marilyn K. Lee is the person to have a seat up

1 front. Go ahead, Mr. Laswell.

2 MR. LASWELL: My name's Wayne,  
3 W-a-y-n-e, Laswell, L-a-s-w-e-l-l. I presently  
4 work with Sunrise Coal. I have over 30 years'  
5 experience in underground mining. I have a farm  
6 background. In fact, my family has farms.

7 The Farm Progress show happened right  
8 across the street from where I grew up and it's  
9 in Vermilion County, so I understand a little bit  
10 about farming too.

11 I think some folks had mentioned  
12 tonight coal demand is down. That's a fact.  
13 There's been an overproduction of coal, demand is  
14 down. You do what you have to do to stay in  
15 business. It's no different than farming. A few  
16 years back coal, or corn, was selling for \$8.00 a  
17 bushel. It's not near that now.

18 I'd like to state about my past  
19 experience with mines coming to the community.  
20 And the people running the mines, as Mr. Nesbitt  
21 spoke, my father and his brother and the  
22 Bilslands ran a very good operation up there in  
23 Riola. Those same people started the Sunrise  
24 Mine. If there ever has been any problems they

1 were quick to address them, to fix them when they  
2 needed to.

3 MR. STUDER: Keep your, keep your pace  
4 a little bit slower so the court reporter can  
5 keep up.

6 MR. LASWELL: Okay. And the number  
7 one thing, I know peoples (sic) talked a lot  
8 about it. I've lived it, I've seen it. There's  
9 jobs that's created by these mines. High paying  
10 jobs, lots of spinoff businesses. I'll give you  
11 an example. We hired people from the NAPA store  
12 in Georgetown.

13 They said at the time that Riola  
14 Complex was operating they could make alone on  
15 what that mine was buying from them. So there is  
16 jobs other than the coal mine jobs that get  
17 created by these things.

18 The opportunities to employees is more  
19 than I can tell you, but some of the few are they  
20 can afford to buy homes and land. Some of them  
21 started their own businesses. They can afford to  
22 send their children to college. I've been very  
23 fortunate that I've done all those things.

24 Both my kids have been able to have a

1 chance to go to college. My son will be starting  
2 grad school next week. So I owe this all to the  
3 coal mine guys. I was a part of the coal group  
4 that started the Riola Complex. My father and  
5 his brother Steve and Bilslands and some others  
6 were the main figures.

7 My father always believed, as you've  
8 heard tonight, that if the mine has done well and  
9 was successful he'd share his success with the  
10 communities. One way that they did that in the  
11 past is participate in the 4-H auctions. To this  
12 day they still do that, and that was started  
13 years ago.

14 The Riola Complex, to give you some  
15 clue as to what they did up there, they started  
16 out with about 12 employees. When I left there  
17 it probably had close to 300, and that's not  
18 counting the spinoff jobs it created.

19 So those employees who are still  
20 working at Sunrise would like the opportunity to  
21 work closer to home. They want to live here, and  
22 many of them drive 80 to 100 miles one way to  
23 stay here. Some of them moved and would move  
24 back if jobs were available.

1                   In closing, I understand people are  
2    afraid of changes in the, what comes when the  
3    mine opens up for business. There's a lot of  
4    what ifs, guys.

5                   TIMEKEEPER: 30 seconds.

6                   MR. LASWELL: But if there's any  
7    changes, there's always what ifs. And when I  
8    come up to this area in 1995 when it was  
9    economically depressed, Zeigler shut out both of  
10   their mines and GM shut down their plant.

11                  I think if the mines in the Riola  
12   Complex would give this area the shot in the arm  
13   it needed back then, and I think it could happen  
14   again. Thank you.

15                  MR. STUDER: Thank you, Mr. Laswell.  
16   And as Ms. Lee's coming to the microphone she  
17   will be followed by Phil, is it Gonet? Gonet?

18                  MR. GONET: Gonet.

19                  MS. LEE: My name is Marilyn K. Lee.  
20   The first name is M-a-r-i-l-y-n, and Lee is just  
21   L-e-e. My husband's great grandfather arrived in  
22   Pesotum Township, Champaign County, in 1850. He  
23   was a farmer and his descendants have farmed land  
24   in Champaign County for at least 165 years. My

1 husband, Robert Kent Lee, acquired the Vermilion  
2 County farm land approximately 45 years ago. He  
3 has been a Drainage District Commissioner in  
4 Champaign County for approximately 45 years. He  
5 also was a Drainage District Commissioner in  
6 Vermilion County for a number of years.

7 Both the Vermilion County land is in  
8 the proposed coal mine area as well as some of  
9 our Champaign County farm land. My husband has  
10 been a farmer all his life. Our daughter and  
11 son-in-law now do the farming of our land.

12 I grew up on a farm in Minnesota where  
13 the streams and lakes are natural and not  
14 man-made. As a youth I enjoyed watching the  
15 creek begin to run each spring after the winter  
16 snow and cold. I enjoy all aspects of the rural  
17 farm life.

18 My main objection to the coal mine,  
19 and I have to add that I am an attorney in  
20 Illinois, is that I do not want any water or soil  
21 to be ruined by the operation of a coal mine or  
22 the after effects of a closed coal mine.

23 Once the soil is ruined and the water  
24 is ruined, it is ruined forever. The drainage

1 code is very clear on one of my objections. At  
2 70-ILCS 605/12-3, and it says in part; a land  
3 owner within any drainage district has the right  
4 to use the ditches and drains of the district as  
5 outlets for any drains, either open or covered,  
6 which he may desire to construct for the more  
7 complete drainage of his own land.

8 It does not say that the Drainage  
9 District Commissioners can give approval for  
10 drainage other than just the surface drainage.  
11 Also, and it doesn't say that they can include  
12 the sediment from their coal washing process in  
13 the drainage, in the drainage district.

14 The coal company has three sediment  
15 ponds proposed, none of which should be allowed  
16 pursuant to the Statute to flow into a drainage  
17 district with sediment from the coal washing.  
18 The drainage district commissioners don't have  
19 the power to permit it, this flow.

20 Neither does the County Board,  
21 according to the law, or a court of law, since it  
22 is contrary to the Drainage Code. You are the  
23 Environmental Protection Agency. The Drainage  
24 Code also has pertinent law on the protection of

1 environmental values. It states at  
2 70-ILCS 605/12-3 as follows; in performing any,  
3 and this is talking about the Drainage District  
4 Commissioners; in performing any of the duties,  
5 if in exercising any of the powers provided in  
6 this Code the Commissioner should use all  
7 practicable means and measures, --

8 TIMEKEEPER: 30 seconds.

9 MS. LEE: -- including consideration  
10 of alternative methods of providing the necessary  
11 drainage to protect such environmental values as  
12 trees and fish and wildlife habitat, and to avoid  
13 erosion and pollution of the land, water or air.  
14 Let's see.

15 It's a little hard when you've got one  
16 hand that doesn't work too well. There's also  
17 the issue of --

18 TIMEKEEPER: Time.

19 MS. LEE: I'll submit the rest of mine  
20 later.

21 MR. STUDER: Okay. Yes. And you can  
22 also, you would have the option of submitting  
23 those in writing as well.

24 MS. LEE: Okay. Thank you.

1 MR. STUDER: Yes. And as Phil's  
2 coming forward he'll be followed by Vince, it  
3 looks like Koers.

4 MR. GONET: Good evening. My name is  
5 Phil Gonet, and I'm President of the Illinois  
6 Coal Association. The ICA represents all of the  
7 coal companies mining coal in the state, and  
8 Sunrise Coal is a member.

9 My comments tonight are on behalf of  
10 the Illinois Coal Association and in support for  
11 Sunrise Coal's NPDES permit necessary to build  
12 and operate the Bulldog Mine. Although Sunrise  
13 Coal is based in Indiana and operates coal mines  
14 there, the company's roots are in Vermilion  
15 County.

16 As we've heard already, company  
17 founder Ron Laswell successfully operated the  
18 Catlin Coal Company for several years with an  
19 excellent record of environmental stewardship.  
20 The Laswell family were farmers first and they  
21 understand the importance of protecting the land.

22 The Laswell family partnered with the  
23 Bilsland family to form Sunrise Coal. In its  
24 Indiana operations, Sunrise has proven to be a

1 respectful partner with land owners, helping to  
2 preserve the land for productive use for future  
3 generations. Sunrise will be an environmentally  
4 responsible operator in Illinois as well. As the  
5 Agency knows, the Bulldog Mine plans to operate a  
6 closed water system.

7           This means the mine will recycle all  
8 water on the site to be used in its mining  
9 operations, and discharges into the adjacent  
10 streams are not planned. Discharges can only  
11 occur in extreme rainfall events.

