

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) No. R20-19
) (Rulemaking-Land)
Standards for the Disposal)
of Coal Combustion)
Residuals in Surface)
Impoundments: Proposed New)
35 Ill. Adm. Code 845)

REPORT OF THE PROCEEDINGS held in the
above entitled cause before Hearing Officer
Vanessa Horton, called by the Illinois Pollution
Control Board, taken by Steven Brickey, CSR, RMR,
for the State of Illinois, 1021 North Grand Avenue
East, Springfield, Illinois, on the 13th day of
August, 2020, commencing at the hour of 12:00 p.m.

1 HEARING OFFICER HORTON: Good
2 afternoon. Welcome to this public comment portion
3 of the Illinois Pollution Control Board hearing.
4 My name is Vanessa Horton and I am the Hearing
5 Officer in this rulemaking proceeding entitled
6 Rulemaking for Proposed New 35 Illinois
7 Administrative Code 845: Standards for the
8 Disposal of Coal Combustion Residuals and Surface
9 Impoundments.

10 The Board docket number for this
11 rulemaking is R20-19. This afternoon we'll be
12 hearing public comments from noon to 1:30. With
13 us today, we have Board member Brenda Carter and
14 on behalf of Chair Barbara Flynn Currie the Board
15 would like to welcome all public commentators today
16 and would like to note that we give equal weight
17 to oral commentators and written comments.

18 I -- excuse me. Hearings in
19 this matter have been conducted in Springfield in
20 person and via Webex on August 11th, 12th and
21 today August 13th. The July 14th, 2020, Hearing
22 Officer order designated times to be set aside for
23 public comments and this is one such time.

24 So, today, we will begin with

1 15-minute segments of public commentators. I will
2 call on the commentators in order and if they are
3 not on the line yet, I will circle back at the
4 15-minute mark and ask if those persons are online
5 and, again, at the very end, at 1:30, for anyone
6 who was not on the line at the beginning.

7 As a reminder, if you are
8 participating via video, please press the
9 microphone button at the bottom of your screen and
10 that will unmute yourself. Everyone is currently
11 muted. If you're participating via phone, press
12 Star 6 to unmute yourself. Let's begin. Our
13 first commentator today is Adam Broad. Are you on
14 the line? Mr. Adam Broad, B-R-O-A-D.

15 Okay. Moving forward. Albert
16 Karvelis.

17 MR. KARVELIS: Yes, I'm here. Can
18 you hear me?

19 HEARING OFFICER HORTON: Yes, please
20 proceed.

21 MR. KARVELIS: Thank you. I am
22 Albert Karvelis, a recently retired licensed
23 professional engineer, DuPage County resident, a
24 U.S. Navy veteran and I've also served as an

1 adjunct professor in mechanical engineering at
2 NIU. I have also worked in R&D in the power
3 generation field and I am a member of the faith
4 community of the Joliet Catholic dioceses.

5 Providing clear and
6 comprehensive rules to protect the public from
7 toxic effects of CCR's leached into groundwater or
8 carried by the wind is certainly in keeping with
9 the EPA mission of, quote, protecting the health
10 of the citizens of Illinois and its environment,
11 unquote. CCR's, when exposed to water and/or
12 wind, has a high potential for compromising the
13 health of the public unless it is properly
14 entombed. Properly entombed means that all
15 surfaces, top, bottom and all sides of the CCR
16 pile are sealed with an impermeable material.

17 Accordingly, any rule that
18 allows simply covering only the top surface of an
19 existing CCR pile/pond with a plastic liner does
20 not constitute a, quote, closure, unquote, that
21 will protect, quote, the health of the citizens of
22 Illinois and its environment. The rules in my
23 opinion should cover all existing and future
24 sites, impoundments, storage facilities, dumps or

1 landfills known or reasonably suspected to contain
2 CCR's and the timetable, in such a timely manner
3 so as to preclude abandonment leaving the poisons
4 and cleanup for the next three generations.

5 In particular, exclusions of
6 CCR's deposited in landfills or dumps from the
7 rules is one giant loophole which must not be
8 permitted. As an engineer, I have been consulted
9 on many industrial active investigations. I have
10 too often seen catastrophic failures of systems
11 whose design, build and maintenance processes have
12 had more key input from accountants and lawyers
13 than from scientists and engineers. Science, not
14 general accounting practices of the CCR entities,
15 should guide the rulemaking.

16 I am here to speak on behalf of
17 the public health and safety in asking you to
18 write rules that protect the public health and the
19 environment. In contrast, industry will speak to
20 you on behalf of its profit needs. Who will you
21 speak for as you draft the rules? Thank you for
22 giving me the opportunity to voice my thoughts.

23 HEARING OFFICER HORTON: Thank you
24 very much for your comment. Moving forward.

1 Angela Clark. Angela Clark. Just as a reminder,
2 if you're on video, you can press the microphone
3 button at the bottom of your screen to unmute
4 yourself. If you're on the phone, you can press
5 Star 6. Okay. And we have here in person our
6 next public commentor Ms. Ann Charland.

7 MS. CHARLAND: Yes.

8 HEARING OFFICER HORTON: Please
9 proceed. You can speak from that microphone.

10 MS. CHARLAND: This microphone is --
11 oops. I haven't used this before.

12 MS. TIPSORD: It's okay. Just speak
13 into it. It's ready.

14 MS. CHARLAND: Can you hear me just
15 fine? Great. I'm Ann Charland and I am a retired
16 public school teacher and also disability
17 adjudicator from BDDS and I, myself, had to leave
18 on disability from the adjudicator position and
19 that was back in about 2003, I believe. I had to
20 go on disability myself with the state. I was
21 doing Social Security Disability at that time.

22 My husband and I live at Bears
23 Paw Ct. in Springfield, Illinois, and I grew up in
24 Pleasant Plaines, a small town just northwest of

1 here. I went to college at Illinois Wesleyan
2 University in Bloomington, Illinois. Also at ISU
3 follow up with education classes, especially
4 science education classes. I have done water
5 survey -- water survey workshops and a lot of
6 things to build my -- that was my interest and
7 build my understanding of water survey pollution
8 and this is what I taught a lot of basics for K
9 through 8.

10 I taught mainly young grade
11 school people, but the kids were -- you know,
12 they're very good at that point to absorb a lot of
13 information. So I taught food -- food webs, food
14 chains, we did exploration and it was fun to do,
15 but that's all -- that's my background a little
16 bit.

17 I stayed in Normal for about 25
18 years. So that's where I taught. And then
19 came -- my husband and I came back here in late
20 1999. I'm here today because it is important to
21 use the money that is assigned for this cleanup
22 from what I read and what I've learned for the
23 coal ash sites exclusively for the coal ash
24 cleanup projects. This project, as we just heard,

1 will take years and will be costly to do a proper
2 cleanup. So I'm here just as a citizen that would
3 be effected and generations after me to make sure
4 that this funding goes to where it needs to be and
5 this cleanup proceeds and is continuing to, you
6 know -- until it is completed which may take many
7 years from what I'm beginning to understand.

8 I have a personal interest as
9 well as the environmental interest in seeing a
10 coal ash cleanup of the heavy metals such as
11 mercury minerals and such as arsenic which is a
12 pretty heavy, pretty serious contaminant, which
13 are -- which is in our coal ash here in Illinois.

14 In the last 20 years, I have
15 been suffering from an inflammatory disease in two
16 different blood tests which completely surprised
17 me in 2007 and then somewhere around 2012. My
18 blood showed high levels of mercury which is not
19 surprising because you can get that many ways, but
20 arsenic that just threw me. I couldn't figure
21 out -- we couldn't figure out where that was
22 coming from.

23 The labs were done in two
24 different states with the same carcinogen results,

1 the same results in 2019. So I had inflammatory
2 disease. But in 2019, I was diagnosed with a rare
3 cancer that was last year. I had a large liver
4 tumor called angiocarcinoma. It's a liver tumor
5 on the arteries going into the liver. It was a
6 large tumor resected and it was -- it
7 metastasized. So past chemo last year were not
8 effective for cancer and they didn't have a cure.
9 If you look it up online, they will say there's no
10 cure, but in last November I started new immune
11 therapy chemo.

12 Now, I am reducing the cancer so
13 the cancer is completely gone in the liver. It's
14 still metastasized. This is -- you know, this is
15 not -- I'm not asking for myself, but I'm asking
16 because these are serious issues and I think the
17 public needs to know that there is a connection
18 between public health and these pollution issues.
19 I can't make the connection, but I can tell you
20 it's very suspicious.

21 So this is why I'm here today
22 asking you to stop the pollution of the coal ash
23 into Lake Springfield, which is in our water
24 supply and I just skipped a couple of things. In

1 the last 20 years, I've been suffering from
2 inflammatory disease. Let's see. I skipped that
3 part. I have been suffering from inflammatory
4 disease and two different blood tests -- okay.
5 Oh, this is documented in Simmons Cancer Clinic
6 because that's where I'm going. I'll make sure I
7 put that in there.

8 So I am here today asking you to
9 stop the pollution of the coal ash into Lake
10 Springfield, our water supply. It is easier to
11 prevent more pollution than it is to clean up all
12 carcinogens out of our water supply and that's
13 just common sense and that's why I'm here today.
14 So thank you for letting me speak.

15 HEARING OFFICER HORTON: Thank you
16 very much for your comment. It's much
17 appreciated.

18 MS. CHARLAND: You're welcome.

19 HEARING OFFICER HORTON: Moving on.
20 Christine Main. Christine Main, M-A-I-N. Moving
21 on to Cindy Shepherd.

22 MS. SHEPHERD: Hello.

23 HEARING OFFICER HORTON: Hello. We
24 can hear you.

1 MS. SHEPHERD: Great. Good
2 afternoon. My name is Cindy Shepherd so I want to
3 thank you for the opportunity to address this
4 group as you amend and finalize the coal ash rules
5 for Illinois.

6 I appreciate that you're
7 listening to citizen concerns. I'm a central
8 Illinois outreach director for Faith in Place, a
9 faith-based environmental justice organization.
10 We resource over 350 diverse communities of faith
11 across the state, county, country, city, suburb,
12 church, mosque, temple. These are made up of
13 families whose faith includes the moral obligation
14 to care for Earth and protect its life-giving
15 power for future generations.

16 Many are impacted now by their
17 proximity to old or active coal fired power
18 plants. In East Peoria, I have a pastor friend
19 who worries about members of her congregation
20 disabled by heart, thyroid and neurological
21 problems and she wonders are these linked to the
22 arsenic, cobalt and lead from the Edwards plant?
23 Because of the threat of contamination of ground
24 and surface water which we all share, water is

1 vital to life and health. All of us are touched
2 by the work that you are doing.

3 We want to thank you for
4 including strong and vital protections to these
5 communities in the proposed rules, particularly I
6 applaud your groundwater monitoring details and
7 the fact that there is no time limit placed on the
8 responsibility of polluters to clean up
9 contaminated sites. This is important because
10 these toxins have the potential to affect
11 generations to come. But I urge you to strengthen
12 the rules in a couple of important ways because
13 who knows when Illinois will get another swipe at
14 making such important regulations.

15 So, first, I'd ask that you
16 recognize that coal ash is not only present and
17 dangerous in the nasty, unlined, poorly designed
18 coal ash ponds and impoundments, but in many cases
19 has been used as fill on power plant sites or
20 dumps such as has been at the Crawford plant in
21 Little Village. You can help the families and
22 children that are growing up around in that
23 community by making polluters responsible for
24 cleaning up the CCR that permeates the ground at

1 sites such as this.

2 Second, I'd ask you to
3 strengthen the protections associated with the
4 cleanup process. People who are willing to do
5 this tough work deserve to be protected not only
6 on the site, but during the transportation process
7 and the rule should mandate that transporting ash
8 be done using a mode of transportation that
9 produces the least amount of harmful pollution for
10 the atmosphere at large and the community
11 adjacent. Barges, trains and electric trucks,
12 which are a new technology now, but will be quite
13 viable by the time all these sites are addressed.
14 These things should be used whenever possible.

15 As people of faith at Faith in
16 Place, we recognize our responsibility to care for
17 others, religious and non-religious alike because
18 it's just the best way to live. I encourage you
19 to write protections that protect and promote the
20 best way for all of Illinois. Thank you.

21 HEARING OFFICER HORTON: Thank you
22 very much for your comment. Moving on. I will
23 circle back to those from this 15-minute segment
24 and just as a reminder commentators are limited to

1 three minutes today.

2 Adam Broad. Adam Broad. Angela
3 Clark. Angela Clark. Christine Main.

4 MS. TIPSORD: She's on. She's muted
5 with her video.

6 HEARING OFFICER HORTON: Christine
7 Main, you're on and you're muted. We're trying to
8 unmute you right now. You should be unmuted.

9 MS. BUGEL: I think she's on via
10 phone, too.

11 HEARING OFFICER HORTON: Oh,
12 Ms. Main, if you are --

13 MS. BUGEL: She needs to do Star 6.

14 HEARING OFFICER HORTON: Yes. If
15 you are calling in by phone, if you can press Star
16 6. That should unmute your phone.

17 My apologies. If you're having
18 trouble, it might be helpful to, perhaps, hang up
19 and call in again and I will certainly call on you
20 in the next segment. Okay. Ms. Main, apologies,
21 but if you can try --

22 MS. MAIN: This is Chris Main. Can
23 you hear me?

24 HEARING OFFICER HORTON: Yes. Yes,

1 we can. Hello.

2 MS. MAIN: Sorry for the confusion.

3 We're in Michigan --

4 HEARING OFFICER HORTON: No problem.

5 MS. MAIN: -- and having a lot of
6 technical problems.

7 HEARING OFFICER HORTON: Please
8 proceed.

9 MS. MAIN: My name is Chris Main and
10 I live in Champaign County. I'd like to speak to
11 you about two rivers in Illinois and they're both
12 the Middle Fork of the Vermilion near Danville.
13 One is a recreation oasis and the other I liken to
14 a recreational dead zone.

15 The first river is the Middle
16 Fork river upstream of the shuttered power plant
17 in Vermilion County. The other Middle Fork River
18 is the same stream, but it's downstream from the
19 old power plant. I see this segment differently
20 because incredibly it's being polluted by toxic
21 seepage from a coal ash pond close to the stream.
22 To me, it's a dead zone. As for the first Middle
23 Fork River, which I've paddled many times, I can't
24 begin to convey what an asset it is to our state.

1 It's clean, it's safe, it's overflowing with
2 healthy aquatic life.

3 Thousands and thousands of
4 people come to paddle each year and picnic with
5 families in the sandy banks. It is hard to put a
6 price on a thing like this, but we all know
7 intuitively that it's essential for our state to
8 have such recreational oasis. Then, as I said
9 before, there is the other Middle Fork River which
10 runs downstream from the coal ash ponds. You can
11 easily see the reddish orange plumes of coal ash
12 leachate making its way into the clean water and
13 by now we all know it's a serious health hazard.
14 It pretty much scares most people away from the
15 area. But the same thing could happen all over
16 the state if the Pollution Control Board and the
17 EPA don't write a stronger, better coal ash bill
18 than what we are looking at.

19 It literally fills me with dread
20 to think that Illinois might have dubbed a rule
21 that allows coal ash ponds adjacent to waterways
22 to be closed with a cap in place solution. A
23 sixth grade science class could explain how
24 fluctuating groundwater levels create contact with

1 the ash and the ponds and carry it out to surface
2 water. Therefore, a cap in place is an unsafe,
3 unsound remedy for closure of many impoundments.
4 We need to remove the coal ash from impoundments
5 that are located next to our precious waterways.
6 If we have the will and the guts, we can reclaim a
7 lot of rivers and lakes for people to enjoy.

8 In closing, I ask you to write a
9 rule that puts the people and environment first
10 and foremost. We're counting on you to give us a
11 healthy environment. Thanks for your time today.

12 HEARING OFFICER HORTON: Thank you
13 very much for your comment. I appreciate it.
14 Moving forward to the 12:15 to 12:30 segment.
15 Clark Bullard.

16 MR. BULLARD: Yes. Can you hear me?

17 HEARING OFFICER HORTON: Yes.

18 Please proceed.

19 MR. BULLARD: I'm an engineering
20 professor at the University of Illinois. I also
21 have regulatory experience as director of a policy
22 office at the U.S. Department of Energy. For 14
23 years, I represented Governor's Thompson and Edgar
24 on the Central Midwest Interstate Compact for

1 Radioactive Waste Management dealing with storage,
2 treatment and disposal of substances that remain
3 hazardous for hundreds of years.

4 The commission was established
5 to replace leaking disposal sites in several
6 states and to mandate a whole new generation of
7 technologies that would never let the waste come
8 in contact with water. These proposed regulations
9 concern me because they invite companies to
10 attempt cap in place at ash impoundments like
11 those perched on the banks of Illinois' only
12 national scenic river, the Middle Fork.

13 Fifty years ago I led the
14 statewide campaign that defeated a plan to flood
15 that ash under a 60-foot deep drinking water
16 reservoir. Danville would be drinking that ash
17 today. Since then, I have canoed that stretch of
18 river hundreds of times watching the leaks
19 continue unabated. I know that groundwater flows
20 upwards into that ash through the unlined bottoms
21 of the ponds. Sometimes it comes from the bluffs
22 that tower above the floodplains to the west.
23 Other times it comes from the east pressurized by
24 the river rising 10 to 20 feet during floods.

