

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

IN THE MATTER OF:)
)
NATURAL GAS-FIRED, PEAK-LOAD) R01- 10
ELECTRICAL POWER GENERATING)
FACILITIES (PEAKER PLANTS))

TESTIMONY OF RICHARD P. COBB, P.G.

My name is Richard P. Cobb and I am Manager of the Groundwater Section of the Illinois Environmental Protection Agency's ("EPA") Bureau of Water ("BOW"). I have been with the Groundwater Section since 1985, where I was promoted to manager of the Hydrogeology Unit in 1988, and became manager of the Section in 1992. I have a B.S. Degree in Geology from Illinois State University with post-graduate training in hydrogeology and groundwater modeling. Prior to joining the Illinois EPA I was a consulting well site geologist for major and independent oil companies conducting petroleum exploration and development in Arkansas, Kansas, Louisiana, Montana, North Dakota, Oklahoma and Utah for three years.

My primary responsibilities include development and implementation of Illinois groundwater quality protection, United States Environmental Protection Agency approved wellhead, and source water protection programs. These duties include extensive coordination with federal, state and local stakeholders that include the Governor appointed Groundwater Advisory Council, the Interagency Coordinating Committee on Groundwater, four Priority Groundwater Protection Planning Committees, Illinois Source Water Protection Technical and Citizens Advisory Committee and

through being co-chair of the Ground Water Protection Council's ("GWPC") Ground Water Division. The GWPC is a national non-profit organization. Additionally, I work with the Bureau of Water permit and Mine Pollution Control Program staff to develop source water protection, groundwater monitoring and aquifer evaluation and remediation programs. I have also served as a primary Agency witness at Illinois Pollution Control Board proceedings in the matter of groundwater quality standards, technology control regulations, regulated recharge areas and water well setback zone exceptions. Furthermore, I have served as an Agency witness in enforcement matters.

Illinois EPA's Groundwater Quantity Regulatory Authority

This testimony is in response to the Governor's concern in regard to the impact of natural gas-fired, peak load electrical power generating facilities (peaker plants) on groundwater.

Prior to statutory intervention of the legislature in January 1984, groundwater, under common law, belonged absolutely to the owners of the land, and each landowner was permitted to intercept or to impede such groundwater underlying the land although the result interfered with the source of supply of springs or wells on adjoining lands. This "absolute ownership" rule prevailed in Illinois essentially until the Illinois General Assembly enacted the Water Use Act of 1983, 415 ILCS 45/1 (1998) in January 1984. The purpose of the Water Use Act was to replace the "absolute ownership" rule and to establish a means for reviewing potential water conflicts before damage occurs and to mitigate water shortages by establishing a "reasonable use" rule for groundwater withdrawals.

However, the few Illinois court decisions since the enactment of the Water Use Act have interpreted that “reasonable use” for groundwater does not restrict the use of groundwater except from malicious or wasteful purposes of the user.

Concurrent with the requirement for these hearings, Governor Ryan, by Executive Order, established a Water Resources Advisory Committee. The committee's task will be to focus on our water resources and its usage, including the effects of peaker plants on groundwater and surface water supplies. The committee will also examine the various economic and social issues related to energy producing facilities and water use in Illinois and present recommendations for action to the Governor by December 2000. I plan on attending this committee’s first meeting on August 31, 2000.

Potential Impact of Groundwater Withdrawn for Cooling Water to Contaminate Water Resources

The Illinois EPA does have authority to regulate the discharge of contaminated cooling water to either surface or groundwater resources. Therefore, contamination of surface or groundwater quality is prohibited. Permitting requirements for discharge of contaminated cooling water is covered in other Agency testimony.

Conclusion

This concludes my testimony. I will be happy to address any questions

Illinois Environmental Protection Agency

By: _____
Richard P. Cobb, P.G.

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