12           As you also know, among the criteria  
13 that the Agency must use in reviewing NPDES  
14 permits is the social and economic benefits of  
15 the proposed activity. The economic benefits of  
16 the Bulldog mine are significant.

17           In addition to the low cost  
18 energy-producing benefits of the coal, the coal  
19 mine will benefit the community at large by  
20 providing good-paying jobs and assisting local  
21 and regional development.

22           While Vermilion County's unemployment  
23 rate has improved over the past six months, the  
24 June rate of 6.5 percent still exceeds the State

1 average by 10 percent. Jobs from the coal mine  
2 are important to this area. It is estimated that  
3 the Bulldog Mine will create about 800 direct  
4 jobs, and indirectly create 433 jobs over the  
5 duration of the construction project.

6           Once operating, it is estimated that  
7 the mine will employ 300 workers with another 300  
8 indirect jobs created providing annual employee  
9 compensation of over \$40 million. Construction  
10 of the mine is expected to generate over  
11 \$17 million in Federal, State and local taxes.

12           During its operation, the mine will  
13 annually generate nearly \$20 million in Federal,  
14 State and local taxes. These positive economic  
15 benefits cannot be ignored.

16           In conclusion, the Agency has  
17 tentatively determined that the proposed  
18 operations of the Bulldog Mine will result in the  
19 attainment of water quality standards. On behalf  
20 of the Illinois Coal Association, I urge the  
21 Agency to issue the NPDES --

22           TIMEKEEPER: Thirty seconds.

23           MR. GONET: -- permit for the Bulldog  
24 Mine as soon as possible after the comment period

1 closes on September 11th to provide a much-needed  
2 economic stimulus to this area. Thank you.

3 MR. STUDER: Thank you. And as Vince  
4 is coming to the mic, the next person to be  
5 seated in front, it looks like it's J, it looks  
6 like either Hagen or Hagan (phonetic).

7 MR. KOERS: I am Vincent Koers,  
8 K-o-e-r-s. My perspective comes from years in  
9 the industry, including the management of IP, the  
10 discharge points with the industries as an  
11 environmental engineer.

12 Whether or not we want to buy into the  
13 idea that we should be going contrary to the  
14 national policy of diminishing the use of coal by  
15 creating a new coal mine, if we're going to put  
16 this mine in it has to go in by the rules.

17 And those rules include the idea that  
18 we're isolating the flow going through these  
19 discharge points and that we understand the  
20 characterization of the water that's there before  
21 we start this and how it changes as we progress.

22 These points cannot be located in such  
23 a way that they get flooded with backwash. That  
24 is not a proper design. And it sounds from what

1 I've read and heard others say that we need to go  
2 do our homework and get it right before we build  
3 this place. Thank you.

4 MR. STUDER: Thank you, Mr. Koers. Go  
5 ahead. And Mary Ellen DeClue, she would be the  
6 next person.

7 MR. HAGEMAN: Dear IEPA members, my  
8 name is Jay Hageman, spelled H-a-g-e-m-a-n. My  
9 residence of 59 of my 63 years of life here on  
10 earth have been at 7558 North 300 East Road,  
11 Fairmount, Illinois, which is less than a mile  
12 from the 400-acre tract that Sunrise Coal has  
13 bought and plans to use as their Bulldog site.

14 I'm a graduate of Jamaica High School  
15 and the University of Illinois; a College of Ag  
16 degree with emphasis on Agronomy and Economics of  
17 agriculture. I'm speaking in favor of the  
18 Bulldog Mine discharge permit.

19 I see mostly benefits, and again  
20 mostly benefits, of having this company and this  
21 mine as part of our community. I do not see this  
22 mine harming the Ag production of this area or  
23 the waters of our community. I believe that  
24 there are only several residents that are closer

1 to the mine to the property that is being mined  
2 than my wife Tracy and mine. We are the closest  
3 owner-occupied farm to the mine site. Our water  
4 comes from a well. We have had drill sites on  
5 our property.

6 Some of our tile lines go into where  
7 the property is going to be, and definitely some  
8 of the closest property around. I do enjoy the  
9 Salt Fork, canoe it. My wife does kayak on it.

10 I am a drainage commissioner on  
11 several ditches, not these, and they are drainage  
12 ditches primarily that have been changed to  
13 agricultural production to make the land what it  
14 is today, because if it wasn't we could not get  
15 tractors to go through that swamp ground.  
16 They've definitely been changed and thank  
17 goodness that they have been.

18 But I do know the water flow  
19 continuing down a drainage district and drain  
20 does improve and keep up that drainage or streams  
21 better than without water during a dry season.  
22 My understanding is that this permit will  
23 establish the conditions that the treated  
24 industrial effluent and storm water will be

1 discharged and you will establish, or the permit  
2 is establishing monitoring and reporting  
3 requirements. You and the other Illinois EPA  
4 people, employees, will be responsible for  
5 implementing and monitoring of this permit of  
6 discharge.

7 I believe that Sunrise Coal will meet  
8 and probably exceed all requirements as to the  
9 business I've had with them. And that if there  
10 were to be future problems that you, the Illinois  
11 EPA, would be our community and my protector. I  
12 do believe that. The benefits to our communities  
13 in Southwest Vermilion County would be enormous.

14 Sunrise Coal has, over the past five  
15 years, aided our towns, schools, and our rural  
16 areas in matching funds, or the matching grant to  
17 provide recycling to the Village of Sidell, which  
18 was not there prior, is just one example.

19 But this company has made the village  
20 and our countryside cleaner as well as helping  
21 enormously the environment, which you are proud  
22 of and which we are as partners. Thank you for  
23 your time.

24 MR. STUDER: Thank you, Mr. Koers.

1 And for the record, I will enter that as  
2 Exhibit 15. And Mary Ellen DeClue is at the  
3 microphone. She will be followed by Russ Berry.

4 MS. DeCLUEE: My name is, excuse me.  
5 My name is Mary Ellen DeClue. It's two words.  
6 DeClue is D-e, capital C-l-u-e. Thank you for  
7 presenting this opportunity for citizens to voice  
8 our concerns and ask questions about the  
9 environment we live in. You have assisted me and  
10 others in the past and have helped us navigate  
11 serious issues.

12 I am grateful to your help over the  
13 past several years. I am requesting that you do  
14 not approve the proposed NPDES permit because  
15 surface water and ground water will be subjected  
16 to harmful contamination and their quality  
17 compromised.

18 The following comments are based on my  
19 experiences with two mines that are near my home.  
20 For six years Deer Run Mine has, has an NPDES  
21 permit similar to the one proposed. The permit  
22 has not protected surrounding water resources.

23 Water near the mine has a high  
24 conductance, which means that there is a greater

1 concentration of ions or charged particles like  
2 sulfide, chloride, iron and magnesium, selenium,  
3 etc., in the water. Harmful metals are not  
4 monitored in the discharge water from the mine.

5 To determine the amounts of metals  
6 like chromium, lead, mercury, arsenic, in the  
7 discharges, citizens would have to sample and pay  
8 for the analysis themselves. At one of the Deer  
9 Run hearings it was confirmed that metals in the  
10 receiving stream would be analyzed at the  
11 five-year renewal of the permit.

12 However, I could not access that data  
13 even with the Freedom of Information request; nor  
14 do I know if there ever was, ever were metal  
15 analyses performed on Central Park Creek. That's  
16 in Hillsboro, Illinois.

17 In the application for an NPDES permit  
18 the coal operator is asked to mark with an X  
19 which pollutants they believe are present and  
20 which they believe are absent in seven pages of  
21 chemicals. If an X is marked present, then an  
22 analysis is required.

23 At Deer Run Mine mercury was the only  
24 metal out of 13 choices that was indicated on

1 page B3 of EPA form 3510-2C (8-90), end of  
2 parentheses, sorry about that, As believed to be  
3 present in discharges. Six analyses of mercury  
4 were recorded as 4.7 milligrams per liter. On  
5 page V-6 and V-7 of the same EPA form --

6 TIMEKEEPER: Thirty seconds.

7 MS. DECLUE: Thank you. Deer Run Mine  
8 was to indicate which base neutral compounds are  
9 believed to be present in its discharges. Coal  
10 is known to contain toxic polycyclic aromatic  
11 hydrocarbons, or capital P, capital A, capital H,  
12 S, that were listed on the EPA form, but none of  
13 the 11 carcinogenic and mutagenic PAHS in  
14 coal --

15 TIMEKEEPER: Time.

16 MS. DECLUE: -- were indicated as  
17 being present. PAHS are transported in coal dust  
18 and coal slurry. Are you going to give options  
19 later to come back on the other one?

