

ILLINOIS POLLUTION CONTROL BOARD

May 20, 2009

RECEIVED  
CLERK'S OFFICE

AUG 24 2009

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
 )  
 WATER QUALITY STANDARDS AND )  
 EFFLUENT LIMITATIONS FOR THE )  
 CHICAGO AREA WATERWAY SYSTEM AND )  
 THE LOWER DES PLAINES RIVER: )  
 PROPOSED AMENDMENTS TO 35 Ill. )  
 Adm. Code Parts 301, 302, 303 )  
 and 304 )

R08-9  
 (Rulemaking -  
 Water)

REPORT OF PROCEEDINGS at the  
 hearing of the above-entitled cause before Hearing  
 Officer Marie Tipsord, taken before Rebecca A.  
 Graziano, Certified Shorthand Reporter within and  
 for the County of Cook and State of Illinois, at 160  
 North LaSalle Street, Room N-505, Chicago, Illinois,  
 commencing at the hour of 1:00 p.m. on the 13th day  
 of August, A.D., 2009.

A P P E A R A N C E S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

THE ILLINOIS POLLUTION CONTROL BOARD,

Ms. Marie Tipsord, Hearing Officer  
Mr. Anand Rao, Senior Environmental Scientist  
Mr. G. Tanner Girard, Acting Chairman  
Ms. Andrea Moore, Member  
Mr. Gary Blankenship, Member  
Mr. Thomas Johnson, Member  
Dr. Shundar Lin, Member

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794

BY: MS. STEFANIE DIERS  
MS. DEBORAH WILLIAMS

ENVIRONMENTAL LAW AND POLICY CENTER

33 East Wacker Drive  
Suite 1300  
Chicago, Illinois 60601  
(312) 795-3707

BY: MS. JESSICA DEXTER

Appeared on behalf of ELPC, Prairie Rivers  
Network, and Sierra Club,

BARNES AND THORNBURG LLP

1 North Wacker Drive  
Suite 4400  
Chicago, IL 60606  
(312) 357-1313

BY: MR. FREDRIC ANDES

Appeared on behalf of the Metropolitan Water  
Reclamation District of Greater Chicago,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

A P P E A R A N C E S

THE CHICAGO LEGAL CLINIC  
2938 East 91st Street  
Chicago, Illinois 60617  
(773) 731-1762  
BY: MR. KEITH HARLEY

Appeared on behalf of the Southeast  
Environmental Task Force,

HODGE DWYER AND DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900  
BY: MS. KATHERINE D. HODGE  
MS. MONICA T. RIOS

MAYER, BROWN, LLP  
71 South Wacker Drive  
Chicago, Illinois 60606  
BY: MR. THOMAS W. DIMOND

1 MS. TIPSORD: I think we're ready for  
2 questions from the Environmental Law and  
3 Policy Center.

4 MS. DEXTER: All right. I'm Jessica  
5 Dexter with the Environmental Law and Policy  
6 Center, and I just have, I think, five  
7 questions remaining from the ones that we had  
8 pre-filed. They're not going to make any  
9 sense, because they're not in the context of  
10 our other questions anymore, so I'll just ask  
11 you some sporadic questions.

12 The first one is: Do you know  
13 whether recreational boaters currently use  
14 the river in the vicinity of the second  
15 discharge?

16 MR. DIMOND: We're going to object to  
17 that question as being way, way beyond the  
18 scope of expert testimony. I mean, they were  
19 asked to prepare a report on technologies  
20 that could be used to meet the proposal water  
21 quality standards. They didn't look at  
22 whether or not recreational boaters used the  
23 river.

24 MS. DEXTER: My question was basically

1 do they -- the question was do they have  
2 knowledge, like personal knowledge, from  
3 whatever they've studied?

4 MR. DIMOND: We object to the question  
5 as being beyond the scope of their testimony.

6 MS. DEXTER: I'll let them answer and  
7 decide whether they want to try to answer  
8 that.

9 MS. TIPSORD: I'm looking back in the  
10 introductory materials -- and I may be  
11 remembering this from someone else's  
12 testimony, so let me double check something  
13 here.

14 All right. I'm sorry. I'm  
15 remembering Mr. Elvert's testimony. I think  
16 they can answer within their knowledge, and a  
17 simple, "No, we don't," is fine, or, "Yes, we  
18 do." It's -- you don't have to expand. Or I  
19 don't know.

20 MS. GARIBAY: I don't know.

21 MS. DEXTER: All right. Thank you.  
22 Has Stepan ever been denied a mixing  
23 zone -- wait, that's not what I want to ask.  
24 That's fine. I'll ask it.

1                   Has Stepan ever been denied a  
2                   mixing zone because of the fact that a  
3                   segment of the Des Plaines was violating  
4                   water quality standards?

5                   MS. GARIBAY: According to Stepan,  
6                   they've never applied for a mixing zone.

7                   MS. TIPSORD: Ms. Garibay, remember --

8                   MS. GARIBAY: Oh, sorry. According to  
9                   Stepan, they've never applied for a mixing  
10                  zone.

11                 MS. DEXTER: What businesses or other  
12                 facilities are in the area of the Stepan  
13                 Millsdale Plant?

14                 MS. GARIBAY: As Mr. Diamond  
15                 indicated, we didn't -- our task was just  
16                 purely focused on looking at the treatment  
17                 technologies to achieve the standards.

18                 However, in response to that, we  
19                 did have to consider looking at other MPDS  
20                 permits, because we were trying to figure out  
21                 how implementation of standards might work  
22                 and look at the fact sheets. So we know  
23                 there's two power plants, nine industries,  
24                 and these are the ones that I consider

1 directly upstream.

2 MS. DEXTER: Within a mile?  
3 within -- what, sort of, range is it directly  
4 upstream? It doesn't have to be exact.

5 MS. GARIBAY: That would probably be  
6 about ten miles, five miles. And so the two  
7 power plants, nine industries and a couple of  
8 POTWs. That's how we ended up looking at  
9 Lockport and Crest Hill.

10 MS. DEXTER: Do you know whether  
11 Stepan has recently attempted to buy land in  
12 the area of the Millsdale plant?

13 MS. GARIBAY: According to Stepan, the  
14 land that's available between their  
15 wastewater treatment plant and the river is  
16 owned by Illinois DNR and is not available  
17 for sale.

18 MS. DEXTER: Okay.

19 MS. GARIBAY: As a matter of fact, in  
20 looking at that issue, that they actually  
21 have to lease a segment of the land to run  
22 their discharge pipe through. So their  
23 wastewater treatment plant isn't actually  
24 near the river. It's about -- I think the

1 pipe is about 1,500 feet from the effluent  
2 tank to the river.

3 MS. DEXTER: Okay. Do you know how  
4 many people regularly work at the Millsdale  
5 plant?

6 MS. GARIBAY: 1,500.

7 MS. DEXTER: All right.

8 MR. DIMOND: No, no, that's worldwide.

9 MS. GARIBAY: Oh, worldwide. I'm  
10 sorry. 400 people, of which 230 are union  
11 members. Sorry.

12 MS. DEXTER: Does Stepan currently  
13 discharge nitrogen and phosphorus into the  
14 Des Plaines River?

15 MR. DIMOND: I'm going to object to  
16 that, and it's also beyond the scope of the  
17 testimony. We were dealing with disinfection  
18 and temperature and oxygen -- dissolved  
19 oxygen.

20 MS. TIPSORD: I'm going to sustain  
21 that objection.

22 MS. WILLIAMS: Do you want -- wasn't  
23 he --

24 MS. DEXTER: I remember testimony this



1 morning about nitrogen and phosphorus.

2 MS. TIPSORD: But I think that was in  
3 the context of --

4 MS. WILLIAMS: Dissolved oxygen.

5 MS. TIPSORD: Right.

6 MR. DIMOND: I think that --

7 MS. TIPSORD: The impact of what it  
8 would have on dissolved oxygen and the  
9 process. I don't think it was about  
10 discharging.

11 MS. WILLIAMS: We had testimony,  
12 though, on why -- what about their discharge  
13 might cause dissolved oxygen. If those are  
14 parameters that are related to that, I would  
15 think that's relevant.

16 MS. DEXTER: I agree with that.

17 MR. DIMOND: I don't recall exactly  
18 what the testimony was this morning. I  
19 thought it was more generically in terms of  
20 what might cause dissolved oxygen issues.  
21 But I just think this is beyond the scope of  
22 their testimony.

23 MS. TIPSORD: Yeah. I'm going to  
24 sustain the objection. I'm not sure I see

1 the relevance of it.

2 MS. DEXTER: About the nitrogen  
3 phosphorus, scientists say it can relate to  
4 the dissolved oxygen question, and that's  
5 why. I mean, I'm not going to fight it, but  
6 I just -- I disagree. That's what I was  
7 saying.

8 All right. Have you considered  
9 wetland treatment for pathogens, phosphorus,  
10 nitrogen, or heat?

11 DR. ADAMS: The answer is yes. We  
12 considered it. We did not pursue it here for  
13 several reasons. We've been active in the  
14 wetlands. We seldom will recommend it to a  
15 chemical industry because of the future  
16 implications of a leak. It has to be a  
17 structured wetland, which means the plastic  
18 liner, which means a leak opens them to all  
19 types of legal implications. So we have  
20 actually taken a couple out in Europe that  
21 were put in because of the legal  
22 implications.

23 Also, wetlands, to our knowledge,  
24 don't do much to pathogens. They're, sort

1 of, a bobble that's used -- and I checked it  
2 to be sure -- of wetland treatment.  
3 Kadlee -- K-a-d-l-e-e -- Chapter 17 is just  
4 addressed on pathogens, and he basically is  
5 considered one of the gurus and does not  
6 recommend wetlands for pathogens. Nitrogen  
7 phosphorous, you are transferring it to plant  
8 medium, which you need to get out eventually.  
9 You're not taking it out, but you are  
10 transferring it to the nitrogen  
11 phosphorous --

12 MS. DEXTER: Do you know whether the  
13 holding time within wetlands affects the  
14 levels of pathogens?

15 DR. ADAMS: I don't know that. I  
16 don't know.

17 MS. DEXTER: That's all I have.

18 MS. TIPSORD: Thank you. And I  
19 understand the District has no questions.  
20 They've all been addressed? Is that correct,  
21 Mr. Andes?

22 MR. ANDES: Yes.

23 MS. TIPSORD: Are there any other  
24 questions?

1 MR. DIMOND: I have one follow-up  
2 question, and then I think we can address at  
3 least one of the questions -- one of the  
4 things that we had open with the Board.

5 With regard to the use of cooling  
6 towers at OCPFS facilities, are you aware of  
7 OCPFS facilities that have cooling towers  
8 within them?

9 DR. ADAMS: Within the production  
10 area, within the site boundary limits, yes.

11 MR. DIMOND: Okay. So what type of  
12 water is being cooled in those cooling  
13 towers?

14 DR. ADAMS: In the production-relating  
15 cooling towers, the water is very clean. It  
16 can be tap water, city water. It's  
17 recirculated as the chemicals are added to  
18 prevent bacterial growth to prevent scaling,  
19 but it's basically a clean water compared to  
20 an effluent treatment plant. There's no  
21 foaming potential, et cetera.

