

BEFORE THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

PUBLIC HEARING

REGARDING SECTION 401 WATER QUALITY CERTIFICATION

DYNEGY MIDWEST GENERATION, LLC

Re: Middle Fork Vermilion River Stabilization

Transcript of Proceedings taken before
HEARING OFFICER DEAN STUDER, by Becky L. Jessup, CSR, a
notary public within and for the County of Vermilion
and State of Illinois, at the Danville Area Community
College, 2000 East Main Street, Danville, Illinois, on
the 26th day of March, 2019, at 6:00 p.m.

1 APPEARANCES:

2 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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BY: DEAN STUDER, HEARING OFFICER

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY STAFF PRESENT:

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Rex Gradeless, Assistant Counsel

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Brian Koch, Environmental Protection Specialist

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Darren Gove, Environmental Protection Engineer

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1 HEARING OFFICER STUDER: Good evening. We
2 will go ahead and go on the record. I have a few
3 minutes beyond 6.

4 My name is Dean Studer and I am the hearing
5 officer for the Illinois Environmental Protection
6 Agency. On behalf of the Acting Director John Kim, I
7 welcome you to tonight's hearing.

8 My purpose tonight is to ensure that this
9 proceeding runs properly according to the rules and is
10 conducted fairly.

11 Personally I will not be responding to
12 specific issues related to water quality certification
13 process, but will defer such issues to the Agency staff
14 here with me tonight.

15 This is an informational hearing before the
16 Illinois EPA in the matter of a water quality
17 certification pursuant to Section 401 of the federal
18 Clean Water Act. The certification applicant is Dynegy
19 Midwest, LLC.

20 The specific project for which this
21 certification is being sought is a streambank
22 stabilization and erosion mitigation project along
23 approximately 1900 feet of the right descending bank of
24 the Middle Fork of the Vermilion River near Oakford.

1 Although Section 401 water quality
2 certification is not a permit, this certification is a
3 component necessary before activities to be authorized
4 under a U.S. Army Corps of Engineers Section 404 permit
5 can be undertaken.

6 The Illinois EPA staff person reviewing the
7 certification is Darren Gove and he will be the second
8 person on my right. And he will provide more
9 information on the Section 401 and 404 process in just
10 a few moments.

11 The public hearing is being held under the
12 provisions of Illinois EPA's procedures for
13 informational and quasi-legislative public hearings
14 which can be found at 35 Illinois Administrative Code
15 Part 164 and in accordance with 35 Illinois
16 Administrative Code Part 395 which is procedures and
17 criteria for certification of applications for federal
18 permits or licenses for discharge into waters of the
19 State.

20 These regulations can be accessed and
21 downloaded on the website for the Illinois Pollution
22 Control Board. Or if you do not have ready access to
23 the internet, it can be obtained from me upon request.

24 Illinois EPA will make a determination on the

1 certification based on the issues contained in 35
2 Illinois Administrative Code, 395.401, namely that the
3 intended activities not caused; 1, violations to the
4 water quality standards of 35 Illinois Administrative
5 Code Part 302; 2, that not caused violations of other
6 pollution control board requirements; 3, that it not
7 cause noncompliance with Sections 301, 302, 303, 306
8 and 307 of the federal Clean Water Act; and, 4, that it
9 does not interfere with existing water usage,
10 particularly public recreation and food and -- public
11 and food processing water supplies.

12 The Illinois EPA is holding this hearing for
13 the purpose of accepting comments from the public on
14 the issues described above and on the Section 401 water
15 quality certification prior to taking final action on
16 the certification application.

17 At this time Illinois EPA has made a
18 tentative determination that the project complies with
19 the antidegradation requirements of 35 Illinois
20 Administrative Code 302.105.

21 I stress that the regulations contain
22 provisions for public notice and Illinois EPA welcomes
23 comments on the antidegradation analysis.

24 Tonight's hearing is the only time that

1 Illinois EPA will be accepting oral comments on this
2 project. After the close of this hearing, all comments
3 will need to be submitted and either written or
4 electronic form.

5 We will continue to accept comments by mail
6 and e-mail through the end of the comment period on
7 April 25, 2019. But all comments must be received at
8 Illinois EPA headquarters by 11:59 p.m. on April 25,
9 2019.

10 E-mail comments need to be sent to
11 epa.publichearingcom, that is
12 p-u-b-l-i-c-h-e-a-r-i-n-g-c-o-m, at Illinois, spelled
13 out, dot gov.

14 I note the hearing notice provides specific
15 instructions on how to submit e-mail comments. The
16 e-mail address is also provided in that notice. Those
17 instructions are intended to ensure that Illinois EPA
18 receives all comments. Please follow them.

19 Comments submitted by either the United
20 States Postal Service or another carrier service need
21 to be received at Illinois EPA headquarters in
22 Springfield no later than April 25 when the public
23 comment period closes.

24 Those comments should be sent to me at the

1 address provided on the hearing notice and I will give
2 that to you quickly.

3 It is Dean Studer, Hearing Officer, Mail Code
4 No. 5, Illinois EPA, 1021 North Grand Avenue East, PO
5 Box 19276, Springfield, Illinois, 62794-9276. I also
6 note that that address is on the hearing notice.

7 I am going to ask that those that have signs,
8 that you keep them down. I need to be able to make
9 sure that everyone has access to the front.

10 I typically do not allow signs in the hearing
11 room. I am going to make an exception tonight, but I
12 am going to ask for your cooperation in that. If that
13 does not happen, I will then take a short break and ask
14 that signs be removed and I would rather not do that.

15 When the public comment period is open, all
16 relevant comments, documents and data will be placed
17 into the hearing record as exhibits.

18 Following the close of the public comment
19 period, Illinois EPA will review all comments and
20 documents received. We will then determine whether to
21 issue a water quality certification.

22 And if we decide to issue a certification,
23 then Illinois EPA will determine what, if any,
24 condition should be included in that certification.

1 A responsiveness summary will then be made
2 available to the public. The summary will contain
3 responses to all relevant issues raised at this hearing
4 and during the comment period.

5 If we do not issue a water quality
6 certification, the Illinois EPA will make public the
7 basis for not issuing the certification. Illinois EPA
8 recognizes the importance of unique aquatic resources
9 of the Middle Fork of the Vermilion River.

10 The Middle Fork is Illinois' only National
11 Wild and Scenic River. As such the river is deserving
12 of the protection afforded by a thorough and
13 comprehensive review of all alternatives for the
14 appropriate closure of the coal ash impoundments.
15 Those release of contaminants threaten the Middle Fork
16 of the Vermilion River.

17 As was announced last week, Illinois EPA has
18 asked the Office of the Illinois Attorney General to
19 represent the Illinois EPA in an enforcement case
20 regarding a closure of the coal ash impoundments and
21 the impact associated with those impoundments.

22 Illinois EPA will encourage the Illinois
23 Office of the Attorney General to allow public
24 participation in the process of developing the proper

1 actions to eradicate those threat that the coal ash
2 impoundments pose to this unique water resource.

3 Accordingly appropriate ash impoundment
4 closure actions are subject matter for the enforcement
5 case and are not the focus of tonight's hearing.

6 Due to the impending enforcement case, we are
7 unable to comment further at this time regarding the
8 issues associated with the closure of the ash
9 impoundments.

10 The purpose of tonight's hearing is to obtain
11 comments on the water quality as related to the
12 proposed riverbank stabilization project. We look
13 forward to hearing your specific comments regarding
14 this water quality certification.

15 I will now explain how tonight's hearing is
16 going to proceed. First, I will have those seated at
17 the table introduce themselves and identify their
18 responsibility within the Agency as it relates to the
19 proposed water quality certification.

20 Following introduction Darren Gove will
21 provide a brief explanation of the Section 401 water
22 quality process and a summary of this project. Finally
23 I will provide more specific instructions on how I will
24 be accepting oral comments during tonight's hearing.

1 Again, the record in this matter will close
2 on April 25, 2019 and all written comments received by
3 the State will be made part of the record in this
4 proceeding.

5 At this time I ask that you silence all cell
6 phones and pagers, if you happen to have those antique
7 devices. If you have not already done so, please
8 silence them now. I will now have the Illinois EPA
9 staff introduce themselves.

10 MR. GRADELESS: My name is Rex Gradeless. I
11 am with the Division of Legal Counsel and I provide
12 advice and counsel to the Agency.

13 MR. KOCH: My name is Brian Koch. I am an
14 aquatic biologist in the Water Quality Standards
15 Section at Illinois EPA. My primary role of this
16 project is its potential effects on water quality in
17 the Middle Fork and Vermilion River.

18 MR. GOVE: My name is Darren Gove. I work in
19 the capacity of an environmental protection engineer
20 for the Bureau of Water Permit Section in Springfield,
21 Illinois.

22 Good evening. As Dean mentioned earlier, the
23 401 certification is a component of the federal
24 permitting process. The federal Clean Water Act under

1 Section 401 gives the State the authority to intervene
2 in the federal permitting process where regulated
3 activity may result in a discharge of pollutants.

4 For this project the Corps of Engineers has
5 been requested to issue a permit for the discharge of
6 fill material into the Middle Fork Vermilion River.

7 Under Section 401, the Agency may grant, deny
8 or waive certification. Denial of certification means
9 that the Corps of Engineers cannot issue their permit.

10 The Illinois EPA received a request on July
11 3, 2018, to begin its certification process and began
12 reviewing the proposed activity for compliance with
13 State rules and water quality standards.

14 The proposed activity includes discharges
15 that consists of quarried stone, live plant stakes and
16 cuttings, soil, geotextile fabric and the resuspended
17 material resulting from construction activities at the
18 site.

19 The proposed discharge of materials to the
20 river would occur as a result of installing engineered
21 streambank stabilization along approximately 1900 feet
22 of the right descending river bank.

23 The existing project site conditions include
24 approximately 900 feet of failed gabion basket

1 streambank stabilization, all of which would be removed
2 during this construction.

3 The proposed stabilization includes
4 void-filled rip-rap that would be keyed into the
5 existing riverbank and riverbed and shaped to form a
6 stream embankment with a slope between 2 and 3
7 horizontal to 1 vertical.

8 The void-filled rip-rap embankment would then
9 be lined with a layer of 24 inch minimum diameter
10 boulders to resist erosion. Approximately 11,500 cubic
11 yards of stone would be used for this purpose.

12 Above the bank elevation, soil lifts wrapped
13 in geotextile fabric and layered with live willow
14 cuttings would be sloped to approximately 1.5 to 1 to
15 finish out the bank stabilization. Approximately 2,000
16 cubic yards of soil would be used for this purpose.

17 The proposed plan also includes a gravel
18 maintenance access road landward of the stabilization
19 that would run along the entire length of the
20 stabilization, though this feature is located above and
21 beyond the ordinary high-water mark.

22 A variety of live plant cuttings and seeds
23 would be used throughout the stabilization profile to
24 promote vegetation growth above and below the ordinary

1 high-water mark.

2 The proposed activity also includes the
3 excavation and removal of approximately 9,000 cubic
4 yards of existing riverbed and riverbank material
5 including the existing gabion baskets.

6 The applicant has proposed to stage this
7 material in an upland location without any potential
8 for runoff to waters of the state.

9 The applicant has also proposed that all
10 in-stream construction activities would occur within a
11 temporary cofferdam structure identified as a
12 porta-dam.

13 The cofferdam would isolate the in-stream
14 construction from the river's current and would
15 minimize discharge of resuspended solids to the river.

16 If the Agency determines that certification
17 can be granted, the certification conditions determined
18 necessary for the project to meet water quality
19 standards would become part of the final Department of
20 the Army permit.

21 HEARING OFFICER STUDER: Thank you, Darren.
22 Statements made tonight should relate to the water
23 quality certification. As hearing officer, I intend to
24 treat everyone here tonight in a respectful manner. I

1 ask that members of the panel and the public do the
2 same.

3 Should comments begin to drift into areas
4 away from this water quality certification, I may
5 interrupt and ask the speaker to move to their next
6 relevant issue. Applause and other responses are not
7 appropriate during this hearing.

8 If the conduct of persons attending this
9 hearing should become unruly, I am authorized to
10 adjourn this hearing should the action warrant.

11 In such a case, the Illinois EPA would still
12 accept written comments through the close of the
13 comment period which is April 25, 2019.

14 It appears the time is going to be somewhat
15 of an issue this evening and we will make every attempt
16 to get to everyone that has indicated a desire to
17 speak.

18 In the event that we do not get to everyone,
19 I will ask that you submit written comments. Please be
20 respectful of others here in attendance.

21 I encourage those commenting to provide a
22 summary of their comments and then to submit your
23 comments in their entirety to Illinois EPA before the
24 public comment period closes.