20 MR. STUDER: I can't guarantee I can  
21 do that.

22 MS. DECLUE: Okay.

23 MR. STUDER: But before you leave, if  
24 you want, if you have information in writing that

1 you want in the record --

2 MS. DECLUE: Okay.

3 MR. STUDER: -- that you weren't, you  
4 can submit it. I'll let you hang onto it in case  
5 you do have that option, but you can submit it to  
6 me before you leave today and I'll get it in the  
7 record as an exhibit if that would work.

8 MS. DECLUE: Perfect. Thank you.

9 MR. STUDER: Yes. Rusty Berry. As  
10 he's coming to the microphone he'll be followed  
11 by Tyler Rotche.

12 MR. BERRY: Rusty Berry. B-e-r-r-y.  
13 I'm currently a Sunrise employee. I'm one of the  
14 ones from Vermilion County that were laid off,  
15 but I'm still there. I've lived over in  
16 Georgetown all my life. Talk about the water  
17 stuff, I've worked with you guys before.  
18 Georgetown, I sat on the City Council.

19 That's the reason I went to Cuba for  
20 water, because we can't use the low main no more.  
21 So, I mean, I've worked with you guys before on  
22 that project. Yeah, I'm a pro-miner, but what I  
23 do in my spare time, I help a farmer, a local  
24 farmer there in my neighborhood. I own farm land

1 too, so I understand the farmers and the drainage  
2 and everything. I've finished steel tile, done  
3 all that. I'm worried about the discharge of the  
4 water where that 24-inch line, I've probably  
5 talked to Sunrise, they probably just got that  
6 24-inch line. It's 50 years old old.

7 Sunrise is a good neighbor, and I  
8 think Wayne said it earlier, family, 4-H and  
9 companies, stuff like that, that's how they treat  
10 you at Sunrise. You're not just a number.

11 And you guys talked about the layoffs.  
12 Yeah, that happened. The coal market's down,  
13 everybody knows that. A lot of families were  
14 affected, but that was a last resort for Sunrise.  
15 I mean, they tried every alternative. I mean,  
16 they stockpiled coal. They did everything they  
17 could.

18 And I do drive 90 miles one way to  
19 work. And like Wayne said, Riola from Main  
20 Grove, maybe you guys could tell me, how many  
21 problems do you guys have out of those mines for  
22 discharge water? You know, I mean, that proves  
23 the fact. There's two mines locally. You know,  
24 hey, it wasn't that long ago, like I said, the

1 City of Georgetown with the water coming over  
2 here, I had a little bit, part to do with that.  
3 That's good water. It runs right by my house. I  
4 tapped into it. I used it. I mean, it's good  
5 water. And Sunrise ain't going to discharge any  
6 bad water out. I mean, we, we do tests all the  
7 time. I mean, you guys know that.

8 A good friend of mine actually ran the  
9 surface of Vermilion and Riola. You know, he has  
10 to test that water all the time. A question I  
11 did have for you guys though, he was talking  
12 about that tile coming in. Are we testing that  
13 tile? Because before Sunrise actually discharged  
14 water to make sure it wasn't contaminated ahead  
15 of time.

16 You see what I'm saying? If you don't  
17 test it ahead of time, you know, how would you  
18 know if it's, I mean, we're testing our water,  
19 you know. Do they go by the same rules, I guess?

20 MR. KOCH: I'm unaware if they plan on  
21 testing the water that comes into the facility,  
22 but I do know that the internal basins, not the  
23 actual outfalls, but the internal treatment  
24 basins, for those to discharge into sediment

1 basins, which have actually discharged the water  
2 to the State, those would have to be monitored  
3 for parameters associated with mining and those  
4 would have to meet effluent limits before they  
5 discharge.

6 MR. BERRY: That's what I was saying.  
7 I mean, Sunrise cares about the water. I mean, a  
8 lot of people think they do. They care about the  
9 community, they really do. And he made a point  
10 about the jobs, direct jobs and indirect jobs.  
11 It's all good kinds of possibilities.

12 And, like I said, I mean, I'm, you  
13 know, I own farm land myself. I know where all  
14 these farmers are coming from. I mean, yeah, I'd  
15 want to know myself, you know, how things would  
16 come out; how's the tile water, how the tiles are  
17 going to flow and everything like that.

18 But like I said, Sunrise will work  
19 with them farmers that work there. Like I said,  
20 it's 50 years old. I'd talk to Sunrise. They,  
21 maybe we could update that. They'd probably help  
22 you. I'm not saying they would but I, it would  
23 be a possibility. Thank you.

24 MR. STUDER: Thank you. Tyler. And

1 he'll be followed by Katrina Phillips.

2 MR. ROTCHE: Good evening, and thank  
3 you for the opportunity to provide comments  
4 tonight. My name is Tyler Rotche. It's  
5 R-o-c-c-h-e. I'm a Water Policy Specialist with  
6 Prairie Rivers Network.

7 Prairie Rivers Network in the State  
8 affiliate of the National Wildlife Federation, a  
9 non-profit organization that strives to protect  
10 the rivers, streams and lakes of Illinois, and to  
11 promote the lasting health and beauty of  
12 watershed communities.

13 Prairie Rivers Network has members  
14 that live and recreate in the Olive Branch and  
15 Salt Fork watersheds that stand to be adversely  
16 affected should discharges under this permit  
17 impair or degrade the quality of waters in the  
18 area.

19 We have simple concerns about the  
20 issuance of the draft NPDES permit, some of which  
21 were contained in our hearing request letter.  
22 But I'd like to just start by asking a few  
23 questions. The first set pertained to the  
24 identification and characterization of existing

1 uses, and thus the protection of those uses to  
2 the standards of the Code. The applicant relied  
3 primarily on the characterization of the Olive  
4 Branch conducted by Midwest Reclamation  
5 Resources, which conducted freshwater mussel,  
6 macroinvertebrate and fish sampling limited to  
7 the dates of October 17th and 20th, 2014.

8           The study identified a total of three  
9 fish, and this alone I think is cause for concern  
10 given that previous studies have indicated, have  
11 found at least 29 regular resident species. I'm  
12 wondering was this report the sole source of  
13 information used for the identification and  
14 characterization of the affected water body?

15           MR. KOCH: Yes, that was the sole  
16 report used for the characterization of the water  
17 body. I should note, however, that these studies  
18 were conducted during the early fall, which due  
19 to that season there's not going to be much  
20 stream flow. I don't know when their earlier  
21 studies were conducted.

22           An earlier speaker mentioned a study  
23 from the 1950's that collected 30 some fish  
24 species. Had those studies been conducted in the

1 spring, you would obviously be more likely to  
2 collect additional species given that the flow  
3 would be up in that headwater stream and you'd  
4 have pioneering species in that water body.

5 MR. ROTCHE: So it looked from the  
6 Anti-Degradation Assessment that this was done  
7 because there wasn't any assessment present by  
8 IEPA? I'm wondering if IEPA had done a study  
9 itself would the methodology have been similar?

10 MR. KOCH: Yes, it would have been  
11 similar. Midwest Reclamation, they've done  
12 stream studies for other coal mines in Illinois.  
13 We have sent them our protocol that we use for  
14 doing these surveys.

15 Again, the reason why Illinois EPA did  
16 not survey those streams is because Olive Branch  
17 is a fairly small watershed. We only have so  
18 much manpower to cover the streams throughout the  
19 State. And in instances like this, we rely on  
20 the applicant to provide that information for us.

21 MR. ROTCHE: So would it have been  
22 typical for IEPA to leave fish unidentified or to  
23 avoid mussel sampling if it wasn't convenient?

24 MR. KOCH: I'd have to go back and

1 look at the report. But for one, Illinois EPA  
2 does not use mussel sampling in their intensive  
3 basin surveys. We mainly do macroinvertebrates.  
4 We actually do macroinvertebrates in all streams.  
5 Some streams we do fish and macroinvertebrates.

6 We do note if we collect mussels, but  
7 it's not something that was part of our program  
8 initially. And what was the other part of the  
9 question? I'm sorry.

10 MR. ROTCHE: Leaving fish  
11 unidentified.

12 MR. KOCH: I'd have to go back and  
13 look at that. Were those juvenile fish?

14 MR. ROTCHE: I'd have to check as  
15 well.

16 MR. KOCH: Okay.

17 MR. ROTCHE: So the Anti-Degradation  
18 Assessment also asserts that no threatened or  
19 endangered organisms were collected in any of the  
20 biological surveys --

21 TIMEKEEPER: Thirty seconds.

22 MR. ROTCHE: -- conducted in the Olive  
23 Branch. Nevertheless, it's clear that the Salt  
24 Fork River provides critical habitat for several

1 threatened and endangered species, including, but  
2 not limited to, Federally endangered Northern  
3 Riffleshell mussel and the Federally endangered  
4 Clubshell mussel.