22 As it becomes loaded with  
23 chemicals, it is blown out the sewer and  
24 actually treated in a treatment plant, and

1 freshwater is added. These towers are  
2 working with hot temperature waters. They  
3 are very suitable for human towers. They  
4 have a big spread between what I said earlier  
5 is a wet bulb temperature and the temperature  
6 of your cooling. So there you have enough  
7 difference in temperature -- they're very  
8 hot -- to cool them with the cooling towers.

9 MR. DIMOND: So these in process  
10 cooling towers, roughly what -- I mean, what  
11 range of temperatures would you expect the  
12 water that's being influent to those cooling  
13 towers to be?

14 DR. ADAMS: From 90 to 120 degrees F.

15 MR. DIMOND: Okay. And that's -- is  
16 that significantly hotter than the waters  
17 that would theoretically go into a cooling  
18 tower at the end of a wastewater treatment  
19 process?

20 DR. ADAMS: In this area, the waters  
21 will be quite cooler in the winter, and so  
22 it's more difficult to cool them with the  
23 cooling tower, in addition to the problems  
24 that this is a foaming wastewater and the

1 foam almost limits most of the cooling  
2 methods except the closed circuit.

3 MR. DIMOND: Okay. And then just to  
4 repeat your prior testimony, you're not aware  
5 of any chemical plants that have a cooling  
6 tower post the wastewater treatment system.  
7 Is that correct?

8 DR. ADAMS: That's correct. I'm the  
9 global leader here at Environ Industrial, and  
10 I travel and do travel all over the world. I  
11 haven't seen a single one globally in a  
12 chemical plant.

13 MR. DIMOND: That's all I had in terms  
14 of questions. And in response to the Board's  
15 request, we've provided you the text of the  
16 2004, 2005, and 2006 Midwest General studies.  
17 This is the text that was provided to Environ  
18 for their work. As I said, this is not the  
19 entire report, but it is the text of the  
20 reports that we've provided to them, and I  
21 suppose you can enter them as separate  
22 exhibits if you want, but I thought we'd just  
23 do it as a group.

24 MS. TIPSORD: I think we'll just enter



1 MS. RIOS: Good Afternoon. I'm Monica  
2 Rios. I'm with the law firm Hodge Dwyer and  
3 Driver. With me is Kathy Hodge, also with  
4 the law firm of Hodge Dwyer and Driver, and  
5 our witness today is Mr. Bob Elvert. He's  
6 the state regulatory advisor for the Midwest  
7 region for Exxon Mobil Oil Corporation.

8 Mr. Elvert's testimony will focus  
9 on the Agency's proposed use designation for  
10 the segment of the Lower Des Plaines River,  
11 called the Upper Dresden Isle Pool, where  
12 Exxon Mobil's Joliet refinery is located.  
13 Exxon Mobil reserves the right to provide  
14 testimony on the Agency's proposed water  
15 quality standards at a later time.

16 Mr. Elvert has a brief statement  
17 for the record, and then will answer  
18 pre-filed questions from Illinois EPA, the  
19 Environmental Law and Policy Center, The  
20 Metropolitan Water Reclamation District, and  
21 any follow-ups regarding his pre-filed  
22 testimony.

23 So I would now like to offer his  
24 testimony as an exhibit, for the record.



1 MS. TIPSORD: Let's swear him in first  
2 and then we'll do that.

3 (Witness sworn.)

4 MS. TIPSORD: All right. Then let's  
5 enter his pre-filed testimony.

6 MS. HODGE: Here's a copy.

7 MS. TIPSORD: If there's no objection,  
8 we'll enter the pre-filed testimony of Robert  
9 S. Elvert as Exhibit 324. Seeing none, it's  
10 Exhibit 324. Go ahead.

11 MR. ELVERT: Good afternoon. My name  
12 is Bob Elvert, and I am the state regulatory  
13 advisor for the Midwest region of the Exxon  
14 Mobil corporation in Channahon, Illinois.  
15 I'm here today on behalf of Exxon Mobil to  
16 discuss potential impacts of the Agency's  
17 proposed recreational use designation for the  
18 Upper Dresden Island Pool of the Lower Des  
19 Plaines River, on which Exxon Mobil's Joliet  
20 refinery is located.

21 The Agency proposes to designate  
22 the segment of the river where the refinery  
23 is located as incidental contact for  
24 recreational use purposes. Adopting an

1 incidental contact designation for the  
2 segment will encourage increased recreational  
3 use of the stretch of the Lower Des Plaines  
4 River near the refinery, which raises safety  
5 and security concerns.

6 The portion of the Lower Des  
7 Plaines River on which the refinery is  
8 located is heavily trafficked by tug boats  
9 and barges. Barge movement up and down the  
10 river, as well as back and forth across the  
11 river, is constant. Because multiple barges  
12 often pass through the area at the same time,  
13 it's possible that at times there is limited  
14 space for recreational users to maneuver  
15 safely around the tugs and barges.

16 Exxon Mobil's concern that the  
17 hiking of the recreation use designation from  
18 secondary contact to incidental contact will  
19 increase recreational use and subsequently,  
20 proportionately, increase the risk posed by  
21 barge traffic to recreational users.

22 In addition to safety concerns,  
23 the proposed incident contact designation  
24 also raises security concerns. I stated in

1 my testimony the refinery is a protected  
2 energy facility, a Coast Guard governed  
3 facility, and is, thus, subject to increased  
4 security members.

5 An increased number of people who  
6 recreate around the stretch of the river  
7 where the refinery is located poses an  
8 increased security risk, not only to the  
9 refinery, but also to other facilities  
10 located on the Lower Des Plaines River.

11 Exxon Mobil encourages the Board to  
12 consider the implications of the proposed  
13 incidental contact designation for the Lower  
14 Des Plaines River, and it encourages the  
15 Agency to meet with the interested parties to  
16 discuss safety and security issues on the  
17 Lower Des Plaines River, as discussed with  
18 stakeholders for the cause.

19 I'm happy to answer any questions  
20 regarding my pre-filed testimony.

21 MS. TIPSORD: With that, we'll go to  
22 the IEPA.

23 MS. DIERS: Good afternoon. My name  
24 is Stefanie Diers, and I will be asking

1 questions on behalf of the Illinois EPA.

2 Pre-filed question number one:

3 Can you describe the recreational uses you  
4 have observed near the Joliet refinery  
5 upstream from the I-55 bridge?

6 MR. ELVERT: I've observed motor boats  
7 of all sizes, row boats, canoes, jet skis,  
8 transit large boats, sailboats from the gulf  
9 of Mexico up through Lake Michigan,  
10 specifically in the summertime, in the fall  
11 -- spring and fall -- and fishing boats in  
12 the Lower Des Plaines River near the Joliet  
13 refinery.

14 MS. DIERS: Question two, can you  
15 describe the recreational uses you have  
16 observed near the Joliet refinery downstream  
17 of the I-55 bridge?

18 MR. ELVERT: Downstream of  
19 the -- specifically the same type of boats.

20 MS. DIERS: Question three, do you  
21 believe the current recreational uses of the  
22 Lower Des Plaines River represent a security  
23 risk at your facility? If so, please state  
24 why.

1 MR. ELVERT: Currently there's a  
2 security risk due to the current designation  
3 and associated recreational uses. However,  
4 we anticipate that designating the Lower Des  
5 Plaines River as incidental contact will  
6 likely increase the number of recreational  
7 users along the Lower Des Plaines River,  
8 which would pose an increased security risk.

9 MS. DIERS: Do you believe the current  
10 recreational uses of the Lower Des Plaines  
11 River represent a safety risk to the  
12 recreational user? If so, please state why.  
13 This is question four.

14 MR. ELVERT: I've got some photos here  
15 that --

16 MS. RIOS: We have a series of photos  
17 depicting barge traffic on the Lower Des  
18 Plaines River that we'd like to enter as an  
19 exhibit.

20 MS. TIPSORD: Okay.

21 MS. HODGE: And we have -- there are  
22 seven different photographs, and we have  
23 numbers on them. I'm not sure whether,  
24 Ms. Tipsord, you want to admit it as a single

1 exhibit or individual.

2 MS. TIPSORD: Let's go ahead and do  
3 individually.

4 MS. HODGE: Okay.

5 MS. TIPSORD: Actually, you know what,  
6 let's go ahead and do it as a group exhibit.  
7 That works just as well, I think. If there's  
8 no objection, we'll admit the pictures that  
9 are numbered in the upper left-hand corner as  
10 one through seven as Group Exhibit 325.  
11 Seeing no objection, they're Exhibit 325.

12 MR. ELVERT: In these photos -- I'd  
13 like to just refer to number one through five  
14 at this point in time -- if you look at the  
15 first one, this is right at the I-55 bridge  
16 to where a barge is -- it's an empty barge,  
17 and it's doing part of its fleeting  
18 operations, and you have a decent-sized motor  
19 boat going fairly quickly -- you can tell by  
20 the wake as somewhat close to the barge  
21 itself.

22 The second picture is a three wide  
23 tow going downstream. This is an  
24 empty -- these three -- at least three -- I

1 think, it's six actually -- are empty. You  
2 can see the height that they are out of the  
3 water, and that does impose a concern coming  
4 down the river, even along the sides.

5 The next photo, number three, is  
6 the same tow much closer. And again, the  
7 safety concerns of anybody being that close  
8 as this barge is going by.

9 Number four is a tug with three  
10 wide and at least two deep. Normally each  
11 barge is approximately 50 to 55 feet wide.  
12 Long, they range from 200 to 250 feet long.  
13 Most of the time they're three wide, so  
14 you're talking about at least 150 feet wide,  
15 and anywhere from two to five barges long.  
16 So as far as navigational, they're in the  
17 middle of the river. But as far as safety on  
18 both the tugs as well as recreational, you  
19 can see where you would have some concerns.

20 And the -- number five is actually  
21 a two with -- I apologize for the poor  
22 picture -- but it is a five barge long tow,  
23 three wide. So you are looking over  
24 1,000 feet long. If you include about

1 90 feet for the tug, it's almost 1,100 feet  
2 long and 150 feet wide.

3 MS. TIPSORD: And Mr. -- I may be  
4 stepping on some your questions, but my  
5 questions are about these pictures, they're  
6 clearly different angles, and I'm wondering,  
7 particularly with Pictures 2 and 3 of  
8 Exhibit 325, are those taken bank, on the  
9 water?

10 MR. ELVERT: No. I'm in a boat  
11 approximately, maybe, 50 yards, 30 yards off  
12 shore.

13 MS. TIPSORD: Okay. And picture  
14 number one --

15 MR. ELVERT: Picture number one, I am  
16 along our dock looking north across the  
17 river.

18 MS. TIPSORD: All right. Thank you.

19 MS. DIERS: So you took all of these  
20 pictures?

21 MR. ELVERT: I took one through three.  
22 Four and five were taken off a website of the  
23 Illinois Marine Towing Company, the pictures  
24 of their tows.



1 MS. DIERS: I believe this is -- I'm  
2 sorry.

3 MR. ELVERT: I'm sorry. I'll  
4 continue. The recreational craft operator on  
5 tug boat and/or barge movements of any kind  
6 create an unnecessary and unwanted risk and a  
7 potential degradation of vessel security and  
8 represented potential degradation to the  
9 state and secure vessel operation. A  
10 recreational craft may not fully appreciate  
11 the potential risks that they create by  
12 operating in a close proximity to a tug or  
13 barge underway.