1 I want to avoid unnecessary repetition. If
2 the information contained in your statements is
3 primarily the same as already presented, I encourage
4 you to only mention it in passing and quickly move on
5 to your next issue.

6 If what you plan to say has already been
7 said, then feel free to pass when I call your name the
8 first time. Once a relevant issue is raised, the
9 Illinois EPA is mandated to consider it and will
10 address it in the responsiveness summary.

11 We are primarily here tonight to listen to
12 your comments. However, Illinois EPA staff may ask
13 questions to ensure that we fully understand your
14 comments. We also reserve the right to correct
15 misrepresentations.

16 For the purpose of allowing as many as
17 possible to provide comments and to ensure that we
18 conduct this hearing in a timely fashion, I will impose
19 a time limit of 3 minutes per speaker.

20 In the event that we cannot accommodate
21 everyone that wishes to make oral comments this
22 evening, you are asked to submit your comments to me in
23 writing or through electronic means.

24 Written comments and electronic comments are

1 given the same consideration as oral comments received
2 during this hearing and may be submitted to the
3 Illinois EPA at any time through the end of the comment
4 period.

5 I will not allow speakers to argue or engage
6 in prolonged dialogue with members of our panel or with
7 others here in attendance. I also will not allow
8 members of the public to address comments to other
9 members of the public.

10 We have a court reporter here who is taking a
11 record of this proceeding for inclusion with our
12 administrative record.

13 Therefore for the benefit of the court
14 reporter, please keep the general background noise in
15 the room to a minimum so that everyone can hear what is
16 said and that the comments can be accurately
17 transcribed.

18 Comments from the public are to be addressed
19 to the hearing panel so that the court reporter can get
20 an accurate transcription of the comments.

21 Illinois EPA will post the transcript of this
22 hearing on our web page in the same general place where
23 the public notice and hearing notice for this project
24 have been posted.

1 When I call your name, please come forward.
2 And if you would take a seat in the front row there
3 which there is an empty spot right there, I will call
4 three names at a time and I will have you come down
5 when I call your name. Then I will call your name a
6 second time. And at that time please come forward to
7 the podium to speak.

8 For the record please state your name, and if
9 applicable, any governmental body organizations or
10 associations that you are formally representing.

11 If you are not representing a governmental
12 body and organization or an association, you may
13 indicate that you are either a concerned citizen or
14 just a member of the public.

15 For the benefit of the court reporter, I ask
16 that you spell your last name. If there are alternate
17 spellings of your first name, feel free to spell your
18 first name as well. Once you spell your name, I will
19 begin timing you and you will have 2 minutes to
20 complete your comments.

21 AUDIENCE MEMBER: Was it 2 or 3?

22 HEARING OFFICER STUDER: It is 2.

23 AUDIENCE MEMBER: You said 3 earlier.

24 HEARING OFFICER STUDER: Did I say 3 earlier?

1 I apologize. I have an x in front of me based on the
2 number of cards that we have. I am also going to
3 remind you when we have 30 seconds left so that the 2
4 minutes doesn't just come real abruptly.

5 If reading from a prepared statement, please
6 consider submitting the statement to us at the
7 conclusion of your comment, of the comment period and I
8 will enter it into the record as an exhibit. And
9 please read slowly so that all comments can be
10 accurately transcribed.

11 All speaking at this hearing will need to
12 project your voice into the microphone so everyone in
13 the room can hear your comments.

14 Again, comments are to be directed to the
15 hearing panel. Prolonged dialogue with members and
16 comments directed to others in attendance are not
17 permitted.

18 Please abide by the time limits. I will
19 remind everyone the focus of this hearing is the water
20 quality certification. Are there questions regarding
21 the procedures that will be used for this hearing?

22 (No response.)

23 HEARING OFFICER STUDER: Okay. Let the record
24 indicate that no one raised their hand. As required by

1 law I will read the names of those that have so far
2 submitted comments. This is required by Section, by
3 Part, excuse me, 164.

4 So far we have received comments from Rita
5 Adams, we have received comments from Sharon Hoff, we
6 have received comments from Paula Hurst, and we have
7 received comments from Betty Sexton.

8 I am required by law to read those. I
9 typically try and preserve someone's privacy as much as
10 I can, but Part 164 is very explicit.

11 With that said, we have a number of people
12 that have registered to speak. I have got cards for
13 well over 50 people. So we will go ahead and get
14 started this evening.

15 First three people it looks like are Kevin
16 Green, looks like Dr. Bruce Rhoads and looks like
17 Pamela Richart. Kevin Green, you will be first. If
18 you will come to the podium and if you would spell your
19 last name.

20 MR. GREEN: Kevin Green, g-r-e-e-n. First of
21 all, as a graduate of Oakwood High School and not
22 Oakford, I would like to make a correction to your
23 introduction.

24 HEARING OFFICER STUDER: Okay.

1 MR. GREEN: Kevin Green, Vermilion County
2 Board, Executive Committee. Speaking for the County
3 Board. The Illinois EPA should not prematurely approve
4 a project that would harm the quality and use of the
5 Middle Fork of the Vermilion River.

6 A resolution approved by the County Board
7 unanimously offers the best option. While the coal ash
8 remains in place, any solution for bank armory is
9 temporary and allows for further degradation of the
10 river. That degradation would result in restrictive
11 quality and quantity of the uses of the river as far as
12 recreational uses.

13 A recent editorial summarizes my personal
14 beliefs: "This is no time and the Middle Fork is no
15 place for risky, halfhearted control measures. The
16 river is used by thousands of anglers, kayakers,
17 canoers and others every year and is vital to the
18 economy of Vermilion County. Further damage would be
19 devastating".

20 In summary, I repeat, the Illinois EPA should
21 not prematurely approve a project that would harm the
22 quality and use of the Middle Fork River. Thank you.

23 HEARING OFFICER STUDER: Thank you. Bruce
24 Rhoads.

1 MR. RHOADS: My name is Bruce Rhoads. I am a
2 professor at the University of Illinois. I'm not
3 officially representing them, but I am here because --

4 HEARING OFFICER STUDER: Can you spell your
5 last name for the court reporter?

6 MR. RHOADS: Yes. R-h-o-a-d-s. And I am here
7 more to just express I guess my opinions about the way
8 in which management of the system is occurring.

9 And I think it sort of reflects I guess the
10 piecemeal, what I see is a piecemeal sort of way in
11 which we do manage rivers in this country.

12 And I have dealt a lot with Corps
13 certification projects and while I recognize that is
14 the way things work, I also see it as largely ignoring
15 important issues that come up because things are
16 connected to the rivers.

17 And dealing with one issue like water quality
18 separate from other issues I think is not an effective
19 way to wholistically manage the system.

20 So I guess regarding water quality
21 particularly from what I have seen, what I have been
22 sent by people who have access to the plans, I guess
23 one of the things I am concerned about is that water
24 quality, the effects are uncertain at this point.

1 Mainly because no details are really provided
2 in the plans of possible contingencies, how to deal
3 with contingencies. Particularly something like a
4 large flood that occurs during construction.

5 Rivers are unpredictable. And if there is a
6 lot of excavating taking place while a flood occurs,
7 that could cause a problem.

8 And also a concern to me is how even a low
9 flow could be controlled specifically. I know that
10 there was plans to use dams and things, but it is not
11 clear exactly how they will be used and used
12 effectively.

13 And I guess finally just a point that, again,
14 separating the problem of the coal ash itself from the
15 water quality in this particular project is I think
16 difficult to do because ultimately this river is going
17 to I think erode that on which these pits sit and that
18 will create a water quality problem.

19 HEARING OFFICER STUDER: Thank you.

20 MS. RICHART: Good evening. My name is Pam
21 Richart, r-i-c-h-a-r-t. I work with Eco-Justice
22 Collaborative, a non-profit based in Champaign,
23 Illinois.

24 And I regularly kayak the Middle Fork and I

1 want to see it protected in perpetuity from coal ash
2 pollution.

3 The purpose of Dynegy's stabilization project
4 as it has been described on page 2 of the
5 Anti-Degradation Assessment is and I quote "to provide
6 streambank stabilization along this stretch of river
7 and deter advancing erosion towards the adjacent ash
8 pond berms that have not yet undergone closure
9 operations".

10 When this stated purpose, I believe the
11 alternatives analysis included in the Anti-Degradation
12 Assessments becomes deficient.

13 According to IEPA requirements, applicants
14 for 401 water quality certification must provide an
15 assessment of alternatives to the proposed project that
16 will result in the following: One, a reduced pollutant
17 load; two, no load increase; or, three, minimal
18 environmental degradation.

19 While Dynegy alternatives range from no
20 action to relocating the river, their analysis fails to
21 identify the removal of their toxic waste as a viable
22 alternative that would eliminate concerns over
23 naturally occurring erosion, reduce pollutant loads and
24 minimize environmental degradation.

1 So I am here to ask you why hasn't coal ash
2 removal been considered as one of the ways to meet the
3 expressed purpose of the project.

4 I know removing the coal ash from the
5 floodplain will require temporary bank stabilization
6 and the temporary stabilization would eliminate the
7 massive fill, the disturbance of contaminated soils and
8 the disruption of recreational activities associated
9 with the project.

10 The river channel is precariously by Dynegy's
11 ash pit and Dynegy says, I am told, they will act when
12 the area between the riverbank and the total of the
13 slope of the old ash pit reaches 3 feet.

14 But what if this system fails when the
15 distance reaches 8 feet, not 3 feet. So I am asking
16 you why aren't we requiring interim bank stabilization.

17 A smaller project could be approved more
18 quickly and address the urgent need to protect those
19 banks without risking a catastrophic spill while
20 agencies continue to plow through documents associated
21 with this monstrous project and interim stabilization
22 could be removed upon coal ash relocation.

23 HEARING OFFICER STUDER: 30 seconds.

24 MS. RICHART: Perfect. One last couple of

1 sentences. I think we are reviewing the wrong project
2 because the alternative analysis is so deficient and
3 the risks of coal ash in the short term is so great I
4 ask you to withhold your approval of Dynegy's project,
5 but to instead require ash removal and temporary bank
6 stabilization to protect our river now. Thank you.

7 MS. MAST: My name is Joyce Mast, m-a-s-t. I
8 am here with Faith in Place, an organization in the
9 State of Illinois that brings environmental causes to
10 the floor so that the State of Illinois will be
11 sustainable for all of us in perpetuity.

12 This project has a high probability of
13 disturbing and resuspending contaminated soils and
14 sediments into the river.

15 This could bring great harm to water quality
16 and redistribute the coal ash coming from downstream
17 where they may be ingested by fish and other aquatic
18 wildlife or coming into contact with recreational uses
19 of the river of which I, my children, my grandchildren,
20 my friends, my sister and brother-in-law, we have been
21 coming here since 1975 in all seasons of the year.

22 We play in the water. We hike around the
23 water. We bike. So we see orange sediment which
24 regularly pool and settle in the river channel next to

1 the coal ash pits.

2 Samples of leachate taken from groundwater
3 seeps from riverbeds in this section by Illinois
4 personnel in 2008 were determined to contain coal ash
5 chemicals.

6 In 2016 and again in 2017, water quality
7 testing of these seeps by certified independent
8 laboratory showed the presence of arsenic, barium,
9 boron, chromium, manganese, molybdenum, and sulfate,
10 all of which exceeded background levels.

11 Is this a place that we want to take our
12 family members? No. This needs to be cleaned up.
13 Thank you.

14 MR. MARRON: My name is Mike Marron, m-i-k-e,
15 m-a-r-r-o-n. I am the State representative in the
16 104th District.

17 I appreciate the Illinois EPA holding this
18 hearing and taking in the public input. I appreciate
19 everyone being here, all the concerned citizens.

20 And as far as the water quality certification
21 and the bank stabilization, I think it goes without
22 saying that we need a permanent solution that protects
23 the environment.

24 The mess needs cleaned up without question

1 because this is a national treasure that we have right
2 here in our neighborhood. And people like their
3 treasure. And so that needs to be permanently
4 protected.

5 And not only do we need a permanent solution
6 to secure the environment long term, but in addition to
7 that, this river is critically important to the local
8 economy as well. People come from all over the Midwest
9 to enjoy this river.

10 (Audience applauding.)

11 HEARING OFFICER STUDER: I ask that you please
12 hold the applause. We need to keep things moving
13 tonight.

14 MR. MARRON: I think it is important as well
15 that we look at a long term permanent solution that
16 takes into account the steady energy of the riverbank
17 as well because of the fact that it is a major
18 attraction for people.

19 And it is so very important to this part of
20 our area. And I think we talked about the river, we
21 talked about the resources. It is an environmental
22 treasure.

23 It is something that is critically important
24 to us economically, but it is also part of the history

1 of this area. A lot of us grew up on the river. I did
2 myself. I find it very personal.