5 I know that IDNR has requested that  
6 Sunrise describe measures to protect these  
7 species and submit additional information on that  
8 in support of that program. Now, and so I'm --

9 TIMEKEEPER: Time.

10 MR. ROTCHE: -- wondering if this sort  
11 of supplemental analysis would be something that  
12 IEPA would have used, or would be using if it was  
13 submitted in order to determine limits and  
14 characterization of the water body?

15 MR. KOCH: Yeah. I spoke with IDNR  
16 personnel after I saw the comments from Sierra  
17 Club. We spoke about the project. They sent me  
18 their Fish and Wildlife Consultation letter which  
19 Fish and Wildlife determined that there were no  
20 critical habitat or endangered species in that  
21 area.

22 Again, IDNR also reported that the  
23 area does not support threatened or endangered  
24 species at that location. I understand that

1 there are some downstream areas that do have some  
2 teeny species. But this mine is going to be  
3 required to meet water quality standards at the  
4 end of pipe, period. There will be no mixing for  
5 any parameters. There's no reason to believe  
6 there will be any impacts to streams.

7 MR. ROTCHE: Will I be able to come  
8 back?

9 MR. STUDER: You've gone the time, and  
10 over.

11 MR. ROTCHE: Will there be time after?

12 MR. STUDER: There may be. I can't  
13 guarantee.

14 MR. ROTCHE: Okay. Thank you.

15 MR. STUDER: Okay. Katrina Phillips.

16 MS. PHILLIPS: Hi. I'm Katrina  
17 Phillips. P-h-i-l-l-i-p-s. And I have some  
18 questions throughout my statement that I'll ask  
19 now and then look for a response in the  
20 Responsiveness Summary.

21 MR. STUDER: And before I forget, I  
22 forgot to say it. She'll be followed by Linda  
23 Baze. I am so sorry.

24 MS. PHILLIPS: That's okay. I am the

1 Clean Water Organizer for the Illinois Chapter of  
2 the Sierra Club. The Illinois Chapter of the  
3 Sierra Club is a statewide organization that  
4 represents over 24,000 individuals committed to  
5 protecting the Illinois environment; many of who  
6 live and recreate in the Olive Branch and Salt  
7 Fork watersheds and would be adversely affected  
8 by the discharge and the degraded water quality.

9 My neighbor members also rely on  
10 drinking water sources that are downstream from  
11 the proposed mine such as the intake for the  
12 Village of Oakwood or are taken from the ground  
13 water aquifers that would be for end mine mining  
14 operations.

15 In addition to providing drinking  
16 water for the communities, the receiving waters  
17 also support other uses, such as habitat for  
18 aquatic life and drinking for livestock. We are  
19 concerned that the proposed activities would have  
20 adverse impacts, including increased levels of  
21 salts and sulfates on these uses of the receiving  
22 waters.

23 We're also concerned that the proposed  
24 mine could contaminate ground water and destroy

1 seasonal springs in the proposed project area.  
2 The Wachtell Channel and the Millersville  
3 limestone, along with other regional and local  
4 aquifers, could be negatively impacted by mining  
5 operations. A thorough analysis of how these and  
6 other geological formations could be impacted by  
7 the proposed mine is needed before any permit is  
8 issued.

9 Has the Agency reviewed in a recent  
10 and updated review a potential regional and local  
11 aquifers as well as springs and other water  
12 resources within or adjacent to the permit area?  
13 And, if so, were additional springs or water  
14 resources identified by this analysis and  
15 addressed during the development of the permit to  
16 ensure that they are properly protected?

17 Private wells and ground water must be  
18 protected against any threat of contamination by  
19 the proposed mine. Requirements for lining of  
20 the ponds and drainage control structures  
21 receiving material from coal mining operations  
22 must be clear in this permit and must be  
23 protective of important water sources on the  
24 site.



1 operations. We're also highly concerned with the  
2 risks that are created by storing coal slurry and  
3 other material in ponds on-site. The storage and  
4 release of water containing heavy metals and  
5 chemicals used during the washing process could  
6 threaten the safety of drinking water supplies by  
7 seeping into ground water wells and breaching  
8 retaining walls at the storage ponds.

9 Has the applicant evaluated the  
10 effects that a 100-year storm event may have on  
11 the sediment basin from outfalls, as requested by  
12 the Agency in September of 2014?

13 TIMEKEEPER: Thirty seconds.

14 MS. PHILLIPS: Given that discharges  
15 from flooded sedimentation ponds would likely  
16 violate permit effluent limits, will all ponds  
17 and discharges be located outside of limits of  
18 the flood plain area? And if not, how will they  
19 otherwise be protected from the flood waters  
20 entering the basin?

21 Discharges from the mine would flow  
22 from Olive Branch into the Salt Fork River and  
23 eventually the Vermilion River. We're concerned  
24 that the proposed mine in its operations would

1 have an adverse effect on threatened and  
2 endangered species living in the Vermilion River,  
3 including Federally endangered --

4 TIMEKEEPER: Time.

5 MS. PHILLIPS: -- species. Because of  
6 these concerns and others we do not believe the  
7 IEPA should issue the permit as written. We'll  
8 provide additional details in our written  
9 comments. Thank you for having the hearing and  
10 listening to our comments.

11 MR. STUDER: Do you have a -- Linda  
12 Mayes is coming to the microphone. She will be  
13 followed by Bob Jennings.

14 MS. MAYES: My name is Linda. It's  
15 L-i-n-d-a, M-a-y-e-s. I am not a farmer, I'm not  
16 a scientist. I'm not a student. I'm not a  
17 miner. I'm just a normal person. I own a little  
18 tiny piece of ground along with my husband.

19 We raised three boys there. They  
20 played in the dirt all the time, and if they were  
21 growing up now and there was a coal mine in the  
22 neighborhood they probably would not be playing  
23 in the dirt. Not safely.

24 I would just like to comment from the



1                   The pile is the container for the four  
2 million cubic yards of dirty water containing  
3 chemicals from the coal washing process. That is  
4 400,000 cement mixers full of contaminated  
5 sludge. Assuming the waste pile and its liner  
6 will be perfectly designed, flawlessly  
7 constructed and maintained during the mine's  
8 operation, maybe 20 years.

9                   Once the mine is abandoned, the  
10 neglected structure will potentially allow the  
11 mud and chemical contaminants to slide across  
12 roads and farm fields and into our ground water.  
13 Our local wells take water from the glacial  
14 deposit aquifer and the Millersville limestone  
15 aquifer.

16                   Sunrise seems to think that even  
17 though their waste pile sits right on the drift  
18 in lime, its dirty water will never be a problem.  
19 I feel like they don't really care about the  
20 residential wells because they don't amount to  
21 much as a water resource.

22                   It may not be much, but it's our  
23 water, and we need to be sure our water's  
24 protected before we lose it forever. How can you

1 be sure that existing wells and springs will not  
2 be impacted by the operation? Someone mentioned  
3 there's going to be a closed loop system. It was  
4 my impression that a closed loop system has never  
5 been used.

6 Who's responsible for seeing that we  
7 get water in case our well goes dry or becomes  
8 contaminated? Within how many hours following a  
9 discharge event must a report be made to the DNR  
10 and the public?

11 And, let's see. Who's going to do the  
12 pre-mining water quality and quantity reporting  
13 and be responsible for paying for it? And does  
14 the Illinois Department of Health get a chance to  
15 have a hearing also to determine damage to  
16 private wells? I guess that's probably enough.  
17 Thank you.

18 MR. STUDER: Bob Jennings. And when  
19 Bob Jennings comes to the microphone he'll be  
20 followed by, it looks like Marrin, or Marron?

21 MR. JENNINGS: Bob Jennings.  
22 J-e-n-n-i-n-g-s. Good evening. I am Bob  
23 Jennings, Village President of the Village of  
24 Oakwood, Illinois. My concerns and questions

1 regarding the issuance of a permit from Bulldog  
2 Mine arise from the fact that the Village of  
3 Oakwood gets its water supply from the Salt Fork  
4 River. It is my understanding that any discharge  
5 of water from the mine will or may enter the  
6 Olive Branch, which is a tributary of the Salt  
7 Fork River. What assurances do we have that  
8 these discharges will not contain harmful  
9 materials?

10 In recent years we've had multiple  
11 occurrences of heavy rains that were described as  
12 hundred year rains. Given the possibility that  
13 these occurrences may be an effect of climate  
14 change should they continue, what are the chances  
15 that they may result in excess discharges from  
16 the mine which might carry even more harmful  
17 materials into the Olive Branch and possibly the  
18 Salt Fork River?