14 Following the tragic events of  
15 9/11, regulators in the industry have made  
16 steps to strengthen vessel security.  
17 Measures to prevent unwanted intrusion or  
18 distractions while operating recreational  
19 boaters operating at a high speed, or  
20 particularly in areas of high traffic are at  
21 a higher risk of colliding with the barge or  
22 towboat, that is, limited ability to maneuver  
23 to avoid a high speed crash.

24 Due to security concerns, all

1 pleasure boats, regardless of their distance  
2 from the tow, must be monitored and, thus,  
3 heavy traffic areas result in additional  
4 concerns and distractions for the towboat  
5 crew.

6 Heavy pleasure boat and  
7 recreational use activity is encountered in  
8 this area primarily in June through August  
9 and creates an increased risk to recreational  
10 boaters and commercial traffic. We do not  
11 believe that recreational traffic and  
12 commercial traffic are mutually exclusive,  
13 but additional safety measures are necessary  
14 to ensure the risk is properly managed.

15 MS. DIERS: Can you tell me where  
16 picture four was taken?

17 MR. ELVERT: I believe that's just  
18 south going through Joliet. I'm sorry.  
19 Number four -- yes, that's going through  
20 Joliet.

21 MS. DEXTER: Where is that in  
22 proximity to the I-55 bridge?

23 MR. ELVERT: That is  
24 approximately -- I think it's about -- hold

1 on here a second. You're at 278, and that is  
2 in the area of 285, so about seven miles  
3 upstream, still part of the Lower Des  
4 Plaines, right at the upstream edge of the  
5 Lower Des Plaines River.

6 MS. DIERS: Is it in the Brandon Pool?

7 MR. ELVERT: I'm sorry.

8 MS. DIERS: Is it in the Brandon Pool?

9 MR. ELVERT: That is the -- well,  
10 Brandon Lochs. Just north of the Brandon  
11 Lochs, so that would be just outside. But  
12 that tug did go through the Lower Des Plaines  
13 to get there, and the same case with picture  
14 number five.

15 MS. DIERS: Do you have any  
16 information about actual boating accident  
17 reports in this area that you've talked  
18 about?

19 MR. ELVERT: No, I do not, other than  
20 the one that was already on record. I  
21 believe it's Exhibit 9. It has to do with  
22 the fisherman that died by drowning.

23 MS. DIERS: Question five, why do you  
24 believe a change in the use from secondary

1 contact to incidental contact will encourage  
2 increased recreational use of the Upper  
3 Dresden Island Pool?

4 MR. ELVERT: Hold on here a second.  
5 The Lower Des Plaines River UAA concludes  
6 information from an Aquanova survey,  
7 regarding the recreational use of the Lower  
8 Des Plaines River.

9 Question five, "Of that survey, do  
10 you think that recreational use would  
11 increase if the water quality improved?" The  
12 response was that respondents answered  
13 affirmatively, such as recreational use would  
14 increase if water quality improved. However,  
15 a perception of, quote, unquote, "bad water  
16 quality" was strong. The recreational uses  
17 that would be most likely improved are, in  
18 order of positive response, fishing,  
19 canoeing, bird watching, and swimming.

20 In addition, Aquanova's overall  
21 assessment of the Upper Dresden Island Pool  
22 provides at the lower pool between mile  
23 marker 283 and the I-55 bridge has a  
24 potential for increased recreational use,

1 including contact recreation.

2 Also, the Empress Casino is  
3 operated as a resort that would benefit from  
4 expanding the recreational opportunities.  
5 The area's recreational potential -- there is  
6 potential for developing most of the Dresden  
7 Pool as a recreational area for the citizens  
8 of northeast Illinois.

9 MS. DIERS: Question six, on Page 5 of  
10 your testimony, you use the term federally  
11 protected energy facility. What is the  
12 definition of this term?

13 MR. ELVERT: For purposes of this  
14 section, the term energy facility means a  
15 facility that is involved in the production,  
16 storage, transmission, or distribution of  
17 electricity, fuel or another form or source  
18 of energy or research development or  
19 demonstration facilities relating thereto.

20 And under this section, the Exxon  
21 Mobil Joliet refinery facility requires  
22 signage along the perimeter of the facility.  
23 The signs state that it is a federal crime,  
24 punishable by fine and up to ten years

1 punishment, for any person to willfully  
2 damage or attempt to damage this facility.  
3 The signs are posted to notify the public  
4 that it is a federally protected facility  
5 part of the Upper to deter trespassers and/or  
6 that intent in attempting to damage the  
7 facility in any way.

8 MS. DIERS: Question seven, on Page 5  
9 of your testimony, you call the Joliet  
10 refinery a U.S. Coast Guard governed  
11 facility. What is the definition of this  
12 term?

13 MR. ELVERT: Regulated facilities  
14 under the Maritime Transportation Security  
15 Act are required to increase a security level  
16 clearance for unescorted access to the  
17 secured areas.

18 As part of the increased security,  
19 the transportation workers' identification  
20 credentials, known as TWIC, T-W-I-C, was  
21 developed by the Department of Homeland  
22 Security with the original effective date of  
23 September 25th, 2008, but the compliance date  
24 was pushed back to December 1st, 2008.

1                   The purpose of the TWIC card is  
2                   aimed to insure that only personnel who  
3                   successfully complete the security threat  
4                   assessment, and this includes background  
5                   check, including terrorism, intelligence  
6                   check, criminal record check, and immigration  
7                   status check will be granted access to the  
8                   secure area of an MTSA facility. While the  
9                   entire Exxon Mobil Joliet is considered a  
10                  restricted area, the wharf and dock areas and  
11                  related tank farm will require TWIC cards,  
12                  and anyone without one needs to be escorted  
13                  to the secure area.

14                  To ensure compliance, the U.S.  
15                  Coast Guard will conduct unannounced audits,  
16                  of which the Exxon Mobil facility has received  
17                  one to date. Facilities not found to be in  
18                  compliance will receive aggressive  
19                  enforcement steps, such as a letter of  
20                  warning, notice of violation, and other civil  
21                  penalties.

22                  I do want to make a statement that  
23                  even though I have a pass onto the refinery,  
24                  I do not have a TWIC card, because I do not

1 normally go down into that certain area.  
2 That's -- just because you can get into the  
3 refinery or have an employee card, you are  
4 not necessarily allowed -- you are not  
5 allowed down to the barge dock.

6 MS. DIERS: Question eight, if you're  
7 not supporting an incidental contact  
8 recreational use designation as proposed by  
9 Illinois EPA, what would you propose for the  
10 upper Dresden Island Pool?

11 MR. ELVERT: Exxon Mobil would propose  
12 to maintain the secondary contact use  
13 designation for the Des Plaines River.

14 MS. DEXTER: Can I ask a follow-up?

15 MS. TIPSORD: Yes, go ahead, Ms.  
16 Dexter.

17 MS. DEXTER: What is your  
18 understanding of how the IEPA proposal will  
19 change the recreational designation of the  
20 Des Plaines River above the I-55 bridge?

21 MR. ELVERT: Just one second. I just  
22 got to find it. The Illinois EPA proposal  
23 will redesignate the stretch of the Lower Des  
24 Plains River on which the Exxon Mobil Joliet



1 refinery is located from secondary contact to  
2 incidental contact for recreational use.

3 The Lower Des Plaines River is  
4 designated as incidental contact, and it is  
5 possible that such designation will increase  
6 recreational use, such as canoeing, kayaking,  
7 jet skis, power boats, fishing boats in the  
8 Upper Dresden Island Pool segment, and,  
9 therefore, increase concern for the safety of  
10 recreational users on a heavily navigated  
11 portion of the Lower Des Plaines River.

12 MS. DEXTER: What is your  
13 understanding of the difference between  
14 secondary contact use and incidental contact  
15 use?

16 MR. ELVERT: The differences would  
17 be -- means any recreational activity in  
18 which human contact with water is incidental  
19 in which the probability of ingesting  
20 appreciable quantities of water is minimal,  
21 such as fishing, commercial boating, small  
22 craft recreational boating, and any limited  
23 contact to associate it with shoreline  
24 activity, such as wading.

1 MS. DEXTER: But what's the definition  
2 of what -- that is the designation that IEPA  
3 has proposed, and I'm asking what is the  
4 difference between that designation and  
5 secondary contact designations?

6 MR. ELVERT: It's more specific.

7 MS. DEXTER: Does it propose new uses?

8 MR. ELVERT: It adds small craft  
9 recreational boating. It adds activities  
10 such as wading.

11 MS. DEXTER: So you -- in your reading  
12 of this -- of the current secondary use of  
13 contact standards, small craft boating and  
14 wading are not secondary contact uses?

15 MR. ELVERT: Yes.

16 MS. DEXTER: Do you have a sense of  
17 what kind of use that would be?

18 MR. ELVERT: I would think it would  
19 be -- what would be under a secondary use?

20 MS. DEXTER: I mean, generally we talk  
21 about recreation in terms -- or we have, in  
22 this rulemaking, talked about it in terms of  
23 primary contact recreation and secondary  
24 contact recreation, primary being swimming.

1 MR. ELVERT: I think secondary would  
2 be more so pass-through boats not having any  
3 contact with the water. Not the wading, not  
4 the small craft recreational boating type  
5 thing, more pass-through, such as the large  
6 sailboats that come through from the Gulf of  
7 Mexico up to Chicago.

8 MS. DEXTER: And this is your personal  
9 take on what you believe secondary contact to  
10 be and not a legal opinion on what secondary  
11 contact is, correct?

12 MR. ELVERT: Yes.

13 MS. DEXTER: Thank you.

14 MS. DIERS: I'm going to skip over  
15 question nine and strike it.

16 Ten, can you cite in the record  
17 where people testify that there would be  
18 increased recreational uses in the Upper  
19 Dresden Island Pool?

20 MR. ELVERT: Yes. The statement of  
21 support and objections to the proposed rule  
22 by the Chicago Area Sea Kayakers Association,  
23 CASKA, and various co-petitioners on April  
24 18th, 2008 -- several bullets here -- it

1 says, "Each year CASKA and it's members  
2 organize paddles on the Chicago River, the  
3 Calumet River, Lake Calumet Area, the North  
4 Shore Canal, and the Lower Des Plaines River.

5 "In recent years, CASKA members  
6 have paddled every waterway that is subject  
7 to this rulemaking. Quote, unquote,  
8 waterways are a close second to Lake Michigan  
9 for sea kayaking. CASKA regularly receives  
10 requests for information from out-of-town  
11 paddlers interested in paddling on the  
12 Chicago River to and around the downtown  
13 area, or paddling down the CSSC to the Lower  
14 Des Plaines River, and from there to the  
15 Illinois River and beyond.

16 "Many stretches of the waterways  
17 offer paddlers a unique view of the  
18 industrial sector of the local economy.  
19 Paddlers, rowers, and other recreational  
20 boaters find this very paddling environment  
21 extremely attractive.

22 "The petitioners understand  
23 firsthand how the water quality improvements  
24 in this waterway can drive major

1 recreational, educational, commercial, and  
2 cultural improvements in the region. A  
3 co-petitioner of the Southwest Brigade,  
4 members paddle of the lower Des Plaines River  
5 for their own enjoyment in a variety of  
6 boats."