3 And so I just ask that you consider a long
4 term permanent solution that cleans up the coal ash and
5 fixes this problem in perpetuity. Thank you.

6 HEARING OFFICER STUDER: Thank you.

7 MS. WOLFE MARLIN: Good evening. My name is
8 Diane Wolfe Marlin, Mayor of the City of Urbana,
9 Illinois. I urge the Illinois --

10 HEARING OFFICER STUDER: Can you spell your
11 name please.

12 MS. WOLFE MARLIN: D-i-a-n-e, w-o-l-f-e,
13 m-a-r-l-i-n. I urge the Illinois EPA to deny Section
14 401 Water Quality Certification for Dynegy Midwest
15 Generation related to the proposed riverbank
16 stabilization project in the Middle Fork of the
17 Vermilion River.

18 This river is the only National Wild and
19 Scenic River in the State of Illinois. The proposed
20 stabilization project will violate certain water
21 quality standards and permanently degrade the river
22 ecosystem and interfere with recreational and other
23 water uses.

24 The Illinois EPA and Governor J. B. Pritzker

1 should completely remove coal ash storage from the
2 floodplain of the Middle Fork of the Vermilion River.

3 The proposal to rip-rap 1900 feet of the
4 riverbank will irreparably harm the Middle Fork River.
5 It will release contaminated sediments and soil into
6 the river, degrade water quality and increase levels of
7 toxic chemicals.

8 These bank stabilization rip-rap projects are
9 at best inadequate and temporary solutions. The Middle
10 Fork River and all rivers naturally meander through the
11 landscape. Eventually the force of the water will
12 undercut the rip-rap and coal ash contamination will
13 continue to occur.

14 The project will also disrupt recreational
15 enjoyment by canoeists, kayakers, anglers and hikers.
16 Visitors will be forced to portage around the
17 construction zone or avoid the area altogether.

18 Afterward the appearance of the riverbank
19 will be altered from its natural state and it will scar
20 the centerpiece of a major recreational area and
21 ecosystem in East Central Illinois.

22 The Middle Fork River belongs to the people
23 of the United States. 40 years ago thousands of
24 citizens fought to keep the Middle Fork flowing free.

1 It was the first river I ever canoed on and as a
2 student at the University of Illinois and that was a
3 long time ago.

4 I believe we are obligated to protect this
5 National Wild and Scenic River. Protect the Middle
6 Fork River. Deny Section 401 certification for Dynegy
7 and expand the options to include complete removal of
8 all coal ash pits from the floodplain. Thank you.

9 HEARING OFFICER STUDER: Thank you.

10 MR. RICHART: Good evening. Thank you Officer
11 Studer and the other representatives from the Illinois
12 EPA here tonight.

13 My name is Lan Richart. That is spelled
14 l-a-n, r-i-c-h-a-r-t. I am a Codirector of the
15 Eco-Justice Collaborative in Champaign, Illinois.

16 We know from the IEPA Notice of Violation
17 issued to Dynegy in June of 2018 and from independent
18 analyses of leachate moving through the streambank into
19 the river adjacent to the North and Old East Ash pits,
20 there is a high probability that the soils in the bank
21 and bed of the river are contaminated with coal ash
22 chemicals.

23 We also know that construction of the project
24 will require the excavation of materials from the

1 riverbank and riverbed and that the disturbance of
2 these soils is likely to disperse contaminated
3 sediments into the river.

4 So it is puzzling then that the Public Notice
5 and the Associated Fact Sheet make no mention of this
6 nor specifically how this threat will be addressed
7 during construction.

8 In Dynegy's Storm Water Pollution Protection
9 Plan which was submitted to the U.S. Army Corps of
10 Engineers, they propose to use a silt curtain.

11 We know from FOIA information the U.S. Army
12 Corps of Engineers has advised Dynegy that that will
13 not be adequate and you mentioned tonight the use of a
14 Porta-Dam.

15 I would like to also make mention that the
16 U.S. Army Corps of Engineers Research Development
17 Center in at least one research paper quotes the
18 PortaDam was efficient under hydraulic loading, but did
19 not test well in debris impact tests. These are
20 exactly the conditions that are found frequently in the
21 Middle Fork during high discharge.

22 So tonight I am going to ask several
23 questions. I don't necessarily expect a verbal answer
24 to them, but I would like to get a written responses so

1 that it can be shared.

2 First, on what basis and with what
3 documentation has the Agency determined that all
4 existing uses of the water body will be fully
5 protected.

6 Second, in your determination what level of
7 contamination did you identify in the soils. Third,
8 what sedimentation controls did you assume the
9 applicant will use. What percentage of suspended soils
10 did you assume would escape into the river during
11 months of construction.

12 And, finally, a very important one, what is
13 the contingency plan for controlling sediments when
14 river discharges exceed the capacity of sediment
15 control measures and those structures, contaminated
16 sediments, as well as other erodible bank soils are
17 washed downstream. Thank you.

18 HEARING OFFICER STUDER: Thank you.

19 MR. RANCURET: I am Vince Rancuret,
20 r-a-n-c-u-r-e-t, concerned citizen. First of all, I
21 would like to thank you all for hosting this session
22 and taking a genuine interest in our river and
23 environment. It means a lot to us to know that you are
24 here.

1 I understand that our focus is bank
2 stabilization relevant to the Clean Water Act and
3 whether what we think is the proposal will have any
4 degradation issues.

5 Bank stabilization is needed in some form
6 indeed. While I have many concerns, I will focus of
7 the point that we are told that since there is not a
8 very wide area between the river channel and the berm
9 that holds back the coal ash, the intent is to place
10 construction equipment in the river itself with some
11 sort of thick curtain or wall separating the flowing
12 river from the work area.

13 This will make that portion of the river much
14 narrower. I think that part of the Bernoulli Principle
15 would apply here. When you push the same amount of
16 fluid through a narrower space, the fluid will increase
17 in pressure, speed and energy.

18 The downstream effect is a change in the
19 dynamics of the river. I can see more sediment being
20 introduced into the river including the already present
21 toxic chemicals.

22 Recreational activity will also change due to
23 1/3 mile construction zone potentially either
24 restricting portions of the scenic river by closing it

1 down, introducing unsafe or hazardous area or requiring
2 families, many with children to exit their canoes or
3 kayaks and portage over 1/3 of a mile around the
4 construction zone.

5 This can and will affect public use and
6 recreation negatively when then has the spillover
7 effect on the livery operator at Kickapoo State Park.

8 And when we have excessive rainfall, such as
9 in February 2018 that took out a levy, the problems
10 will multiply exponentially.

11 I know there should be other options and
12 potential solutions. For all I know, other options
13 have been looked at, it is just that the hearing notice
14 does not seem explicit or detailed. We would very much
15 like to see more details.

16 I understand that the IEPA is using the
17 siloed approach by virtue of the sections. It ensures
18 that you can apply appropriate resources, drill down
19 nicely and not miss anything.

20 But how do you know that your solution
21 integrates with other departments and agencies. Is
22 there a liaison in place that is the coordinator over
23 all the different sections?

24 Are you sure that you are getting straight

1 consistent information submittals from Dynegy across
2 all agencies?

3 I understand I am not the expert, but only
4 seeing the solution set forth, I am concerned of the
5 well-being of the river's water quality, especially
6 knowing that if the coal ash is moved properly, the
7 bank stabilization project could be done in a safer way
8 with less risk of environmental water contamination.
9 Thank you.

10 MR. CHENAULT: My name is Woodrow Chenault,
11 c-h-e-n-a-u-l-t. I am retired consulting engineer. I
12 reside in Monticello, Illinois and I spent about 38
13 years as a consulting engineer in Champaign, Illinois.

14 I just became aware of this public hearing or
15 this comment period this morning. I apologize for
16 that. So I am going to hand you a sketch of an idea
17 that I had that I think bears some looking into from my
18 experience.

19 From my own experience with riverbank
20 stabilization particularly, I have serious questions as
21 to the long term adequacy of the bank stabilization and
22 containment measures without significant physical
23 separation to protect the waters of the state and water
24 quality and also the wild and scenic character of the

1 river.

2 I think that the measures that are being
3 proposed will probably degrade the water quality in the
4 short term and it is very hard to make stabilization
5 measures stay in place from my experience.

6 So I will view them as a short term measure
7 rather than a long term solution. So I recommend
8 physical separation as the most -- as the best method
9 of protecting the waters and preserving the national
10 character of the wild and scenic river.

11 I recommend that you folks in the EPA with
12 your water quality certification and Corps of Engineers
13 and your following 401 permit consideration consider
14 granting a conditional emergency permit to the most
15 sensitive areas likely to fail.

16 HEARING OFFICER STUDER: 30 seconds time.

17 MR. CHENAULT: And then before a final water
18 quality certification permit is issued, I would
19 recommend a consideration of a new naturalized cutoff
20 channel to move or separate the river from the
21 currently contaminated area is the best long term
22 solution.

23 The area has many natural oxbow channels and
24 cutoff channels already in place as evidenced by the

1 National Park Service website that I was on this
2 morning. The relief map shows many, many --

3 HEARING OFFICER STUDER: We are out of time.

4 MR. CHENAULT: So I will hand you my sketch
5 and you can -- I consider that an amenity which could
6 perhaps be pursued and possibly with grant funding.
7 Because it is an amenity.

8 HEARING OFFICER STUDER: I will add it.

9 MR. CRONKHITE: My name is Arthur Cronkhite,
10 c-r-o-n-k-h-i-t-e. I am just a citizen. I live in
11 what is called the (inaudible) prairie, a watershed
12 point between the North Fork and Vermilion or North
13 Fork and Middle Fork Rivers. I am 7 miles from the
14 plant.

15 Obviously this group does not understand the
16 geology here because you keep focused on the river.
17 That is only a tiny piece.

18 When you are on that river and you are
19 looking at the water, you are looking at water that
20 goes out for miles through the gravel. Miles.

21 It connects into my water where I live.
22 Between the two rivers is a giant stone bowl. It is
23 300 feet deep up by Henning, all right. That water
24 flows out through and interconnects. All of the water

1 in that area interconnects with all the other water.

2 So when you are on that river, you are
3 sitting there floating on the watershed that is not
4 even a watershed, it is a water table. Preponderancy
5 owns our government now. It also owns our bureaucracy
6 and no better example is where you have your feet
7 planted.

8 I am tired of the (inaudible) defecating in
9 our dinner plate and then making us eat it. That is
10 exactly what is happening.

11 Personally I have very little hope that
12 anything good will come out of this, especially after
13 experiencing and witnessing and working in the insane
14 wind turbine money laundering scheme that has left
15 damaged bodies and shattered estates.

16 I really have no hope for what you guys are
17 going to do to us because I know what has been done to
18 us before in this county. You keep talking about
19 discharge and the waterway. The waterway is the
20 discharge.

21 You can put a wall up, but it is still going
22 to go out and around and down. It is not going to do
23 anything. The problem is you have leaking ash and the
24 only way you are going to protect us from that is to

1 move it somewhere and seal it. That is only thing that
2 will work.

3 What you see coming out of the bank is what
4 is in the ground and it goes out for miles. Start
5 doing some tests and see what you find out there.

6 Dynegy loves this circus. This is the
7 perfect circus that they are paying for. Because it
8 keeps everybody focused on the river, on the river, on
9 the river, on the discharge. That is not the problem.

10 The problem is the ash. It has to be moved
11 or it will poison that entire region because it all
12 interconnects. Thank you.

13 HEARING OFFICER STUDER: Mary Kay Solecki.
14 Spell your name please for the court reporter.

15 MS. SOLECKI: I am Mary Kay Solecki,
16 s-o-l-e-c-k-i. So I respectfully request that the
17 Illinois Environmental Protection Agency deny Dynegy
18 Midwest Generation's 401 application for water quality
19 certification.

20 In its application, Dynegy considered five
21 alternatives including an alternative to move the river
22 over to a newly dug channel, a very costly and
23 environmentally damaging alternative.

24 It is astonishing that the applicant did not

1 also consider the alternative long term solution of
2 moving the coal ash out of the river's flood zone.

3 The only permanent solution to protect the
4 Middle Fork from coal ash pollution is the removal of
5 all coal ash from the floodplain.

6 The preferred alternative, No. 2, calls for
7 placing an approximately 2,000 foot long wall of
8 stones, boulders and rip-rap on the banks of Illinois'
9 only National Wild and Scenic River.

10 This alternative would allow continued
11 contamination of the Middle Fork from the coal ash pits
12 and would compromise recreational use of the land
13 including degrading the scenic quality of this river
14 stretch.

15 I formerly worked with the Illinois Nature
16 Preserves Commission and helped manage Orchid Hill
17 Natural Heritage Landmark which lies on the west side
18 of the ash pits.