19 If additional harmful materials are  
20 discharged into our source of water, what will be  
21 the effect on the citizens of the Village of  
22 Oakwood? How might this affect the operation of  
23 our local water plant? What additional testing  
24 might be required? What additional costs might

1 arise in the production of potable water? These  
2 concerns are not only worrisome for our citizens,  
3 but could add to the cost of water, creating an  
4 economic harm for us. In reading the  
5 announcement of this hearing I was surprised to  
6 read that the IEPA, quote, has made a tentative  
7 determination to issue an NPDES permit to  
8 discharge into the waters of the State, unquote.

9 I would have assumed that the IEPA  
10 would be working in tandem with the Department of  
11 Natural Resources in approving activity for the  
12 mine. IPNR, IDNR has not issued a permit and, in  
13 fact, has requested modifications to 62  
14 requirements of the State of Illinois.

15 One of those modifications refer  
16 directly to the Village of Oakwood. IDNR has  
17 required that the applicant, quote; the applicant  
18 shall provide additional information on the  
19 presence or absence of natural springs within or  
20 adjacent to the proposed permit and/or shadow  
21 areas, and shall provide a discussion on the  
22 public water supply, Village of Oakwood, that  
23 appears to be sourced from this surface water  
24 body, the Salt Fork River, located in the

1 vicinity of the proposed mine. If IDNR has a  
2 question about the possibility of questionable  
3 discharge into State waters and has required  
4 additional study, why has IEPA made this  
5 tentative determination to issue a permit? I  
6 realize you are the specialists on water  
7 contamination, but they are specialists on mine  
8 discharges.

9 Thank you for your, thank you for your  
10 consideration. I ask only that you keep the  
11 citizens of Oakwood in your thoughts as you  
12 contemplate issuing the permit to discharge  
13 materials into State waters. We need your  
14 assurance that our drinking water will remain  
15 safe. Thank you.

16 (Applause.)

17 MR. STUDER: Thank you. And I remind  
18 you, applause is not appropriate in this hearing.  
19 Bob Jennings. And he'll be followed -- oh, that  
20 was Bob Jennings. I'm sorry. Mike. And he'll  
21 be followed by Keith, it looks like, is it Ohaver  
22 or Ohever?

23 MR. OHEVER: Ohever.

24 MR. STUDER: Okay.

1 MR. MARRON: Good evening. My name is  
2 Mike Marron. M-a-r-r-o-n. I am the Chairman of  
3 the Vermilion County Board. First of all, thank  
4 you for being here tonight and holding this  
5 hearing. And I would just like to say that the  
6 office of the County Board Chairman strongly  
7 supports responsible coal mine development in  
8 Vermilion County.

9 And we just simply ask that due to the  
10 importance of the economic nature and the  
11 potential for high paying jobs that this  
12 potential project would give to Vermilion County,  
13 that the IEPA just hold Sunrise Coal to a common  
14 standard, and if they meet the regulatory  
15 standard for an NPDES permit that they not be  
16 held to any other standard different from any  
17 other industry. And we look forward to your  
18 ruling. Thank you.

19 MR. STUDER: Thank you. Keith Ohaver.  
20 And he'll be followed by Nancy Goodall.

21 MR. OHAVER: My name is Keith Ohaver.  
22 It's O-h-a-v-e-r. And I'm a leasing manager for  
23 Sunrise Coal. I'm here on behalf of DeeDee  
24 Sheets, a citizen of Catlin, Illinois that was

1 unable to attend tonight, and she just wanted to  
2 pass along her letter of support for the NPDES  
3 permit for Sunrise Coal.

4 (Letter submitted to the Board.)

5 MR. STUDER: For the record, that will  
6 be entered as Exhibit 16 into this hearing  
7 record. And Nancy Goodall will be followed by  
8 Alex, if I can say this, Engelbrecht (phonetic).

9 MR. ENGELBRECHT: I'm going to pass.

10 MR. STUDER: You pass? Okay. All  
11 right, Nancy.

12 MS. GOODALL: Hi. Thank you for  
13 listening to our comments and coming out tonight.  
14 I'm Nancy Goodall, G-o-o-d-a-l-l. I live near  
15 Sidell at the southern part of the proposed mine  
16 area. The Illinois Environmental Protection  
17 Agency, the EPA, called this meeting. Your name  
18 says it all, you're to protect the environment,  
19 the people, and the life of the State.

20 I listened and heard your comments  
21 with how you wanted to limit the decision to the  
22 discharge permit. You've listened very politely  
23 to the comments of the citizens here. It seems  
24 to me if you're the IEPA, wherever this

1 limitation comes from, it doesn't, it's not clear  
2 to me why you would only limit your decision  
3 based on that small portion of whatever the law  
4 is. But it seems to me that it's important that  
5 all these people with the various information  
6 they've brought forth and comments are legitimate  
7 to be considered by the IEPA. So much of what I  
8 wanted to say has been said already.

9           The concerns about the washing of  
10 their coal and what would happen to the water,  
11 and the concerns for contamination both fairly  
12 soon and a long time after the mine may have  
13 gone, the containment ponds eventually may be  
14 eroded and there may be contamination of the  
15 nearby fields and anywhere the runoff would go.

16           So none of us wants an environment  
17 that's not healthy, and I ask that you deny the  
18 permit because of these concerns for  
19 contamination. Thank you.

20           MR. STUDER: Thank you. Okay. That  
21 is the list of those that have registered to  
22 speak tonight. As is typical at hearings, when  
23 time still allows, is there anyone in the room  
24 that has not spoken that would like to make a

1 statement? If you'd come forward to the  
2 microphone, and if you would state your name and  
3 any organization, government association, that  
4 you represent, and spell your last name for the  
5 record, please.

6 MR. MOONEYHAM: Hi. My name is Kyle  
7 Mooneyham. I work for Sunrise Coal.  
8 M-o-o-n-e-y-h-a-m. I'm a coal miner. I've been  
9 a coal miner for roughly ten years now. Sunrise  
10 Coal, I've worked for more than one coal company.  
11 I worked for Peabody and Claymont. Sunrise Coal,  
12 I would say they, we do a good job. We go above  
13 and beyond in every aspect.

14 We go above and beyond the in support.  
15 We go above and beyond in the mining process.  
16 It's always safety first. It's always doing the  
17 right thing, absolutely all the time. We're no  
18 different than a sewage plant. We're no  
19 different than a power plant. We're going to  
20 follow the rules.

21 As far as wildlife and stuff like  
22 that, your surface mines, Kickapoo Universal.  
23 Universal in Universal, Indiana. We graze  
24 cattle, we farm it. We bale hay on it, we feed

1 it. You can fish it, you can hunt it. It's a  
2 coal mine. It's perfectly safe. Thanks, you  
3 guys, for coming.

4 MR. STUDER: Thank you. There was  
5 someone else I believe that had a comment.

6 MR. THORNTON: Hello. Dave Thornton  
7 of rural Vance Township just north of Fairmount  
8 here.

9 MR. STUDER: Okay. If you could spell  
10 your last name for the record. Can everyone in  
11 the back hear you?

12 (Audience responded no.)

13 MR. STUDER: No? Okay. Begin.

14 MR. THORNTON: Dave Thornton.  
15 T-h-o-r-n-t-o-n. I live in Fairmount, Vance  
16 Township. I'm not going to concentrate on the  
17 legal stuff. I think that was brought up earlier  
18 in previous hearings with the IDNR. I want to  
19 make it personal, because this is very personal  
20 to me.

21 My great grandfather and grandmother  
22 emigrated here from Kentucky back in the late  
23 1800's to settle in Fairmount. My grandmother  
24 was raised in Fairmount. I have pictures of her

1 from the 1920's swimming and fishing in the Salt  
2 Fork River at the mouth of Jordan. Who here  
3 knows where the mouth of Jordan is? Okay. Very  
4 local, very beautiful.

5 MR. STUDER: You need to direct your  
6 comments to us, not to the people behind you.

7 MR. THORNTON: Okay. My apologies,  
8 sir. Just trying to garner some support here.  
9 I'd like to say IEPA. Could you all repeat that  
10 for me? Illinois Environmental Protection  
11 Agency. I think you all have lost your  
12 direction.

13 This is a state where five percent of  
14 the land is publicly owned and 95 percent is  
15 private. You all are charged with protecting the  
16 last five percent we've got left. The Salt Fork,  
17 I understand, is not a public waterway per se.  
18 I'd say it is a de facto public waterway. There  
19 was a, this was, I'm not against the mine, I'm  
20 just for my river. How many of you all live here  
21 within 50 miles? Anybody?