7 MS. TIPSORD: Mr. Elvert, you are  
8 reading the testimony from this preceding  
9 that --

10 MS. RIOS: Yeah. I'd like to clarify.  
11 He's quoting from a statement of support  
12 filed by CASKA on April 18th, 2008, in this  
13 rulemaking.

14 MS. TIPSORD: And do you have a public  
15 comment number or exhibit number?

16 MS. RIOS: Let me see. It just says  
17 received by the clerk's office April 18th,  
18 2008. I don't have a public comment number  
19 for it.

20 MS. TIPSORD: Okay. That's okay. We  
21 can find it. If it's not testimony, then it  
22 was a public comment.

23 MS. RIOS: And before moving on, I'm  
24 going to go ahead and ask Mr. Elvert a

1 follow-up question.

2 In your testimony, you estimate  
3 the barge width and length. Can you -- and  
4 you also estimate the width of the Lower Des  
5 Plaines River to show how much room there is.  
6 Can you tell me where you got those figures?

7 MR. ELVERT: I estimated the width of  
8 the Lower Des Plaines River based upon the  
9 Army Corps of Engineers Illinois Waterway  
10 charts. Specifically I've used map numbers  
11 108 and number 109. These Army Corps of  
12 Engineer waterway charts are available  
13 on-line.

14 MS. RIOS: And we also want to enter  
15 those as an exhibit.

16 MS. HODGE: That's two charts.

17 MS. TIPSORD: Okay. If there's no  
18 objection, we will admit these as  
19 Exhibit 326. Seeing none, they're  
20 Exhibit 326.

21 MR. ELVERT: Also at this time, I'd  
22 like to take a look at pictures number six  
23 and seven.

24 MS. TIPSORD: Of Exhibit 325?

1 MR. ELVERT: Yes. Thank you. These  
2 are both aerial photographs. The first one  
3 was from USGS. The -- I don't know if you  
4 can see the arrows. The I-55 is on your  
5 left-hand-side. The grayest one, number six,  
6 I-55 is the lower end point of the Lower Des  
7 Plaines of the Upper Dresden Pool. The  
8 Joliet refinery, the part that you see is the  
9 white part on the bottom.

10 As you can see, barges across from  
11 our facility are being fleeted, and this one  
12 area here, basically from the I-55 bridge up  
13 a little bit past this picture, is one of  
14 three terminals that Illinois Marine Transfer  
15 uses for fleeting. They use this as the  
16 Channahon one, there's another one in Joliet,  
17 and another one in Lemont.

18 What you can see in this picture  
19 is they use both sides of the Lower Des  
20 Plaines River. It goes two to three wide per  
21 barge, and in this picture you can see one  
22 tug there behind the blue square in the  
23 middle of the picture.

24 On number seven -- this is from

1 Google Earth -- you see a lot more action  
2 down below toward I-55. You see barges that  
3 are at least three wide on Tuesday passing by  
4 the refinery -- they were six wide  
5 temporarily, but they are -- they do go that  
6 wide -- and in the red area that is circled,  
7 I want to point out several things here. You  
8 can see four or five tugs, and if you look at  
9 the upper part of it, you see the tug, and  
10 you also see the wave action from the tug  
11 maneuvering, and this almost takes up the  
12 whole river.

13 Halfway down that circle, you see  
14 two more tugs, one that is parallel with the  
15 barges, and another one that is horizontal to  
16 the barges. The bottom of that red circle,  
17 there's another tug pushing up against the  
18 barges, and I do want to point out there is a  
19 power boat of some decent size in the middle  
20 of the -- just south -- I mean, just beyond  
21 the bottom of the red circle.

22 In looking at this picture, you  
23 can see where there is a lot of activity in  
24 this area. It does take from bank to bank,



1 and it depends on the time of day and it  
2 depends on the day, but it is a heavily  
3 traveled area, and IMT does use this as one  
4 of its three primary terminals between Lemont  
5 and the I-55 bridge.

6 MS. DIERS: Question 11, please state  
7 what your additional safety concerns are.

8 MR. ELVERT: Exxon Mobil's concern for  
9 the safety of recreational users, as well as  
10 those vessels that call to our Joliet  
11 refinery located in the Upper Dresden Island  
12 Pool of the Lower Des Plaines River.  
13 Towboats and barges operate in this area on a  
14 daily basis.

15 Operations include birthing,  
16 fleeting -- this is where you park the barges  
17 temporarily. We may have a barge that comes  
18 in. We normally have, on an average, at  
19 least two a day. So you're talking,  
20 approximately, almost over 700 barges a day.  
21 But to get that there, the barge usually  
22 comes in, it is fleeted across the river, and  
23 then this is brought to our dock, and then  
24 after it's loaded or unloaded, it's brought

1 back to the fleeting area and out.

2 So you can take that, let's say,  
3 800 and multiply that by a minimum of three  
4 touches to four touches, and you're talking  
5 2,400 a year minimal, probably more.

6 Shifting on the --

7 MR. JOHNSON: How many -- you say how  
8 many are headed to your facility on a daily  
9 basis?

10 MR. ELVERT: We have a minimum of two  
11 a day on average.

12 MR. JOHNSON: So in addition to your  
13 safety concerns of the jet skiers of the  
14 world, do you have liability concerns as  
15 well?

16 MR. ELVERT: Yes.

17 MR. JOHNSON: Okay.

18 MR. ELVERT: Maneuvering, loading,  
19 discharging, shifting the movement of barges  
20 back and forth across the river, transiting,  
21 making and breaking the tow is when they're  
22 empty they move them around. That's what you  
23 see in picture number seven. So they get  
24 kind of like a train. You want to get the

1 right tows or the right barges in the right  
2 order so when you ship it downstream or  
3 upstream, it's the most efficient way of  
4 doing your business. Some of these  
5 activities, coupled with river restrictions  
6 or confined waters, can be seen in the  
7 satellite pictures of six and seven.

8 Due to the active nature of  
9 commercial operations in this area and a  
10 variety of weather visibility conditions,  
11 recreational boat traffic presents an  
12 increased risk to themselves and commercial  
13 traffic.

14 Commercial towboat crews and  
15 pilots are cognizant of the recreational  
16 boats in the area, resulting in safety and  
17 security risks, and appropriate  
18 countermeasures are taken by the towboat  
19 crew, to the extent possible. However, with  
20 the commercial vessels' limited ability to  
21 maneuver, the recreational boater may ignore  
22 or be unaware of the responsibility in this  
23 regard or the associated risk.

24 MS. DIERS: And I'll strike Question

1 12.

2 Question 13, how do you think the  
3 Agency could address these concerns in its  
4 proposal now before the Board?

5 MR. ELVERT: The Agency can address  
6 the safety concerns by reviewing a letter  
7 sent to the IEPA by Three Rivers  
8 Manufacturing Association in 2002 and 2003,  
9 and providing responses to the issues raised  
10 in those letters.

11 Further, the Agency could schedule  
12 area meetings to discuss safety and security  
13 concerns on the Lower Des Plaines River, as  
14 it did during the CAWS stakeholders meetings  
15 where the Agency, stakeholders,  
16 municipalities, and the U.S. Coast Guard met  
17 to discuss safety and security issues.  
18 During the process of the stakeholders  
19 meeting of the Lower Des Plaines, there was  
20 no safety or security meetings such as this.

21 MS. DIERS: Do you know what the  
22 outcome of the meetings concern safety  
23 are -- sorry. Strike it.

24 Do you know what the outcome of

1 the safety meetings were with respect to the  
2 CAWS?

3 MR. ELVERT: I believe -- off the top  
4 of my head, I believe the issues were  
5 discussed, and they did not foresee any major  
6 concerns.

7 Our response to that is, one, they  
8 did have the meetings, and they did not have  
9 any on the Lower Des Plaines. And two is  
10 that we feel because of the traffic barge and  
11 primarily the barge and industry traffic on  
12 the river, you would have a different  
13 perspective on those meetings from those  
14 invited.

15 MS. DIERS: Question 14, on Page 2 of  
16 your pre-filed testimony, you state in  
17 quotes, "Will encourage increased use of the  
18 Dresden Pool and, consequently, increased  
19 numbers of recreational users may be placed  
20 in danger, since the Dresden Pool is heavily  
21 used to navigate barges in and out of the  
22 area."

23 Are the fleeting operations in  
24 general use waters, and do you know how they

1 deal with safety and security issues that  
2 have been brought up, and do you know if they  
3 allow boaters to use the waters?

4 MR. ELVERT: In regards to question  
5 number one, fleeting operations and general  
6 use waters, I talked to two facilities just  
7 downstream, IMTT, and Dow Chemical.  
8 they're -- IMTT is located just south of the  
9 I-55 bridge, and Dow, I believe is about a  
10 mile and a half away, and fleeting of their  
11 barges are done by Illinois Marine Terminal  
12 at the Channahon terminal across from our  
13 barge dock, just upstream of the I-55 bridge.

14 Number two, how do they deal with  
15 safety and security issues, they are just as  
16 concerned, but they are not the size of the  
17 refinery, and they don't deal with the daily  
18 barge usage that the Exxon Mobil refinery has.  
19 I believe IMTT may receive two barges a  
20 month, and Dow may receive one or two a week.

21 Number three, do they allow  
22 boaters to use the waters, I'm not sure quite  
23 what you mean, but they do not encourage  
24 recreational usage around their docks,

1           because their docks are much smaller. IMTT  
2           is just literally, rather than a huge wharf  
3           like ours, it is three pillars for the barge  
4           to sit in the walkway, and Dow is very  
5           similar to theirs.

6                       MS. DIERS: I'm going to strike  
7           Question 15 and I'm going to skip 16.

8                       Seventeen, on Page 3 of your  
9           pre-filed testimony, you discuss the periodic  
10          existence of double barges being 110 feet  
11          wide in the areas where the pool is 500 feet  
12          wide. Is a clear path of four fifths of the  
13          waterway, especially around trees, islands,  
14          and other sidestream areas, not enough space  
15          for a hand-powered watercraft to avoid the  
16          commercial activity in the Upper Dresden  
17          Island Pool?

18                      MR. ELVERT: As I've stated, Exxon  
19          Mobil's concern is for the safety of the  
20          recreational users. Considering that there  
21          is a conditional tug boat and barge movement  
22          back and forth, both shore lines, within the  
23          Dresden Island Pool segment, as well as  
24          throughout the Lower Des Plaines River. This

1 area of the river is quite active, given the  
2 variety of commercial operations.

3 Again, pictures of -- the  
4 satellite images for pictures number six and  
5 seven illustrate this concern. Two wide  
6 possibly on both sides of the river, as well  
7 as almost a half mile long, it is routine to  
8 have multiple barges and tugs operating  
9 simultaneously, as I pointed out in picture  
10 number seven, which increases the potential  
11 risk to recreational boaters.

12 MS. DIERS: Question 18, do you have  
13 any photographs or any other evidence, other  
14 than the drownings mentioned in your  
15 pre-filed testimony, of small crafts being  
16 overwhelmed by the barges in the pool?

17 MR. ELVERT: No, I don't.

18 MS. DIERS: Nineteen, was the cited  
19 drownings the result of wake?

20 MR. ELVERT: The article I referenced  
21 in my pre-filed testimony did not state that  
22 the drownings were a result of wakes.