19 I would stand on the hill looking out over
20 the vast coal ash pits in the floodplain below. Seeing
21 the huge coal ash so close to the river worried me.

22 It is a very bad location for so much ash.
23 Contaminants from the coal ash already enter the river
24 and this will continue unless the ash is moved away

1 from the river. Leaving the coal ash in the floodplain
2 is a catastrophe waiting to happen.

3 IEPA should deny certification for
4 alternative No. 2 and ask Dynegy to seriously consider
5 moving the coal ash out of the floodplain to an upland
6 location away from the river. Thank you.

7 HEARING OFFICER STUDER: I will remind you the
8 appropriate focus of tonight's hearing is not the coal
9 ash closure, but it is the actual stabilization of the
10 riverbank. John Taft.

11 MR. TAFT: Good evening. My name is John
12 Taft, j-o-h-n, t-a-f-t. I am a concerned citizen. I
13 am a botanist who found original inspiration to gain an
14 understanding of our natural resources from wild ares
15 such as the Middle Fork River ecosystem.

16 I address you this evening concerning the
17 issue of toxic contaminants from the coal ash deposits
18 leaching into the Middle Fork of the Vermilion River
19 and the eminent threat of streambank erosion and direct
20 contamination from the coal ash deposits into the
21 stream.

22 With specific regards to the Dynegy Midwest
23 Generation 401 application for water quality
24 certification, a review of the five alternatives that

1 were under consideration for remedial action reveals a
2 glaring shortcoming while the Dynegy planners even
3 actually considered moving the course of the river, the
4 option to relocate the coal ash was not formally
5 considered.

6 The option preferred by Dynegy, Alternative
7 No. 2, to reinforce a 1900 foot long length of
8 streambank with rubble and shrubbery is at best a
9 stopgap measure that also fails to address the issue of
10 ongoing contamination from ground water seepage which
11 would result in violations of established Pollution
12 Control Board water quality standards as well as
13 resulting in noncompliance of sections of the Clean
14 Water Act.

15 Borrowing from a health model, there is a
16 cancer on the landscape that is spreading and the best
17 minds on the project at Dynegy only came up with a
18 band-aid solution.

19 Do the right thing and reject the Dynegy
20 Midwest Generation 401 application for water quality
21 certification and any other proposal that does not
22 address the safe removal of the source of the problem,
23 the coal ash deposit itself.

24 HEARING OFFICER STUDER: Okay. Thank you.

1 Thomas Durbin.

2 MR. DURBIN: My name is Thomas Durbin,
3 d-u-r-b-i-n. I am a licensed professional engineer and
4 also have grown up in the shadows of the plant and
5 spent a lot of time in the Middle Fork area my entire
6 life.

7 From a professional standpoint though I want
8 to stick to the points you have in the bulletin. State
9 that this will certainly in the short term have a
10 negative impact on public recreation and water quality
11 in the area as we have already heard so I will be
12 brief.

13 Very explicitly, a lot of things will be
14 released during the construction that will be an unsafe
15 area where people will be during construction.

16 Post construction as we can see now with the
17 solution in place that is failing, this is only a
18 similar site version of that. In the long term I don't
19 want to see my kids, grandkids and future generations
20 have the same arguments 20, 30, 50 years from now about
21 banks failing, solution from the past that we didn't
22 take the right action.

23 The right action now is for a permanent
24 solution to preserve Middle Fork, the water quality and

1 recreational use of the river is to remove all the coal
2 and all other hazardous material from that site at this
3 time. Thank you.

4 HEARING OFFICER STUDER: Thank you. Alicia
5 Henry.

6 MS. HENRY: My name is Alicia Henry,
7 a-l-i-c-i-a, h-e-n-r-y. I appreciate the opportunity
8 to speak tonight. Thank you for giving this hearing.

9 My grandparents bought a farm approximately 2
10 miles from this site in the 1940s. My whole family has
11 used the Middle Fork for many decades.

12 When my children were young and when they
13 were teenagers, we bought a couple of canoes so we
14 would regularly be able to canoe the Middle Fork. We
15 still have them.

16 Now the question is whether I would feel safe
17 taking my grandchildren into a canoe on this river.
18 This is something that is a tremendous resource for
19 thousands of people in Vermilion County and then as we
20 have heard tonight from many people from surrounding
21 counties as well.

22 So I think that the proposal to just put in
23 rip-rap or however you say that is an ugly proposal.
24 It is temporary at best.

1 I don't understand the engineering behind it
2 so I won't even talk about that, but as far as its
3 recreational value, once logs or boulders and things
4 get stuck into a place like this, weeds come up. It
5 gets hideous.

6 And I have canoed that river a number of
7 times. And I know that sometimes when it is shallow,
8 you do need to pick up the canoe and walk quite a way.
9 And I don't know what would happen if this sort of
10 proposal, if it is even possible at that point.

11 I hope that you will deny Dynegy this permit
12 and I hope that IEPA and other agencies will insist
13 that appropriate measures will be taken to remove the
14 hazard and to contain and remove all of the coal ash
15 from these ponds.

16 It is something that the public does not
17 deserve to have. It is clearly a danger and we want to
18 preserve this river for the future generation. Thank
19 you.

20 HEARING OFFICER STUDER: Thank you. Wayne
21 Karplus, can you come forward?

22 MR. KARPLUS: My name is Wayne Karplus,
23 w-a-y-n-e, k-a-r-p-l-u-s. And you have just heard from
24 my wife, Alicia. When we met 20 years ago, we started

1 canoeing.

2 Her father told stories of when he was a boy
3 canoeing down this particular river. And he grew up
4 here and built the farm in the 40's. He grew up in the
5 shadow of this river.

6 I would like to be able to canoe safely with
7 my children. I have done it with my children, but now
8 they have their own children, not yet canoe age.

9 But I wonder if the streambank stabilization
10 in the past that has failed, this too will allegedly
11 fail. This river is a powerful river.

12 Believe me, when I was with my daughter and a
13 branch got caught on our canoe and we tipped over, it
14 was perfectly calm. The power of that river ripped the
15 shoes off my feet, my tennis shoe.

16 That river is strong. It may not seem that
17 way, but it is. A river bank stabilization is at best
18 temporary. It cannot, that river is too powerful.

19 The only long term solution is to remove the
20 coal ash. If you have to put in a temporary shoring,
21 you will get that done, okay, but then remove that
22 shoring so the river can go back to its initial state.

23 It is going to meander back and forth. And
24 you are going to have this pile of rubble stuck in the

1 middle of nowhere.

2 So I ask you to deny this permit or at the
3 very least make it temporary so that the ultimate
4 solution of removing the coal ash and let the river be
5 a natural and scenic river. Thank you.

6 HEARING OFFICER STUDER: Thank you. Tom
7 Monahan.

8 MR. MONAHAN: My name is Tom Monahan,
9 m-o-n-a-h-a-n. I am the concession operator at
10 Kickapoo State Park --

11 COURT REPORTER: We can't hear.

12 MR. MONAHAN: The riverbank stabilization
13 project being proposed as a solution to the coal ash
14 threat is the project that will have the biggest
15 negative economic impact.

16 The presence of construction equipment in the
17 river presents an imminent danger to recreational users
18 of the river. It must be closed to prevent accidental
19 injury or death.

20 Because the construction area lies midway
21 through our primary river trip being the National
22 Scenic River section of the Middle Fork, it will
23 effectively reduce our income to almost nothing.

24 I am aware of a proposed portage plan, but

1 after a review of this option I find it untenable due
2 to serveral logistical barriers. One, site selection
3 for take-outs and put-ins are extremely difficult.
4 Particularly the take-out.

5 The site must be accessible, easily
6 identifiable from the river and be located in an eddy
7 or slow moving section of the river under both low and
8 high river levels.

9 Also the watercraft is not designed for
10 portages and even if services are available to assist,
11 portage times will be longer than anticipated, greatly
12 impacting the overall experience.

13 So you are going to expose people to the
14 construction site. Basically we will probably close
15 down during the construction period.

16 Down the stream or further, the embankment, a
17 good portion of our customer base comes from outside
18 the area. And a lot of that has to do with the natural
19 scenic river.

20 With the degradation of the natural scenic
21 part, they will go with other options. So it will, we
22 will lose over time a portion of our customer base. My
23 concern about --

24 HEARING OFFICER STUDER: 30 seconds.

1 MR. MONAHAN: Thank you. Theodore Hartke.

2 MR. HARTKE: Good evening. My name is Ted
3 Hartke. I am an Illinois licensed professional
4 engineer and Illinois professional land surveyor.

5 I own Hartke Surveying Incorporated which was
6 founded here in Vermilion County almost a decade ago.
7 My wife was born and raised in Vermilion County.

8 I have personally canoed the Middle Fork with
9 my wife's family and also a church youth group.
10 Therefore I have seen it from the riverside.

11 Also during the most recent riverbank erosion
12 shoreline abatement/repair project, I completed surveys
13 of the new groundwater sampling/monitoring stations,
14 therefore I've seen this conundrum from the power plant
15 side.

16 Seeing it in person and on the power plant
17 side puts into the true scope of how large our problem
18 might be if our riverbank failed.

19 So here we are talking about a massive
20 streambank stabilization project. This is almost 2,000
21 feet of alteration to a natural river. Shoreline
22 treatment is about the most unnatural thing you can do
23 to a river.

24 Attempts to fence in or control nature never

1 works. Over time the river will always win. During the
2 battle against nature's forces, a lot of effort and
3 money will be wasted.

4 When the river eventually wins, there will be
5 this scar of material, rip-rap stone scattered into the
6 streambed and also downstream.

7 This streambed layer of large diameter rock
8 will use up some of the hydraulic radius end area of
9 the river causing the river to move along at an
10 increased velocity. And that said increased velocity
11 will further erode the banks on both sides.

12 The addition of streambank rock stabilization
13 material is an unnatural short-lived fix which only
14 buys some time for the owners of the coal ash. It
15 merely postpones the inevitable.

16 Once this short-lived shoreline rip-rap
17 becomes a failure, then we will all be right back here
18 in another school gym wasting time with more
19 uncommitted politicians who throw out another moldy
20 task force idea or a weak feel-good county resolution.

21 The solution of this problem is plain and simple.
22 The root of the problem is the coal ash threatening our
23 perfectly wonderful river. If the coal ash is removed,
24 then the streambank stabilization project vanishes into

1 thin air. Put the coal ash in a place where it can
2 remain safe. Do it now.

3 HEARING OFFICER STUDER: 30 seconds.

4 MR. HARTKE: Stop wasting our time and money
5 on a temporary fix. Time does not allow me to explain
6 my recommendations on ways to pay for the coal ash
7 relocation project and unfortunately the rules of this
8 meeting are limiting our comments to only the
9 streambank discussion.

10 Please reject Dynegy's plan to mess up 2,000
11 feet of our riverbank while a permanent correction is
12 obvious and staring us right in the face.

13 The first mistake was putting this coal ash
14 in a bad place. I don't know what they were thinking.
15 They probably were not thinking. Adding another
16 mistake to the first mistake is even more unthinkable.
17 Thank you very much and have a good evening.

18 HEARING OFFICER STUDER: Thank you. Cindy
19 Shepherd.

20 MS. SHEPHERD: My name is Cindy Shepherd,
21 s-h-e-p-h-e-r-d. I thank the panel for the opportunity
22 to speak with you tonight about this issue.

23 I work for Faith in Place which is a
24 non-profit that helps people of faith become leaders

1 and many are here tonight.

2 Many people here have been taking care of our
3 homes that we share as not only as good citizens, but
4 it is a strong spiritual obligation that we share.

5 One of the favorite parts of my job is every
6 summer my colleagues from Chicago and Lake County and
7 Waukegan and that area bring youth down here to Central
8 Illinois to see the beauty of this place where we live.
9 And they fall in love with it.

10 When they canoe the Middle Fork River, it is
11 like they have never seen water before because they
12 have never seen a wild scenic river before. They have
13 seen water meandering through their neighborhood
14 because the storm sewer doesn't work very well. So it
15 is really an awesome thing for them.

16 It has not only a recreational value, but an
17 educational and spiritual awakening for those young
18 people. And I just think it would be a tragedy for
19 them to come here and have that river instead remind
20 them of the piles of rubble that they see in urban
21 neighborhoods. That is not -- that is just not taking
22 good care of our home.

23 So I would encourage you to please deny the
24 certification that Dynegey is asking for and to insist

1 that they come up with a solution to the problem that
2 they have created which actually involves moving the
3 coal ash.

4 And I know that we are not supposed to be
5 addressing that tonight. I don't want to, but I do
6 think that you might be interested to know -- hands up
7 if you want Dynegy to move that ash. Thank you.