1 I have seen hand drawn sketches
2 of the ruined pillar coal mine that operated
3 beneath the property more than a century ago and I
4 wonder whether a minor earthquake could trigger
5 subsidence that could crack the impoundment or
6 reroute the river directly into it. Cap in place
7 invites such risks.

8 Civil servants make technical
9 decisions and deal with scientific uncertainties
10 all the time. In this case, however, the
11 uncertainties are so large that they put future
12 generations at risk of catastrophic consequences,
13 both financial and environmental.

14 As regulators, you must decide
15 whether to give the benefit of that scientific
16 doubt to the public or to fossil fuel companies
17 that may soon be bankrupted by the climate crisis.
18 I believe this decision lies far above the pay
19 grade of the average citizen.

20 The Pollution Control Board was
21 established to place value judgments like this in
22 the hands of five officials appointed by the
23 governor. The scientific doubt in this case is
24 massive. So please give the benefit of that doubt

1 to our children and grandchildren. Amend the
2 proposed regulation to make it crystal clear that
3 all coal ash must be removed from floodplains now.
4 Thank you very much.

5 HEARING OFFICER HORTON: Thank you
6 very much for your comments. Colleen Doherty.
7 Colleen Doherty.

8 Moving on. David Main. David
9 Main.

10 MR. MAIN: I'm David Main. Can you
11 hear me?

12 HEARING OFFICER HORTON: Yes.
13 Please proceed.

14 MR. MAIN: I'm Dr. David Main. I
15 practice pulmonary medicine at Carle Clinic
16 Urbana. I first wanted to address the worker
17 health protection portion of these rules.

18 The rules really do need to
19 require state work practices that will minimize
20 worker exposure to CCR's and that mitigate
21 dispersal of coal ash during excavation, transport
22 and placement at a new site. The laws should
23 require the operator to document work practices
24 that they adhere to during the ash manipulation.

1 That documentation should be required any time
2 CCR's are manipulated. Operators and their
3 contractors should report regularly the time
4 period to be decided by the Pollution Control
5 Board.

6 Rules should be clear that
7 personal protection measures are required in all
8 instances of CCR manipulation in order to prevent
9 worker exposure whether that exposure be
10 inhalation, ingestion, skin or eye exposure or
11 clothing contamination at home. And I suggest
12 that the health and safety training section
13 require each operator and its contractor to
14 document for each worker that health and safety
15 training occur and specify the components of that
16 training regarding that protection from CCR
17 exposure.

18 Now, I just briefly wanted to
19 refer to the entirety of the rules. I wish to
20 remind the Pollution Control Board that coal ash
21 contains hazardous chemicals that present health
22 threats of cancer, exacerbation of chronic
23 respiratory diseases, the kind of diseases I see
24 in my office every day, cardiovascular,

1 neurologic, renal, dermatologic problems as well
2 as child development problems.

3 This means that coal ash
4 constituents must not ever be released in an
5 environment because there is no safe levels of
6 exposure. This means that these rules must be
7 very clear that stored coal ash may not escape its
8 confinement area.

9 If the current confinement area
10 does not provide that, then it must be moved to a
11 new location that does. Thus, the rules need to
12 be very clear that they require an impermeable
13 top, an impermeable bottom lined side for each
14 confinement in a location that is above water
15 table as much as that's possible.

16 The rule should clearly apply to
17 all coal ash confinements regardless of their age
18 and not be open for debate at different sites in
19 the state. In other words, I ask the Pollution
20 Control Board to make sure that these rules truly
21 protect the health of all of us now and going
22 forward in time. I thank you for your attention.

23 HEARING OFFICER HORTON: Thank you
24 very much for your comment. Moving on to Don

1 Dieckmann.

2 MR. DIECKMANN: Don Dieckmann.

3 HEARING OFFICER HORTON: My
4 apologies. Please proceed.

5 MR. DIECKMANN: That's okay. First,
6 I'd like to thank you for letting us call in
7 today. I'm sure you have other things you'd
8 rather be doing. My personal story began when I
9 was just a kid and suffered like many kids then
10 and now from such bad asthma attacks that I had to
11 make frequent trips to the hospital just to be
12 able to breathe, but the worse was when I was 13
13 and had to stay there for several weeks fighting
14 pneumonia and bronchitis as well.

15 My folks and I didn't know my
16 problems stemmed mainly from living within a mile
17 downwind of the Springfield CWLP coal fired power
18 plant until I moved away to college and then even
19 further away for my job. Whenever I come home, my
20 mom would always give me the news about one
21 neighbor or another coming down with or dying from
22 cancer until she finally suffered through four
23 bouts of it herself. She died in 1999, five years
24 after dad did from heart disease, and was followed

1 by my kid brother 14 years later having never left
2 the area.

3 After learning about the threat
4 of coal and coal ash a few years before that, I
5 now understand how my life and my entire family's
6 life have been affected by coal pollution which is
7 why I'm not only representing Sierra Club and the
8 Metro East Green Alliance here today, but also
9 spending my retirement performing energy audits as
10 a non-profit energy consultant helping homeowners
11 and their dependents on coal fired energy and the
12 production of still more coal ash. Thank you.

13 HEARING OFFICER HORTON: Thank you
14 very much for your comment. Moving on to Eileen
15 Shanley-Roberts.

16 MS. SHANLEY-ROBERTS: Thank you.
17 Can you hear me?

18 HEARING OFFICER HORTON: Yes.
19 Please proceed.

20 MS. SHANLEY-ROBERTS: Great. I'm
21 Eileen Shanley-Roberts. I am a founding member of
22 Clean Power Lake County and a board member of
23 Faith in Place. I currently live in Highland
24 Park, Illinois, but for 12 years lived in

1 Waukegan, less than two miles from the coal fired
2 power plant.

3 A couple of years ago I gave
4 testimony before this Board and listened and was
5 appalled at the industry testimony about the coal
6 ash at the Waukegan site and its impact on
7 groundwater. We think typically about the active
8 coal ash sites and don't spend much time thinking
9 about the historic coal ash on a plant as old as
10 the Waukegan plant which was built in the early
11 1920s.

12 The grounds there are covered in
13 coal ash and the ground water is significantly
14 tainted. NRG has documented this. The current
15 coal ash ponds are very near the lake, the source
16 of most of the drinking water for the City of
17 Chicago and the North Shore communities.

18 It is just -- just north of
19 Waukegan's public beach and easily accessible from
20 the lake, particularly if you have children who
21 participate in the sailing program as all three of
22 mine have and they're right there. It is so
23 accessible to kids who don't think about what they
24 might be wandering into. They just think what a

1 cool area. We stopped sailing out of Waukegan
2 when I became aware of the dangers. The
3 legislation that was passed in 2019 has great
4 restrictions. It is essential that we not roll
5 them back, that the worker protections be
6 retained, that the lack of time limit for
7 monitoring historic wells and other groundwater
8 sources continues to be there and that we do
9 everything we can to make sure that companies like
10 NRG cannot simply do the bare minimum to contain
11 the waste that is there and leave communities to
12 suffer the effects both in their health and in
13 their economies because cleanup is incredibly
14 expensive, but it is also essential for the health
15 and well-being of the people who live in the area.

16 We're calling on you to do what
17 is right to protect the people of Waukegan, of
18 Joliet, of all of the communities that are
19 impacted by toxic coal ash and the legacy that we
20 have throughout our state of companies having more
21 regard for profit than people. Please do what's
22 best for future generations in our communities.
23 Thank you.

24 HEARING OFFICER HORTON: Thank you

1 very much for your comment. Moving on to Gloria
2 Charland. Gloria Charland. Just as a reminder,
3 if you are participating via video, you can press
4 the microphone button to unmute yourself. If by
5 phone, you can press Star 6 to unmute yourself.
6 I'll return back to Colleen Doherty. Colleen
7 Doherty. Okay. Moving on to the next section.
8 J. Gruber.

9 MS. GRUBER: I am here.

10 HEARING OFFICER HORTON: Wonderful.
11 Please proceed.

12 MS. GRUBER: I am J. Gruber. I am a
13 CPA. I am interested in the economic future of
14 this state and I am also the granddaughter of a
15 coal miner. My grandfather had black lung like
16 all of his co-workers did and we all knew that the
17 next generation would get out of coal mining if
18 they could possibly figure it out and my dad
19 became a chemist and assisted testing various
20 kinds of places for toxic chemicals and helped in
21 industry.

22 I want you to know that the
23 State of Illinois has an opportunity here to learn
24 how and continue to conduct an excellent process

1 with limiting coal ash and preventing it from
2 being created in the future and from permanently
3 addressing the risks that the coal ash near water
4 sources or far away from water sources represents.

5 We have an opportunity to teach
6 people how to do these jobs. We have a way to
7 invest in our own economy to learn how to get rid
8 of the mercury in the coal ash and to limit the
9 coal ash permanently. We can sell our services to
10 other states if we do a good job working with this
11 toxic issue.

12 I hope that the State of
13 Illinois Pollution Control Board will enact the
14 strictest rules that you can. Do not roll back
15 what was done in 2019. We need to roll forward in
16 more jobs and more economic future for everyone as
17 we learn how to improve our environment one year
18 at a time is the way to go and I hope that you can
19 make that go forward.

20 I grew up in Joliet and -- not
21 exactly Joliet, but in the vicinity and toxic
22 waste in the water is a big problem. The coal ash
23 needs to be addressed forever and we can have an
24 economic benefit by investing in those kinds of

1 controls. Thank you very much. I'm glad the
2 Illinois Pollution Control Board has allowed the
3 opportunity for citizens to speak today. Thank
4 you.

5 HEARING OFFICER HORTON: Thank you
6 very much for your comment. Moving forward to
7 Jack Paxton. Jack Paxton, P-A-X-T-O-N. Okay.
8 Moving forward -- and just as a reminder, you can
9 unmute yourself by pressing the microphone button
10 on the bottom of your screen if you're on video or
11 pressing Star 6 by telephone and limit yourself to
12 a three-minute comment. Jes Weber. Jes Weber.
13 Joyce Harant.

14 MS. HARANT: Can you hear me?

15 HEARING OFFICER HORTON: Yes.
16 Please proceed.

17 MS. HARANT: Thank you very much. I
18 thank you for the opportunity to comment on these
19 proposed coal ash rules. I am Joyce Harant. I am
20 a resident of Peoria. I have a master's degree in
21 community health and while I am a trustee of the
22 Peoria Park District and a member of the Peoria
23 City/County Board of Health, these are my personal
24 comments.

1 I urge you to consult with your
2 sister state agency, the Illinois Department of
3 Public Health, to determine the best way to
4 conduct and apply a public health impact
5 assessment of all options to remove all existing
6 wet -- or to contain dry ash containment sites
7 including landfills and dumps. This should be in
8 coordination with an environmental impact
9 assessment.

10 Environment should include not
11 only the living, natural environment, but natural
12 resources such as water and air and the built
13 environment of the surrounding area. In Peoria,
14 we know the Edwards coal plant coal ash covers
15 tens of acres of land and, I'm sorry, it's either
16 between 60 or 90 acres, it's huge, of unlined coal
17 ash pond sitting just behind a levy on the
18 Illinois River.

19 Stantec Consulting, a 2016
20 hazardous assessment, found that if the levy
21 failed that this would probably cause a loss of
22 human life. So we know that is a hazard and
23 polluting the watershed.

24 What options are considered to

1 remove the ash, the various health and
2 environmental impacts should be identified so that
3 the best decision for the health from a holistic
4 perspective can be made. Some other criteria that
5 should be included in the standards are that plant
6 owners must be financially responsible for all
7 direct and indirect costs associated with the
8 containment and removal of this hazardous
9 material.

10 This includes the removal, the
11 remediation, safety provisions, road constructions
12 for communities around. These plants have had 50
13 plus years for profits and they have caused
14 hundreds of millions of dollars of human health
15 costs.

16 Environmental justice
17 communities should be the first ash ponds
18 evaluated and plans implemented. People in these
19 communities have had the most negative health and
20 economic impacts. No water should be in contact
21 with the ash at the end of the project, nor should
22 ash remain in areas of earthquake, fault areas,
23 floodplains so that future water invasion of the
24 ash cannot occur.

1 As was mentioned, strict dust
2 control standards for workers and also for area
3 residents needs to be required and this is key
4 criteria to me is enforcement. IEPA must have
5 strict enforcement and they must use it. It was
6 ridiculous that in the Edwards coal plant they
7 couldn't get the air pollution particulate matter
8 controlled that citizens had to file a lawsuit.
9 That is not the way it should be. The EPA should
10 have strict enforcement and they should do what
11 they are supposed to do to see that the standards
12 are followed and there should be maximum
13 transparency for the public so that we have access
14 to the plans, the timetables and it should be very
15 timely and ash removal should be by barge, train
16 or electric or low emission trucks to decrease the
17 carbon footprint. Crowding and timing of trucks
18 should be with compliance of local community
19 needs.

20 We have Rivian in Bloomington
21 that could be enhanced in terms of jump-starting
22 their company with electric vehicles. So we have
23 a lot of opportunities in Illinois. Thank you
24 very much.

1 HEARING OFFICER HORTON: Thank you
2 very much for your comment. Moving on to Katie
3 Maxwell.

4 MS. MAXWELL: Yes. Please -- can
5 you hear me?

6 HEARING OFFICER HORTON: Yes.
7 Please proceed.

8 MS. MAXWELL: My name is Katie
9 Maxwell. I am a communications coordinator for
10 Faith in Place, an interfaith environmental
11 justice non-profit, and I am also from the Chicago
12 area. I am a person of faith and my Lutheran
13 tradition calls me to seek justice in the world
14 and this is a moment to do just that.

15 I am speaking today because I
16 believe in people over profits and I believe coal
17 plant companies need to take full responsibility
18 for cleaning up their messes. From Waukegan, to
19 the Middle Fork River, Illinois' only national
20 scenic river, I have seen the harmful effects of
21 coal ash firsthand. Several years ago I
22 chaperoned a group of Lake County youth eco
23 ambassadors, our summer program, all of whom had
24 grown up within miles of the Waukegan generating

1 station which as you heard by other commentors has
2 coal ash fill that is currently not covered by
3 this rule, but should be covered by the final
4 rule.

5 We went on a canoe trip down
6 that river. Andy Rehn of Prairie Rivers Network
7 guided us on a bright, sunny day. He showed us
8 how close by the shuttered Vermilion power station
9 is and pointed out the orange toxic coal ash
10 seeping into the river in bright streaks along the
11 river bank. These seeps come from unlined coal
12 ash ponds that threaten the integrity of the
13 eroding coal line. If that river bank were to
14 collapse, it would be devastating for the river
15 and for our surrounding communities.

16 We shouldn't need what Prairie
17 Rivers calls the risk of a catastrophic breach to
18 do something about improperly stored carcinogens.
19 They're already in the groundwater. We need the
20 final coal ash rules to be stronger than this
21 draft so that the polluters are held responsible
22 and people are protected.

23 We cannot lose our state's only
24 natural scenic river and environmental justice

1 communities like Waukegan need extra protections
2 such as dust protection and safe transportation
3 during impoundment removal and greater language
4 accessibility to all materials and meetings.

5 Thank you for your time and for listening to my
6 testimony.

7 HEARING OFFICER HORTON: Thank you
8 very much for your comment. Moving on to Marnelle
9 Curtis. Marnelle Curtis. Okay. Circling back to
10 Jack Paxton. Jack Paxton. Moving on to Jes
11 Weber. Jes Weber.

12 Okay. I note that the time is
13 12:45 so we'll continue on with the next 15-minute
14 segment. As a reminder, if you are appearing on
15 video, you can unmute yourself by pressing the
16 microphone button at the bottom of your screen or
17 if you are on telephone, you can press Star 6 and
18 please limit yourself to a three-minute comment.

19 Meaghan Dutton. Meaghan Dutton, D-U-T-T-O-N.

20 Moving on to Michael Veltman.

21 Michael Veltman. Moving on to Michelle

22 Spannmacher. Michelle Spannmacher. Moving on to

23 Nancy Fisher. Nancy Fisher. Moving on to Nick

24 Firmand. I'm sorry. Firmand. Nick Firmand. And

1 then to Rachel Ann Nelson. Rachel Ann Nelson.

2 MS. NELSON: This is Rachel Ann
3 Nelson. Can you hear me?

4 HEARING OFFICER HORTON: Yes.
5 Please proceed.

6 MS. NELSON: All right. Hi. I am
7 Rachel Ann Nelson and I am a resident of Waukegan,
8 Illinois and I am one of 85,720 people in
9 Waukegan, Illinois. I am a human being and I am a
10 mother of three. I am here today to ask for help
11 and I want to ask for help in keeping my family
12 safe, safe from coal ash and coal combusting
13 residuals and I was hoping that you would help me
14 also keep all the families in Waukegan, Illinois
15 safe from coal ash and coal combustion residuals.