23 MS. DIERS: And 20, is the pool a  
24 straight-walled channel, or does it have side



1 zones with more gradual banks that buffer or  
2 absorb weight?

3 MR. ELVERT: The Upper Dresden Island  
4 Pool generally has more gradual banks, except  
5 for some of the Joliet refinery wharf area  
6 along the south bank of the Lower Des Plaines  
7 River just east of the I-55 bridge.

8 In addition, there are routinely  
9 flected barges across the Lower Des Plaines  
10 River, which are secured along the  
11 corresponding north bank. We do see an  
12 absorption of wakes beyond the river bank.

13 MS. DIERS: And one final question,  
14 has Exxon Mobil been able to meet individually  
15 with the Agency staff during these  
16 proceedings to discuss concerns with  
17 recreational uses?

18 MR. ELVERT: Throughout the  
19 stakeholders process, basically from 2001  
20 through the end of the Lower Des Plaines  
21 River, Exxon Mobil constantly raised the  
22 concerns of the recreational use safety and  
23 security issues, as well as through the three  
24 rivers that intersect the IEPA.

1 MS. DIERS: Thank you. No more  
2 questions.

3 MS. TIPSORD: With that, I think we  
4 go -- the District had the next most  
5 questions.

6 MR. ANDES: I believe that all of our  
7 questions have been addressed.

8 MS. TIPSORD: In that case, we'll go  
9 to Ms. Dexter with the ELPC.

10 MS. DEXTER: And I just have one  
11 question that has not been addressed.

12 Are there currently facilities to  
13 assist recreational boaters near the Exxon  
14 Mobil refinery or the I-55 bridge?

15 MR. ELVERT: May I ask to clarify what  
16 assist means?

17 MS. DEXTER: Are there boat launches  
18 or similar types of things that allow  
19 recreational access to the river at this  
20 point?

21 MR. ELVERT: In talking to the Will  
22 County, the city of Joliet, the only -- there  
23 is a dirt boat launch in the Romeoville area,  
24 which is at least ten miles north, and if

1           you're -- the definition pertains to a  
2           facility that could assist recreational  
3           boaters in distress or provide information.  
4           Neither of the Big Basin Marina, which is  
5           literally just on the other side of the I-55  
6           bridge at marker 277.8, nor the Harbor Side  
7           Marina, which is downstream about five miles,  
8           in the current general use waters have  
9           emergency assistance. Both do provide both  
10          slips, fuel, and food.

11                   MS. DEXTER: Thank you.

12                   MS. TIPSORD: Are there any other  
13          questions for Mr. Elvert? All right. That  
14          means we get to go home and enjoy the day.

15                   MR. ELVERT: Great.

16                   MS. TIPSORD: Thank you all. I want  
17          to remind you tomorrow morning we start with  
18          Mr. Calvalo (phonetic).

19                   MR. HARLEY: Actually, Madam Hearing  
20          Officer -- for the record, Keith Harley,  
21          Southeast Environmental Task Force. Ms.  
22          Dexter indicated that her witness, who is  
23          traveling, would need a substantial amount of  
24          time tomorrow, if not the entire day. I

1 spoke to Mr. Calvalo, and he indicated that  
2 he would be willing to switch to October 5th,  
3 where right now we only have Gerry Ingelman  
4 (phonetic) and Laura Bernhausen (phonetic)  
5 prepared to testify as a panel. If it would  
6 make things more convenient for Ms. Dexter's  
7 witness, we would be willing to shift  
8 Mr. Calvalo to October 5th.

9 MS. TIPSORD: If the census is that  
10 it's going to take all day with Mr. Thomas, I  
11 would -- that's fine with us. I just -- I  
12 feel bad, because we've already put him off  
13 once.

14 MR. HARLEY: You know, he's completely  
15 available to the Board. He lives locally, so  
16 he doesn't have the same traveling concerns  
17 that other people have.

18 MS. TIPSORD: All right. Well, then  
19 we will begin tomorrow morning with Dr. David  
20 Thomas. And with that, we're adjourned, and  
21 we're at 9031 tomorrow. Thank you.

22 AND FURTHER DEPONENT SAITH NAUGHT...  
23  
24

1 STATE OF ILLINOIS )  
 ) SS  
2 COUNTY OF COOK )

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

REBECCA A. GRAZIANO, being first  
duly sworn on oath says that she is a court reporter  
doing business in the City of Chicago; that she  
reported in shorthand the proceedings given at the  
taking of said hearing and that the foregoing is a  
true and correct transcript of her shorthand notes  
so taken as aforesaid and contains all the  
proceedings given at said hearing.

*Rebecca Graziano*  
REBECCA A. GRAZIANO, CSR  
29 South LaSalle Street, Suite 850  
Chicago, Illinois 60603  
License No.: 084-004659

SUBSCRIBED AND SWORN TO  
before me this \_\_\_\_ day  
of \_\_\_\_\_, A.D., 2009.

Notary Public

<b>A</b>	
<b>ability</b> 25:22 43:20	18:22 28:20 42:12 49:8
<b>able</b> 49:14	<b>additional</b> 26:3 26:13 41:7
<b>about</b> 7:6,24 8:1 9:1,9,12 10:2 15:8 23:14,24 24:5 26:24 27:2,16,18 34:21,22 46:9 51:7	<b>address</b> 12:2 44:3,5
<b>above</b> 32:20	<b>addressed</b> 11:4 11:20 50:7,11
<b>above-entitled</b> 1:9	<b>adds</b> 34:8,9
<b>absorb</b> 49:2	<b>adjourned</b> 52:20
<b>absorption</b> 49:12	<b>Adm</b> 1:6
<b>access</b> 30:16 31:7 50:19	<b>admit</b> 15:2 21:24 22:8 38:18
<b>accident</b> 27:16	<b>Adopting</b> 17:24
<b>According</b> 6:5,8 7:13	<b>advisor</b> 16:6 17:13
<b>achieve</b> 6:17	<b>aerial</b> 39:2
<b>across</b> 18:10 24:16 39:10 41:22 42:20 46:12 49:9	<b>affects</b> 11:13
<b>Act</b> 30:15	<b>affirmatively</b> 28:13
<b>Acting</b> 2:4	<b>aforsaid</b> 53:11
<b>action</b> 40:1,10	<b>after</b> 15:23 41:24
<b>active</b> 10:13 43:8 48:1	<b>afternoon</b> 16:1 17:11 19:23
<b>activities</b> 34:9 43:5	<b>again</b> 23:6 48:3
<b>activity</b> 26:7 33:17,24 40:23 47:16	<b>against</b> 40:17
<b>actual</b> 27:16	<b>Agency</b> 2:8 17:21 19:15 44:3,5,11,15 49:15
<b>actually</b> 7:20,23 10:20 12:24 22:5 23:1,20 51:19	<b>Agency's</b> 16:9 16:14 17:16
<b>Adams</b> 10:11 11:15 12:9,14 13:14,20 14:8 15:19	<b>aggressive</b> 31:18
<b>added</b> 12:17 13:1	<b>agree</b> 9:16
<b>addition</b> 13:23	<b>ahead</b> 17:10 22:2,6 32:15 37:24
	<b>aimed</b> 31:2
	<b>allow</b> 46:3,21 50:18
	<b>allowed</b> 32:4,5
	<b>almost</b> 14:1 24:1 40:11 41:20 48:7
	<b>along</b> 21:7 23:4 24:16 29:22 49:6,10
	<b>already</b> 27:20 52:12
	<b>AMENDMEN...</b> 1:6
	<b>amount</b> 51:23
	<b>Anand</b> 2:4
	<b>Andes</b> 2:20 11:21,22 50:6
	<b>Andrea</b> 2:5
	<b>and/or</b> 25:5 30:5
	<b>angles</b> 24:6
	<b>another</b> 29:17 39:16,17 40:15 40:17
	<b>answer</b> 5:6,7,16 10:11 15:10 16:17 19:19
	<b>answered</b> 28:12
	<b>anticipate</b> 21:4
	<b>anybody</b> 23:7
	<b>anymore</b> 4:10
	<b>anyone</b> 31:12
	<b>anywhere</b> 23:15
	<b>apologize</b> 23:21
	<b>Appeared</b> 2:15 2:21 3:5
	<b>applied</b> 6:6,9
	<b>appreciable</b> 33:20
	<b>appreciate</b> 25:10
	<b>appropriate</b> 43:17
	<b>approximately</b> 23:11 24:11 26:24 41:20
	<b>April</b> 35:23 37:12,17
	<b>Aquanova</b> 28:6
	<b>Aquanova's</b> 28:20
	<b>area</b> 1:5 6:12 7:12 12:10 13:20 18:12 26:8 27:2,17 29:7 31:8,10 31:13 32:1 35:22 36:3,13 39:12 40:6,24
	41:3,13 42:1 43:9,16 44:12 45:22 48:1 49:5 50:23
	<b>areas</b> 25:20 26:3 30:17 31:10 47:11,14
	<b>area's</b> 29:5
	<b>Army</b> 38:9,11
	<b>around</b> 18:15 19:6 36:12 42:22 46:24 47:13
	<b>arrows</b> 39:4
	<b>article</b> 48:20
	<b>asked</b> 4:19 15:7
	<b>asking</b> 19:24 34:3
	<b>assessment</b> 28:21 31:4
	<b>assist</b> 50:13,16 51:2
	<b>assistance</b> 51:9
	<b>associate</b> 33:23
	<b>associated</b> 21:3 43:23
	<b>Association</b> 35:22 44:8
	<b>attempt</b> 30:2
	<b>attempted</b> 7:11
	<b>attempting</b> 30:6
	<b>attractive</b> 36:21
	<b>audits</b> 31:15
	<b>August</b> 1:15 26:8
	<b>available</b> 7:14 7:16 38:12 52:15
	<b>Avenue</b> 2:8 3:8
	<b>average</b> 41:18 42:11
	<b>avoid</b> 25:23 47:15
	<b>aware</b> 12:6 14:4
	<b>away</b> 46:10
	<b>A.D</b> 1:15 53:20
	<b>B</b>
	<b>back</b> 5:9 15:11 18:10 30:24
	42:1,20 47:22
	<b>background</b> 31:4
	<b>bacterial</b> 12:18
	<b>bad</b> 28:15 52:12
	<b>bank</b> 24:8 40:24 40:24 49:6,11 49:12
	<b>banks</b> 49:1,4
	<b>barge</b> 18:9,21 21:17 22:16,16 22:20 23:8,11 23:22 25:5,13 25:21 32:5 38:3 39:21 41:17,21 45:10 45:11 46:13,18 47:3,21
	<b>barges</b> 18:9,11 18:15 23:15 39:10 40:2,15 40:16,18 41:13 41:16,20 42:19 43:1 45:21 46:11,19 47:10 48:8,16 49:9
	<b>BARNES</b> 2:17
	<b>based</b> 38:8
	<b>basically</b> 4:24 11:4 12:19 39:12 49:19
	<b>Basin</b> 51:4
	<b>basis</b> 41:14 42:9
	<b>becomes</b> 12:22
	<b>before</b> 1:9,10 15:10 37:23 44:4 53:19
	<b>begin</b> 52:19
	<b>behalf</b> 2:15,21 3:5 17:15 20:1
	<b>behind</b> 39:22
	<b>being</b> 4:17 5:5 12:12 13:12 23:7 34:24 39:11 47:10 48:15 53:5
	<b>believe</b> 20:21 21:9 25:1 26:11,17 27:21