22 MR. STUDER: Again, yeah. You have to  
23 keep your comments relevant to what's at hand.  
24 You're not going to question people here. This

1 is a hearing. If you have comments, I'll gladly  
2 take them. Okay?

3 MR. THORNTON: The Bulldog Mine says  
4 they're going to bring jobs here, but an article  
5 in the paper says they're going to lay off 175  
6 people. They say it's a closed loop system in  
7 their literature, but why are they asking for an  
8 NPDES if it is indeed a closed system?

9 This is a river under assault. The  
10 Abbott Power Plant and the University of Illinois  
11 had an ammonia spill that killed 90,000 fish 10  
12 years ago. We also have the Urbana-Champaign  
13 Sanitary District selling a million gallons of  
14 water a day to a processing facility in Tuscola.

15 If we have a low water situation in  
16 Champaign and a flood here in Vermilion County,  
17 what's the consequences for the fish here in the  
18 river? If we have a low flow coming out of  
19 Champaign-Urbana with the watershed, they're  
20 sucking water out of it. We get a flood here, we  
21 get a contamination, what's the contingency plan  
22 for that?

23 I have a poster on my wall that IDNR  
24 put out of endangered mussels and how we brought

1 those mussels back to the State. What's our  
2 concern about that, and how are they going to be  
3 affected if there's any kind of spill? I live  
4 just north of town here in old coal mining  
5 country. My great grandfather had the steam  
6 shovel over here at the rock quarry.

7 But no one around my house has a good  
8 well. All the old coal mine shafts have sucked  
9 the water away. How deep is it if you drill for  
10 water three and four times and can't get it? How  
11 are those concerns going to be addressed --

12 TIMEKEEPER: 30 seconds.

13 MR. STUDER: -- by the IEPA?

14 MR. THORNTON: I guess that's all I've  
15 got, but I just want you all to consider your  
16 title and what you've been given and what you're  
17 charged with, and truly take that into  
18 consideration because I don't think any of you  
19 all have the vested interest of what we're doing  
20 here.

21 MR. STUDER: Thank you for your  
22 comments. Is there anyone here that has not made  
23 comments that would like to do so on the record?  
24 Okay. First, second.

1 MR. BRYAN: My name is Bruce Bryan,  
2 B-r-y-a-n. I am one of the ditch commissioners  
3 on the Vance Sidell Drainage District that we're  
4 going to discharge into. We just had a very wet  
5 spring and it was all our little ditch could do  
6 to handle the runoff.

7 Now, As I understand it they're going  
8 to be bringing in more water to wash coal outside  
9 of our watershed. You know, I've got a bid at  
10 home for \$90,000 to dredge this ditch, and I'm  
11 only getting \$4200.00 from the County a year.

12 So I guess my question is, do you know  
13 how much water they're going to be discharging?  
14 And if we have a wet spring again, what are we  
15 supposed to do with it?

16 MR. KOCH: I don't know if we can  
17 respond to what their discharge would consist of  
18 during a wet spring like we had this year. We  
19 can, we can talk about the day-to-day operations  
20 that are expected.

21 Again, it's expected to be a closed, a  
22 closed facility. There should be no discharges  
23 during the summer. That's why they're requesting  
24 water from nearby municipalities. There is

1 potential for discharge. That's why they have  
2 the NPDES permit outfalls. Again, those are  
3 going to meet the standards. They have to meet  
4 standards. In regards to flooding, if there is  
5 any flooding like there was this spring they  
6 would be required to meet permit limits upon  
7 discharge.

8 If they don't meet permit limits  
9 they're held liable for that. That's all I can  
10 say with regards to these flooding conditions.

11 MR. BRYAN: Can I ask a second  
12 question? My family also has several head of  
13 cattle that drink out of the Olive Branch. Is  
14 somebody from the Illinois EPA going to be there  
15 every day to make sure they're doing what they're  
16 supposed to be doing?

17 MR. KOCH: They will have discharge  
18 limitations. And generally the discharge  
19 limitations, they're developed to protect aquatic  
20 life because aquatic life are generally more  
21 sensitive than species such as livestock or  
22 wildlife.

23 But for sulfate, that's one of our  
24 parameters that we do have a livestock watering

1 standard for, that standard is 2000 milligrams  
2 per liter. This facility will be limited at a  
3 lower concentration than that. I believe they're  
4 limited to around 1500 milligrams per liter, and  
5 that's a not to be exceeded value. So discharge  
6 from the mine would have no impact on livestock  
7 water sources.

8 AUDIENCE MEMBER: Who monitors it?  
9 That was his question. Who's going to monitor  
10 that?

11 MR. STUDER: Okay. When it's your  
12 turn to speak you can come to the microphone, but  
13 I'm not going to tolerate outbursts from the  
14 audience. The court reporter cannot take down  
15 information when it's done in that manner.

16 MR. BRYAN: So will there be somebody  
17 there from your organization to monitor that or  
18 do they do that themselves?

19 MS. MASCHHOFF: The mine has to submit  
20 quarterly DMRs of their discharge quality --

21 MR. STUDER: You're going to have to  
22 speak into the mic.

23 MS. MASCHHOFF: The mine has to submit  
24 quarterly DMRs to our agency and we review those

1 DMRs, and if there would be an issue then we  
2 would go out for an inspection for --

3 MR. BRYAN: Do they collect the  
4 samples or do you?

5 MS. MASCHHOFF: Yes.

6 MR. BRYAN: Okay. I guess I'm  
7 skeptical. My family owns 90 acres southeast of  
8 Catlin that we've farmed for a long time, and  
9 Peabody hasn't come back to fix the sink holes.  
10 It's my problem, and my problem alone to deal  
11 with. Thank you.

12 MR. STUDER: I appreciate your  
13 comments. Okay. Is there anyone else? Have  
14 you, if you haven't spoken come forward to the  
15 mic. And then, sir, if you would have a seat you  
16 can come next. I'll keep going.

17 MR. BULLOCK: Hi. My name is David  
18 Bullock, and I live in Champaign County.

19 MR. STUDER: Can you spell your last  
20 name for the court reporter?

21 MR. BULLOCK: B-u-l-l-o-c-k. David.  
22 My mother is a graduate of Oakwood High School,  
23 so that's my local connection. My grand, my,  
24 both my grandparents immigrated here from

1 Kentucky. My grandfather's a tenant farmer. My  
2 mother and they grew up just outside of Oakwood,  
3 so that's my local connection. Great. You know,  
4 how do you know what rain's going to be like  
5 30 years from now? Global warming is happening.  
6 Nobody knows how much it's going to rain 30 years  
7 from now.

8 Anybody that says global warming isn't  
9 happening, you're with the government. You've  
10 got to deal with signs. And you know damn well,  
11 -- dang well, it's happening.

12 Nobody knows how much it's going to  
13 rain 30 years from now. They're going to close  
14 that mine. If they're held liable, they're going  
15 to go bankrupt because that's what coal companies  
16 do when they owe too much money. And so it's  
17 going to be on the taxpayer to clean things up  
18 30 years from now.

19 There's not going to be anybody  
20 responsible. Not to mention, and if they can  
21 tell, if they can talk about how nice Sunrise  
22 Coal is as an employer I can talk about, I think,  
23 I won't say it. I'll be in too much trouble.  
24 Okay.

1                   We need the government, and Illinois  
2 government has been captured to a large degree in  
3 the past by the coal industry. I have seen it.  
4 I have seen the IDNR do awful things. We need  
5 you to be honest, to not be in the employ of the  
6 coal companies just because the governor might  
7 be. Okay. And do the right thing.

8                   You don't know how much it's going to  
9 rain. And 30 years from now nobody is going to  
10 be protecting that thing except the public. And  
11 that means 30 years from now we're in trouble.

12                   And we see it all over the country  
13 that these things are leaking and disaster  
14 happens, and where is Mr. Peabody? No place to  
15 be found. Thanks.

16                   MR. STUDER: Thank you. And I want to  
17 remind everyone that the purpose of this hearing  
18 again has to deal with the permit and the rules  
19 issuing, for issuance of those. I do want to  
20 address one of your issues, and that was the DNR  
21 does require a bond for these before the mine can  
22 be open, so it's not like there isn't any money  
23 in the bank.

24                   But, again, I, I can't enforce DNR

1 regulations. The State constitution doesn't  
2 allow our agency to enforce their regulations  
3 either. But I can say that there is, there is  
4 that in place.