16 I am also here to ask for help
17 in keeping Lake Michigan safe and keeping Lake --
18 the families that rely on Lake Michigan's water
19 safe from coal ash and coal combustion residuals.
20 Putting a top on it does not do enough to stop the
21 pollution right now. The pollution must be
22 stopped now. Waiting three, four, five, seven,
23 even ten years or more than that to clean it up
24 does not do enough to stop the pollution now. The

1 pollution must be stopped now.

2 You might say it costs too much
3 money to clean it up right now. It's going to
4 cost more in the future, but also cancer costs
5 more than just money. The cancer of every person
6 in Waukegan -- and not just Waukegan, but along
7 the shores of Lake Michigan and we must stop the
8 pollution now. So money shouldn't be the excuse.
9 So I'm here asking for help to stop the pollution
10 now and I was wondering if you can help me because
11 I need help in stopping the pollution now today.
12 Thank you.

13 HEARING OFFICER HORTON: Thank you
14 very much for your comment. It is appreciated. I
15 will circle back to Meaghan Dutton. Meaghan
16 Dutton. Michael Veltman. Michael Veltman.
17 Michelle Spannmacher. Michelle Spannmacher.
18 Michelle Spannmacher. Nancy Fisher. Nancy
19 Fisher. Nick Firmand. Nick Firmand.

20 Okay. I note that it's a little
21 bit before 1:00, but I'll move on to the next
22 15-minute segment and, as mentioned before, I'll
23 circle back to all the individuals called on that
24 were not available when called at the end.

1 So, moving on. And as a
2 reminder, you can unmute yourself on video by
3 pressing the microphone button at the bottom of
4 your screen or by telephone by pressing Star 6 and
5 please limit yourself to a three-minute comment.
6 Dorelle Ackerman.

7 MS. ACKERMAN: Thank you for
8 allowing me to speak today. My name is Dorelle
9 Ackerman and I am a retired science teacher. We
10 all need to enjoy the outdoors and this is one
11 reason to protect it.

12 Besides the local economic
13 benefits, the outdoors are revitalizing outdoor
14 enthusiasts like me who have become lifetime
15 advocates for the environment. I thrive outdoors.
16 I can't tell you the thrill I experience when
17 paddling a river and observing an eagle or
18 rounding a bend and seeing a deer taking a drink.
19 One of my favorite rivers is the Middle Fork of
20 the Vermilion which is the only national scenic
21 river in Illinois.

22 Many who paddle the beautiful
23 Vermilion don't realize the dark towering banks
24 contain toxic coal ash. This is a problem.

1 Superficially, the area looks pristine. The DNR
2 describes the local state park as crystal clear
3 ponds in luxurious forested ridges. They go on to
4 say the trees and vegetation have reclaimed the
5 former mine's land. No mention that the
6 surrounding coal ash ponds and landfills contain
7 mercury, arsenic and other cancer causing
8 chemicals harming both people and the 24
9 endangered species that inhabit the area. No
10 mention that this coal ash waste is 10 to 100
11 times more concentrated than even the climate
12 warming coal originally produced.

13 My mother told me "Clean up your
14 mess" when she caught me hiding my junk under my
15 bed as I stood proud of my superficially clean
16 room. We need to tell Dynegy and every one of the
17 companies that own the 80 coal ash pits in
18 Illinois to clean up your mess and do it the right
19 way. Don't cap and run leaving the pits forever
20 exposed to groundwater. Wet coal ash is
21 dangerous.

22 The mines surrounding the
23 Vermilion River are located in a floodplain and
24 the river is eroding the banks at a rate of three

1 feet per year according to Dynegy's very own 2018
2 report. Cap and run is not a permanent solution,
3 but it is the favored method of the fossil fuel
4 companies to save them money and leave the cost of
5 doing it right for future taxpayers. Have we not
6 learned the economic sense of responding before
7 crisis mode? Dynegy has had a history of
8 violations and even after eight years their 2012
9 groundwater violation is still resolved. The
10 community is still at risk and there is no
11 assurance that they won't be left with the cost.

12 The recently passed Illinois
13 Coal Ash Bill gives us the opportunity to close
14 loopholes and hold the polluters financially
15 accountable. However, the bill will only do that
16 if you, the Illinois EPA, pass strong regulations.
17 I urge you to require a permanent solution with
18 public input and a guarantee that companies will
19 pay for the waste.

20 The regulations must include,
21 number one, no wet ash; number two, the state
22 standards need to be stronger than the ever
23 weakening federal standards; number three,
24 regulations need to include landfills and dumps,

1 not just pits, and finally; number four, community
2 and worker protections need to be concluded for
3 the safe removal and transportation of dust ash.
4 Thank you.

5 HEARING OFFICER HORTON: Thank you
6 very much for your comment. Moving on to Rachel
7 Ventura. Rachel Ventura. Moving on to Ray Ellis.
8 Ray Ellis. Moving on to Rex Irby. Rex Irby,
9 I-R-B-Y. Moving on to Richard Stuckey.

10 MR. STUCKEY: I'm here.

11 HEARING OFFICER HORTON: Oh, great.
12 Please proceed.

13 MR. STUCKEY: Okay. Good afternoon.
14 My name is Richard Stuckey. I'm a resident of
15 Chicago and wrote numerous environmental
16 organizations. My remarks today are strictly my
17 own. I'd like to commend the EPA on the key
18 provisions of the regulation related to
19 groundwater monitoring, worker protections and no
20 time limit monitoring.

21 However, as you heard from many
22 people today, I'm sure many more, there are
23 shortcomings, loopholes and so on that were made
24 in this draft of regulations. I'm not going to

1 talk about them now. I will submit them in
2 writing with my notes.

3 It is critically important that
4 every one of these loopholes that you heard about
5 support all of them and dealt with in the
6 regulations and closed securely. These
7 regulations are aimed at only the coal fired power
8 stations. These organizations have known for many
9 years that the process is going to be shut down
10 and they have set themselves up so that they can
11 walk away from their liabilities related to coal
12 ash. Regulations have to be written with the
13 expectation that companies involved will use every
14 legal and probably many illegal ruses to avoid
15 compliance with the regulations.

16 They will use every cent in
17 their control to pay their officers bonuses or pay
18 attorney's fees rather than comply with the
19 regulations. We've got contemporary evidence of
20 the links that utility companies will go to to
21 work around regulations and craft regulations that
22 favor them over the citizens that they are
23 supposed to serve. There must be every
24 expectation that the owners of these power

1 stations will go to similar lengths to avoid their
2 responsibility to tee up the mess they have
3 created.

4 Penalties for non-compliance
5 must be proportional to the damage that the state
6 will suffer when these companies walk away from
7 their responsibility without cleaning up their
8 messes. Just think, monitoring has to go on for
9 30 years on the wells. So the legal and financial
10 responsibility must go on for 30 years until the
11 dangers are completely removed.

12 However, long range view is not
13 enough. We also need to deal with the dangers
14 that climate change brings with increases in heavy
15 rain and flooding. (Audio cut out) dangers to
16 coal ash ponds that are located close to rivers
17 and lakes, their source of drinking water for
18 millions. The regulations must require companies
19 to take steps now in anticipation to prevent
20 overflows from their ponds.

21 Please take seriously my concern
22 about the likely evasive measures that companies
23 will take and close the shortcomings and loopholes
24 that exist in the draft regulations so not be

1 looking back years from now and seeing companies
2 are able to escape their liabilities because our
3 regulations -- we both anticipate the tricks they
4 will use to avoid obeying the intent of the
5 regulation. Thank you.

6 HEARING OFFICER HORTON: Thank you
7 very much for your comment. Moving on to Sally
8 Burgess.

9 MS. BURGESS: Yes, I'm here.

10 HEARING OFFICER HORTON: Perfect.
11 Please proceed.

12 MS. BURGESS: Thank you. Good
13 afternoon and thank you for the opportunity to
14 speak today. My name is Sally Burgess. I am the
15 downstate organizer for the Illinois Chapter of
16 Sierra Club and I live in Edwardsville.

17 One of my projects is working
18 with the Metro East Green Alliance and educating
19 the local community about the dangers posed by the
20 retired Wood River coal plant in East Alton. I
21 also work with Citizens Against Longwall Mining
22 and am learning about their concerns about the
23 coal ash impounds at Hillsboro Energy.

24 I moved to Illinois 30 years

1 from the southwest and, frankly, I fell in love.
2 I enjoy the lush flora. I even like the humidity.
3 There are many things for us Illinois citizens to
4 be proud of in this fine state, but there is a
5 notable exception. Illinois is routinely listed
6 as being the number one state in the country when
7 it comes to coal fired power plants and resulting
8 coal ash ponds.

9 You have already heard that the
10 coal ash impoundment in the Wood River plant are
11 unlined and leaching poisonous heavy metals into
12 groundwater. You already heard that the
13 impoundments in Hillsboro are overflowing and
14 endangering people and wildlife and I know you are
15 well-aware that the substances we are talking
16 about; arsenic, lead, mercury, selenium and
17 chromium are at the least toxic, but more likely
18 poisonous at relatively low levels.

19 A year and a half ago I had a
20 health scare. During my routine annual physical,
21 I asked my naturopath if there was a way of
22 testing for chemical exposure. I was concerned
23 about the farmers fields that I live near. She
24 said, no, but if I wanted to pay a few hundred

1 dollars out of pocket, I could get a nutrient
2 assessment. Imagine my shock when I discovered
3 that my lead level was far beyond normal limits.
4 Treatment for lead poisoning is not reimbursed by
5 insurance so it would have cost \$3,000 to pay for
6 the standard prescription.

7 I received a compound treatment
8 for much less and got my levels under control in a
9 few months. I never felt ill. I had no idea
10 anything was going on, but I knew that the risk
11 was organ damage or worse if it wouldn't have --
12 if I couldn't have gotten it under control and
13 once that damage occurs, it is irreversible.

14 Now, I'm not saying that the
15 Wood River coal plant 12 miles from where I live
16 is to blame. In fact, we think it came from a
17 small cup my husband had purchased years ago in
18 Italy.

19 My point is if I had not had the
20 resources to get tested I would not have known
21 until symptoms appeared. By then, the damage
22 would have been done. How many people, children
23 especially, who are much more likely to experience
24 seriously bodily damage from exposure to toxic

1 metals are being harmed every day by lax coal ash
2 management at plants across the state?

3 I'll reference this by saying I
4 still love Illinois and I am proud to be working
5 to improve its air, water and soil. It's laudable
6 that we have coal ash legislation that puts us in
7 the position of once again being number one. This
8 time as the state with the most stringent and
9 effective coal ash rules. It's clear to me from
10 listening to the last two days of public comment
11 that our citizens expect nothing less. Thank you.

12 HEARING OFFICER HORTON: Thank you
13 for your comment. I'll circle back to Rachel
14 Ventura.

15 MS. VENTURA: Yes. Hi. My name is
16 Rachel Ventura. I am a local board member. I'm
17 here representing myself and my constituents. I'd
18 like to talk about five points. The first is
19 protecting water from coal ash contamination.
20 Water and coal ash are mixing at our limestone
21 quarry on Brandon Road in Will County. We know
22 that the contamination is reaching our water
23 supply while NRG is currently pumping to keep the
24 contamination in the quarries. What happens after

1 that pumping stops? There is also concerns of the
2 levels of water between the different quarries and
3 how that pushes the contamination into our
4 waterways.

5 Protecting -- the second point
6 is protecting health. As you know, Joliet has a
7 lot of limestone quarries. Blasting underground
8 could alter groundwater flow. Last summer
9 residents living east of the quarry asked for
10 their wells to be tested. Has NRG followed
11 through with this? I spoke at a previous IEPA
12 about making sure not only do they test the water,
13 but also test their health for drinking water that
14 may have been contaminated and making sure our
15 rules and laws put that requirement on those who
16 have contaminated our groundwater. That
17 information should be made public and spread to
18 people who have never even known about the
19 meetings that we've had and that their wells
20 should also be tested if they're in that area.

21 The third point is permanently
22 protecting water. We must assure that coal ash is
23 disposed of safely where it is no longer in
24 contact with water. That means adding it to lined

1 waste plants or landfills. Having options to put
2 it in unlined fills is not the responsible thing
3 to do. Study -- the fourth point is to study
4 alternative ways to remove ash. The coal ash was
5 delivered on rails and barges. A study -- we
6 should do a study on whether coal ash can be
7 removed the same way. Neighborhoods already
8 dealing with heavy truck traffic should no longer
9 be overburdened with additional trucks. There are
10 other good and alternative uses.

11 So in our area, we have high
12 traffic -- truck traffic already, but we also have
13 a great rail system and waterway system. So we
14 really should be focusing on how we can do that.
15 So not to overburden our roads and add more diesel
16 pollution to the air.

17 The last is protecting workers.
18 Workers must be protected at all times from
19 handling hazardous coal ash. Increase monitoring
20 of coal ash dust is necessary to ensure that the
21 workers and communities are protected. So I would
22 really hope we would focus on those five aspects
23 and, you know, I appreciate the time that you guys
24 have taken to listen to our comments and thank you

1 very much.

2 HEARING OFFICER HORTON: Thank you
3 very much for your comment. Moving on to Ray
4 Ellis. Ray Ellis. Rex Irby. Rex Irby. And I
5 note it's a few minutes before the next and final
6 segment, but I will call on those individuals now
7 to see if they're on the line.

8 Sally Ruhland. And just as a
9 reminder, if you are participating via video, you
10 can press the microphone button at the bottom of
11 your screen to unmute yourself. If you are on the
12 telephone, you can press Star 6 and please limit
13 yourself to a three-minute comment.

14 Sally Ruhland. Shannon Green.
15 Shannon Green. Sigrid Pilgrim. Sigrid Pilgrim.
16 Tracy Fox. Tracy Fox. Elizabeth Rodriguez. I'm
17 sorry. Who is this?

18 MS. RODRIGUEZ: Hi. This is
19 Elizabeth.

20 HEARING OFFICER HORTON: Perfect.
21 Please proceed.

22 MS. RODRIGUEZ: Thank you. Hi,
23 everyone. My name is Elizabeth. I go by Ellie
24 Rodriguez and I have been a resident of Waukegan

1 for more than 15 years, but it was only until this
2 summer that I discovered that me and my family had
3 been living near the Waukegan coal plant and I
4 have learned the effects it's had on my community.
5 I'm only 20 years old and I think that I represent
6 many of the youth when I say that I believe in
7 industrial accountability and I can see a future
8 of clean energy that leads to a clean environment.

9 But one of the main reasons it
10 took so long for me and other community members to
11 find out about the coal plant is probably because
12 of the lack of language access. When you have a
13 community that is over 60 percent
14 Spanish-speaking, it would be the logical thing to
15 inform those people that their health is at risk
16 and going forward with decision-making I urge to
17 have information published in Spanish and include
18 those instructions on how to stay informed.

19 The final rule should probably
20 include requirements for both the Illinois EPA and
21 industry to meaningfully engage in non-English
22 speaking populations, including requirements that
23 if they're requested, interpreters be present at
24 meetings, hearings, translation of permit

1 materials, things like that.

2 As proposed, there is only one
3 isolated requirement for translating anything in
4 that rule and that is just simply not enough.
5 It's extremely important that our community knows
6 how to be informed and how to stay informed and
7 how to stay active, but there tends to be many
8 elements that limit us from knowing more and it's
9 not that we don't care. It's just that we don't
10 know. Thank you for your time and I hope to see
11 more language accessibility in the future.

12 HEARING OFFICER HORTON: Thank you
13 very much your comment. Moving on to Linda
14 Williams.

15 MS. WILLIAMS: I'm here.

16 HEARING OFFICER HORTON: Great.
17 Please proceed.

18 MS. WILLIAMS: My name is Linda
19 Williams. I'm a housewife in Urbana and I grew up
20 in Danville, Illinois. I'm here today to ask you
21 to do this. Please require that coal ash be
22 removed from any and all floodplains and move to a
23 place where it can be kept dry and stored to
24 prevent leaching into our groundwater.

1 It seems one of the practices
2 that I have tried to instill in the children in my
3 life, both large and small, is to clean up your
4 mess, don't leave it for someone else. When I
5 have been organized and thinking ahead, cleanup
6 has gone smoothly, but sometimes it's been forced
7 and a big chore.

8 Isn't this what my ask breaks
9 down to? How can cleanup be right in our living
10 room and yards and not right when we're talking
11 about a material containing toxic materials and
12 threatening our water? How can cleanup be right
13 for a child, but not be right for the adults of
14 the corporations? By asking for a rule to require
15 toxic coal ash to be moved out of the floodplains,
16 I'm asking you to say, "Cleanup your mess. Don't
17 leave it for someone else." Thank you.

18 HEARING OFFICER HORTON: Thank you
19 very much for your comment. Moving on to Robin
20 Nolting. Robin Nolting, N-O-L-T-I-N-G. Moving on
21 to Suzanne Smith. Suzanne Smith. Okay. I'm
22 going to circle back since it is now close to
23 1:15. I will circle back to that segment. Sally
24 Ruhland. Sally Ruhland. Shannon Green. Shannon

1 Green. Sigrid Pilgrim. Sigrid Pilgrim. Tracy
2 Fox. Tracy Fox. Robin Nolting. Robin Nolting.
3 And Suzanne Smith. Suzanne --

4 MS. BILBRUCK: I think she's on.

5 HEARING OFFICER HORTON: I think
6 Suzanne Smith might be on. Just as a reminder,
7 you can press the microphone button if you're on
8 video to unmute yourself. If you're on the
9 telephone, you can press Star 6. Okay. As
10 promised, I will go back to the beginning of the
11 list for those who were not present.