8 HEARING OFFICER STUDER: We appreciate your
9 comments. Thank you. Jason Herman.

10 MR. HERMAN: Hello. My name is Jason Herman,
11 h-e-r-m-a-n. I would like to start out by thanking
12 this panel for taking the public's comments.

13 I am a concerned citizen of the area, a
14 resident. I was alerted of this meeting via social
15 media and various non-profit and news media outlets.

16 And so I decided to speak tonight to talk
17 about my concerns specifically. I purchased land south
18 of the area that is being proposed for the riverbank
19 stabilization of the Middle Fork.

20 A year ago this land was affected by a flood.
21 And in this land I bring my three children to this
22 area. We come out every weekend.

23 We have chosen to invest in this area versus
24 taking vacations outside of Illinois. This is where we

1 spend our time and this is where we bring our friends
2 and we have also met numerous friends in this area.

3 I have been presented with many facts. Coal
4 ash and the contaminants contain heavy metals; arsenic,
5 lead, mercury, boron, chlorine and so on. I am not an
6 environmental expert. I am not an engineering expert
7 by any means.

8 But I will present the facts to a temporary
9 solution to prevent these contaminants during
10 construction releasing the sediment and these
11 contaminants into the river that may affect my family
12 and my friends.

13 I also want to note that we really enjoy
14 spending the time in the area. We spend it as often as
15 we can. We also frequent businesses in the area as
16 well as have friends that come visit us in the area as
17 well.

18 I am concerned about those businesses because
19 I have gotten to know those people and I have gotten to
20 know how they rely on the river and the visitors.

21 And I will be concerned if in a number of
22 years from now if we made the wrong decision and this
23 was not a permanent solution and this affected people
24 and their health and their families.

1 And I want to conclude by saying that I am
2 concerned. I have been presented with many facts that
3 this is a temporary solution and there are many
4 dangerous contaminants in the coal ash.

5 And I would encourage this committee to
6 consider not approving this, but approving a more
7 permanent solution. Thank you for the opportunity to
8 speak.

9 HEARING OFFICER STUDER: Thank you. Dave
10 Thornton.

11 MR. THORNTON: Dave Thornton, t-h-o-r-n-t-o-n.
12 I am a river guide. The ash ponds have already leaked
13 into the river and groundwater.

14 This project will disturb contaminated
15 sediments and degrade water quality in violation of
16 law. The stabilization will be ugly and not in
17 compliance with the Wild and Scenic Rivers Act.

18 The containment measures have not been proven
19 in these circumstances. I have seen this river at 15
20 foot above level and I have seen it 6 inches deep.

21 This project will decimate the recreation of
22 Middle Fork and Kickapoo State Park in violation of
23 federal law. As my wife said earlier, this is putting
24 a band-aid on a cancer.

1 A question, have any of you of the EPA ever
2 been down the Middle Fork River? You have? I am glad
3 to hear that. I hope that puts into perspective what
4 is in jeopardy here.

5 If you have not, it is an open invitation. I
6 have six canoes, five kayaks. I am on Facebook. Look
7 me up. I will take you down the river. It will change
8 your mind.

9 There is only a tiny fraction of natural
10 Illinois left and your job is to protect it. I believe
11 that all of you started in this field with good
12 intentions.

13 Reject corporate pressure and do the right
14 thing. Don't issue the certification. Mr. Studer,
15 your no applause rule is arbitrary and illegal. Thank
16 you.

17 MR. ROBINSON: We have -- (inaudible). I also
18 want to mention that there are plenty of nearby species
19 of fish and wildlife in the river. (Inaudible.) In
20 addition to the issues with the quality of the river
21 and the impacts that these have, I hope you take all of
22 these considerations into account. Thank you.

23 HEARING OFFICER STUDER: Thank you.

24

1 MS. LIGHT: Hello. My name is Germaine Light;
2 g-e-r-m-a-i-n-e, l-i-g-h-t. And I want to thank you
3 for having this hearing for us and I want to thank
4 everybody here who came. And I appreciate the time
5 everybody has spent on this very important problem.

6 So basically I know that you are probably a
7 little bit annoyed that everyone is talking about the
8 coal ash when you have got this and that we are not
9 just talking about riverbank stabilization.

10 And I say this respectfully. Please don't be
11 offended. But I do think that it puts us between a
12 rock and hard place so to speak. You are trying to
13 hammer a square peg through a round hole because this
14 is a whole entire problem.

15 How many riverbanks along the banks of the
16 course of the Middle Fork river are eroding? Tons of
17 them. Are you concerned about those? No. Are we
18 concerned about those? None of us are.

19 Because that is what rivers do. They erode.
20 They change their course. They move around in the
21 floodplain. And Dr. Bruce Rhoads from the U of I stood
22 here and told you that river will be eroding toward
23 those coal ash pits.

24 And there is nothing you can do, nothing that

1 humans can do that will stop it from doing that. You
2 might slow it down a little bit. The river is going to
3 find its way around it, behind it, underneath it, over
4 it. It is going to ruin that whole, the whole deal of
5 that wall.

6 And I am concerned about a number of other
7 things that do go against the National Scenic Rivers
8 Act. First of all, it is going to be very, very ugly.
9 It is going to be an artificial wall made of rip-rap
10 that is not native.

11 Native plants, native rocks, you know, that
12 is what we want to see along a national scenic river.
13 We want to see the real thing. People don't want to
14 see all that ugliness.

15 So I also think that that is great and
16 appropriate according to the National Scenic Rivers
17 Act. It is going to cause navigation problems.
18 Problems with kayaks, canoes and inner tubes.

19 I think that even if the Kickapoo Adventures
20 canoe livery does stop letting people pass there on
21 canoes, there are other people that have their own
22 canoes.

23 HEARING OFFICER STUDER: 30 seconds.

24 MS. LIGHT: I am also concerned about

1 construction. It has been indicated that might take up
2 to a year to get construction done and what it is going
3 to do to when we run into that and how to handle that.

4 Pollutants will be stirred up during
5 construction and they have been sitting there in the
6 riverbank for years, decades, and silt. And this is
7 going to be bad.

8 This is going to reduce the water quality.
9 It is going to mess things up for the wildlife and the
10 quality of plants getting sunlight. And then it will
11 also reduce the oxygen level. The fish are not going
12 to be able to survive.

13 Tourists are going to start staying away from
14 the place. That is going to hurt the economy of
15 Danville, Vermilion County. I hate to see them harmed
16 by this too, but also hotels, gas stations,
17 restaurants. So that pretty much sums up what I was
18 going to say. Thank you for listening to me.

19 HEARING OFFICER STUDER: Thank you.

20 MR. MAIN: Thank you. I am Dr. David Main.
21 I practice pulmonary environmental occupational
22 medicine.

23 HEARING OFFICER STUDER: Can you spell your
24 last name?

1 MR. MAIN: M-a-i-n. I grew up in Danville,
2 canoed the Middle Fork many times and I am very
3 concerned for the community. So I am concerned about
4 the public aspect about this issue.

5 My concerns, obviously the toxic materials in
6 the coal ash, more than 3 million cubic yards. Those
7 materials include arsenic, chromium, mercury, boron and
8 there are many others.

9 I wanted to mention two of these very
10 briefly, namely arsenic and chromium, because these
11 were found in groundwater testing at the site.

12 So why these two. These are carcinogens.
13 They cause cancer. Arsenic is known to cause cancer.
14 I'm particularly concerned about arsenic.

15 A director of the National Institute of
16 Environmental Health and Safety, Dr. Lindenberg, and I
17 quote, there is strong evidence of adverse health
18 effects from various levels of arsenic exposure, that
19 at no level, that is no level of arsenic appears to be
20 safe.

21 Chromium also is a material found in the
22 groundwater testing, also a carcinogen. It has kidney,
23 liver effects. I obviously mentioned these particular
24 two. They have been found already in groundwater

1 testing. Also lead and mercury. How many pounds of
2 coal ash toxins --

3 HEARING OFFICER STUDER: 30 seconds.

4 MR. MAIN: It is unbelievable. So the bank
5 stabilization activity involves excavation of the
6 riverbed, some of which maintain chemicals as I have
7 mentioned. As that activity continues, materials will
8 be released to the river. The quality will be
9 affected. Clearly a deterioration in quality.

10 Also the fact that stabilization does not
11 eliminate leaking of the chemicals already going on.

12 HEARING OFFICER STUDER: We are out of time.

13 MR. MAIN: As a physician I ask for you to not
14 approve this.

15 HEARING OFFICER STUDER: Jane Cade.

16 MS. CADE: Good evening. My name is Jane Cade
17 c-a-d-e. I grew up in Potomac and I am here tonight to
18 share some information prepared by my friend Kris Camp
19 who was unable to attend, but is passionate regarding
20 the Middle Fork River.

21 Kris had noted changes yearly in the river
22 channel cause by erosion and deposition. This is the
23 way of the river. Unfortunately some of this erosion
24 is occurring near the coal ash pits of the power plant.

1 Several years ago while kayaking, Kris
2 noticed colorful traces left by the leaching of
3 chemicals into the river and the breakdown of the
4 gabions in the same area of the riverbank by the power
5 plant. This is not a normal occurrence along the other
6 parts of the river.

7 Dynergy Midwest Generation has applied for an
8 erosion mitigation and streambank stabilization project
9 along 2,000 linear feet of the right bank of the Middle
10 Fork River.

11 This work would occur within 2 miles of
12 Kris's home and tremendously impede the use and
13 enjoyment of the Middle Fork River and its floodplain
14 in the following ways: No. 1, being unable to kayak
15 this area of the river without having to portage 1/3
16 mile. Even if a small channel is left open for the
17 current to flow, it will be too dangerous to navigate
18 due to the swift river current, especially during rain
19 or flash flooding.

20 No. 2, Two thousand linear feet of rip-rap or
21 fill would be a huge visual distraction to the National
22 Scenic River and ruin the recreational value of that
23 section of the river in the same way the New East Ash
24 Pit has become an eyesore.

1 No. 3, the proposed project would most
2 assuredly disturb the pair of eagles that have been
3 nesting near the site for a number of years that
4 paddlers have enjoyed viewing. How sad if the eagles
5 leave and do not return.

6 And, No. 4, there is a real concern about the
7 amount of contaminated soil that would be released into
8 the water during the project. Will the proposed
9 turbidity curtain catch or hold back all contaminated
10 soil particles? These fears will prevent her family
11 including grandchildren from enjoying a usual summer
12 long activity in the river.

13 For these reasons I join Kris Camp in asking
14 the IEPA not to approve Dynegy's application. Instead
15 we can ask for a much less invasive streambank
16 stabilization to be completed this summer with the
17 future intention of the contents of all three coal ash
18 pits being moved to a properly lined location away from
19 any bodies of water. Thank you.

20 MR. NOREEN: In the interest of saving time, I
21 will not comment.

22 HEARING OFFICER STUDER: For the record that
23 was Noreen, n-o-r-e-e-n, last name. David. Carolyn
24 Trimble.

1 MS. TRIMBLE: Good evening. I am Carolyn
2 Casady Trimble from Urbana, Illinois. Thank you for
3 providing this opportunity for us all to talk about the
4 future of the Middle Fork.

5 HEARING OFFICER STUDER: Can you spell your
6 name for the record please.

7 MS. TRIMBLE: Pardon?

8 HEARING OFFICER STUDER: Can you spell your
9 name for the record?

10 MS. TRIMBLE: Carolyn Casady Trimble,
11 c-a-r-o-l-y-n, c-a-s-a-d-y, t-r-i-m-b-l-e. My family
12 and I have been canoeing on the Middle Fork for more
13 than 40 years. I hope it will be available to my
14 grandchildren and great-grandchildren to enjoy.

15 On a beautiful warm sunny day last July, my
16 husband and I took our canoe down the Middle Fork.
17 Despite a recent heavy rain, the water level was low.
18 The river was full of people of all ages rafting,
19 swimming, splashing and wading in the river.

20 Unfortunately when we came to the section of
21 the bank near Dynegy, the clay of the bank was covered
22 with orange and red and other garish colors from what
23 is leaching from the coal ash impoundments.

24 I didn't want to have any of that water on my

1 skin or even on my canoe. I was amazed that there
2 seemed to be no safety warning for those enjoying
3 themselves by splashing and swimming since we all know
4 that the chemicals leaching are hazardous to humans.

5 The proposed building up of the bank is not a
6 long term solution to the leaching. It will not make
7 the river safe to use, probably not in the short term
8 and certainly not in the long term.

9 The coal ash must be removed from the
10 floodplain and disposed of in a manner that will make
11 it impervious to earthquakes, huge rainstorms and other
12 natural disasters, as well as to any foolish acts of
13 humans.

14 Please accept only a solution that is really
15 a solution, able to ensure good water quality for this
16 precious resource, our wild and scenic river. Thank
17 you.