27:24 35:9 45:3,4 46:9,19 50:6 <b>below</b> 40:2 <b>benefit</b> 29:3 <b>Bernhausen</b> 52:4 <b>between</b> 7:14 13:4 28:22 33:13 34:4 41:4 <b>beyond</b> 4:17 5:5 8:16 9:21 36:15 40:20 49:12 <b>big</b> 13:4 51:4 <b>bird</b> 28:19 <b>birthing</b> 41:15 <b>bit</b> 39:13 <b>Blankenship</b> 2:5 <b>blown</b> 12:23 <b>blue</b> 39:22 <b>Board</b> 1:1 2:2 12:4 19:11 44:4 52:15 <b>Board's</b> 14:14 <b>boat</b> 22:19 24:10 25:5 26:6 40:19 43:11 47:21 50:17,23 <b>boater</b> 43:21 <b>boaters</b> 4:13,22 25:19 26:10 36:20 46:3,22 48:11 50:13 51:3 <b>boating</b> 27:16 33:21,22 34:9 34:13 35:4 <b>boats</b> 18:8 20:6 20:7,8,11,19 26:1 33:7,7 35:2 37:6 43:16 <b>Bob</b> 16:5 17:12 <b>bobble</b> 11:1 <b>both</b> 23:18 39:2 39:19 47:22 48:6 51:9,9	<b>bottom</b> 39:9 40:16,21 <b>boundary</b> 12:10 <b>Box</b> 2:9 3:8 <b>Brandon</b> 27:6,8 27:10,10 <b>break</b> 15:22 <b>breaking</b> 42:21 <b>bridge</b> 20:5,17 22:15 26:22 28:23 32:20 39:12 41:5 46:9,13 49:7 50:14 51:6 <b>brief</b> 16:16 <b>Brigade</b> 37:3 <b>brought</b> 41:23 41:24 46:2 <b>BROWN</b> 3:12 <b>buffer</b> 49:1 <b>bulb</b> 13:5 <b>bullets</b> 35:24 <b>business</b> 43:4 53:7 <b>businesses</b> 6:11 <b>buy</b> 7:11 <hr/> <b>C</b> <b>C</b> 2:1 3:1 <b>call</b> 30:9 41:10 <b>called</b> 16:11 <b>Calumet</b> 36:3,3 <b>Calvalo</b> 51:18 52:1,8 <b>Canal</b> 36:4 <b>canoeing</b> 28:19 33:6 <b>canoes</b> 20:7 <b>card</b> 31:1,24 32:3 <b>cards</b> 31:11 <b>case</b> 27:13 50:8 <b>Casino</b> 29:2 <b>CASKA</b> 35:23 36:1,5,9 37:12 <b>cause</b> 1:9 9:13 9:20 19:18 <b>CAWS</b> 44:14 45:2 <b>census</b> 52:9	<b>Center</b> 2:12 4:3 4:6 16:19 <b>certain</b> 32:1 <b>Certified</b> 1:11 <b>cetera</b> 12:21 <b>Chairman</b> 2:4 <b>change</b> 27:24 32:19 <b>Channahon</b> 17:14 39:16 46:12 <b>channel</b> 48:24 <b>Chapter</b> 11:3 <b>charts</b> 38:10,12 38:16 <b>check</b> 5:12 31:5 31:6,6,7 <b>checked</b> 11:1 <b>chemical</b> 10:15 14:5,12 46:7 <b>chemicals</b> 12:17 12:23 <b>Chicago</b> 1:5,13 2:13,19,21 3:2 3:3,13 35:7,22 36:2,12 53:7 53:16 <b>chlorine</b> 15:8 <b>circle</b> 40:13,16 40:21 <b>circled</b> 40:6 <b>circuit</b> 14:2 <b>cite</b> 35:16 <b>cited</b> 48:18 <b>citizens</b> 29:7 <b>city</b> 12:16 50:22 53:7 <b>civil</b> 31:20 <b>clarify</b> 37:10 50:15 <b>clean</b> 12:15,19 <b>clear</b> 47:12 <b>clearance</b> 30:16 <b>clearly</b> 24:6 <b>clerk's</b> 37:17 <b>CLINIC</b> 3:2 <b>close</b> 22:20 23:7 25:12 36:8 <b>closed</b> 14:2	<b>closer</b> 23:6 <b>Club</b> 2:16 <b>Coast</b> 19:2 30:10 31:15 44:16 <b>Code</b> 1:6 <b>cognizant</b> 43:15 <b>colliding</b> 25:21 <b>come</b> 15:11 35:6 <b>comes</b> 15:16 41:17,22 <b>coming</b> 23:3 <b>commencing</b> 1:14 <b>comment</b> 15:16 37:15,18,22 <b>commercial</b> 26:10,12 33:21 37:1 43:9,12 43:14,20 47:16 48:2 <b>Company</b> 24:23 <b>compared</b> 12:19 <b>complete</b> 31:3 <b>completely</b> 52:14 <b>compliance</b> 30:23 31:14,18 <b>concern</b> 18:16 23:3 33:9 41:8 44:22 47:19 48:5 <b>concerned</b> 46:16 <b>concerns</b> 18:5 18:22,24 23:7 23:19 25:24 26:4 41:7 42:13,14 44:3 44:6,13 45:6 49:16,22 52:16 <b>concludes</b> 28:5 <b>conditional</b> 47:21 <b>conditions</b> 43:10 <b>conduct</b> 31:15 <b>confined</b> 43:6 <b>consequently</b> 45:18 <b>consider</b> 6:19,24	19:12 <b>considered</b> 10:8 10:12 11:5 31:9 <b>Considering</b> 47:20 <b>constant</b> 18:11 <b>constantly</b> 49:21 <b>contact</b> 17:23 18:1,18,18,23 19:13 21:5 28:1,1 29:1 32:7,12 33:1,2 33:4,14,14,18 33:23 34:5,13 34:14,23,24 35:3,9,11 <b>contains</b> 53:11 <b>context</b> 4:9 9:3 <b>continue</b> 25:4 <b>CONTROL</b> 1:1 2:2 <b>convenient</b> 52:6 <b>Cook</b> 1:12 53:2 <b>cool</b> 13:8,22 <b>cooled</b> 12:12 <b>cooler</b> 13:21 <b>cooling</b> 12:5,7 12:12,15 13:6 13:8,10,12,17 13:23 14:1,5 <b>copy</b> 17:6 <b>corner</b> 22:9 <b>corporation</b> 16:7 17:14 <b>Corps</b> 38:9,11 <b>correct</b> 11:20 14:7,8 35:11 53:10 <b>corresponding</b> 49:11 <b>countermeasu...</b> 43:18 <b>County</b> 1:12 50:22 53:2 <b>couple</b> 7:7 10:20 <b>coupled</b> 43:5 <b>court</b> 53:6 <b>co-petitioner</b>
--	--	--	--	---

37:3	<b>definition</b> 29:12	6:11 7:2,10,18	<b>disinfection</b>	16:4
<b>co-petitioners</b>	30:11 34:1	8:3,7,12,24	8:17	<b>drowning</b> 27:22
35:23	51:1	9:16 10:2	<b>dissolved</b> 8:18	<b>drownings</b>
<b>craft</b> 25:4,10	<b>degradation</b>	11:12,17 26:21	9:4,8,13,20	48:14,19,22
33:22 34:8,13	25:7,8	32:14,16,17	10:4	<b>due</b> 21:2 25:24
35:4	<b>degrees</b> 13:14	33:12 34:1,7	<b>distance</b> 26:1	43:8
<b>crafts</b> 48:15	<b>demonstration</b>	34:11,16,20	<b>distractions</b>	<b>duly</b> 53:6
<b>crash</b> 25:23	29:19	35:8,13 50:9	25:18 26:4	<b>during</b> 44:14,18
<b>create</b> 25:6,11	<b>denied</b> 5:22 6:1	50:10,17 51:11	<b>distress</b> 51:3	49:15
<b>creates</b> 26:9	<b>Department</b>	51:22	<b>distribution</b>	<b>Dwyer</b> 3:7 16:2
<b>credentials</b>	30:21	<b>Dexter's</b> 52:6	29:16	16:4
30:20	<b>depends</b> 41:1,2	<b>Diamond</b> 6:14	<b>District</b> 2:21	
<b>Crest</b> 7:9	<b>depicting</b> 21:17	<b>died</b> 27:22	11:19 16:20	<b>E</b>
<b>crew</b> 26:5 43:19	<b>DEPONENT</b>	<b>Diers</b> 2:10 19:23	50:4	<b>E</b> 2:1,1 3:1,1
<b>crews</b> 43:14	52:22	19:24 20:14,20	<b>DNR</b> 7:16	<b>each</b> 23:10 36:1
<b>crime</b> 29:23	<b>Des</b> 1:5 6:3 8:14	21:9 24:19	<b>dock</b> 24:16	<b>earlier</b> 13:4
<b>criminal</b> 31:6	16:10 17:18	25:1 26:15	31:10 32:5	<b>Earth</b> 40:1
<b>CSR</b> 53:15	18:3,6 19:10	27:6,8,15,23	41:23 46:13	<b>east</b> 2:8,12 3:3
<b>CSSC</b> 36:13	19:14,17 20:12	29:9 30:8 32:6	<b>docks</b> 46:24	49:7
<b>cultural</b> 37:2	20:22 21:4,7	35:14 41:6	47:1	<b>economy</b> 36:18
<b>current</b> 20:21	21:10,17 27:3	43:24 44:21	<b>doing</b> 22:17 43:4	<b>edge</b> 27:4
21:2,9 34:12	27:5,12 28:5,8	45:15 47:6	53:7	<b>educational</b> 37:1
51:8	32:13,20,23	48:12,18,23	<b>done</b> 46:11	<b>effective</b> 30:22
<b>currently</b> 4:13	33:3,11 36:4	49:13 50:1	<b>double</b> 5:12	<b>efficient</b> 43:3
8:12 21:1	36:14 37:4	<b>difference</b> 13:7	47:10	<b>effluent</b> 1:4 8:1
50:12	38:4,8 39:6,19	33:13 34:4	<b>Dow</b> 46:7,9,20	12:20
<b>D</b>	41:12 44:13,19	<b>differences</b>	47:4	<b>eight</b> 32:6
<b>D</b> 3:10	45:9 47:24	33:16	<b>down</b> 18:9 23:4	<b>electricity</b> 29:17
<b>daily</b> 41:14 42:8	49:6,9,20	<b>different</b> 21:22	32:1,5 36:13	<b>ELPC</b> 2:15 50:9
46:17	<b>describe</b> 20:3,15	24:6 45:12	40:2,13	<b>else's</b> 5:11
<b>damage</b> 30:2,2,6	<b>design</b> 15:9	<b>difficult</b> 13:22	<b>downstream</b>	<b>Elvert</b> 16:5,16
<b>danger</b> 45:20	<b>designate</b> 17:21	<b>DIMOND</b> 3:13	20:16,18 22:23	17:9,11,12
<b>date</b> 30:22,23	<b>designated</b> 33:4	4:16 5:4 8:8,15	43:2 46:7 51:7	20:6,18 21:1
31:17	<b>designating</b> 21:4	9:6,17 12:1,11	<b>downtown</b>	21:14 22:12
<b>David</b> 52:19	<b>designation</b> 16:9	13:9,15 14:3	36:12	24:10,15,21
<b>day</b> 1:14 41:1,2	17:17 18:1,17	14:13 15:6,14	<b>Dr</b> 2:6 10:11	25:3 26:17,23
41:19,20 42:11	18:23 19:13	15:17	11:15 12:9,14	27:7,9,19 28:4
51:14,24 52:10	21:2 32:8,13	<b>directly</b> 7:1,3	13:14,20 14:8	29:13 30:13
53:19	32:19 33:5	<b>dirt</b> 50:23	15:7,19 52:19	32:11,21 33:16
<b>deal</b> 46:1,14,17	34:2,4	<b>disagree</b> 10:6	<b>Dresden</b> 16:11	34:6,8,15,18
<b>dealing</b> 8:17	<b>designations</b>	<b>discharge</b> 4:15	17:18 28:3,21	35:1,12,20
<b>DEBORAH</b>	34:5	7:22 8:13 9:12	29:6 32:10	37:7,24 38:7
2:10	<b>deter</b> 30:5	<b>discharging</b>	33:8 35:19	38:21 39:1
<b>December</b> 30:24	<b>developed</b> 30:21	9:10 42:19	39:7 41:11	41:8 42:10,16
<b>decent</b> 40:19	<b>developing</b> 29:6	<b>discuss</b> 17:16	45:18,20 47:16	42:18 44:5
<b>decent-sized</b>	<b>development</b>	19:16 44:12,17	47:23 49:3	45:3 46:4
22:18	29:18	47:9 49:16	<b>drive</b> 2:12,18	47:18 48:17,20
<b>decide</b> 5:7	<b>Dexter</b> 2:14 4:4	<b>discussed</b> 19:17	3:12 36:24	49:3,18 50:15
<b>deep</b> 23:10	4:5,24 5:6,21	45:5	<b>Driver</b> 3:7 16:3	50:21 51:13,15
				<b>Elvert's</b> 5:15