12 MS. PILGRIM: This is -- this is
13 Sigrid Pilgrim. Can you hear me?

14 HEARING OFFICER HORTON: Yes.
15 Please go ahead.

16 MS. PILGRIM: Okay. Finally it
17 works. Yay for technology.

18 My name is Sigrid Pilgrim. I'm
19 a director of the Illinois Paddling Council which
20 is the state organization representing paddler's
21 interests. I really do not want to take the time
22 and repeat all the very many valuable comments
23 that you have already received.

24 So please allow me to just make

1 a few points which I urge please and beg the
2 legislature, as well as your committee, to
3 consider as you write the rules regarding dealing
4 with coal ash. Any rule regarding existing and
5 future coal ash storage facilities must include
6 that the facility will, number one, prevent
7 pollution of groundwater at, near or below the ash
8 storage site.

9 Number two, prevent seepage into
10 the rivers as the river bed shifts due to erosion
11 as is happening in Illinois' only wild and scenic
12 river, the Middle Fork of the Vermilion, you've
13 already heard much about. Three, safeguard in
14 perpetuity so there can be no breach in the
15 containment structure leading to a violation of
16 points one and two above.

17 If these objectives cannot be
18 met or are not met in existing coal ash pit sites,
19 then the rulemaking needs to include remedial
20 action by the pit owner or owners to ensure that
21 these containment sites meet the above three
22 criteria. There is no argument about the toxicity
23 and other hazards that coal ash presents.

24 Safeguarding groundwater,

1 surface water, air and natural environment from
2 its dangers is paramount if collectively we wish
3 to bequeath our children and grandchildren a world
4 that continues to be livable. Today's short-term
5 financial benefits to power company's shareholders
6 cannot be an excuse to endanger future
7 generations.

8 So once more, the rule needs to
9 prevent pollution groundwater at, near or below
10 the ash storage site, prevent seepage into the
11 rivers as the rivers change course. Safeguard
12 into perpetuity so there can be no breach in the
13 containment structure in violation of the points
14 above. I fully support all the comments by
15 everybody else and hope that as you write the
16 rules all of these comments as well as mine will
17 be taken into consideration. I greatly appreciate
18 your attention to my request and would be happy to
19 submit these in writing if required. Thank you
20 again.

21 HEARING OFFICER HORTON: Thank you
22 very much for your comment. So I'll circle back
23 to those individuals that I called on before, but
24 were not present. Adam Broad. Angela Clark.

1 Colleen Doherty. Gloria Charland. Jack Paxton.
2 Jes Weber. Marnelle Curtis. Meaghan Dutton.
3 Michael Veltman. Michelle Spannmacher. Nancy
4 Fisher. Nick Firmand. Ray Ellis. Rex Irby.
5 Richard Stuckey. Sally Ruhland. Shannon Green.
6 Tracy Fox. Robin Nolting. Suzanne Smith. And is
7 there anyone else?

8 MS. SMITH: Can you hear me? Hello?

9 HEARING OFFICER HORTON: Sorry. Who
10 is this?

11 MS. SMITH: This is Suzanne Smith.
12 Can you hear me?

13 HEARING OFFICER HORTON: Yes.
14 Please proceed.

15 MS. SMITH: Thank you. I'm sorry.
16 I'm having some technical difficulties, but I
17 appreciate this opportunity to speak today.

18 My name is Suzanne Smith. I
19 live and farm with my husband on his family's
20 multigenerational farm near Homer, Illinois along
21 the Champaign Vermillion County line in east
22 central Illinois. I am familiar with all three
23 branches of the ecosystems of the Vermilion River
24 system in east central Illinois through farming

1 and recreating along the Salt Fork conducting
2 contract work for the Illinois Department of
3 Natural Resources along the North Fork and through
4 the recreation and scientist sampling through
5 river watch and annual bird council on the Middle
6 Fork.

7 The Middle Fork River is a
8 premium recreation destination for the people all
9 across Illinois. Like many others that you've
10 heard from today and in the recent days, safety of
11 local and statewide residents using this river is
12 important in light of ongoing erosion occurring at
13 the coal ash impoundment and its floodplain.
14 During river watch sampling at the outpoint,
15 Kickapoo State Park, it was common for me to see
16 50 to 100 people young and old on a given morning
17 either fishing, kayaking, canoeing or just playing
18 in the river during a midweek sampling in June.

19 Many were immersed in the water.
20 The proposed rules fail to fully assure long-term
21 protection for human safety and public health. I
22 ask that you include language in the rule that
23 requires coal ash not be left in contact with
24 water or in any circumstances that will likely

1 allow future contact with water. You must not
2 allow closure in place of coal ash impoundments
3 size and location that jeopardize their stability,
4 including floodplains like those along the Middle
5 Fork River.

6 With extensive public access to
7 Illinois' wild and scenic river through state and
8 federal parks, I encountered many people enjoying
9 the river and wooded corridor of the Middle Fork.
10 The trail systems for hiking are extensive and
11 deer hunting is extremely popular on private land
12 as there is a lot of land nearby.

13 As a kayaker, I'm on the river
14 periodically with friends. As a hiker and birder,
15 I participate in the annual Christmas bird count
16 with many members of Champaign and, therefore,
17 Audubon Society in December and early January with
18 members of the Illinois Plant Society and friends
19 I enjoy hiking to find yellow orchids and other
20 spring wild flowers along the bluffs of the Middle
21 Fork in the spring.

22 With so much activity in these
23 public areas year round, removing the coal ash
24 from the floodplain responsibly for both workers

1 and the surrounding community is critical.
2 Fugitive dust monitoring, worker protection and
3 safe transportation of the coal ash must be
4 written into the final rule.

5 As Illinois' only federally
6 designated wild and scenic river, the Middle Fork
7 of the Vermilion is a true gem. It is a
8 biologically significant stream that demands
9 protection from coal ash contamination. I
10 appreciate the accessibility of this place for all
11 people and value the diversity of the plant and
12 animal life in and around this waters.

13 I ask you to ensure that the
14 ground and surface waters surrounding this and
15 other coal ash pits are properly monitored to
16 ensure clean water for residents and wildlife. No
17 coal ash contaminated background well should be
18 allowed under your new rules to ensure that any
19 background well testing is accurately measuring
20 clean groundwater.

21 Thank you for making the
22 determination of monitoring based on results and
23 not just the timeline. The health and well-being
24 of all life is at stake and now into the future.

1 While I have focused on some of the coal ash
2 concerns in my area, I urge you to make the very
3 best rules you possibly can to ensure the proper
4 cleanup of all forms of coal ash without any
5 proposed rollbacks from the federal government.

6 Illinois is a state blessed with
7 abundant water with two major rivers along its
8 borders, a great lake to the north and a multitude
9 of Midwestern meandering streams throughout the
10 state that accept and drain the abundant rain that
11 grows our crops, recharges our lakes and aquifers
12 and fills our rural groundwater wells. In these
13 uncertain times, we need some hope for our future.
14 I am excited that these hearings are happening now
15 and I'm hopeful you will do the very best you
16 possibly can to care for us and our precious
17 waters now and to care for all of us in the years
18 to come. Thank you very much to the IEPA, the
19 Illinois Pollution Control Board and all who are
20 working so hard on this issue.

21 HEARING OFFICER HORTON: Thank you
22 very much for your comment and I believe two
23 individuals from the last section are now on the
24 line. So I'll call on Tracy Fox. If you are

1 using your telephone, you can press Star 6 to
2 unmute yourself. If you're on video, you can
3 press the microphone button at the bottom of your
4 screen.

5 MS. FOX: I am unmuted. This is
6 Tracy Fox. I am the founding member of the
7 Central Illinois Healthy Community Alliance and a
8 volunteer leader with Illinois Peoples Action. I
9 have been very concerned about the coal plants in
10 the Illinois River Valley for the last 20 years.
11 I thought about testifying about the importance of
12 rigorous hydrogeologic assessment, trying to
13 establish the validity of various types of
14 monitoring wells and safeguards to make sure that
15 companies aren't gaming the system. I thought
16 about the necessity of keeping the coal ash dry.

17 I thought about calling out the
18 hypocrisy of the organizations who are suddenly
19 concerned about coal ash removal impacts when they
20 haven't lifted a finger to deal with the fugitive
21 coal ash dust issue in the 50 plus years these
22 plants have been operational, but I know you've
23 listened to panels of experts.

24 You've listened to more than a

1 hundred of my fellow Illinoisians concerned about
2 these issues and most of them are going to be far
3 more studied on the specifics of the coal ash rule
4 and coal ash management than I am and since it's
5 August and I'm a birder my mind is on the shore
6 birds between their migratory and coal ash. I
7 live in Chillicothe, Illinois which is a little
8 bit north of Peoria and I have spent my whole life
9 in the Illinois River Valley.

10 My bird shed ranges from
11 Hennepin to Havana. It begins with a coal plant
12 and ends with one. This is one of the finest
13 birding areas in the Midwest and that is not
14 spoken with just hometown pride. That's been
15 designated through important bird area
16 certifications, designation as part of the Western
17 Hemisphere Shore Bird Reserve but the Edwards and
18 Powerton Plant sit at the head of the (audio cut
19 out) Illinois River and there is a string of
20 backwater lakes that unfurls from there.

21 (Audio cut out) Big Lake, the
22 beautiful Spring Lake, the Clear Lake Hunt Club
23 and historic heron, the National Wildlife Refuge
24 at Chautauqua, the nature conservatories, amazing

1 restoration of (audio cut out), Thompson Lakes at
2 Emiquon which was created on an old drainage
3 district, one of the premier wildlife areas in the
4 Midwest and finally Anderson Lake and then the
5 (audio cut out) Hunt Club each with their own
6 claims to fame, but I'm going to focus on the
7 Chautauqua Refuge because it's the oldest and the
8 most studied.

9 Dr. Borgland (audio cut out) for
10 many, many years (audio cut out) the refuge weekly
11 and from there data and other areas of flyover we
12 know that between 150 and 200,000 migratory shore
13 birds hit that refuge at the peak of migration.
14 Throughout the LaGrange Pool, estimates are as
15 high as 600,000 birds and I know that you aren't
16 bird experts and don't know bird populations, but
17 those numbers include 5 to 8 percent of the
18 world's population of pectoral sandpipers, which
19 is a relatively common shorebird that is becoming
20 increasingly endangered.

21 I can't emphasize to you enough
22 how precious this area is in terms of bird habit
23 and today we have a chance to safeguard our part
24 of the migratory route here in central Illinois

1 and across the state. When I look at the
2 contaminants of the Edwards site, the lead, the
3 arsenic, the other toxins, when I think about 25
4 feet of waste being spread all over the Powerton
5 site and I look at the similar problems at
6 Hennepin and Havana, it's really depressing.

7 I know that the lack of
8 regulation has been a longstanding thing and we
9 may be facing rollbacks from the Trump
10 administration, but I urge you to make a strong
11 rule to protect one of the few wild and natural
12 places that we still have in the state where, you
13 know, 99 percent of our prairie has been converted
14 to (audio cut out) land. I believe that if you
15 stand firm on the principle that coal ash
16 shouldn't be exposed to water and that every part
17 of the site needs to be monitored, investigated
18 and safeguarded, we can have something that works
19 and restore these areas to health.

20 I support removal of coal ash
21 because there is no part of the Illinois River
22 that isn't imperiled in some way and because none
23 of these coal plants have any safeguards
24 whatsoever to prevent the contamination from

1 continuing to impair our river and the wildlife
2 that depends on it. I appreciate all your efforts
3 to this and I ask you to please pass a very strong
4 coal ash rule that includes all the comments here
5 today.

6 I also encourage you as a Board
7 to talk to the Attorney General and find out if
8 there is something you can do about the licenses
9 and whatever engineers designed these disasters in
10 the first place. They're probably all long gone,
11 but it a very sorry situation that it has ever
12 come to this. Thanks for your time and have a
13 great afternoon.

14 HEARING OFFICER HORTON: Thank you
15 very much for your comment and our last commentor
16 today, who I believe is on the line, is Robin
17 Nolting.

18 MS. NOLTING: Yes, this is Robin
19 Nolting. Am I on?

20 HEARING OFFICER HORTON: Yes, please
21 proceed.

22 MS. NOLTING: Thank you, guys. Yes.
23 Hello, everyone. My name is Robin Nolting,
24 R-O-B-I-N, N-O-L-T-I-N-G. First, I want to thank

1 every single one of you who had part in getting --
2 getting time to share my concerns with you today
3 and I'm having some respiratory problems now. So
4 I may have to take a breath in between a word or
5 two.

6 I am worried sick about the
7 health of my family and myself. Our health has
8 been and is currently being stolen from us with
9 the ED Edwards coal fired plant here in Peoria,
10 Illinois and we don't even know what the leaching
11 coal ash has done to our future health yet.

12 I have spent all of my family
13 summers for the past 30 years on the Illinois
14 River with my children, their friends, our friends
15 and many other families with their boat. We have
16 had so many good times and so many great memories
17 on this river only to find out, myself personally
18 in 2013, when we formed health -- many of us
19 forming CIHCA, Central Illinois Healthy Community
20 Alliance, we found out -- and I knew this in my
21 heart and my gut that the ED Edwards coal plant
22 right where we plant, fish, boated and water skied
23 was and still is contaminating the river and the
24 land with hazardous materials from the unlined

1 coal ash pit right next to where we have our
2 family time. Us and many, many other families not
3 knowing that our bodies were taking in all of this
4 arsenic, lead, mercury, chromium, boron, lithium,
5 selenium and the list goes on and on.

6 Respiratory health is being
7 studied, but the neurological effects haven't even
8 begun to be understood. If I had known before
9 2013 what I know now, my family would have never
10 stepped foot near the Illinois River and its
11 ground. It is a must and I beg of you that the
12 coal ash unlined pits and ponds be completely
13 removed for the safety of our personal well-being
14 and our wildlife and our earth as soon as
15 possible. I believe that it is the responsibility
16 of the coal companies and the U.S. Corps of
17 Engineers to put their heads together and rectify
18 this horrendous situation for our communities, our
19 children, our grandchildren and all future
20 generations including our wildlife and our plant
21 life and, again, thank you, guys, all for your
22 time and your consideration and for helping me to
23 get on here to speak to you today. Be safe.

24 HEARING OFFICER HORTON: Thank you

1 very much for your comment. That will conclude
2 our public comment section for this portion of the
3 hearing. On behalf of Chair Currie and all the
4 members of the Illinois Pollution Control Board,
5 we greatly appreciate all public comments that
6 have been presented to us during these three days
7 of hearings and we'd like to remind anyone on the
8 line who did not get a chance to comment that the
9 Board considers both oral and written comment with
10 the same weight.

11 So thank you very much. We will
12 adjourn for a brief ten-minute recess and be back
13 here in this room at 1:40. Thank you.