18 MS. DECLUE: Hi. My name is Mary Ellen
19 DeClue, d-e-c-l-ue. I am from Litchfield, Illinois.
20 My concern is that Dynegy and prior coal utility owners
21 do not consider protection of this river to be a
22 priority.

23 In past public meetings, coal utility
24 representatives established clearly to me that profits

1 were a priority over the health and safety of people,
2 children and fetuses. I heard statements like mercury
3 is not toxic. No one eats that many fish.

4 These responses were given to answer why the
5 warning signs of mercury tainted fish consumption were
6 taken down at the Coffeen power plant several years
7 ago.

8 I am disgusted that this manmade disaster has
9 progressed to the threatening extent that it has. I
10 wonder if coal ash were classified as hazardous waste,
11 which it is, would there be millions of tons of toxic
12 coal ash sitting near rivers and in floodplains. I
13 would like to think that would not have happened.

14 The Middle Fork River cannot be replaced, but
15 the coal ash barrier can be displaced. The Middle Fork
16 does not need to be fixed. It knows where to go and it
17 knows where it is going.

18 The proposed rock pile does not fix anything.
19 The rock pile does not prevent contaminated runoff from
20 the coal ash -- the rock pile does not prevent
21 groundwater contamination from coal ash leachate
22 entering the Middle Fork. The rock pile is not
23 permanent bank stabilization.

24 If this disaster is not addressed correctly,

1 the Middle Fork will be lost to present and future
2 generations. The rock pile will make a scenic river
3 into an unscenic river. The rock pile will damage the
4 natural beautiful design of the river.

5 HEARING OFFICER STUDER: 30 seconds.

6 MS. DECLUE: Illinois EPA must not approve
7 this inadequate and harmful proposal of Dynegy. Please
8 deny the 401 Water Quality Certification. Thank you.

9 HEARING OFFICER STUDER: Thank you. Philip
10 Hult.

11 MR. HULT: My name is Philip Hult, h-u-l-t. I
12 am formerly a member of the Board of Commissioners for
13 the Champaign County Forest Preserve District.

14 About 20 years I have been kayaking down the
15 Middle Fork River. I have taken photos of toxic
16 chemicals leaching through the riverbank. I have taken
17 photos of the erosion. I have taken photos of the
18 former attempts at stabilization failures.

19 I have sent those to State officials,
20 Democrat, Republican, and nothing has been done in the
21 past so I thank you for being here.

22 One of the things that I am concerned about
23 is I read a report in the Illinois Water Survey. It
24 says because of the climate change, we can expect

1 stronger rain events more often in the future.

2 Because of the geologic profile of the Middle
3 Fork, this river can rapidly rise as seen by going to
4 the U.S. Geologic Survey Water Gauge.

5 This shows that there would be rapid spikes
6 and high waters which would cause river closure to
7 kayakers making this a dangerous river. In the future
8 -- or the Illinois Water Survey says these events may
9 become more often and more damaging.

10 Using only past records in modeling flood
11 events could be a critical error. You must also make
12 consideration for what could be more severe flooding
13 events in the future. The only way to permanently
14 protect water quality is to remove the coal ash from
15 the floodplain. Thank you.

16 HEARING OFFICER STUDER: We are going to take
17 a 5 minute break.

18 (Whereupon a break was taken and the
19 deposition continued as follows:)

20 HEARING OFFICER STUDER: If we could go ahead
21 and go back on the record. Tony Heath.

22 MR. HEATH: Hi. My name is Tony Heath,
23 t-o-n-y, h-e-a-t-h. I am a professional civil engineer
24 in the State of Illinois as well as a graduate student

1 at the University of Illinois in the Department of
2 Urban and Regional Planning.

3 While I agree with almost everything that has
4 been said tonight about why this project should be
5 rejected because of increased erosion during
6 construction, increased erosion due to the constriction
7 of the channel post construction, and failure to
8 address the underlying issues, tonight I would like to
9 focus my comments on specifically the deficiencies in
10 the Section 401 application with regards to the
11 alternatives analysis and to provide additional
12 information regarding the extent of the failure of
13 previous bank hardening activities.

14 So as has been said already, Section
15 302.105.f.D states that the application for a project
16 such as this must include an assessment of alternatives
17 to proposed activities that would result in minimal
18 environmental degradation.

19 In this regard the application includes due
20 absolutely nothing, three different versions of bank
21 hardening activities and a proposed relocation of the
22 river.

23 What it doesn't consider is what good
24 practice would consider the preferred alternative. For

1 your consideration, I have provided an excerpt from
2 Chapter 6 of the Bank Stabilization Design Guidelines
3 as published by the U.S. Department of the Interior.

4 And on the second page of that Page 63,
5 Paragraph 2, it begins "methods in the preserving the
6 floodplain category are the most desirable". And then
7 it continues "hardening the banks is the least
8 desirable category of methods".

9 Then on the following page when discussing
10 methods for preserving the floodplain, the first and
11 most desirable of those is infrastructure relocation or
12 setback. And in this case that means bank
13 stabilization by moving the coal ash.

14 I think it is clear to me and I think it is
15 clear to most of you why Dynegy hasn't even considered
16 this in their application so far. If they did, it
17 would be obvious that moving the coal ash is the best
18 available alternative.

19 It minimizes impact on recreational and
20 commercial use of the river. It preserves ecological
21 function and best achieves the goal of this project
22 which is to protect the Middle Fork from the risks
23 associated with having the 3 million cubic yards of
24 coal waste in its floodplain.

1 When we look beyond just the upfront cost and
2 consider not only the maintenance and eventual
3 placement costs of a rip-rap system, but the costs
4 associated with ongoing health effects, negative
5 impacts of local wildlife and most importantly the
6 risks associated with a potential --

7 HEARING OFFICER STUDER: 30 seconds.

8 MR. HEATH: Moving the ash is the best
9 solution for residents of Vermilion County, the State
10 of Illinois and even for Dynege itself.

11 The second thing I would like to bring your
12 attention to is that all of the representative site
13 photos were taken in late April when the water level
14 was at its highest and exclusively from the west bank
15 which doesn't show the condition of the bank in the
16 river at all.

17 If you would look at the photos, it looks
18 pretty pristine. What you see from the opposite side
19 of the river or the river itself, you can see entire
20 sections that have been ripped away or that slump in
21 place. Thank you.

22 HEARING OFFICER STUDER: We are out of time.

23 MR. HEATH: This doesn't meet the requirements
24 under Title 35. Thank you.

1 HEARING OFFICER STUDER: Suzanne Smith. Go
2 ahead.

3 MS. SMITH: Suzanne Smith; s-u-z-a-n-n-e,
4 s-m-i-t-h. I believe Dynegy's current plan has a high
5 probability of disturbing and suspending contaminated
6 soils and sediments into the stream that could degrade
7 water quality and redistribute coal ash sediments
8 downstream.

9 So I am here tonight to tell you a story
10 about a little girl. I have been part of a RiverWatch
11 team for 8 years collecting macro invertebrates (mainly
12 bugs) from the Middle Fork near the take-out for
13 paddlers and tubers near the concessionaire.

14 We count the bugs and multiply them by their
15 numerical value to determine a biotic index that
16 reflects water quality.

17 According to RiverWatch stream quality
18 indexes, the Middle Fork is overall a healthy stream
19 which suggests conservation efforts have paid off in
20 good water quality and healthy biotic communities
21 noting coal ash impairments upstream --

22 HEARING OFFICER STUDER: Can you slow down
23 for our court reporter.

24 MS. SMITH: We always looked forward to

1 meeting people and wildlife on sampling days. While on
2 one occasion a Mom came down to the river with her
3 children and asked what we were doing.

4 They were all excited to see the bugs,
5 crawdads and fish in our bucket and they proceeded to
6 play in the riffle that extends over halfway across the
7 stream. They collected rocks from the riffle to build
8 a little cage and enjoyed exploring the stream for
9 critters.

10 At one point our team looked up to see this
11 little girl maybe 5 or 6 years old floating suspended
12 on her back in the riffle, her head upstream with the
13 water washing over her arms, her legs and her body.
14 She laid there for a long time, immersed in the stream,
15 lost in her thoughts.

16 I want you to remember this little girl when
17 you make your decision about this project. Will the
18 cap and run idea keep the river water and substrate
19 clean and safe?

20 Will it protect this little girl, others like
21 her and the wildlife that surrounds her from toxic coal
22 ash in the short and the long run?

23 At a time when the world is in crisis, our
24 nation is debating tough political issues and our state

1 struggles with an identity crisis, we desperately need
2 to protect clean green spaces that give us peace and
3 solace. Places like the Middle Fork River.

4 Like that little girl, we need to be able to
5 immerse ourselves, sometimes literally or figuratively
6 in the haven of the Middle Fork valley. This National
7 Wild and Scenic River affords extensive free public
8 access to nature.

9 HEARING OFFICER STUDER: 30 seconds.

10 MS. SMITH: I implore the IEPA to protect this
11 river from potential catastrophe. This is not a time
12 to compromise.

13 You need to make the best decision to ensure
14 that all people and all wildlife that encounter this
15 river can safely interact with the wilderness of this
16 place for all time.

17 I support a complete coal ash removal plan
18 with immediate temporary bank stabilization at critical
19 erosion points. Thank you very much for your time.

20 HEARING OFFICER STUDER: Okay. Stuart Levy.

21 MR. LEVY: I am Stuart Levy; s-t-u-a-r-t,
22 l-e-v-y. And I would like to make two points. There
23 was a previous stabilization plan as we know. And it
24 has now pretty much degraded -- (inaudible).

1 So my question is: How does the plan provide
2 for long term maintenance of the solution? Can they
3 estimate funding, ongoing funding to perform that
4 maintenance?

5 This isn't just a solution for this year. We
6 don't want, you know, if you include a solution and in
7 20 years it is unmaintained and it fails and dumps a
8 large amount of coal ash on the river -- (inaudible).

9 Second, whatever approach you approve, the
10 National Park Service will also need to approve it to
11 ensure that it protects the value of the river as a
12 national state waterway.

13 So I think the Illinois EPA should consider
14 what will happen next. The Applicant hasn't offered
15 any plan as far as I have heard for temporary
16 protection of the river -- (inaudible).

17 So if you reject this one or if the National
18 Park Service does, then -- (inaudible.) And through
19 the whole time that was being prepared and considered,
20 the ash pile is going to be undermined by some spring
21 flood water.

22 HEARING OFFICER STUDER: 30 seconds.

23 MR. LEVY: So I suggest an alternative --
24 (inaudible). The Applicant should be asked to provide

1 an alternative that doesn't impair the use of our
2 National Scenic River. Thank you.

3 HEARING OFFICER STUDER: Thank you. Mr.
4 Williams.

5 MR. WILLIAMS: Good evening. My name is
6 Rickey Williams. R-i-c-k-e-y, w-i-l-l-i-a-m-s. I am
7 the mayor of the City of Danville.

8 And recently the City council unanimously
9 passed an ordinance not only requesting this hearing,
10 but asking you to come up with a realistic solution, a
11 long term solution -- (inaudible).

12 There are a couple of concerns that we have.
13 We have many endangered species. That is something
14 that we have to consider. Not only the animal and
15 marine life, plant life --

16 HEARING OFFICER STUDER: Can you slow down for
17 the court reporter?

18 MR. WILLIAMS: What about the marine life and
19 other animal species that we have that are endangered
20 in this area. Second of all, we have concerns for
21 recreational opportunities. We have just removed the
22 dams here in our community so that we can have access
23 to the entire river. Soon we will be able to float
24 down the entire river. And this is in jeopardy.

1 And finally we have to talk about the
2 economic concerns for us. We are in the process of
3 building some trails and other recreational
4 opportunities right along the river.

5 By failing to move the coal ash, it puts all
6 that in jeopardy. We have tourism that would help fund
7 a lot of the things we need here. So the only solution
8 from the perspective of the City of Danville is to move
9 the coal ash. We ask you to do that.

10 HEARING OFFICER STUDER: Thank you.

11 MR. REHN: There is a bus leaving at 8:30.
12 Please be on the bus by 8:30. With that, my name is
13 Andrew Rehn, r-e-h-n. I work for Prairie Rivers
14 Network, a non-profit that works to protect water.

15 Thank you for holding this hearing and taking
16 the time to listen to public input. I hope you can see
17 that this river is loved deeply by this community and
18 our goal is to see it and the land protected for our
19 children's children.

20 We ask that the Illinois EPA deny this water
21 quality certification on the basis that the, one,
22 alternatives analysis is incomplete; two, the water
23 quality certification does not consider recreation
24 impacts as required, and, three, the Agency has not

1 demonstrated that the project has adequate
2 sedimentation controls.

3 We encourage Dynegy and the many regulatory
4 agencies to explore a targeted and temporary bank
5 stabilization effort that does not leave a scar on the
6 river.