<b>emergency</b> 51:9	<b>eventually</b> 11:8	<b>farm</b> 31:11	<b>food</b> 51:10	53:12
<b>employee</b> 32:3	<b>ever</b> 5:22 6:1	<b>federal</b> 29:23	<b>Force</b> 3:6 51:21	<b>global</b> 14:9
<b>Empress</b> 29:2	<b>every</b> 36:6	<b>federally</b> 29:10	<b>foregoing</b> 53:9	<b>globally</b> 14:11
<b>empty</b> 22:16,24	<b>evidence</b> 48:13	30:4	<b>foresee</b> 45:5	<b>go</b> 13:17 17:10
23:1 42:22	<b>exact</b> 7:4	<b>feel</b> 45:10 52:12	<b>form</b> 29:17	19:21 22:2,6
<b>encountered</b>	<b>exactly</b> 9:17	<b>feet</b> 8:1 23:11,12	<b>forth</b> 18:10	27:12 32:1,15
26:7	<b>except</b> 14:2 49:4	23:14,24 24:1	42:20 47:22	37:24 40:5
<b>encourage</b> 18:2	<b>exclusive</b> 26:12	24:1,2 47:10	<b>found</b> 31:17	50:4,8 51:14
28:1 45:17	<b>exhibit</b> 15:1,4,5	47:11	<b>four</b> 21:13 23:9	<b>goes</b> 39:20
46:23	16:24 17:9,10	<b>fifths</b> 47:12	24:22 26:16,19	<b>going</b> 4:8,16
<b>encourages</b>	21:19 22:1,6	<b>fight</b> 10:5	40:8 42:4	8:15,20 9:23
19:11,14	22:10,11 24:8	<b>figure</b> 6:20	47:12	10:5 22:19,23
<b>end</b> 13:18 39:6	27:21 37:15	<b>figures</b> 38:6	<b>FREDRIC</b> 2:20	23:8 26:18,19
49:20	38:15,19,20,24	<b>filed</b> 37:12	<b>freshwater</b> 13:1	35:14 37:24
<b>ended</b> 7:8	<b>exhibits</b> 14:22	<b>final</b> 49:13	<b>from</b> 4:2,7 5:2	47:6,7 52:10
<b>energy</b> 19:2	<b>existence</b> 47:10	<b>find</b> 32:22 36:20	5:11 8:1 13:14	<b>Good</b> 16:1 17:11
29:11,14,18	<b>Exon</b> 15:21	37:21	15:3 16:18	19:23
<b>enforcement</b>	16:12,13 17:15	<b>fine</b> 5:17,24	18:17 20:5,8	<b>Google</b> 40:1
31:19	17:19 18:16	29:24 52:11	23:12,15 26:2	<b>governed</b> 19:2
<b>Engineer</b> 38:12	19:11 29:20	<b>firm</b> 16:2,4	27:24 28:6	30:10
<b>Engineers</b> 38:9	31:9,16 32:11	<b>first</b> 4:12 17:1	29:3 33:1 35:6	<b>gradual</b> 49:1,4
<b>enjoy</b> 51:14	32:24 41:8	22:15 39:2	36:10,14 37:8	<b>Grand</b> 2:8
<b>enjoyment</b> 37:5	46:18 47:18	53:5	37:11 39:3,10	<b>granted</b> 31:7
<b>enough</b> 13:6	49:14,21 50:13	<b>firsthand</b> 36:23	39:12,24 40:10	<b>grayest</b> 39:5
47:14	<b>expand</b> 5:18	<b>fisherman</b> 27:22	40:24 45:13	<b>Graziano</b> 1:11
<b>ensure</b> 26:14	<b>expanding</b> 29:4	<b>fishing</b> 20:11	46:12 49:19	53:5,15
31:14	<b>expect</b> 13:11	28:18 33:7,21	<b>fuel</b> 29:17 51:10	<b>Great</b> 51:15
<b>enter</b> 14:21,24	<b>expert</b> 4:18	<b>five</b> 4:6 7:6	<b>fully</b> 25:10	<b>Greater</b> 2:21
17:5,8 21:18	<b>extent</b> 43:19	22:13 23:15,20	<b>Further</b> 44:11	<b>group</b> 14:23
38:14	<b>extremely</b> 36:21	23:22 24:22	52:22	15:1 22:6,10
<b>entire</b> 14:19	<b>Exxon</b> 16:7	27:14,23 28:9	<b>future</b> 10:15	<b>growth</b> 12:18
31:9 51:24	17:13	40:8 51:7		<b>Guard</b> 19:2
<b>Environ</b> 14:9,17		<b>fleeted</b> 39:11	<b>G</b>	30:10 31:15
<b>environment</b>	<b>F</b>	41:22 49:9	<b>G</b> 2:4	44:16
36:20	<b>F</b> 13:14	<b>fleeting</b> 22:17	<b>Garibay</b> 5:20	<b>gulf</b> 20:8 35:6
<b>Environmental</b>	<b>facilities</b> 6:12	39:15 41:16	6:5,7,8,14 7:5	<b>gurus</b> 11:5
2:4,8,12 3:6	12:6,7 19:9	42:1 45:23	7:13,19 8:6,9	
4:2,5 16:19	29:19 30:13	46:5,10	15:19	<b>H</b>
51:21	31:17 46:6	<b>foam</b> 14:1	<b>Gary</b> 2:5	<b>half</b> 46:10 48:7
<b>EPA</b> 16:18 20:1	50:12	<b>foaming</b> 12:21	<b>general</b> 14:16	<b>Halfway</b> 40:13
32:9,22	<b>facility</b> 19:2,3	13:24	45:24 46:5	<b>hand-powered</b>
<b>escorted</b> 31:12	20:23 29:11,14	<b>focus</b> 16:8	51:8	47:15
<b>especially</b> 47:13	29:15,21,22	<b>focused</b> 6:16	<b>generally</b> 34:20	<b>happy</b> 19:19
<b>estimate</b> 38:2,4	30:2,4,7,11	<b>following</b> 15:23	49:4	<b>Harbor</b> 51:6
<b>estimated</b> 38:7	31:8,16 39:11	25:14	<b>Generation</b> 15:2	<b>Harley</b> 3:4
<b>et</b> 12:21	42:8 51:2	<b>follow-up</b> 12:1	<b>generically</b> 9:19	51:19,20 52:14
<b>Europe</b> 10:20	<b>fact</b> 6:2,22 7:19	32:14 38:1	<b>Gerry</b> 52:3	<b>having</b> 35:2
<b>even</b> 23:4 31:23	<b>fairly</b> 22:19	<b>follow-ups</b>	<b>Girard</b> 2:4	<b>head</b> 45:4
<b>events</b> 25:14	<b>fall</b> 20:10,11	16:21	<b>give</b> 15:15	<b>headed</b> 42:8
	<b>far</b> 23:16,17		<b>given</b> 48:1 53:8	<b>hearing</b> 1:9,9