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A	65:10	animal 60:12	17:1,4 18:10,15	asthma 23:10
A.D 70:13	Administrative	Ann 6:6,15 36:1,1	18:16,20 20:3,21	atmosphere 13:10
abandonment 5:3	2:7	36:2,7	20:24 21:20	attacks 23:10
able 23:12 44:2	adults 53:13	annual 45:20 58:5	22:3,7,17 24:4	attempt 18:10
absorb 7:12	advocates 38:15	59:15	24:12 25:6,8,9	attention 22:22
abundant 61:7,10	affect 12:10	anticipate 44:3	25:13,15 26:19	56:18
accept 61:10	aforesaid 70:6	anticipation	28:1,3,8,9,22	Attorney 66:7
access 32:13 51:12	afternoon 2:2,11	43:19	29:19 30:6,14,17	attorney's 42:18
59:6	11:2 41:13	apologies 14:17	31:1,17,21,22,24	audio 43:15 63:18
accessibility 35:4	44:13 66:13	14:20 23:4	32:15 33:21	63:21 64:1,5,9
52:11 60:10	age 22:17	appalled 25:5	34:2,9,12,20	64:10 65:14
accessible 25:19	agency 30:2	appeared 46:21	36:12,15,19	audits 24:9
25:23	ago 18:13 19:3	appearing 35:14	38:24 39:6,10,17	Audubon 59:17
accountability	25:3 33:21	appears 70:8	39:20 40:13,21	August 1:10 2:20
51:7	45:19 46:17	applaud 12:6	41:3 42:12	2:21 63:5
accountable 40:15	ahead 53:5 54:15	apply 22:16 30:4	43:16 44:23	available 37:24
accountants 5:12	aimed 42:7	appointed 19:22	45:8,10 47:1,6,9	Avenue 1:9
accounting 5:14	air 30:12 32:7	appreciate 11:6	47:19,20 48:22	average 19:19
accurately 60:19	47:5 49:16 56:1	17:13 49:23	49:4,4,6,19,20	avoid 42:14 43:1
Ackerman 38:6,7	Albert 3:15,22	56:17 57:17	52:21 53:15	44:4
38:9	alike 13:17	60:10 66:2 69:5	55:4,5,7,18,23	aware 26:2
acres 30:15,16	Alliance 24:8	appreciated 10:17	56:10 58:13,23	
action 55:20 62:8	44:18 62:7	37:14	59:2,23 60:3,9	B
active 5:9 11:17	67:20	aquatic 16:2	60:15,17 61:1,4	B-R-O-A-D 3:14
25:7 52:7	allow 54:24 59:1,2	aquifers 61:11	62:16,19,21 63:3	back 3:3 6:19 7:19
activity 59:22	allowed 29:2	area 16:15 22:8,9	63:4,6 65:15,20	13:23 26:5 27:6
Adam 3:13,14	60:18	24:2 26:1,15	66:4 67:11 68:1	28:14 35:9
14:2,2 56:24	allowing 38:8	30:13 32:2	68:12	37:15,23 44:1
add 49:15	allows 4:18 16:21	33:12 39:1,9	aside 2:22	47:13 53:22,23
adding 48:24	alter 48:8	48:20 49:11	asked 45:21 48:9	54:10 56:22
additional 49:9	alternative 49:4	61:2 63:15	asking 5:17 9:15	69:12
address 11:3	49:10	64:22	9:15,22 10:8	background 7:15
20:16	Alton 44:20	areas 31:22,22	37:9 53:14,16	60:17,19
addressed 13:13	amazing 63:24	59:23 63:13	aspects 49:22	backwater 63:20
28:23	ambassadors	64:3,11 65:19	assessment 30:5,9	bad 23:10
addressing 28:3	33:23	argument 55:22	30:20 46:2	bank 34:11,13
adhere 20:24	amend 11:4 20:1	arsenic 8:11,20	62:12	bankrupted 19:17
adjacent 13:11	amount 13:9	11:22 39:7	asset 15:24	banks 16:5 18:11
16:21	and/or 4:11	45:16 65:3 68:4	assigned 7:21	38:23 39:24
adjourn 69:12	Anderson 64:4	arteries 9:5	assisted 27:19	Barbara 2:14
adjudicator 6:17	Andy 34:6	ash 7:23,23 8:10	associated 13:3	bare 26:10
6:18	Angela 6:1,1 14:2	8:13 9:22 10:9	31:7	barge 32:15
adjunct 4:1	14:3 56:24	11:4 12:16,18	assurance 40:11	barges 13:11 49:5
Adm 1:6	angiocarcinoma	13:7 15:21	assure 48:22	based 60:22
administration	9:4	16:10,11,17,21	58:20	basics 7:8

BDDS 6:17	63:8	brings 43:14	carried 4:8	chemo 9:7,11
beach 25:19	black 27:15	Broad 3:13,14	carry 17:1	Chicago 25:17
Bears 6:22	blame 46:16	14:2,2 56:24	Carter 2:13	33:11 41:15
beautiful 38:22	Blasting 48:7	bronchitis 23:14	case 19:10,23	70:20
63:22	blessed 61:6	brother 24:1	cases 12:18	child 22:2 53:13
becoming 64:19	blood 8:16,18	BUGEL 14:9,13	catastrophic 5:10	children 12:22
bed 39:15 55:10	10:4	build 5:11 7:6,7	19:12 34:17	20:1 25:20
beg 55:1 68:11	Bloomington 7:2	built 25:10 30:12	Catholic 4:4	46:22 53:2 56:3
began 23:8	32:20	Bullard 17:15,16	caught 39:14	67:14 68:19
beginning 3:6 8:7	bluffs 18:21 59:20	17:19	cause 1:8 30:21	Chillicothe 63:7
54:10	board 1:1,9 2:3,10	Burgess 44:8,9,12	caused 31:13	chore 53:7
begins 63:11	2:13,14 16:16	44:14	causing 39:7	Chris 14:22 15:9
begun 68:8	19:20 21:5,20	button 3:9 6:3	CCR 4:15,19 5:14	Christine 10:20
behalf 2:14 5:16	22:20 24:22	27:4 29:9 35:16	12:24 21:8,16	10:20 14:3,6
5:20 69:3	25:4 28:13 29:2	38:3 50:10 54:7	CCR's 4:7,11 5:2	Christmas 59:15
believe 6:19 19:18	29:23 47:16	62:3	5:6 20:20 21:2	chromium 45:17
33:16,16 51:6	61:19 66:6 69:4		cent 42:16	68:4
61:22 65:14	69:9 70:1	C	central 11:7 17:24	chronic 21:22
66:16 68:15	boat 67:15	call 3:2 14:19,19	57:22,24 62:7	church 11:12
bend 38:18	boated 67:22	23:6 50:6 61:24	64:24 67:19	CIHCA 67:19
beneath 19:3	bodies 68:3	called 1:8 9:4	century 19:3	Cindy 10:21 11:2
benefit 19:15,24	bodily 46:24	37:23,24 56:23	certainly 4:8	circle 3:3 13:23
28:24	bonuses 42:17	calling 14:15	14:19	37:15,23 47:13
benefits 38:13	borders 61:8	26:16 62:17	certifications	53:22,23 56:22
56:5	Borgland 64:9	calls 33:13 34:17	63:16	Circling 35:9
bequeath 56:3	boron 68:4	campaign 18:14	Certified 70:3	circumstances
best 13:18,20	bottom 3:9 4:15	cancer 9:3,8,12,13	certify 70:4	58:24
26:22 30:3 31:3	6:3 22:13 29:10	10:5 21:22	chains 7:14	citizen 8:2 11:7
61:3,15	35:16 38:3	23:22 37:4,5	Chair 2:14 69:3	19:19
better 16:17	50:10 62:3	39:7	Champaign 15:10	citizens 4:10,21
beyond 46:3	bottoms 18:20	canoe 34:5	57:21 59:16	29:3 32:8 42:22
big 28:22 53:7	bouts 23:23	canoed 18:17	chance 64:23 69:8	44:21 45:3
63:21	branches 57:23	canoeing 58:17	change 43:14	47:11
BILBRUCK 54:4	Brandon 47:21	cap 16:22 17:2	56:11	city 11:11 25:16
bill 16:17 40:13	breach 34:17	18:10 19:6	chaperoned 33:22	City/County
40:15	55:14 56:12	39:19 40:2	Chapter 44:15	29:23
biologically 60:8	breaks 53:8	carbon 32:17	Charland 6:6,7,10	Civil 19:8
bird 58:5 59:15	breath 67:4	carcinogen 8:24	6:14,15 10:18	claims 64:6
63:10,15,17	breathe 23:12	carcinogens 10:12	27:2,2 57:1	Clark 6:1,1 14:3,3
64:16,16,22	Brenda 2:13	34:18	Chautauqua	17:15 56:24
birder 59:14 63:5	Brickey 1:9 70:3	cardiovascular	63:24 64:7	class 16:23
birding 63:13	70:18	21:24	chemical 45:22	classes 7:3,4
birds 63:6 64:13	brief 69:12	care 11:14 13:16	chemicals 21:21	clean 10:11 12:8
64:15	briefly 21:18	52:9 61:16,17	27:20 39:8	16:1,12 24:22
bit 7:16 37:21	bright 34:7,10	Carle 20:15	chemist 27:19	36:23 37:3

39:13,15,18 51:8 51:8 53:3 60:16 60:20 cleaning 12:24 33:18 43:7 cleanup 5:4 7:21 7:24 8:2,5,10 13:4 26:13 53:5 53:9,12,16 61:4 clear 4:5 20:2 21:6 22:7,12 39:2 47:9 63:22 clearly 22:16 climate 19:17 39:11 43:14 Clinic 10:5 20:15 close 15:21 34:8 40:13 43:16,23 53:22 closed 16:22 42:6 closing 17:8 closure 4:20 17:3 59:2 clothing 21:11 Club 24:7 44:16 63:22 64:5 co-workers 27:16 coal 1:5 2:8 7:23 7:23 8:10,13 9:22 10:9 11:4 11:17 12:16,18 15:21 16:10,11 16:17,21 17:4 19:2 20:3,21 21:20 22:3,7,17 23:17 24:4,4,6 24:11,12 25:1,5 25:8,9,13,15 26:19 27:15,17 28:1,3,8,9,22 29:19 30:14,14 30:16 32:6 33:16,21 34:2,9 34:11,13,20 36:12,12,15,15	36:19,19 38:24 39:6,10,12,17,20 40:13 42:7,11 43:16 44:20,23 45:7,8,10 46:15 47:1,6,9,19,20 48:22 49:4,6,19 49:20 51:3,11 52:21 53:15 55:4,5,18,23 58:13,23 59:2,23 60:3,9,15,17 61:1,4 62:9,16 62:19,21 63:3,4 63:6,11 65:15,20 65:23 66:4 67:9 67:11,21 68:1,12 68:16 cobalt 11:22 Code 1:6 2:7 collapse 34:14 collectively 56:2 Colleen 20:6,7 27:6,6 57:1 college 7:1 23:18 combusting 36:12 combustion 1:5 2:8 36:15,19 come 12:11 16:4 18:7 23:19 34:11 61:18 66:12 comes 18:21,23 45:7 coming 8:22 23:21 commencing 1:10 commend 41:17 comment 2:2 5:24 10:16 13:22 17:13 22:24 24:14 27:1 29:6 29:12,18 33:2 35:8,18 37:14 38:5 41:6 44:7	47:10,13 50:3,13 52:13 53:19 56:22 61:22 66:15 69:1,2,8,9 commentor 3:13 6:6 66:15 commentors 2:15 2:17 3:1,2 13:24 34:1 comments 2:12,17 2:23 20:6 29:24 49:24 54:22 56:14,16 66:4 69:5 commission 18:4 committee 55:2 common 10:13 58:15 64:19 communications 33:9 communities 11:10 12:5 25:17 26:11,18 26:22 31:12,17 31:19 34:15 35:1 49:21 68:18 community 4:4 12:23 13:10 29:21 32:18 40:10 41:1 44:19 51:4,10,13 52:5 60:1 62:7 67:19 Compact 17:24 companies 18:9 19:16 26:9,20 33:17 39:17 40:4,18 42:13,20 43:6,18,22 44:1 62:15 68:16 company 32:22 company's 56:5 complete 70:7 completed 8:6	completely 8:16 9:13 43:11 68:12 compliance 32:18 42:15 comply 42:18 components 21:15 compound 46:7 comprehensive 4:6 compromising 4:12 concentrated 39:11 concern 18:9 43:21 concerned 45:22 62:9,19 63:1 concerns 11:7 44:22 48:1 61:2 67:2 conclude 69:1 concluded 41:2 conduct 27:24 30:4 conducted 2:19 conducting 58:1 confinement 22:8 22:9,14 confinements 22:17 confusion 15:2 congregation 11:19 connection 9:17 9:19 consequences 19:12 conservatories 63:24 consider 55:3 consideration 56:17 68:22 considered 30:24 considers 69:9	constituents 22:4 47:17 constitute 4:20 constructions 31:11 consult 30:1 consultant 24:10 consulted 5:8 Consulting 30:19 contact 16:24 18:8 31:20 48:24 58:23 59:1 contain 5:1 26:10 30:6 38:24 39:6 containing 53:11 containment 30:6 31:8 55:15,21 56:13 contains 21:21 contaminant 8:12 contaminants 65:2 contaminated 12:9 48:14,16 60:17 contaminating 67:23 contamination 11:23 21:11 47:19,22,24 48:3 60:9 65:24 contemporary 42:19 continue 18:19 27:24 35:13 continues 26:8 56:4 continuing 8:5 66:1 contract 58:2 contractor 21:13 contractors 21:3 contrast 5:19 control 1:1,9 2:3
---	---	---	--	---

16:16 19:20 21:4,20 22:20 28:13 29:2 32:2 42:17 46:8,12 61:19 69:4 70:1 controlled 32:8 controls 29:1 converted 65:13 convey 15:24 Cook 70:12 cool 26:1 coordination 30:8 coordinator 33:9 corporations 53:14 Corps 68:16 correct 70:7 corridor 59:9 cost 37:4 40:4,11 46:5 costly 8:1 costs 31:7,15 37:2 37:4 council 54:19 58:5 count 59:15 counting 17:10 country 11:11 45:6 county 3:23 11:11 15:10,17 24:22 33:22 47:21 57:21 70:12 couple 9:24 12:12 25:3 course 56:11 cover 4:23 covered 25:12 34:2,3 covering 4:18 covers 30:14 CPA 27:13 crack 19:5 craft 42:21 Crawford 12:20 create 16:24	created 28:2 43:3 64:2 crisis 19:17 40:7 criteria 31:4 32:4 55:22 critical 60:1 critically 42:3 crops 61:11 Crowding 32:17 crystal 20:2 39:2 CSR 1:9 70:18,21 Ct 6:23 cup 46:17 cure 9:8,10 current 22:9 25:14 currently 3:10 24:23 34:2 47:23 67:8 Currie 2:14 69:3 Curtis 35:9,9 57:2 cut 43:15 63:18 63:21 64:1,5,9 64:10 65:14 CWLP 23:17 <hr/> D <hr/> D-U-T-T-O-N 35:19 dad 23:24 27:18 damage 43:5 46:11,13,21,24 dangerous 12:17 39:21 dangers 26:2 43:11,13,15 44:19 56:2 Danville 15:12 18:16 52:20 dark 38:23 data 64:11 David 20:8,8,10 20:14 day 1:10 21:24 34:7 47:1 70:12	days 47:10 58:10 69:6 dead 15:14,22 deal 19:9 43:13 62:20 dealing 18:1 49:8 55:3 dealt 42:5 debate 22:18 December 59:17 decide 19:14 decided 21:4 decision 19:18 31:3 decision-making 51:16 decisions 19:9 decrease 32:16 deep 18:15 deer 38:18 59:11 defeated 18:14 degree 29:20 delivered 49:5 demands 60:8 Department 17:22 30:2 58:2 dependents 24:11 depends 66:2 deposited 5:6 depressing 65:6 dermatologic 22:1 describes 39:2 deserve 13:5 design 5:11 designated 2:22 60:6 63:15 designation 63:16 designed 12:17 66:9 destination 58:8 details 12:6 determination 60:22 determine 30:3 devastating 34:14	development 22:2 diagnosed 9:2 Dieckmann 23:1,2 23:2,5 died 23:23 diesel 49:15 different 8:16,24 10:4 22:18 48:2 differently 15:19 difficulties 57:16 dioceses 4:4 direct 31:7 direction 70:10 directly 19:6 director 11:8 17:21 54:19 disability 6:16,18 6:20,21 disabled 11:20 disasters 66:9 discovered 46:2 51:2 disease 8:15 9:2 10:2,4 23:24 diseases 21:23,23 dispersal 20:21 disposal 1:4 2:8 18:2,5 disposed 48:23 district 29:22 64:3 diverse 11:10 diversity 60:11 DNR 39:1 docket 2:10 document 20:23 21:14 documentation 21:1 documented 10:5 25:14 Doherty 20:6,7 27:6,7 57:1 doing 6:21 12:2 23:8 40:5 dollars 31:14 46:1	Don 22:24 23:2 Dorelle 38:6,8 doubt 19:16,23,24 downstate 44:15 downstream 15:18 16:10 downwind 23:17 Dr 20:14 64:9 draft 5:21 34:21 41:24 43:24 drain 61:10 drainage 64:2 drawn 19:1 dread 16:19 drink 38:18 drinking 18:15,16 25:16 43:17 48:13 dry 30:6 52:23 62:16 dubbed 16:20 due 55:10 .dumps 4:24 5:6 12:20 30:7 40:24 DuPage 3:23 dust 32:1 35:2 41:3 49:20 60:2 62:21 Dutton 35:19,19 37:15,16 57:2 dying 23:21 Dynergy 39:16 40:7 Dynergy's 40:1 <hr/> E <hr/> eagle 38:17 early 25:10 59:17 earth 11:14 68:14 earthquake 19:4 31:22 easier 10:10 easily 16:11 25:19 east 1:10 11:18
---	---	--	---	---