7 HEARING OFFICER STUDER: You are going too
8 fast.

9 MR. REHN: I am going to be asking some
10 questions and give someone else a chance to speak. So
11 if that is okay, I would like to ask Darren why the
12 removal of the coal ash was not considered --

13 MR. GOVE: For your information that
14 information has been (inaudible) that the alternatives
15 analysis be augmented to include that alternative.
16 That has already been done.

17 MR. REHN: Okay. They didn't include it
18 because?

19 MR. GOVE: Originally it was not included
20 because they did not provide it with their alternative
21 analysis.

22 MR. REHN: Okay. Thank you for that. What is
23 the life span of the project?

24 MR. GOVE: It is, the project is designed to

1 be maintained. Like I said, there is a proposal to add
2 maintenance and provide a maintenance plan which
3 predicted that with small additions of maintenance work
4 on an as-needed basis, it could be maintained in
5 perpetuity.

6 MR. REHN: Is there any way to make sure that
7 would happen?

8 MR. GOVE: No funding information was
9 provided.

10 HEARING OFFICER STUDER: We are out of time.

11 MR. REHN: Thank you.

12 MS. WASSERMAN: My name is Naomi Wasserman.
13 N-a-o-m-i, w-a-s-s-e-r-m-a-n. So I am a nature
14 enthusiast and also a PhD student at the University of
15 Illinois.

16 Obviously I don't speak for my department,
17 but my research examines the chemistry of toxic metals
18 and metalloids in natural environments and built ones
19 such as coal ash impoundments.

20 My specific area of research focuses on the
21 effect of redox conditions on the mobility of certain
22 elements like selenium, antimony, chromium, mercury and
23 arsenic which are commonly enriched in the coal
24 combustion process as you all know.

1 So while elevated concentrations of these
2 elements are not detectable in the midstream area of
3 the river, this does not mean that these elements are
4 not leaching from the coal ash pond.

5 A common characteristic of these elements
6 like selenium, arsenic and antimony is that their
7 solubility is controlled by the redox conditions of the
8 environment that they are in.

9 So in more oxygen rich environments, these
10 elements are relatively soluble and are transported by
11 flowing groundwater or surface water. In less oxygen
12 rich environments, these elements precipitate in solid
13 forms and become less bioavailable to us and other
14 animals.

15 These redox sensitive elements may have
16 precipitated as they encounter oxygen poor conditions
17 in the groundwater flowing from the coal ash ponds to
18 the riverbanks.

19 This potential scenario is relevant to this
20 public comment hearing as disturbance of the sediment
21 will almost certainly introduce oxygen into previously
22 anoxic environments mobilizing potentially toxic metals
23 and metalloids that were insoluble previously into
24 Illinois' only natural scenic river.

1 So no one to my knowledge has examined the
2 geochemistry of the riverbank sediment or groundwater
3 before it reaches the seeps. Therefore we don't know
4 how much reduce arsenic and --

5 HEARING OFFICER STUDER: 30 seconds.

6 MS. WASSERMAN: And we also don't know if
7 groundwater flow paths from the coal ash ponds could be
8 significantly altered by the addition of coarser
9 material to the riverbank possibly changing the redox
10 conditions of the groundwater that is flowing from the
11 coal ash ponds into the river.

12 So to fully assess the environmental impact
13 of this proposed stabilization, I ask if these effects
14 on the geochemical state of the riverbank have been
15 considered before granting the 401 water quality
16 certification. Thank you.

17 HEARING OFFICER STUDER: Okay. Go ahead.

18 MR. BULLARD: My name is Clark Bullard,
19 c-l-a-r-k, b-u-l-l-a-r-d. I timed this 2 minutes. I
20 can slow it down a little bit for the reporter.

21 I am an engineering professor at the
22 University of Illinois. I have canoed the Middle Fork
23 hundreds of times over the last 50 years.

24 I ask you to reject this project. First, the

1 bank stabilization is a means to no end. Not an end in
2 itself. I have seen that raging river rip shore trees
3 from the banks.

4 Imagine a tree weighing as much as a fully
5 loaded semi trailer truck demolishing Dynegy's flimsy
6 silt curtain and crashing at a speed of 5 to 10 feet
7 per second into the exposed parts of the bank.

8 If it doesn't happen during construction, it
9 will certainly happen eventually. Rip-rap or not.
10 That is the real reason to (inaudible) the river's
11 quality and recreational value. Common sense calls for
12 prevention and fortunately so does the State's
13 antidegradation regulation.

14 The real reason they need emergency rip-rap
15 is to enable construction of an access road. Then they
16 need the road so they can construct (inaudible) around
17 the embankments which they assume will withstand
18 whatever the river throws at them.

19 A better alternative is missing. It would
20 start on the uphill side. Remove the ash first, then
21 remove the embankment. Then remove any contaminated
22 soil. And finally remove what is left of the gabions
23 that are currently between the river and the ash ponds.

24 Dynegy's proposal is backwards. It starts by

1 removing the gabions and ends by leaving the ash in
2 forever. Finally, it is up to you as guardians of our
3 tax dollars to remove the ash now while they still have
4 stockholders to pay for it.

5 The stockholders accepted this risk when they
6 bought into the abandoned plant and the ash. Don't let
7 them get away. It is not fair to the taxpayers who pay
8 your salary or to the next generation of taxpayers who
9 will inherit liability.

10 HEARING OFFICER STUDER: Okay. Thank you.

11 MS. DZIALLO: My name is Anna Mae Dziallo,
12 a-n-n-a, m-a-e, d-z-i-a-l-l-o. Thank you, first of
13 all, for listening to all of us here tonight. There is
14 a lot of us here.

15 I am president of Fossil Free UIUC, formerly
16 Beyond Coal. I am a senior at the University of
17 Illinois. Although we have all benefited from a carbon
18 based economic system, it is critical to take
19 responsibility for cleaning up harmful byproducts.

20 In line with this responsibility, the EPA
21 must not allow Dynegy to go through with this project.
22 Countless U of I students enjoy the Middle Fork River
23 and even rent buses to bring busloads of students over
24 to enjoy kayaking and hiking and more.

1 It is one of the few local areas of nature
2 that we can enjoy on campus at the U of I. And the
3 bank stabilization project is not a long term solution
4 to protect this cherished resource.

5 Future generations will be forced to endure
6 health and environmental degradation from toxic coal
7 ash contamination if Dynegey has their way and the
8 project proceeds.

9 The three pits in total could fill the New
10 York Empire State Building two and a half times. And I
11 say that and I know I am talking about coal ash, but
12 all of the five alternatives proposed by Dynegey fail
13 me, my peers, your children and your grandchildren.
14 And it fails to resolve the current toxic seepage as
15 well from all the coal ash.

16 Bank stabilization is a short term solution
17 for a long term potentially generational ecological,
18 social and economic problem.

19 We do not have to settle for this. You can
20 take action to prevent these issues by refusing
21 Dynegey's bank stabilization project which would dredge
22 up to 8 feet of the riverbed and release toxic
23 chemicals down the stream. I urge you to decline on
24 behalf of the future generations, my kids, your kids

1 and U of I students. Thank you.

2 HEARING OFFICER STUDER: Okay. Thank you.

3 MR. McCOLLUM: I am Dan McCollum. D-a-n,
4 m-c-c-o-l-l-u-m. I am a lifelong resident of East
5 Central Illinois and I have been an active canoer for
6 50 years. I am downstream --

7 HEARING OFFICER STUDER: Can you speak into
8 the microphone?

9 MR. McCOLLUM: I am a downstream landowner and
10 I have owned the land for 45 years. I have been around
11 here a long time. I am quite familiar with the area.

12 (Inaudible.)

13 HEARING OFFICER STUDER: Move your mike
14 closer.

15 MR. McCOLLUM: I remember my first canoe ride.
16 That was impressive. (Inaudible.) Now I have also
17 canoed the river when ice was in the river. And we
18 would canoe that river 10 years later (inaudible) it
19 would be flat. We also know (inaudible) we have
20 climate change that will expose the water that flows
21 down the river. So, anyway, I don't think the plan
22 will work.

23 HEARING OFFICER STUDER: Hold it close.

24 MR. McCOLLUM: My observations confirm the

1 fact that the previous stabilization has simply not
2 worked.

3 HEARING OFFICER STUDER: We will attempt to
4 make the acoustics better.

5 (At this time a short break in the
6 proceedings was had.)

7 HEARING OFFICER STUDER: Rebecca Vining.

8 MS. VINING: My name is Rebecca Vining. I am
9 here today representing Students for Environmental
10 Concerns which is the University of Illinois's largest
11 and oldest environmental organization.

12 And I am here today as a student. And I
13 can't say a lot fact wise that hasn't already been
14 said. I am not an engineer. I am not an environmental
15 planner.

16 But what I can say is that I am pretty young
17 and most people in this room are not going to be
18 fighting the next fight. It will be our turn to do the
19 same thing.

20 And what I want to say is urge you to
21 consider a solution that doesn't make it so we have to
22 -- I don't want to stand here in 20 years and have to
23 tell you that the bank stabilization failed a second
24 time.

1 The maintenance plan is not going to cut it.
2 Dynergy is not permanent. I don't think this plan
3 acknowledges the fact in 20 years I might still be
4 sitting here, but they probably won't be. That is all.
5 Thank you.

6 HEARING OFFICER STUDER: Donald Davis is he
7 here? He is not? Okay. Betty Sexton, is she here?
8 No? Okay. Rebecca Vining? That was her, okay. Pam
9 -- Jan, I am sorry.

10 MS. PREDMORE: Hello. I am a person who is a
11 citizen -- my name is Jan Predmore, p-r-e-d-m-o-r-e. I
12 have spent the last 44 years (inaudible). I have spent
13 plenty of time there.

14 And I would like to talk about the
15 stabilization in relation to the river. I agree by and
16 large with what most of my compatriots have said, but
17 the river is at risk with contaminants in the water.
18 It also has a right to exist by itself.

19 The so-called bank stabilization is not
20 stable. It is not a bank. The pile of junk that is
21 there is an obstruction. It has been put there short
22 of 50 some years ago and it has been built up and added
23 to, but that is not the bank. That is a pile of
24 rubble. It is a pile of dirt and it is a pile of ash.

1 The river needs its floodplain back. So I am
2 here to urge you to give the river its (inaudible).
3 Return it to the river. It is going to take it anyway
4 in the long run. We all know that.

5 So I am here to support removal of the coal
6 ash as was described in previous statements. And I
7 just want to say free the floodplain, let the river
8 stay and protect the water for all life forms who live
9 and enjoy this river. Thank you.

10 HEARING OFFICER STUDER: Thank you. Alice
11 Englebretsen? Alice? She is not here. Rob Kanter.
12 He is gone. Mary Lambert? She is not here. Nancy
13 Goodall. No? Susan Misner. She is here. While she
14 is coming to the podium, is Vince here? You will be
15 after Susan Misner.

16 MS. MISNER: Hi. Can you hear me okay? I am
17 Susan Misner, m-i-s-n-e-r. I am a resident of
18 Rossville, a small town north of here.

19 I want to appeal to you to reject the Dynegy
20 proposed certification as it is currently proposed.
21 That is because alternative options would better
22 contain the risk to public health from the likely
23 pollution of the affected waters under the present
24 certification proposal. Especially given the estimated

1 rate of 2.3 feet per year erosion of the banks of the
2 river and downstream sedimentation of the affected
3 waters.

4 Under the rules of the Clean Water Act,
5 conditions must be placed for any certification to
6 protect affected waters including avoidance of risk to
7 public health, harm to fish, impairment of recreational
8 uses, depress property values and offenses to the
9 senses. These will occur and I think it is good to
10 know and reiterate it throughout these hearings.

11 The current proposed certification
12 compromises each of these areas. My concern for the
13 safety of water quality is both personal and
14 professional.

15 I am a grandmother and I take my
16 grandchildren to use the State's recreational resources
17 that includes sections of the Middle Fork River. But
18 as you can see the construction of these areas are
19 potential safety hazards.

20 The berms may -- for example, boaters may be
21 swept by river currents to the bank. Also the proposed
22 berm materials would permanently detract from the
23 river's natural beauty and offend the senses.

24 And I just want to note that I believe that

1 on the basis of the (inaudible) that this certification
2 is not in compliance with the statutory mandates of the
3 relative sections of the Clean Water Act.

4 But I also am a professional nurse. I have
5 been a registered nurse in Illinois for 48 years.

6 HEARING OFFICER STUDER: We are running up
7 against the time limit.

8 MS. MISNER: I care for patients with tragic
9 outcomes from chemicals found in coal ash including
10 lead, arsenic, mercury and radium.