5 MR. BULLOCK: Yes, sir.

6 MR. COOK: Thank you for the  
7 opportunity to speak. I thank you for being  
8 here. I thank you for the job that you do. I am  
9 speaking I guess as --

10 MR. STUDER: Can you state your name  
11 and spell it?

12 MR. COOK: Yes, I'm sorry. I'm sorry.  
13 I apologize. Chris Cook. C-h-r-i-s, C-o-o-k.  
14 I'm speaking as a resident. I too, like Mr.  
15 Hageman, am one of the closest residents to this.  
16 I'm not for or against this mine. I don't know  
17 enough about it, to be honest with you, to be for  
18 or against this mine.

19 I will tell you this however. I am a  
20 tax payer in this district. I'm a tax payer in  
21 Vance Township. I am very concerned about the  
22 quality of roads and all that. I know that's not  
23 your job. However, your job is to look out for  
24 the economic interests of the area; is that

1 correct? As one of your jobs, correct?

2 MR. STUDER: Our primary job is, yeah,  
3 it's environmental protection.

4 MR. COOK: Correct.

5 MR. STUDER: And in compliance with  
6 the Environmental Protection Act.

7 MR. COOK: Okay.

8 MR. STUDER: Which does, by the way,  
9 have limitations.

10 MR. COOK: Sure. Okay. So  
11 environmental protection, okay. And I understand  
12 that you, that you had said that we're not going  
13 to speak to wells and things like that, and I've  
14 heard a lot of people speak to that. I am very  
15 concerned about that. I have four little girls  
16 at home. There's six of us that live in that  
17 house.

18 I'm one of the closest residents to  
19 where this is going to be. What really concerns  
20 me is, we talk about this being a closed loop  
21 system. You know, that the discharge is going to  
22 be, you know, only during heavy rainfalls, things  
23 like that at certain times. And I understand  
24 that. I also understand I've seen the water run

1 across my road and wash the road completely out.  
2 I know what the drainage district guy's talking  
3 about. I get it. I totally get it because I  
4 have to travel those roads, and I've been stuck  
5 in my house before and only been able to go  
6 towards Fairmount because the direction that I  
7 have to go to get to where the coal mine, where  
8 the coal mine's going to be, is there's a lot of  
9 low-lying areas there. There's a whole lot of  
10 flooding there.

11 And I understand we've had excessive  
12 rainfall. My well has been both dry and  
13 saturated. I've only lived there for four years.  
14 It's only a four-year old well. I dug it when I  
15 got there, and it's 35 feet deep. It's a shallow  
16 well.

17 So I understand that the EPA cannot  
18 speak to what is going to be in my well. What  
19 sort of, you know, whatever's going to be in my  
20 well, that's more for the Public Health. And I  
21 get that and I will address that as well.

22 However, I believe that you are  
23 responsible for the water that comes to my  
24 property. It seems to me that, and I'm not,

1 again, I'm not for or against it, but what I'm  
2 really concerned about, I've got water in my  
3 basement for the first time this year in the four  
4 years that I've been there. To my knowledge  
5 there's never been water in that basement. It's  
6 a 120-year old house.

7 I got water in my basement this year,  
8 which tells me that the water table is up and  
9 down and up and down, and it's so unpredictable.  
10 And we're talking nothing that, you can get a  
11 two-inch rainfall today and then, you know, two  
12 months from now you get another one-inch of  
13 rainfall and here it is again, it's back up.

14 It's so unpredictable, for whatever  
15 reason. For springs, for whatever it is. I'm  
16 extremely concerned about that. I am also maybe  
17 a quarter mile from the creek, from the Olive  
18 Branch. I'm about a quarter mile from there. A  
19 lot of my ground water I know, you know,  
20 something goes into the Olive Branch it's kind of  
21 just in my head, I'm just an electrician, I'm not  
22 a scientist either, but I'm very concerned about  
23 what goes into the Olive Branch.

24 I'm not concerned about the fish. No

1 offense to anyone. I'm not concerned about the  
2 fish. I understand that the fish, sometimes that  
3 happens. Add in, you know, dumps, okay. Fish  
4 die.

5 TIMEKEEPER: Thirty seconds.

6 MR. COOK: I get it, and it sucks.  
7 But I'm telling you right now I'm more worried  
8 about the people living in my house. That's what  
9 I'm concerned about. I'm concerned about the  
10 runoff from this. I'm concerned about the  
11 drainage. I'm concerned about the economic  
12 impact on my family. That's what I'm concerned  
13 about.

14 I've heard, I've heard a lot from  
15 people, everybody I've heard from here that's for  
16 it has an economic interest. They all have an  
17 economic interest. Every single person I've  
18 heard that's for it has an economic interest in  
19 this coal mine.

20 TIMEKEEPER: Time.

21 MR. COOK: I don't.

22 MR. STUDER: I do also want to clear  
23 up something that was brought up, and that is  
24 there was some talk about wells which

1 predominantly has an impact on ground water. And  
2 that is an issue that Illinois EPA is examining  
3 and it's looking and is looking in this  
4 application as to what's here, and it is  
5 something that is a factor in what we will do and  
6 will factor into our decision.

7           And if our decision is to issue a  
8 permit, it would factor into what type of  
9 controls would also be required. Okay. There  
10 was someone else that had a -- sir, if you'd come  
11 forward to the microphone. State your name and  
12 please spell your last name.

13           MR. OAKLEY: Good evening. My name is  
14 Don Oakley. I'm also the Mayor of Sidell. And I  
15 just want to say that I hope the mine does come  
16 because we do need the shot in the arm,  
17 especially in Sidell. We need the economic  
18 income. But at the same time I'd like to see  
19 everything, all the t's crossed and all the i's  
20 dotted.

21           So just in short, I would like to see  
22 the mine come for the economic interests for our  
23 small town which is kind of slowly dying off.  
24 Thank you.

1 MR. STUDER: Thank you. Is there  
2 anyone else that has not spoken this evening that  
3 would like to make a comment on the record?

4 (No response.)

5 MR. STUDER: Okay. Let the record  
6 indicate that no one raised their hand. Now,  
7 we've had a number of people that have spoken.  
8 We're not going to be able to go through and do  
9 another four minutes for each person that wants  
10 to continue to speak.

11 However, I will allow a limited number  
12 of people to either ask questions that they can  
13 ask on the record. We will not be answering them  
14 simply because of the time, but you can ask them  
15 on the record and we'll be responding to those in  
16 the Responsiveness Summary.

17 In two minutes you're not going to be  
18 able to ask questions and get multiple answers  
19 from us, so it's, what I will allow you to do is  
20 to ask multiple questions. If you only have one  
21 question, we can, we can answer that. But you're  
22 going to have to indicate that when you ask the  
23 question.

24 The two minutes is primarily for those

1 that have made comments already and that would  
2 like to make a very brief two-minute summary of  
3 those comments. If you have that, I'm going to  
4 ask that you raise your hand and you keep it up  
5 so that I can get a tally. Okay?

6 We've got one, two, three, four.

7 Okay. I've got, okay. Okay. Did I miss  
8 someone? There's five. Okay. Let's have one  
9 more time where the hands go up. I'm going to  
10 give you, one, two, three, four. Was there a  
11 fifth person?

12 MR. COOK: Five over there.

13 MR. STUDER: Oh, five over there.

14 Okay. Does everyone know what their number is?  
15 Okay. Okay. We'll start, we'll start on this  
16 side with one and we'll have, again, I'm asking  
17 that they stay to two minutes.

18 I appreciate everyone's patience  
19 tonight, and when these five are done we will go  
20 ahead and adjourn this hearing. Again, I ask  
21 that you state your name for the record just so  
22 that we have it correct.

23 MR. KOERS: My name is Vince Koers.

24 K-o-e-r-s. My question boils down to, is there a

1 way, assuming there's going to be discharges into  
2 the Olive Branch, that the industry is  
3 responsible for both the monitoring cost and for  
4 public transparency and reporting of the results  
5 of the chemical contents of those locations  
6 rather than requiring that individual to do his  
7 own testing?

8 MR. STUDER: Is your question for  
9 Olive Branch? For the water in Olive Branch  
10 itself?

11 MR. KOERS: Well, the discharge is  
12 from the three NPDES points, which my  
13 understanding is they all flow into Olive Branch  
14 ultimately.

15 MR. STUDER: What is discharged from  
16 those I will say is reported to our agency and is  
17 entered into Echo. I'll let --

18 MS. MASCHHOFF: Yeah. They're  
19 required, they're required to submit quarterly  
20 DMRs which is then entered into our IEPA system  
21 which will then feed into ECHO. And the ECHO --

22 TIMEKEEPER: Thirty seconds.

23 MS. MASCHHOFF: -- is what you can do.

24 MR. KOERS: I'm not getting whether

1 that's a yes or a no.