18:23 24:8 44:18,20 48:9 57:21,24 eco 33:22 economic 27:13 28:16,24 31:20 38:12 40:6 economies 26:13 economy 28:7 ecosystems 57:23 ED 67:9,21 Edgar 17:23 educating 44:18 education 7:3,4 Edwards 11:22 30:14 32:6 63:17 65:2 67:9 67:21 Edwardsville 44:16 effected 8:3 effective 9:8 47:9 effects 4:7 26:12 33:20 51:4 68:7 efforts 66:2 eight 40:8 Eileen 24:14,21 either 30:15 58:17 electric 13:11 32:16,22 elements 52:8 Elizabeth 50:16 50:19,23 Ellie 50:23 Ellis 41:7,8 50:4,4 57:4 Emiquon 64:2 emission 32:16 emphasize 64:21 enact 28:13 encountered 59:8 encourage 13:18 66:6 endanger 56:6 endangered 39:9	64:20 endangering 45:14 ends 63:12 energy 17:22 24:9 24:10,11 44:23 51:8 enforcement 32:4 32:5,10 engage 51:21 engineer 3:23 5:8 engineering 4:1 17:19 engineers 5:13 66:9 68:17 enhanced 32:21 enjoy 17:7 38:10 45:2 59:19 enjoying 59:8 ensure 49:20 55:20 60:13,16 60:18 61:3 enthusiasts 38:14 entire 24:5 entirety 21:19 entities 5:14 entitled 1:8 2:5 entombed 4:14,14 environment 4:10 4:22 5:19 17:9 17:11 22:5 28:17 30:10,11 30:13 38:15 51:8 56:1 environmental 8:9 11:9 19:13 30:8 31:2,16 33:10 34:24 41:15 EPA 4:9 16:17 32:9 40:16 41:17 51:20 equal 2:16 eroding 34:13 39:24	erosion 55:10 58:12 escape 22:7 44:2 especially 7:3 46:23 essential 16:7 26:4 26:14 establish 62:13 established 18:4 19:21 estimates 64:14 evaluated 31:18 evasive 43:22 everybody 56:15 evidence 42:19 exacerbation 21:22 exactly 28:21 excavation 20:21 excellent 27:24 exception 45:5 excited 61:14 exclusions 5:5 exclusively 7:23 excuse 2:18 37:8 56:6 exist 43:24 existing 4:19,23 30:5 55:4,18 expect 47:11 expectation 42:13 42:24 expensive 26:14 experience 17:21 38:16 46:23 experts 62:23 64:16 explain 16:23 exploration 7:14 exposed 4:11 39:20 65:16 exposure 20:20 21:9,9,10,17 22:6 45:22 46:24	extensive 59:6,10 extra 35:1 extremely 52:5 59:11 eye 21:10 <hr/> F <hr/> facilities 4:24 55:5 facility 55:6 facing 65:9 fact 12:7 46:16 fail 58:20 failed 30:21 failures 5:10 faith 4:3 11:8,10 11:13 13:15,15 24:23 33:10,12 faith-based 11:9 fame 64:6 familiar 57:22 families 11:13 12:21 16:5 36:14,18 67:15 68:2 family 36:11 51:2 67:7,12 68:2,9 family's 24:5 57:19 far 19:18 28:4 46:3 63:2 farm 57:19,20 farmers 45:23 farming 57:24 fault 31:22 favor 42:22 avored 40:3 favorite 38:19 federal 40:23 59:8 61:5 federally 60:5 fees 42:18 feet 18:24 40:1 65:4 fell 45:1 fellow 63:1	felt 46:9 field 4:3 fields 45:23 Fifty 18:13 fighting 23:13 figure 8:20,21 27:18 file 32:8 fill 12:19 34:2 fills 16:19 49:2 61:12 final 34:3,20 50:5 51:19 60:4 finalize 11:4 finally 23:22 41:1 54:16 64:4 financial 19:13 43:9 56:5 financially 31:6 40:14 find 51:11 59:19 66:7 67:17 fine 6:15 45:4 finest 63:12 finger 62:20 fired 11:17 23:17 24:11 25:1 42:7 45:7 67:9 firm 65:15 Firmand 35:24,24 35:24 37:19,19 57:4 first 3:13 12:15 15:15,22 17:9 20:16 23:5 31:17 47:18 66:10,24 firsthand 33:21 fish 67:22 Fisher 35:23,23 37:18,19 57:4 fishing 58:17 five 19:22 23:23 36:22 47:18 49:22
---	--	--	---	---

flood 18:14	51:16	giant 5:7	52:19	33:20
flooding 43:15	fossil 19:16 40:3	give 2:16 17:10	ground 11:23	harming 39:8
floodplain 39:23	found 30:20 67:20	19:15,24 23:20	12:24 25:13	Havana 63:11
58:13 59:24	founding 24:21	given 58:16	60:14 68:11	65:6
floodplains 18:22	62:6	gives 40:13	grounds 25:12	hazard 16:13
20:3 31:23	four 23:22 36:22	giving 5:22	groundwater 4:7	30:22
52:22 53:15	41:1	glad 29:1	12:6 16:24	hazardous 18:3
59:4	fourth 49:3	Gloria 27:1,2 57:1	18:19 25:7 26:7	21:21 30:20
floods 18:24	Fox 50:16,16 54:2	go 6:20 28:18,19	34:19 39:20	31:8 49:19
flora 45:2	54:2 57:6 61:24	39:3 42:20 43:1	40:9 41:19	67:24
flow 48:8	62:5,6	43:8,10 50:23	45:12 48:8,16	hazards 55:23
flowers 59:20	frankly 45:1	54:10,15	52:24 55:7,24	head 63:18
flows 18:19	frequent 23:11	goes 8:4 68:5	56:9 60:20	heads 68:17
fluctuating 16:24	friend 11:18	going 9:5 10:6	61:12	health 4:9,13,21
Flynn 2:14	friends 59:14,18	22:21 37:3	group 11:4 33:22	5:17,18 9:18
flyover 64:11	67:14,14	41:24 42:9	growing 12:22	12:1 16:13
focus 49:22 64:6	fuel 19:16 40:3	46:10 51:16	grown 33:24	20:17 21:12,14
focused 61:1	fugitive 60:2	53:22 63:2 64:6	grows 61:11	21:21 22:21
focusing 49:14	62:20	good 2:1 7:12	Gruber 27:8,9,12	26:12,14 29:21
folks 23:15	full 33:17	11:1 28:10	27:12	29:23 30:3,4
follow 7:3	fully 56:14 58:20	41:13 44:12	guarantee 40:18	31:1,3,14,19
followed 23:24	fun 7:14	49:10 67:16	guide 5:15	45:20 48:6,13
32:12 48:10	funding 8:4	gotten 46:12	guided 34:7	51:15 58:21
food 7:13,13,13	further 23:19	government 61:5	gut 67:21	60:23 65:19
foot 68:10	future 4:23 11:15	governor 19:23	guts 17:6	67:7,7,11,18
footprint 32:17	19:11 26:22	Governor's 17:23	guys 49:23 66:22	68:6
forced 53:6	27:13 28:2,16	grade 7:10 16:23	68:21	healthy 16:2
foregoing 70:6	31:23 37:4 40:5	19:19	<hr/>	17:11 62:7
foremost 17:10	51:7 52:11 55:5	Grand 1:9	H	67:19
forested 39:3	56:6 59:1 60:24	grandchildren	habit 64:22	hear 3:18 6:14
forever 28:23	61:13 67:11	20:1 56:3 68:19	half 45:19	10:24 14:23
39:19	68:19	granddaughter	hand 19:1	17:16 20:11
Fork 15:12,16,17	<hr/>	27:14	handling 49:19	24:17 29:14
15:23 16:9	G	grandfather 27:15	hands 19:22	33:5 36:3 54:13
18:12 33:19	gaming 62:15	great 6:15 11:1	hang 14:18	57:8,12
38:19 55:12	gem 60:7	24:20 26:3	happen 16:15	heard 7:24 34:1
58:1,3,6,7 59:5	general 5:14 66:7	41:11 49:13	happening 55:11	41:21 42:4 45:9
59:9,21 60:6	generating 33:24	52:16 61:8	61:14	45:12 55:13
formed 67:18	generation 4:3	66:13 67:16	happens 47:24	58:10
former 39:5	18:6 27:17	greater 35:3	happy 56:18	hearing 1:8 2:1,3
forming 67:19	generations 5:4	greatly 56:17 69:5	Harant 29:13,14	2:4,12,21 3:19
forms 61:4	8:3 11:15 12:11	Green 24:8 44:18	29:17,19	5:23 6:8 10:15
forward 3:15 5:24	19:12 26:22	50:14,15 53:24	hard 16:5 61:20	10:19,23 13:21
17:14 22:22	56:7 68:20	54:1 57:5	harmed 47:1	14:6,11,14,24
28:15,19 29:6,8	getting 67:1,2	grew 6:23 28:20	harmful 13:9	15:4,7 17:12,17

20:5,12 22:23 23:3 24:13,18 26:24 27:10 29:5,15 33:1,6 35:7 36:4 37:13 41:5,11 44:6,10 47:12 50:2,20 52:12,16 53:18 54:5,14 56:21 57:9,13 61:21 66:14,20 68:24 69:3 hearings 2:18 51:24 61:14 69:7 heart 11:20 23:24 67:21 heavy 8:10,12 43:14 45:11 49:8 held 1:7 34:21 Hello 10:22,23 15:1 57:8 66:23 help 12:21 36:10 36:11,13,16 37:9 37:10,11 helped 27:20 helpful 14:18 helping 24:10 68:22 Hemisphere 63:17 Hennepin 63:11 65:6 heron 63:23 Hi 36:6 47:15 50:18,22 hiding 39:14 high 4:12 8:18 49:11 64:15 Highland 24:23 hiker 59:14 hiking 59:10,19 Hillsboro 44:23 45:13 historic 25:9 26:7	63:23 history 40:7 hit 64:13 hold 40:14 holistic 31:3 home 21:11 23:19 homeowners 24:10 Homer 57:20 hometown 63:14 hope 28:12,18 49:22 52:10 56:15 61:13 hopeful 61:15 hoping 36:13 horrendous 68:18 Horton 1:8 2:1,4 3:19 5:23 6:8 10:15,19,23 13:21 14:6,11,14 14:24 15:4,7 17:12,17 20:5,12 22:23 23:3 24:13,18 26:24 27:10 29:5,15 33:1,6 35:7 36:4 37:13 41:5,11 44:6,10 47:12 50:2,20 52:12,16 53:18 54:5,14 56:21 57:9,13 61:21 66:14,20 68:24 hospital 23:11 hour 1:10 housewife 52:19 huge 30:16 human 30:22 31:14 36:9 58:21 humidity 45:2 hundred 45:24 63:1 hundreds 18:3,18 31:14	Hunt 63:22 64:5 hunting 59:11 husband 6:22 7:19 46:17 57:19 hydrogeologic 62:12 hypocrisy 62:18 <hr/> I <hr/> I-R-B-Y 41:9 idea 46:9 identified 31:2 IEPA 32:4 48:11 61:18 ill 1:6 46:9 illegal 42:14 Illinoisans 63:1 Illinois 1:1,8,9,10 2:3,6 4:10,22 6:23 7:1,2 8:13 11:5,8 12:13 13:20 15:11 16:20 17:20 24:24 27:23 28:13 29:2 30:2 30:18 32:23 36:8,9,14 38:21 39:18 40:12,16 44:15,24 45:3,5 47:4 51:20 52:20 54:19 57:20,22,24 58:2 58:9 59:18 61:6 61:19 62:7,8,10 63:7,9,19 64:24 65:21 67:10,13 67:19 68:10 69:4 70:1,12,20 Illinois' 18:11 33:19 55:11 59:7 60:5 Imagine 46:2 immersed 58:19 immune 9:10	impact 25:6 30:4 30:8 impacted 11:16 26:19 impacts 31:2,20 62:19 impair 66:1 imperiled 65:22 impermeable 4:16 22:12,13 implemented 31:18 importance 62:11 important 7:20 12:9,12,14 42:3 52:5 58:12 63:15 impoundment 19:5 35:3 45:10 58:13 impoundments 1:6 2:9 4:24 12:18 17:3,4 18:10 45:13 59:2 impounds 44:23 improperly 34:18 improve 28:17 47:5 include 30:10 40:20,24 51:17 51:20 55:5,19 58:22 64:17 included 31:5 includes 11:13 31:10 66:4 including 12:4 30:7 51:22 59:4 68:20 Increase 49:19 increases 43:14 increasingly 64:20 incredibly 15:20 26:13 indirect 31:7	individuals 37:23 50:6 56:23 61:23 industrial 5:9 51:7 industry 5:19 25:5 27:21 51:21 inflammatory 8:15 9:1 10:2,3 inform 51:15 information 7:13 48:17 51:17 informed 51:18 52:6,6 ingestion 21:10 inhabit 39:9 inhalation 21:10 input 5:12 40:18 instances 21:8 instill 53:2 instructions 51:18 insurance 46:5 integrity 34:12 intent 44:4 interest 7:6 8:8,9 interested 27:13 interests 54:21 interfaith 33:10 interpreters 51:23 Interstate 17:24 intuitively 16:7 invasion 31:23 invest 28:7 investigated 65:17 investigations 5:9 investing 28:24 invite 18:9 invites 19:7 involved 42:13 Irby 41:8,8 50:4,4 57:4 irreversible 46:13 isolated 52:3 issue 28:11 61:20
---	---	---	--	---

62:21	kinds 27:20 28:24	laudable 47:5	lies 19:18	57:19 63:7
issues 9:16,18	knew 27:16 46:10	laws 20:22 48:15	life 12:1 16:2 24:5	lived 24:24
63:2	67:20	lawsuit 32:8	24:6 30:22 53:3	liver 9:3,4,5,13
ISU 7:2	know 7:11 8:6	lawyers 5:12	60:12,24 63:8	living 23:16 30:11
Italy 46:18	9:14,17 16:6,13	lax 47:1	68:21	48:9 51:3 53:9
<hr/>	18:19 23:15	leachate 16:12	life-giving 11:14	local 32:18 38:12
J	27:22 30:14,22	leached 4:7	lifetime 38:14	39:2 44:19
J 27:8,12	45:14 47:21	leaching 45:11	lifted 62:20	47:16 58:11
Jack 29:7,7 35:10	48:6 49:23	52:24 67:10	light 58:12	located 17:5 39:23
35:10 57:1	52:10 62:22	lead 11:22 45:16	liken 15:13	43:16
January 59:17	64:12,15,16 65:7	46:3,4 65:2 68:4	limestone 47:20	location 22:11,14
jeopardize 59:3	65:13 67:10	leader 62:8	48:7	59:3
Jes 29:12,12 35:10	68:9	leading 55:15	limit 12:7 26:6	logical 51:14
35:11 57:2	knowing 52:8	leads 51:8	28:8 29:11	long 43:12 51:10
job 23:19 28:10	68:3	leaking 18:5	35:18 38:5	66:10
jobs 28:6,16	known 5:1 42:8	leaks 18:18	41:20 50:12	long-term 58:20
Joliet 4:4 26:18	46:20 48:18	learn 27:23 28:7	52:8	longer 48:23 49:8
28:20,21 48:6	68:8	28:17	limited 13:24	longstanding 65:8
Joyce 29:13,19	knows 12:13 52:5	learned 7:22 40:6	limiting 28:1	Longwall 44:21
judgments 19:21	<hr/>	51:4	limits 46:3	look 9:9 65:1,5
July 2:21	L	learning 24:3	Linda 52:13,18	looking 16:18
jump-starting	labs 8:23	44:22	line 3:3,6,14 34:13	44:1
32:21	lack 26:6 51:12	leave 6:17 26:11	50:7 57:21	looks 39:1
June 58:18	65:7	40:4 53:4,17	61:24 66:16	loophole 5:7
junk 39:14	LaGrange 64:14	leaving 5:3 39:19	69:8	loopholes 40:14
justice 11:9 31:16	lake 9:23 10:9	led 18:13	lined 22:13 48:24	41:23 42:4
33:11,13 34:24	24:22 25:15,20	left 24:1 40:11	liner 4:19	43:23
<hr/>	33:22 36:17,17	58:23	linked 11:21	lose 34:23
K	36:18 37:7 61:8	legacy 26:19	links 42:20	loss 30:21
K 7:8	63:21,22,22 64:4	legal 42:14 43:9	list 54:11 68:5	lot 7:5,8,12 15:5
Karvelis 3:16,17	lakes 17:7 43:17	legislation 26:3	listed 45:5	17:7 32:23 48:7
3:21,22	61:11 63:20	47:6	listen 49:24	59:12
Katie 33:2,8	64:1	legislature 55:2	listened 25:4	love 45:1 47:4
kayaker 59:13	land 30:15 39:5	lengths 43:1	62:23,24	low 32:16 45:18
kayaking 58:17	59:11,12 65:14	Let's 3:12 10:2	listening 11:7	lung 27:15
keep 36:14 47:23	67:24	letting 10:14 23:6	35:5 47:10	lush 45:2
keeping 4:8 36:11	landfills 5:1,6	level 46:3	literally 16:19	Lutheran 33:12
36:17,17 62:16	30:7 39:6 40:24	levels 8:18 16:24	literally 16:19	luxurious 39:3
kept 52:23	49:1	22:5 45:18 46:8	lithium 68:4	<hr/>
key 5:12 32:3	language 35:3	48:2	little 7:15 12:21	M
41:17	51:12 52:11	levy 30:17,20	37:20 63:7	M-A-I-N 10:20
Kickapoo 58:15	58:22	liabilities 42:11	livable 56:4	main 10:20,20
kid 23:9 24:1	large 9:3,6 13:10	44:2	live 6:22 13:18	14:3,7,12,20,22
kids 7:11 23:9	19:11 53:3	licensed 3:22	15:10 24:23	14:22 15:2,5,9,9
25:23	late 7:19	licenses 66:8	26:15 44:16	20:8,9,10,10,14
kind 21:23			45:23 46:15	