11 These risks from potential contaminations
12 leaching into the Middle Fork River during flooding and
13 erosion cannot be allowed. And I just want to also say
14 that there are alternatives that have been delineated
15 today.

16 The EPA in collaboration of other federal
17 agencies has a mandate for cradle to grave management
18 scheme for hazardous wastes to ensure that these wastes
19 are not mismanaged in a manner that will impact human
20 health or the environment.

21 I hope that you will seriously consider
22 rejection of the current proposal and review
23 alternative options. Thanks for this opportunity.

24 HEARING OFFICER STUDER: Thank you. Vince

1 Koers.

2 MR. KOERS: Vince Koers, k-o-e-r-s. When Jim
3 Thompson petitioned the Secretary of Interior to
4 include this river in the Wild Scenic River program, he
5 commissioned the State of Illinois to follow the
6 federal law.

7 Since that time the State managing agencies,
8 the Illinois Department of Natural Resources and the
9 IEPA have repeatedly and wantonly ignored the
10 requirements of federal law that were imposed upon the
11 State in return for the designation.

12 With the Wild Scenic River Act implementation
13 in 1968, the purpose that was spelled out to protect
14 the free-flowing river which is defined as one that has
15 totally natural banks without rip-rap or other
16 modifications.

17 The Federal Register at the time spelled out
18 under the water quality regulation, water quality river
19 areas will be maintained or improved to levels which
20 meet federally criteria or federally approved State
21 standards.

22 Today the river does not meet those standards
23 and haven't for some time. River managers will work
24 with local authorities to abate activities within the

1 river areas which are degrading or which would degrade
2 water quality. That hasn't happened either.

3 Thus with IDNR and IEPA as the river managers
4 under the Wild Scenic River Act, IEPA is directly
5 responsible to not only maintain the water quality, but
6 to restore it to its natural purity.

7 That means IDNR and IEPA have a positive
8 responsibility under the Wild and Scenic River Act to
9 not only to stop the pollution, but to correct and
10 restore the river water quality.

11 Leaving the leaking waste in place to further
12 pollute the river is not an option under the law. Thus
13 dealing with the coal ash waste is an essential element
14 of maintaining and improving water quality.

15 IEPA has failed repeatedly to protect the
16 river from contamination in violation of the Wild and
17 Scenic Rivers Act and has been complicit repeatedly in
18 allowing the emplacement of various bank protection
19 schemes that are specifically disallowed by the Wild
20 and Scenic River Act.

21 It is time for this ignoring of federal law
22 to stop. The Vermilion Middle Fork River site is
23 unique in that it is the only site in the State that
24 has the Wild Scenic River provisions behind it to --

1 HEARING OFFICER STUDER: Time limit.

2 MR. KOERS: -- EPA not only contain the
3 contamination, but to reverse it, cleaning the banks
4 and the river back to its natural condition. Thank
5 you.

6 HEARING OFFICER STUDER: Thank you.

7 MR. CHAMBERLAIN: My name is Lee Chamberlain,
8 c-h-a-m-b-e-r-l-a-i-n. I am a citizen of this
9 community. I am an educator in the county.

10 A couple of concerns that I would like to
11 bring up is with the wall being built and the
12 possibility of flooding, chemicals would obviously find
13 their way over, under, around or whatever.

14 Water is going to find the path of least
15 resistance. That is just the way it is, okay. So the
16 other thing is that we are running the possibility of
17 risks of what Nebraska looks right now. It is a mess.

18 So fortunately, you know, I don't know if
19 they have pollution going on, but where we are at, we
20 do and it needs to be taken care of.

21 So some other things with major flooding,
22 obviously it would knock down the wall. I know
23 Nebraska had some of their manmade stuff destroyed and
24 demolished.

1 Some of the bigger pictures that we have too
2 is the risk of contaminating the State of Indiana along
3 with other states that the river flows into and
4 eventually down to the Gulf of Mexico.

5 Also I am a father of a 6 year old daughter
6 who I am trying to get into fly fishing. Now I am
7 really kind of holding back on getting her in that
8 river and participating in that activity at least
9 locally with the concerns that it possibly would have
10 for her and I and my other family members.

11 So ultimately the wall is going to be a
12 temporary fix, but ultimately we need to get rid of the
13 coal ash.

14 HEARING OFFICER STUDER: Thank you.

15 MS. DeCELLE: My name is Sharon Decelle,
16 d-e-c-e-l-l-e. I am here to ask the Illinois EPA to
17 not approve Dynegy's proposed solution of the riverbank
18 stabilization.

19 So the problem as I see it is akin to putting
20 a band-aid on an infected wound. It just temporarily
21 hides it. Any coal ash left on that site next to a
22 river in a floodplain is going to be a problem.

23 For as long as the coal ash is there, it will
24 continue to leak and leach into the river and into the

1 groundwater. The only solution that solves the
2 pollution problem is to move the coal ash.

3 So we the citizens of Illinois are relying on
4 the Illinois EPA to do their job. The only reason the
5 EPA exists is to protect the environment from needless
6 and avoidable damage.

7 We are asking the Illinois EPA to protect our
8 environment and to protect us, the people who live
9 here, from being poisoned for generations to come.

10 Poisoned by this huge pile of coal ash that
11 unless it is moved from the very unfortunate place
12 where it currently sits, will inevitably poison the
13 land and water in this area.

14 The problem is solvable. Move the coal ash
15 to a safe containment area. Allowing it to stay where
16 it is is reckless endangerment to the environment and
17 to the people who live here. Thank you.

18 MS. WILKEN: My name is Grace Wilken,
19 w-i-l-k-e-n. I am a concerned citizen of Urbana and
20 graduate student at Eastern Illinois University.

21 I want to highlight and testify to the
22 dangers of wrecking our water quality with the heavy
23 metals already discussed. This is particularly a risk
24 to humans involving cancers.

1 I spent two years teaching high school
2 science in Southeast Kentucky in the beautiful
3 Appalachian Mountains. A place very familiar with coal
4 mining and its waste products. This is where some of
5 the largest coal ash in the ground waters have occurred
6 often under the radar.

7 During my time there I have never seen so
8 many teenagers with cancers and brain tumors in that
9 area. Even people there attributed it to the heavy
10 metals from the coal mining ash.

11 It also creates problems with agriculture.
12 We have acidic soil and water. We are first to buy
13 plastic bottled water which is a thousand times more
14 expensive and we ingest microplastics from the bottles.

15 We are so incredibly fortunate in this part
16 of the country to have clean drinking water. I think
17 it is extremely important that we protect that. And
18 that you protect that as your Agency name suggests for
19 all of us because it is a serious, serious health risk.

20 And once these are released into the
21 environment, there is no putting them back. Capping
22 the ash ponds and building a retaining wall will not
23 adequately prevent coal ash from seeping into
24 groundwater. Hardly in the short term, especially in

1 the long term in terms of decades and centuries for
2 future generations instead of years. Thank you.

3 HEARING OFFICER STUDER: Thank you.

4 MS. O'REILLY: My name is Rachael O'Reilly,
5 r-a-c-h-a-e-l, o-'-r-e-i-l-l-y. I am a member of
6 Central Illinois Health Community Alliance. However,
7 my opinions are my own and not the foundation's.

8 I come to you also as a concerned Earthling.
9 Please reject this 401 certificate. You tell us to
10 stick to the bank stabilization plan, but what better
11 way than to remove the poison that threatens it.

12 Please take heed from Nebraska. Take heed a
13 couple of months ago in California, these were
14 record-breaking floods that are happening this year.
15 Just adding onto the record-breaking floods in the past
16 5 years.

17 We are at a crisis. The international data
18 suggests that we have 12 years not only to stop the
19 carbon emissions, but to omit them from our air.

20 These floods, it is very likely that a flood
21 will happen here because of the warming of our planet.
22 97 percent of scientists agree that climate change is
23 not only real, but it is exacerbated by human activity.
24 So we come to you, we implore you, the gatekeepers of

1 justice, to please protect our sacred waters because
2 when it is time for you to meet your maker as we all
3 will, may sacred waters protect you. Thank you.

4 HEARING OFFICER STUDER: Thank you.

5 MS. BLUMENSHINE: Good evening. My name is
6 Joyce, j-o-y-c-e, Blumenshine, b-l-u-m-e-n-s-h-i-n-e.
7 I am one of those people that comes from far away, two
8 hours, and goes and enjoys being on the Vermilion River
9 with my husband.

10 It is a great day. We get a meal, buy gas
11 and I am hoping to bring my brother. So it is really
12 good that the IEPA is holding this hearing. Thank you,
13 Hearing Officer, and to everyone on the panel and all
14 who came out.

15 Because when I got here, it was a little
16 after 6 and for 2 whole hours the bleachers behind us
17 were filled. And now it is almost 3 full hours and
18 there is still a large group here and that is a
19 testimony to the concern of the public and also
20 testimony to your Agency. And I do thank you.

21 I will be brief. The Vermilion River, it was
22 clear in seeing the embankments of the river
23 (inaudible). You have heard that numerous times
24 tonight. It is also clear that the project can and at

1 some point will cause violations of surface water
2 quality standards and clearly will interfere with the
3 assisted water usage. So it does not meet the 401
4 requirements.

5 Thank you, Mr. Gove, for answering tonight
6 that, yes, your Agency has asked for coal ash
7 information from Dynegy. That is essential. What
8 happens here is going to be telling maybe for other
9 locations. So I know your Agency will review this
10 carefully.

11 You have heard from the public. We know that
12 you will do as best. We ask you to do what is best for
13 this site that will actually restore the river. Thank
14 you.

15 HEARING OFFICER STUDER: Thank you.

16 MR. McLINDEN: I would like to thank all of
17 you for being here tonight --

18 HEARING OFFICER STUDER: Can everybody hear?

19 MR. McLINDEN: I would like to thank all of
20 you here, both the people at the table and the people
21 on the bleachers.

22 HEARING OFFICER STUDER: Can you spell your
23 name?

24 MR. McLINDEN: L-y-n-n, m-c, capital

1 l, i-n-d-e-n. You have heard a lot of specifics
2 tonight. I may be the last speaker perhaps. I don't
3 have prepared remarks.

4 I live in this area, Champaign to Danville,
5 for 45 years. I have enjoyed walking along almost all
6 of the Middle Fork River. And I love it and I think it
7 is fair to say practically everyone behind me loves
8 what Middle Fork has to offer the citizens of Champaign
9 and Danville, Vermilion County, the region and the
10 whole state.

11 The lands stretching north and south from
12 this coal ash area, these public lands will presumably
13 be enjoyed by citizens well into the future, I dare say
14 in perpetuity.

15 Perpetuity has been mentioned previously. I
16 am not sure I have a technical definition on
17 perpetuity. My understanding is it means forever. As
18 far as the human mind can anticipate human beings
19 enjoying the situation.

20 So with that I would like you to try to focus
21 in summary fashion going beyond all the technical
22 things that any people have knowledge that have been
23 presented to focus on the long range. Probably
24 Dynegey's plan will work for 5, 10, perhaps 20, maybe

1 even 40 years. Is that perpetuity? I don't think so.

2 The public in the state, the county, the
3 services and other entities that have invested in
4 caring for the future prosperity of our citizens will
5 be here much longer than this stabilization plan that
6 Dynegy has proposed.

7 I suggest you take a longer view and in your
8 conscience search and see if you can truly say does
9 Dynegy's plan satisfy stabilizing this in perpetuity.
10 I hope you will do the right thing. Thank you.

11 HEARING OFFICER STUDER: Thank you. Okay.
12 Anyone who registered to speak on cards I did not call
13 their name?

14 (No response.)

15 HEARING OFFICER STUDER: I appreciate
16 everyone's patience here this evening. I thank you,
17 especially those that have been here since the start
18 for your patience.

19 And more than that, I thank everyone here for
20 your time and your comments. Now this is what public
21 hearings are about. It is an opportunity for you to
22 express your comments on specific projects. I thank
23 you for that.

24 I will remind everyone that we are still and

1 will continue to accept written comments through the
2 close of the comment period and we will also be
3 accepting e-mail comments.

4 And I remind everyone that the written
5 comments sent by mail need to be mailed in sufficient
6 time to arrive at Illinois EPA headquarters by April
7 25.

8 The information on the hearing notice
9 contains how to submit written comments. Again, I
10 thank you. Thank you for your comments and thank you
11 for those that spoke. You did a hell of a job
12 presenting your comments to the EPA. Thank you. Give
13 yourself all a hand. This hearing is adjourned.

14 (The hearing concluded at 9:06 p.m.)

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REPORTER'S CERTIFICATION

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I hereby certify that the foregoing is a true and accurate transcript of the Illinois EPA Hearing taken on March 26, 2019, stenographically recorded by me and reduced to typewriting at my direction.

Becky L. Jessup, CSR

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