2 MS. MASCHHOFF: That's a yes.

3 MR. KOERS: Yes. Okay.

4 MS. MASCHHOFF: They are required.

5 MR. KOERS: There will be a vast  
6 designation of things that are expected to be  
7 looked for in those tests, and that can be  
8 reported monthly or whatever to where the public  
9 can find out what those are. Thank you.

10 MS. MASCHHOFF: Yes.

11 MS. GOODALL: I'm Nancy Goodall.  
12 G-o-o-d-a-l-l. In my comments I said, I phrased  
13 it, I would, I would like you to address more  
14 broadly that, the concerns of the people here  
15 than just what was limited to the laws, so I  
16 guess I'm phrasing it as a question.

17 What do we have to do or what can be  
18 done, or will you address more, the more broad  
19 comments that people have made and questions?

20 MS. DIERS: The questions and comments  
21 we have received tonight will be answered in the  
22 Responsiveness Summary. And the Responsiveness  
23 Summary is more in-depth information that we  
24 provide to all the significant comments that we

1 had. So we may not have answered your question  
2 tonight, but we've put together a document that  
3 will be provided to the public that you will get  
4 our in-depth answers to the questions asked  
5 tonight.

6 MR. STUDER: And that's the main  
7 reason why we have a transcript, a court reporter  
8 here, so that there is a transcript of this  
9 hearing. I also do want to point out that that  
10 transcript will be posted on the web, and is also  
11 available to the public through the Illinois EPA  
12 website.

13 MS. SMITH: I just have a couple  
14 comments with one question. I wanted to mention  
15 that we live on a farm that's north of the  
16 proposed loading facility. My name's Suzanne  
17 Smith.

18 We live north of, northwest of where  
19 the proposed loading facility is at the railroad,  
20 and on our farm there's 157 acres and a land and  
21 water reserve which is a permanent conservation  
22 easement that is a State designation for  
23 protection in perpetuity.

24 And in the report, you know, you talk

1 about places of importance that are within the  
2 vicinity of the mine, and I'm just wondering if  
3 you can tell us, how do you determine what is the  
4 vicinity, and does the EPA have the ability to  
5 determine that number and extend that reach?

6 For example, would you know that  
7 there's a land and water reserve that would be  
8 possibly impacted by the loading facility or  
9 potentially any waters that come out of the Olive  
10 Branch?

11 MR. KOCH: The way we, we identify  
12 threatened and endangered species as well as  
13 (inaudible) areas is by consulting with IDNR.  
14 They have something called the ECHO CAT System.

15 MS. SMITH: I know that.

16 MR. KOCH: That has, I believe it's  
17 either a two-mile buffer or a five-mile buffer.  
18 So basically you enter into the project area and  
19 it does a, and we're a five mile radius from that  
20 point. Oftentimes you get, you get avian  
21 species.

22 TIMEKEEPER: 30 seconds.

23 MR. KOCH: You get turtles, you get  
24 things that aren't necessarily aquatic life but,

1 and you get wetlands as well.

2 MS. SMITH: Sure.

3 MR. KOCH: So the area you're speaking  
4 about must, --

5 MS. SMITH: Well, I'm going to use my  
6 time --

7 MR. KOCH: -- must not be in that.

8 MS. SMITH: That's okay. I just want  
9 to mention that there's a disclaimer in the ECHO  
10 Cat page that says that information is not,  
11 should not be solely used and that it should be  
12 followed up with more substantial information, So  
13 just so you know that.

14 And just quickly, two comments I  
15 wanted to respond to the U.S. Fish and Wildlife  
16 letter that --

17 TIMEKEEPER: Time.

18 MS. SMITH: -- they have used, did not  
19 recognize any dangers except the CU'S that were  
20 in the Salt Fork. So if you're looking at that,  
21 I think that they were not aware when they wrote  
22 that letter that those were in the river. Thank  
23 you very much.

24 MR. STUDER: Thank you. Okay. We

1 have --

2 MR. ROTCHE: Tyler Rotche. I'd just  
3 like to clarify that any additional questions, if  
4 we submit those in post-hearing comments those  
5 will be answered in the Responsiveness Summary as  
6 well?

7 MR. STUDER: Yes.

8 MR. ROTCHE: Okay. As you can  
9 probably imagine, some are more detailed. So I  
10 guess one overarching question I have; it's my  
11 understanding based on the FOIA review I did at  
12 the IEPA office that a substantial amount of the  
13 material submitted were those that were used  
14 within the IDNR hearing process submitted in  
15 support of that permit.

16 As we saw with the request for  
17 modifications there was, coming from DNR and  
18 Marsh, there was 62 modifications requested, some  
19 multiple parts, and those were very substantial.  
20 And it's clear from that that the permit that was  
21 originally submitted, the application that was  
22 originally submitted was vague in general, in  
23 many instances.

24 So I guess my question to you all, if

1 you can answer it now, is, would there be any  
2 intention, given that there's so much  
3 supplemental information that's expected to come  
4 in response to that Responsiveness Summary, would  
5 there be any intention to utilize that in support  
6 of this permit?

7           It seems there's a lot that would be  
8 subject to change, and it seems it would be  
9 prudent to wait, and likely arbitrary to issue a  
10 permit in absence of that information with full  
11 knowledge that it's set to come out and be  
12 distributed.

13           MS. MASCHHOFF: When the Agency  
14 drafted our NPDS permit --

15           MR. STUDER: Can you all hear?

16           MS. MASCHHOFF: All current and  
17 pertinent information in that --

18           TIMEKEEPER: Thirty seconds.

19           MS. MASCHHOFF: Many modifications  
20 were made based on our comment letters that were  
21 issued back in September 9th and the 22nd, and  
22 those were taken into consideration when we  
23 drafted our permit. It's a joint process between  
24 us and them.

1 MR. ROTCHE: I appreciate the  
2 response. I would really highly advocate that  
3 some of the information is utilized with the  
4 correspondence with DNR, especially regarding the  
5 aquifers that could potentially be --

6 MS. DIERS: We are. We've looked at  
7 the letter, we've been in contact with IDNR, and  
8 we're going to get more information, so we will  
9 take that information into consideration before  
10 we issue the permit.

11 MR. ROTCHE: Excellent. Thank you.

12 MS. DECLUE: Thank you. Mary Ellen  
13 DeClue. First, Deer Run Mine next door to me has  
14 a lifetime air permit that does not require  
15 monitoring or any testing of air emissions. The  
16 Clean Air Act is not enforced at coal mines, and  
17 I will turn in an exhibit to document that from  
18 the Federal Register. Okay.

19 The coal industry has influenced the  
20 enforcement of the Clean Air Act and Clean Water  
21 Act much to the detriment of communities. Ground  
22 water in Illinois is threatened by eventual  
23 leakage from permanent coal slurry impounds and  
24 underground coal slurry injections. IDNR

1 approves mine operations that keep reclaimed coal  
2 slurry impoundments on location after the mine is  
3 closed. Potential leakage problem. Shay Coal  
4 near Carlinville uses coal slurry injections into  
5 mine voids.

6 They have nine disposal wells to  
7 inject coal slurry in mine voids as a way to  
8 handle their operation coal slurry. This could  
9 very well happen here at, in any mine, because  
10 IDNR approves many, many permits that they should  
11 not approve.

12 If the NPDES permit is denied, the  
13 water resources, air and land, will not be  
14 compromised and the community's health and  
15 progress will be enhanced. I please ask you that  
16 you reject or deny this permit. Thank you.

17 MR. STUDER: Thank you. I believe  
18 that's all five. It has been a warm evening.  
19 You have all been very patient. You've been  
20 respectful of each other, and I appreciate  
21 everyone that has made comments.

22 I remind you that the comment period  
23 will remain open for 30 days. Written comments  
24 need to be received by September 11th, and we

1 also have email comments and the ability to do  
2 so. I thank you for your attendance this  
3 evening, and this hearing is adjourned.

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5 (Hearing adjourned at 8:15 p.m.)

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CERTIFICATE OF REPORTER

I, Kathy L. Johnson, a Certified Court Reporter within and for the State of Illinois, DO HEREBY CERTIFY that the testimony of all witnesses in the foregoing hearing were duly sworn to testify to the truth and nothing but the truth; that the testimony of said witnesses was taken by stenographic means by me to the best of my ability and thereafter reduced to print under my direction.

I further certify that I am neither attorney nor counsel for, nor related, nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in this action.

\_\_\_\_\_  
Kathy Johnson  
Lic. No.: 084-003071

A				
<b>abandoned</b> 96:9	<b>acted</b> 43:12	<b>affect</b> 98:22	<b>allowing</b> 29:18	113:8,19
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