20:14 51:9	member 2:13 4:3	migratory 63:6	moving 3:15 5:24	33:17 34:16,19
maintenance 5:11	24:21,22 29:22	64:12,24	10:19,20 13:22	35:1 37:11
major 61:7	47:16 62:6	mile 23:16	17:14 20:8	38:10 39:16
making 12:14,23	members 11:19	miles 25:1 33:24	22:24 24:14	40:22,24 41:2
16:12 48:12,14	51:10 59:16,18	46:15	27:1,7 29:6,8	43:13 61:13
60:21	69:4	millions 31:14	33:2 35:8,10,20	needs 5:20 8:4
management 18:1	memories 67:16	43:18	35:21,22,23 38:1	9:17 14:13
47:2 63:4	mention 39:5,10	mind 63:5	41:6,7,8,9 44:7	28:23 32:3,19
mandate 13:7	mentioned 32:1	mine 19:2 25:22	50:3 52:13	55:19 56:8
18:6	37:22	56:16	53:19,20	65:17
manipulated 21:2	mercury 8:11,18	mine's 39:5	multigenerational	negative 31:19
manipulation	28:8 39:7 45:16	miner 27:15	57:20	neighbor 23:21
20:24 21:8	68:4	minerals 8:11	multitude 61:8	Neighborhoods
manner 5:2	mess 39:14,18	mines 39:22	muted 3:11 14:4,7	49:7
mark 3:4	43:2 53:4,16	minimize 20:19		Nelson 36:1,1,2,3
Marnelle 35:8,9	messes 33:18 43:8	minimum 26:10	N	36:6,7
57:2	met 55:18,18	mining 27:17	N-O-L-T-I-N-G	Network 34:6
massive 19:24	metals 8:10 45:11	44:21	53:20 66:24	neurologic 22:1
master's 29:20	47:1	minor 19:4	name 2:4 11:2	neurological
material 4:16 31:9	metastasized 9:7	minutes 14:1 50:5	15:9 33:8 38:8	11:20 68:7
53:11	9:14	mission 4:9	41:14 44:14	never 18:7 24:1
materials 35:4	method 40:3	mitigate 20:20	47:15 50:23	46:9 48:18 68:9
52:1 53:11	Metro 24:8 44:18	mixing 47:20	52:18 54:18	new 1:6 2:6 9:10
67:24	Michael 35:20,21	mode 13:8 40:7	57:18 66:23	13:12 18:6
matter 1:3 2:19	37:16,16 57:3	mom 23:20	Nancy 35:23,23	20:22 22:11
32:7	Michelle 35:21,22	moment 33:14	37:18,18 57:3	60:18
maximum 32:12	37:17,17,18 57:3	money 7:21 37:3,5	nasty 12:17	news 23:20
Maxwell 33:3,4,8	Michigan 15:3	37:8 40:4	national 18:12	Nick 35:23,24
33:9	36:17 37:7	monitored 60:15	33:19 38:20	37:19,19 57:4
Meaghan 35:19	Michigan's 36:18	65:17	63:23	NIU 4:2
35:19 37:15,15	microphone 3:9	monitoring 12:6	natural 30:11,11	Nolting 53:20,20
57:2	6:2,9,10 27:4	26:7 41:19,20	34:24 56:1 58:3	54:2,2 57:6
meandering 61:9	29:9 35:16 38:3	43:8 49:19 60:2	65:11	66:17,18,19,22
meaningfully	50:10 54:7 62:3	60:22 62:14	nature 63:24	66:23
51:21	Middle 15:12,15	Monroe 70:19	naturopath 45:21	non-compliance
means 4:14 22:3,6	15:17,22 16:9	months 46:9	Navy 3:24	43:4
48:24	18:12 33:19	moral 11:13	near 15:12 25:15	non-English
measures 21:7	38:19 55:12	morning 58:16	28:3 45:23 51:3	51:21
43:22	58:5,7 59:4,9,20	mosque 11:12	55:7 56:9 57:20	non-profit 24:10
measuring 60:19	60:6	mother 36:10	68:10	33:11
mechanical 4:1	midweek 58:18	39:13	nearby 59:12	non-religious
medicine 20:15	Midwest 17:24	move 37:21 52:22	necessary 49:20	13:17
meet 55:21	63:13 64:4	moved 22:10	necessity 62:16	noon 2:12
meetings 35:4	Midwestern 61:9	23:18 44:24	need 17:4 20:18	normal 7:17 46:3
48:19 51:24	migration 64:13	53:15	22:11 28:15	north 1:9 25:17

<p>25:18 58:3 61:8 63:8 northwest 6:24 notable 45:5 note 2:16 35:12 37:20 50:5 notes 42:2 70:9 November 9:10 NRG 25:14 26:10 47:23 48:10 number 2:10 40:21,21,23 41:1 45:6 47:7 55:6,9 numbers 64:17 numerous 41:15 nutrient 46:1</p> <hr/> <p style="text-align: center;">O</p> <p>oasis 15:13 16:8 obeying 44:4 objectives 55:17 obligation 11:13 observing 38:17 occur 21:15 31:24 occurring 58:12 occurs 46:13 office 17:22 21:24 Officer 1:8 2:1,5 2:22 3:19 5:23 6:8 10:15,19,23 13:21 14:6,11,14 14:24 15:4,7 17:12,17 20:5,12 22:23 23:3 24:13,18 26:24 27:10 29:5,15 33:1,6 35:7 36:4 37:13 41:5,11 44:6,10 47:12 50:2,20 52:12,16 53:18 54:5,14 56:21 57:9,13 61:21 66:14,20 68:24 officers 42:17</p>	<p>official 70:11 officials 19:22 Oh 10:5 14:11 41:11 okay 3:15 6:5,12 10:4 14:20 23:5 27:7 29:7 35:9 35:12 37:20 41:13 53:21 54:9,16 old 11:17 15:19 25:9 51:5 58:16 64:2 oldest 64:7 once 46:13 47:7 56:8 ongoing 58:12 online 3:4 9:9 oops 6:11 open 22:18 operated 19:2 operational 62:22 operator 20:23 21:13 Operators 21:2 opinion 4:23 opportunities 32:23 opportunity 5:22 11:3 27:23 28:5 29:3,18 40:13 44:13 57:17 options 30:5,24 49:1 oral 2:17 69:9 orange 16:11 34:9 orchids 59:19 order 2:22 3:2 21:8 organ 46:11 organization 11:9 54:20 organizations 41:16 42:8 62:18</p>	<p>organized 53:5 organizer 44:15 originally 39:12 outdoor 38:13 outdoors 38:10,13 38:15 outpoint 58:14 outreach 11:8 overburden 49:15 overburdened 49:9 overflowing 16:1 45:13 overflows 43:20 owner 55:20 owners 31:6 42:24 55:20</p> <hr/> <p style="text-align: center;">P</p> <p>P-A-X-T-O-N 29:7 p.m 1:10 paddle 16:4 38:22 paddled 15:23 paddler's 54:20 paddling 38:17 54:19 panels 62:23 paramount 56:2 park 24:24 29:22 39:2 58:15 parks 59:8 part 10:3 63:16 64:23 65:16,21 67:1 participate 25:21 59:15 participating 3:8 3:11 27:3 50:9 particular 5:5 particularly 12:5 25:20 particulate 32:7 pass 40:16 66:3 passed 26:3 40:12</p>	<p>pastor 11:18 Paw 6:23 Paxton 29:7,7 35:10,10 57:1 pay 19:18 40:19 42:17,17 45:24 46:5 peak 64:13 pectoral 64:18 Penalties 43:4 people 7:11 13:4 13:15 16:4,14 17:7,9 26:15,17 26:21 28:6 31:18 33:16 34:22 36:8 39:8 41:22 45:14 46:22 48:18 51:15 58:8,16 59:8 60:11 Peoples 62:8 Peoria 11:18 29:20,22,22 30:13 63:8 67:9 percent 51:13 64:17 65:13 perched 18:11 Perfect 44:10 50:20 performing 24:9 period 21:4 periodically 59:14 permanent 40:2 40:17 permanently 28:2 28:9 48:21 permeates 12:24 permit 51:24 permitted 5:8 perpetuity 55:14 56:12 person 2:20 6:5 33:12 37:5 personal 8:8 21:7 23:8 29:23</p>	<p>68:13 70:9 personally 67:17 persons 3:4 perspective 31:4 phone 3:11 6:4 14:10,15,16 27:5 70:20 physical 45:20 picnic 16:4 pile 4:16 pile/pond 4:19 Pilgrim 50:15,15 54:1,1,12,13,16 54:18 pillar 19:2 pit 55:18,20 68:1 pits 39:17,19 41:1 60:15 68:12 place 11:8 13:16 16:22 17:2 18:10 19:6,21 24:23 33:10 52:23 59:2 60:10 66:10 placed 12:7 placement 20:22 places 27:20 65:12 Plaines 6:24 plan 18:14 plans 31:18 32:14 plant 11:22 12:19 12:20 15:16,19 23:18 25:2,9,10 30:14 31:5 32:6 33:17 44:20 45:10 46:15 51:3,11 59:18 60:11 63:11,18 67:9,21,22 68:20 plants 11:18 31:12 45:7 47:2 49:1 62:9,22 65:23 plastic 4:19 playing 58:17</p>
---	--	--	--	--

Pleasant 6:24	31:17 34:12	35:17 50:10,12	professor 4:1	2:23 3:1 4:6,13
please 3:8,19 6:8	39:3,6 43:16,20	54:7,9 62:1,3	17:20	5:17,18 6:6,16
15:7 17:18	45:8 68:12	pressing 29:9,11	profit 5:20 26:21	9:17,18 19:16
19:24 20:13	Pool 64:14	35:15 38:3,4	profits 31:13	25:19 30:3,4
23:4 24:19	poorly 12:17	pressurized 18:23	33:16	32:13 40:18
26:21 27:11	popular 59:11	pretty 8:12,12	program 25:21	47:10 48:17
29:16 33:4,7	population 64:18	16:14	33:23	58:21 59:6,23
35:18 36:5 38:5	populations 51:22	prevent 10:11	project 7:24 31:21	69:2,5
41:12 43:21	64:16	21:8 43:19	projects 7:24	published 51:17
44:11 50:12,21	portion 2:2 20:17	52:24 55:6,9	44:17	pulmonary 20:15
52:17,21 54:15	69:2	56:9,10 65:24	promised 54:10	pumping 47:23
54:24 55:1	posed 44:19	preventing 28:1	promote 13:19	48:1
57:14 66:3,20	position 6:18 47:7	previous 48:11	proper 8:1 61:3	purchased 46:17
plumes 16:11	possible 13:14	price 16:6	properly 4:13,14	pushes 48:3
plus 31:13 62:21	22:15 68:15	pride 63:14	60:15	put 10:7 16:5
pneumonia 23:14	possibly 27:18	principle 65:15	property 19:3	19:11 48:15
pocket 46:1	61:3,16	pristine 39:1	proportional 43:5	49:1 68:17
point 7:12 46:19	potential 4:12	private 59:11	proposed 1:6 2:6	puts 17:9 47:6
48:5,21 49:3	12:10	probably 30:21	12:5 18:8 20:2	Putting 36:20
pointed 34:9	power 4:2 11:15	42:14 51:11,19	29:19 52:2	
points 47:18 55:1	11:17 12:19	66:10	58:20 61:5	Q
55:16 56:13	15:16,19 23:17	problem 15:4	protect 4:6,21	quarries 47:24
poisoning 46:4	24:22 25:2 34:8	28:22 38:24	5:18 11:14	48:2,7
poisonous 45:11	42:7,24 45:7	problems 11:21	13:19 22:21	quarry 47:21 48:9
45:18	56:5	15:6 22:1,2	26:17 38:11	quite 13:12
poisons 5:3	Powerton 63:18	23:16 65:5 67:3	65:11	quote 4:9,20,21
policy 17:21	65:4	proceed 3:20 6:9	protected 13:5	
polluted 15:20	practice 20:15	15:8 17:18	34:22 49:18,21	R
polluters 12:8,23	practices 5:14	20:13 23:4	protecting 4:9	R-O-B-I-N 66:24
34:21 40:14	20:19,23 53:1	24:19 27:11	47:19 48:5,6,22	R&D 4:2
polluting 30:23	prairie 34:6,16	29:16 33:7 36:5	49:17	R20-19 1:3 2:11
pollution 1:1,8 2:3	65:13	41:12 44:11	protection 20:17	Rachel 36:1,1,2,7
7:7 9:18,22 10:9	precious 17:5	50:21 52:17	21:7,16 35:2	41:6,7 47:13,16
10:11 13:9	61:16 64:22	57:14 66:21	58:21 60:2,9	Radioactive 18:1
16:16 19:20	preclude 5:3	proceeding 2:5	protections 12:4	rail 49:13
21:4,20 22:19	premier 64:3	proceedings 1:7	13:3,19 26:5	rails 49:5
24:6 28:13 29:2	premium 58:8	70:5,7	35:1 41:2,19	rain 43:15 61:10
32:7 36:21,21,24	prescription 46:6	proceeds 8:5	proud 39:15 45:4	range 43:12
37:1,8,9,11	present 12:16	process 13:4,6	47:4	ranges 63:10
49:16 55:7 56:9	21:21 51:23	27:24 42:9	provide 22:10	rare 9:2
61:19 69:4 70:1	54:11 56:24	processes 5:11	Providing 4:5	rate 39:24
pond 15:21 30:17	presented 69:6	produced 39:12	provisions 31:11	Ray 41:7,8 50:3,4
ponds 12:18 16:10	presents 55:23	produces 13:9	41:18	57:4
16:21 17:1	press 3:8,11 6:2,4	production 24:12	proximity 11:17	reaching 47:22
18:21 25:15	14:15 27:3,5	professional 3:23	public 2:2,12,15	read 7:22
				ready 6:13

realize 38:23	relatively 45:18	requirement	Richard 41:9,14	rollbacks 61:5
really 20:18 49:14	64:19	48:15 52:3	57:5	65:9
49:22 54:21	released 22:4	requirements	rid 28:7	room 39:16 53:10
65:6	religious 13:17	51:20,22	ridges 39:3	69:13
reason 38:11	rely 36:18	requires 58:23	ridiculous 32:6	round 59:23
reasonably 5:1	remain 18:2 31:22	reroute 19:6	right 14:8 25:22	rounding 38:18
reasons 51:9	remarks 41:16	resected 9:6	26:17 36:6,21	route 64:24
received 46:7	remedial 55:19	Reserve 63:17	37:3 39:18 40:5	routine 45:20
54:23	remediation	reservoir 18:16	53:9,10,12,13	routinely 45:5
recess 69:12	31:11	resident 3:23	67:22 68:1	Ruhland 50:8,14
recharges 61:11	remedy 17:3	29:20 36:7	rigorous 62:12	53:24,24 57:5
reclaim 17:6	remind 21:20 69:7	41:14 50:24	rising 18:24	ruined 19:2
reclaimed 39:4	reminder 3:7 6:1	residents 32:3	risk 19:12 34:17	rule 4:17 13:7
recognize 12:16	13:24 27:2 29:8	48:9 58:11	40:10 46:10	16:20 17:9
13:16	35:14 38:2 50:9	60:16	51:15	22:16 34:3,4
recreating 58:1	54:6	residuals 1:5 2:8	risks 19:7 28:3	51:19 52:4
recreation 15:13	removal 31:8,10	36:13,15,19	river 15:15,16,17	53:14 55:4 56:8
58:4,8	32:15 35:3 41:3	resolved 40:9	15:23 16:9	58:22 60:4 63:3
recreational 15:14	62:19 65:20	resource 11:10	18:12,18,24 19:6	65:11 66:4
16:8	remove 17:4 30:5	resources 30:12	30:18 33:19,20	rulemaking 2:5,6
rectify 68:17	31:1 49:4	46:20 58:3	34:6,10,11,13,14	2:11 5:15 55:19
reddish 16:11	removed 20:3	respiratory 21:23	34:24 38:17,21	Rulemaking-La...
reducing 9:12	43:11 49:7	67:3 68:6	39:23,24 44:20	1:4
refer 21:19	52:22 68:13	responding 40:6	45:10 46:15	rules 4:6,22 5:7,18
reference 47:3	removing 59:23	responsibility	55:10,12 57:23	5:21 11:4 12:5
refuge 63:23 64:7	renal 22:1	12:8 13:16	58:5,7,11,14,18	12:12 20:17,18
64:10,13	repeat 54:22	33:17 43:2,7,10	59:5,7,9,13 60:6	21:6,19 22:6,11
regard 26:21	replace 18:5	68:15	62:10 63:9,19	22:20 28:14
regarding 21:16	report 1:7 21:3	responsible 12:23	65:21 66:1	29:19 34:20
55:3,4	40:2	31:6 34:21 49:2	67:14,17,23	47:9 48:15 55:3
regardless 22:17	reported 70:4	responsibly 59:24	68:10	56:16 58:20
regularly 21:3	Reporter 70:4	restoration 64:1	rivers 15:11 17:7	60:18 61:3
regulation 20:2	represent 51:5	restore 65:19	34:6,17 38:19	run 39:19 40:2
41:18 44:5 65:8	represented 17:23	restrictions 26:4	43:16 55:10	runs 16:10
regulations 12:14	representing 24:7	resulting 45:7	56:11,11 61:7	rural 61:12
18:8 40:16,20,24	47:17 54:20	results 8:24 9:1	Rivian 32:20	ruses 42:14
41:24 42:6,7,12	represents 28:4	60:22	RMR 1:9 70:18	
42:15,19,21,21	request 56:18	retained 26:6	road 31:11 47:21	S
43:18,24 44:3	requested 51:23	retired 3:22 6:15	roads 49:15	safe 16:1 22:5
regulators 19:14	require 20:19,23	38:9 44:20	Robin 53:19,20	35:2 36:12,12,15
regulatory 17:21	21:13 22:12	retirement 24:9	54:2,2 57:6	36:17,19 41:3
Rehn 34:6	40:17 43:18	return 27:6	66:16,18,23	60:3 68:23
reimbursed 46:4	52:21 53:14	revitalizing 38:13	Rodriguez 50:16	safeguard 55:13
related 41:18	required 21:1,7	Rex 41:8,8 50:4,4	50:18,22,24	56:11 64:23
42:11	32:3 56:19	57:4	roll 26:4 28:14,15	safeguarded

65:18 Safeguarding 55:24 safeguards 62:14 65:23 safely 48:23 safety 5:17 21:12 21:14 31:11 58:10,21 68:13 sailing 25:21 26:1 Sally 44:7,14 50:8 50:14 53:23,24 57:5 Salt 58:1 sampling 58:4,14 58:18 sandpipers 64:18 sandy 16:5 save 40:4 saying 46:14 47:3 scare 45:20 scares 16:14 scenic 18:12 33:20 34:24 38:20 55:11 59:7 60:6 school 6:16 7:11 science 5:13 7:4 16:23 38:9 scientific 19:9,15 19:23 scientist 58:4 scientists 5:13 screen 3:9 6:3 29:10 35:16 38:4 50:11 62:4 sealed 4:16 second 13:2 48:5 section 21:12 27:7 61:23 69:2 securely 42:6 Security 6:21 see 10:2 15:19 16:11 21:23 32:11 50:7 51:7 52:10 58:15	seeing 8:9 38:18 44:1 seek 33:13 seen 5:10 19:1 33:20 seepage 15:21 55:9 56:10 seeping 34:10 seeps 34:11 segment 13:23 14:20 15:19 17:14 35:14 37:22 50:6 53:23 segments 3:1 selenium 45:16 68:5 sell 28:9 sense 10:13 40:6 serious 8:12 9:16 16:13 seriously 43:21 46:24 servants 19:8 serve 42:23 served 3:24 services 28:9 set 2:22 42:10 seven 36:22 Shanley-Roberts 24:15,16,20,21 Shannon 50:14,15 53:24,24 57:5 share 11:24 67:2 shareholders 56:5 shed 63:10 Shepherd 10:21 10:22 11:1,2 shifts 55:10 shock 46:2 shore 25:17 63:5 63:17 64:12 shorebird 64:19 shores 37:7 short-term 56:4	shortcomings 41:23 43:23 shorthand 70:3,5 showed 8:18 34:7 shut 42:9 shuttered 15:16 34:8 sick 67:6 side 22:13 sides 4:15 Sierra 24:7 44:16 signature 70:11 significant 60:8 significantly 25:13 Sigrid 50:15,15 54:1,1,13,18 similar 43:1 65:5 Simmons 10:5 simply 4:18 26:10 52:4 single 67:1 sister 30:2 sit 63:18 site 13:6 20:22 25:6 55:8 56:10 65:2,5,17 sites 4:24 7:23 12:9,19 13:1,13 18:5 22:18 25:8 30:6 55:18,21 sitting 30:17 situation 66:11 68:18 sixth 16:23 size 59:3 sketches 19:1 skied 67:22 skin 21:10 skipped 9:24 10:2 small 6:24 46:17 53:3 Smith 53:21,21 54:3,6 57:6,8,11 57:11,15,18	smoothly 53:6 Social 6:21 Society 59:17,18 soil 47:5 solution 16:22 40:2,17 soon 19:17 68:14 sorry 15:2 30:15 35:24 50:17 57:9,15 66:11 source 25:15 43:17 sources 26:8 28:4 28:4 southwest 45:1 Spanish 51:17 Spanish-speaking 51:14 Spannmacher 35:22,22 37:17 37:17,18 57:3 speak 5:16,19,21 6:9,12 10:14 15:10 29:3 38:8 44:14 57:17 68:23 speaking 33:15 51:22 species 39:9 specifics 63:3 specify 21:15 spend 25:8 spending 24:9 spent 63:8 67:12 spoke 48:11 spoken 63:14 spread 48:17 65:4 spring 59:20,21 63:19,22 Springfield 1:10 2:19 6:23 9:23 10:10 23:17 stability 59:3 stake 60:24 stand 65:15	standard 46:6 standards 1:4 2:7 31:5 32:2,11 40:22,23 Stantec 30:19 Star 3:12 6:5 14:13,15 27:5 29:11 35:17 38:4 50:12 54:9 62:1 started 9:10 state 1:9 6:20 11:11 15:24 16:7,16 20:19 22:19 26:20 27:14,23 28:12 30:2 39:2 40:21 43:5 45:4,6 47:2 47:8 54:20 58:15 59:7 61:6 61:10 65:1,12 state's 34:23 states 8:24 18:6 28:10 statewide 18:14 58:11 station 34:1,8 stations 42:8 43:1 stay 23:13 51:18 52:6,7 stayed 7:17 stemmed 23:16 stenographic 70:8 stepped 68:10 steps 43:19 Steven 1:9 70:3 70:18 stolen 67:8 stood 39:15 stop 9:22 10:9 36:20,24 37:7,9 stopped 26:1 36:22 37:1 stopping 37:11 stops 48:1
---	--	---	---	---

<p>55:5,8 56:10 stored 22:7 34:18 52:23 story 23:8 streaks 34:10 stream 15:18,21 60:8 streams 61:9 Street 70:19 strengthen 12:11 13:3 stretch 18:17 strict 32:1,5,10 strictest 28:14 strictly 41:16 stringent 47:8 strong 12:4 40:16 65:10 66:3 stronger 16:17 34:20 40:22 structure 55:15 56:13 Stuckey 41:9,10 41:13,14 57:5 studied 63:3 64:8 68:7 study 49:3,3,5,6 submit 42:1 56:19 subsidence 19:5 substances 18:2 45:15 suburb 11:11 suddenly 62:18 suffer 26:12 43:6 suffered 23:9,22 suffering 8:15 10:1,3 suggest 21:11 Suite 70:19 summer 33:23 48:8 51:2 summers 67:13 sunny 34:7 superficially 39:1 39:15</p>	<p>supply 9:24 10:10 10:12 47:23 support 42:5 56:14 65:20 supposed 32:11 42:23 sure 8:3 10:6 22:20 23:7 26:9 41:22 48:12,14 62:14 surface 1:5 2:8 4:18 11:24 17:1 56:1 60:14 surfaces 4:15 surprised 8:16 surprising 8:19 surrounding 30:13 34:15 39:6,22 60:1,14 survey 7:5,5,7 suspected 5:1 suspicious 9:20 Suzanne 53:21,21 54:3,3,6 57:6,11 57:18 swipe 12:13 symptoms 46:21 system 49:13,13 57:24 62:15 systems 5:10 59:10</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>table 22:15 tainted 25:14 take 8:1,6 33:17 43:19,21,23 54:21 67:4 taken 1:9 49:24 56:17 70:9 talk 42:1 47:18 66:7 talking 45:15 53:10 taught 7:8,10,13</p>	<p>7:18 taxpayers 40:5 teach 28:5 teacher 6:16 38:9 technical 15:6 19:8 57:16 technologies 18:7 technology 13:12 54:17 tee 43:2 telephone 29:11 35:17 38:4 50:12 54:9 62:1 tell 9:19 38:16 39:16 temple 11:12 ten 36:23 ten-minute 69:12 tends 52:7 tens 30:15 terms 32:21 64:22 test 48:12,13 tested 46:20 48:10 48:20 testifying 62:11 testimony 25:4,5 35:6 testing 27:19 45:22 60:19 tests 8:16 10:4 thank 3:21 5:21 5:23 10:14,15 11:3 12:3 13:20 13:21 17:12 20:4,5 22:22,23 23:6 24:12,13,16 26:23,24 29:1,3 29:5,17,18 32:23 33:1 35:5,7 37:12,13 38:7 41:4,5 44:5,6,12 44:13 47:11,12 49:24 50:2,22 52:10,12 53:17 53:18 56:19,21</p>	<p>57:15 60:21 61:18,21 66:14 66:22,24 68:21 68:24 69:11,13 Thanks 17:11 66:12 therapy 9:11 thing 16:6,15 49:2 51:14 65:8 things 7:6 9:24 13:14 23:7 45:3 52:1 think 9:16 14:9 16:20 25:7,23,24 43:8 46:16 51:5 54:4,5 65:3 thinking 25:8 53:5 third 48:21 Thompson 17:23 64:1 thought 62:11,15 62:17 thoughts 5:22 thousands 16:3,3 threat 11:23 24:3 threaten 34:12 threatening 53:12 threats 21:22 three 5:4 14:1 25:21 36:10,22 39:24 40:23 55:13,21 57:22 69:6 three-minute 29:12 35:18 38:5 50:13 threw 8:20 thrill 38:16 thrive 38:15 thyroid 11:20 time 2:23 6:21 12:7 13:13 17:11 19:10 21:1,3 22:22</p>	<p>25:8 26:6 28:18 35:5,12 41:20 47:8 49:23 52:10 54:21 66:12 67:2 68:2 68:22 timeline 60:23 timely 5:2 32:15 times 2:22 15:23 18:18,23 39:11 49:18 61:13 67:16 timetable 5:2 timetables 32:14 timing 32:17 TIPSORD 6:12 14:4 today 2:13,15,21 2:24 3:13 7:20 9:21 10:8,13 14:1 17:11 18:17 23:7 24:8 29:3 33:15 36:10 37:11 38:8 41:16,22 44:14 52:20 57:17 58:10 64:23 66:5,16 67:2 68:23 Today's 56:4 told 39:13 top 4:15,18 22:13 36:20 touched 12:1 tough 13:5 tower 18:22 towering 38:23 town 6:24 toxic 4:7 15:20 26:19 27:20 28:11,21 34:9 38:24 45:17 46:24 53:11,15 toxicity 55:22 toxins 12:10 65:3</p>
--	---	--	---	---

<p>Tracy 50:16,16 54:1,2 57:6 61:24 62:6 tradition 33:13 traffic 49:8,12,12 trail 59:10 train 32:15 training 21:12,15 21:16 trains 13:11 transcribed 70:9 transcript 70:7 translating 52:3 translation 51:24 transparency 32:13 transport 20:21 transportation 13:6,8 35:2 41:3 60:3 transporting 13:7 treatment 18:2 46:4,7 trees 39:4 trial 70:5,8 tricks 44:3 tried 53:2 trigger 19:4 trip 34:5 trips 23:11 trouble 14:18 truck 49:8,12 trucks 13:11 32:16,17 49:9 true 60:7 70:6 truly 22:20 Trump 65:9 trustee 29:21 try 14:21 trying 14:7 62:12 tumor 9:4,4,6 two 8:15,23 10:4 15:11 25:1 40:21 47:10 55:9,16 61:7,22</p>	<p>67:5 types 62:13 typically 25:7</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U.S 3:24 17:22 68:16 unabated 18:19 uncertain 61:13 uncertainties 19:9 19:11 underground 48:7 understand 8:7 24:5 understanding 7:7 understood 68:8 unfurls 63:20 University 7:2 17:20 unlined 12:17 18:20 30:16 34:11 45:11 49:2 67:24 68:12 unmute 3:10,12 6:3 14:8,16 27:4 27:5 29:9 35:15 38:2 50:11 54:8 62:2 unmuted 14:8 62:5 unquote 4:11,20 unsafe 17:2 unsound 17:3 upstream 15:16 upwards 18:20 Urbana 20:16 52:19 urge 12:11 30:1 40:17 51:16 55:1 61:2 65:10 use 7:21 32:5 42:13,16 44:4</p>	<p>uses 49:10 utility 42:20</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>validity 62:13 Valley 62:10 63:9 valuable 54:22 value 19:21 60:11 Vanessa 1:8 2:4 various 27:19 31:1 62:13 vegetation 39:4 vehicles 32:22 Veltman 35:20,21 37:16,16 57:3 Ventura 41:7,7 47:14,15,16 Vermillion 15:12 15:17 34:8 38:20,23 39:23 55:12 57:23 60:7 Vermillion 57:21 veteran 3:24 viable 13:13 vicinity 28:21 video 3:8 6:2 14:5 27:3 29:10 35:15 38:2 50:9 54:8 62:2 view 43:12 Village 12:21 violation 40:9 55:15 56:13 violations 40:8 vital 12:1,4 voice 5:22 volunteer 62:8</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Waiting 36:22 walk 42:11 43:6 wandering 25:24 want 11:2 12:3 27:22 36:11 54:21 66:24</p>	<p>wanted 20:16 21:18 45:24 warming 39:12 waste 18:1,7 26:11 28:22 39:10 40:19 49:1 65:4 watch 58:5,14 watching 18:18 water 4:11 7:4,5,7 9:23 10:10,12 11:24,24 16:12 17:2 18:8,15 22:14 25:13,16 28:3,4,22 30:12 31:20,23 36:18 43:17 47:5,19,20 47:22 48:2,12,13 48:22,24 53:12 56:1 58:19,24 59:1 60:16 61:7 65:16 67:22 waters 60:12,14 61:17 watershed 30:23 waterway 49:13 waterways 16:21 17:5 48:4 Waukegan 25:1,6 25:10 26:1,17 33:18,24 35:1 36:7,9,14 37:6,6 50:24 51:3 Waukegan's 25:19 way 13:18,20 16:12 28:6,18 30:3 32:9 39:19 45:21 49:7 65:22 ways 8:19 12:12 49:4 we'll 2:11 35:13 we're 14:7 15:3 17:10 26:16</p>	<p>53:10 we've 42:19 48:19 weakening 40:23 Weber 29:12,12 35:11,11 57:2 Webex 2:20 webs 7:13 weekly 64:10 weeks 23:13 weight 2:16 69:10 welcome 2:2,15 10:18 well-aware 45:15 well-being 26:15 60:23 68:13 wells 26:7 43:9 48:10,19 61:12 62:14 went 7:1 34:5 Wesleyan 7:1 west 18:22 70:19 Western 63:16 wet 30:6 39:20 40:21 whatsoever 65:24 wild 55:11 59:7,20 60:6 65:11 wildlife 45:14 60:16 63:23 64:3 66:1 68:14 68:20 Williams 52:14,15 52:18,19 willing 13:4 wind 4:8,12 wish 21:19 56:2 Witness 70:11 wonder 19:4 Wonderful 27:10 wondering 37:10 wonders 11:21 Wood 44:20 45:10 46:15 wooded 59:9 word 67:4</p>
---	--	--	---	---

<p>words 22:19 work 12:2 13:5 20:19,23 42:21 44:21 58:2 worked 4:2 worker 20:16,20 21:9,14 26:5 41:2,19 60:2 workers 32:2 49:17,18,21 59:24 working 28:10 44:17 47:4 61:20 works 54:17 65:18 workshops 7:5 world 33:13 56:3 world's 64:18 worried 67:6 worries 11:19 worse 23:12 46:11 wouldn't 46:11 write 5:18 13:19 16:17 17:8 55:3 56:15 writing 42:2 56:19 written 2:17 42:12 60:4 69:9 wrote 41:15</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yards 53:10 Yay 54:17 year 9:3,7 16:4 28:17 40:1 45:19 59:23 years 7:18 8:1,7 8:14 10:1 17:23 18:3,13 23:23 24:1,4,24 25:3 31:13 33:21 36:23 40:8 42:9 43:9,10 44:1,24</p>	<p>46:17 51:1,5 61:17 62:10,21 64:10 67:13 yellow 59:19 young 7:10 58:16 youth 33:22 51:6</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zone 15:14,22</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>084-004675 70:21</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1:00 37:21 1:15 53:23 1:30 2:12 3:5 1:40 69:13 10 18:24 39:10 100 39:10 58:16 1021 1:9 11th 2:20 12 24:24 46:15 12:00 1:10 12:15 17:14 12:30 17:14 12:45 35:13 12th 2:20 13 23:12 13th 1:10 2:21 14 17:22 24:1 14th 2:21 15 51:1 15-minute 3:1,4 13:23 35:13 37:22 150 64:12 1920s 25:11 1999 7:20 23:23</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>20 8:14 10:1 18:24 51:5 62:10 200,000 64:12 2003 6:19 2007 8:17 70:19</p>	<p>2012 8:17 40:8 2013 67:18 68:9 2016 30:19 2018 40:1 2019 9:1,2 26:3 28:15 2020 1:10 2:21 70:13 24 39:8 25 7:17 65:3</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3,000 46:5 30 43:9,10 44:24 67:13 312 70:20 35 1:6 2:6 350 11:10</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>419-9292 70:20</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 64:17 50 31:12 58:16 62:21</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 3:12 6:5 14:13 14:16 27:5 29:11 35:17 38:4 50:12 54:9 62:1 60 30:16 51:13 60-foot 18:15 600,000 64:15 60603 70:20</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 7:9 64:17 70:19 80 39:17 845 1:6 2:7 85,720 36:8</p> <hr/> <p style="text-align: center;">9</p>	<p>90 30:16 99 65:13</p>
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