2:3 15:6 51:19 53:9,12 <b>heat</b> 10:10 <b>heavily</b> 18:8 33:10 41:2 45:20 <b>heavy</b> 26:3,6 <b>height</b> 23:2 <b>her</b> 51:22 53:10 <b>high</b> 25:19,20,23 <b>higher</b> 25:21 <b>hiking</b> 18:17 <b>Hill</b> 7:9 <b>him</b> 17:1 52:12 <b>Hodge</b> 3:7,10 16:2,3,4 17:6 21:21 22:4 38:16 <b>hold</b> 26:24 28:4 <b>holding</b> 11:13 <b>home</b> 51:14 <b>Homeland</b> 30:21 <b>horizontal</b> 40:15 <b>hot</b> 13:2,8 <b>hotter</b> 13:16 <b>hour</b> 1:14 <b>huge</b> 47:2 <b>human</b> 13:3 33:18	<b>immigration</b> 31:6 <b>impact</b> 9:7 <b>impacts</b> 17:16 <b>implementation</b> 6:21 <b>implications</b> 10:16,19,22 19:12 <b>impose</b> 23:3 <b>improved</b> 28:11 28:14,17 <b>improvements</b> 36:23 37:2 <b>IMT</b> 41:3 <b>IMTT</b> 46:7,8,19 47:1 <b>incident</b> 18:23 <b>incidental</b> 17:23 18:1,18 19:13 21:5 28:1 32:7 33:2,4,14,18 <b>include</b> 23:24 41:15 <b>includes</b> 31:4 <b>including</b> 29:1 31:5 <b>increase</b> 18:19 18:20 21:6 28:11,14 30:15 33:5,9 <b>increased</b> 18:2 19:3,5,8 21:8 26:9 28:2,24 30:18 35:18 43:12 45:17,18 <b>increases</b> 48:10 <b>indicated</b> 6:15 51:22 52:1 <b>individual</b> 22:1 <b>individually</b> 22:3 49:14 <b>industrial</b> 14:9 36:18 <b>industries</b> 6:23 7:7 <b>industry</b> 10:15 25:15 45:11 <b>influent</b> 13:12	<b>information</b> 27:16 28:6 36:10 51:3 <b>Ingelman</b> 52:3 <b>ingesting</b> 33:19 <b>insure</b> 31:2 <b>intelligence</b> 31:5 <b>intent</b> 30:6 <b>interested</b> 19:15 36:11 <b>intersect</b> 49:24 <b>introductory</b> 5:10 <b>intrusion</b> 25:17 <b>invited</b> 45:14 <b>involved</b> 29:15 <b>Island</b> 17:18 28:3,21 32:10 33:8 35:19 41:11 47:17,23 49:3 <b>islands</b> 47:13 <b>Isle</b> 16:11 <b>issue</b> 7:20 <b>issues</b> 9:20 19:16 44:9,17 45:4 46:1,15 49:23 <b>I-55</b> 20:5,17 22:15 26:22 28:23 32:20 39:4,6,12 40:2 41:5 46:9,13 49:7 50:14 51:5	<b>just</b> 4:6,10 6:15 9:21 10:6 11:3 14:3,22,24 15:15 22:7,13 26:17 27:10,11 32:2,21,21 37:16 40:20,20 46:6,8,13,15 47:2 49:7 50:10 51:5 52:11	<b>least</b> 12:3 22:24 23:10,14 40:3 41:19 50:24 <b>leave</b> 15:10 <b>left-hand</b> 22:9 <b>left-hand-side</b> 39:5 <b>legal</b> 3:2 10:19 10:21 35:10 <b>Lemont</b> 39:17 41:4 <b>length</b> 38:3 <b>let</b> 5:6,12 37:16 <b>letter</b> 31:19 44:6 <b>letters</b> 44:10 <b>let's</b> 17:1,4 22:2 22:6 42:2 <b>level</b> 30:15 <b>levels</b> 11:14 <b>liability</b> 42:14 <b>License</b> 53:17 <b>like</b> 5:2 16:23 21:18 22:13 37:10 38:22 42:24 47:3 <b>likely</b> 21:6 28:17 <b>LIMITATIONS</b> 1:4 <b>limited</b> 18:13 25:22 33:22 43:20 <b>limits</b> 12:10 14:1 <b>Lin</b> 2:6 15:7 <b>liner</b> 10:18 <b>lines</b> 47:22 <b>literally</b> 47:2 51:5 <b>little</b> 39:13 <b>lives</b> 52:15 <b>LLP</b> 2:17 3:12 <b>loaded</b> 12:22 41:24 <b>loading</b> 42:18 <b>local</b> 36:18 <b>locally</b> 52:15 <b>located</b> 16:12 17:20,23 18:8 19:7,10 33:1 41:11 46:8
<hr/> <b>I</b> <hr/> <b>identification</b> 30:19 <b>IEPA</b> 19:22 32:18 34:2 44:7 49:24 <b>ignore</b> 43:21 <b>IL</b> 2:19 <b>Ill</b> 1:6 <b>Illinois</b> 1:1,12 1:13 2:2,8,9,13 3:3,9,13 7:16 16:18 17:14 20:1 24:23 29:8 32:9,22 36:15 38:9 39:14 46:11 53:1,16 <b>illustrate</b> 48:5 <b>images</b> 48:4	<hr/> <b>J</b> <hr/> <b>Jessica</b> 2:14 4:4 <b>jet</b> 20:7 33:7 42:13 <b>Johnson</b> 2:6 42:7,12,17 <b>Joliet</b> 16:12 17:19 20:4,12 20:16 26:18,20 29:21 30:9 31:9 32:24 39:8,16 41:10 49:5 50:22 <b>June</b> 26:8	<hr/> <b>K</b> <hr/> <b>Kadlee</b> 11:3 <b>KATHERINE</b> 3:10 <b>Kathy</b> 16:3 <b>Kayakers</b> 35:22 <b>kayaking</b> 33:6 36:9 <b>Keith</b> 3:4 51:20 <b>kind</b> 25:5 34:17 42:24 <b>know</b> 4:12 5:19 5:20 6:22 7:10 8:3 11:12,15 11:16 22:5 39:3 44:21,24 45:24 46:2 52:14 <b>knowledge</b> 5:2,2 5:16 10:23 <b>known</b> 30:20 <b>K-a-d-l-e-e</b> 11:3	<hr/> <b>L</b> <hr/> <b>Lake</b> 20:9 36:3,8 <b>land</b> 7:11,14,21 <b>large</b> 20:8 35:5 <b>LaSalle</b> 1:13 53:16 <b>later</b> 16:15 <b>launch</b> 50:23 <b>launches</b> 50:17 <b>Laura</b> 52:4 <b>law</b> 2:12 4:2,5 16:2,4,19 <b>leader</b> 14:9 <b>leak</b> 10:16,18 <b>lease</b> 7:21	

<b>Lochs</b> 27:10,11	<b>Marine</b> 24:23 39:14 46:11	<b>might</b> 6:21 9:13 9:20	15:20 23:6 38:5 47:1	<b>number</b> 15:16 19:5 20:2 21:6 22:13 23:5,9 23:20 24:14,15 26:19 27:14 37:15,15,18 38:11,22 39:5 39:24 42:23 46:5,14,21 48:4,10
<b>Lockport</b> 7:9	<b>Maritime</b> 30:14	<b>mile</b> 7:2 28:22 46:10 48:7	<b>multiple</b> 18:11 48:8	<b>numbered</b> 22:9
<b>long</b> 23:12,12,15 23:22,24 24:2 48:7	<b>marker</b> 28:23 51:6	<b>miles</b> 7:6,6 27:2 50:24 51:7	<b>multiply</b> 42:3	<b>numbers</b> 21:23 38:10 45:19
<b>look</b> 4:21 6:22 22:14 38:22 40:8	<b>materials</b> 5:10	<b>Millsdale</b> 6:13 7:12 8:4	<b>municipalities</b> 44:16	<b>N-505</b> 1:13
<b>looking</b> 5:9 6:16 6:19 7:8,20 23:23 24:16 40:22	<b>matter</b> 1:3 7:19	<b>minimal</b> 33:20 42:5	<b>must</b> 26:2	
<b>lot</b> 40:1,23	<b>may</b> 1:2 5:10 15:11 24:3 25:10 41:17 43:21 45:19 46:19,20 50:15	<b>minimum</b> 42:3 42:10	<b>mutually</b> 26:12	
<b>lower</b> 1:5 16:10 17:18 18:3,6 19:10,13,17 20:12,22 21:4 21:7,10,17 27:3,5,12 28:5 28:7,22 32:23 33:3,11 36:4 36:13 37:4 38:4,8 39:6,6 39:19 41:12 44:13,19 45:9 47:24 49:6,9 49:20	<b>maybe</b> 24:11	<b>mixing</b> 5:22 6:2 6:6,9	<hr/> <b>N</b> <hr/>	
<b>M</b>	<b>MAYER</b> 3:12	<b>Mobil</b> 15:21 16:7,13 17:14 17:15 19:11 29:21 31:9,16 32:11,24 46:18 49:14,21 50:14	<b>N</b> 2:1 3:1	
<b>Madam</b> 15:6 51:19	<b>mean</b> 4:18 10:5 13:10 34:20 40:20 46:23	<b>Mobil's</b> 16:12 17:19 18:16 41:8 47:19	<b>name</b> 17:11 19:23	
<b>made</b> 25:15	<b>means</b> 10:17,18 29:14 33:17 50:16 51:14	<b>Monica</b> 3:10 16:1	<b>nature</b> 43:8	
<b>maintain</b> 32:12	<b>measures</b> 25:17 26:13	<b>monitored</b> 26:2	<b>NAUGHT</b> 52:22	<b>oath</b> 53:6
<b>major</b> 36:24 45:5	<b>medium</b> 11:8	<b>month</b> 46:20	<b>navigate</b> 45:21	<b>object</b> 4:16 5:4 8:15
<b>make</b> 4:8 31:22 52:6	<b>meet</b> 4:20 19:15 49:14	<b>Moore</b> 2:5	<b>navigated</b> 33:10	<b>objection</b> 8:21 9:24 15:2,4 17:7 22:8,11 38:18
<b>making</b> 42:21	<b>meeting</b> 44:19	<b>more</b> 9:19 13:22 34:6 35:2,5 40:1,14 42:5 49:1,4 50:1 52:6	<b>navigational</b> 23:16	<b>objections</b> 35:21
<b>managed</b> 26:14	<b>meetings</b> 44:12 44:14,20,22 45:1,8,13	<b>morning</b> 9:1,18 51:17 52:19	<b>near</b> 7:24 18:4 20:4,12,16 50:13	<b>observed</b> 20:4,6 20:16
<b>maneuver</b> 18:14 25:22 43:21	<b>Member</b> 2:5,5,6 2:6	<b>most</b> 14:1 23:13 28:17 29:6 43:3 50:4	<b>necessarily</b> 32:4	<b>OCPFS</b> 12:6,7
<b>maneuvering</b> 40:11 42:18	<b>members</b> 8:11 19:4 36:1,5 37:4	<b>motor</b> 20:6 22:18	<b>necessary</b> 26:13	<b>October</b> 52:2,8
<b>Manufacturing</b> 44:8	<b>mentioned</b> 48:14	<b>move</b> 15:20 42:22	<b>need</b> 11:8 51:23	<b>off</b> 24:11,22 45:3 52:12
<b>many</b> 8:4 36:16 42:7,8	<b>met</b> 44:16	<b>movement</b> 18:9 42:19 47:21	<b>needs</b> 31:12	<b>offer</b> 16:23 36:17
<b>map</b> 38:10	<b>methods</b> 14:2	<b>movements</b> 25:5	<b>Neither</b> 51:4	<b>office</b> 2:9 3:8 37:17
<b>Marie</b> 1:10 2:3	<b>Metropolitan</b> 2:21 16:20	<b>moving</b> 37:23	<b>Network</b> 2:16	<b>Officer</b> 1:10 2:3 15:7 51:20
<b>Marina</b> 51:4,7	<b>Mexico</b> 20:9 35:7	<b>MPDS</b> 6:19	<b>never</b> 6:6,9	<b>often</b> 18:12
	<b>Michigan</b> 20:9 36:8	<b>MTSA</b> 31:8	<b>new</b> 34:7	<b>Oh</b> 6:8 8:9
	<b>middle</b> 23:17 39:23 40:19	<b>much</b> 10:24	<b>next</b> 23:5 50:4	<b>Oil</b> 16:7
	<b>Midwest</b> 14:16 15:2 16:6 17:13		<b>nine</b> 6:23 7:7 35:15	<b>okay</b> 7:18 8:3 12:11 13:15 14:3 21:20 22:4 24:13 37:20,20 38:17 42:17
			<b>Nineteen</b> 48:18	<b>once</b> 52:13
			<b>nitrogen</b> 8:13 9:1 10:2,10 11:6,10	<b>one</b> 4:12 11:5 12:1,3,3 14:11 20:2 22:10,13 22:15 24:14,15
			<b>none</b> 17:9 38:19	
			<b>normally</b> 23:10 32:1 41:18	
			<b>north</b> 1:13 2:8 2:18 24:16 27:10 36:3 49:11 50:24	
			<b>northeast</b> 29:8	
			<b>Notary</b> 53:21	
			<b>notes</b> 53:10	
			<b>notice</b> 31:20	
			<b>notify</b> 30:3	

24:21 27:20 31:12,17 32:21 39:2,5,11,13 39:16,16,17,21 40:14,15 41:3 45:7 46:5,20 49:13 50:10 <b>ones</b> 4:7 6:24 <b>only</b> 19:8 31:2 50:22 52:3 <b>onto</b> 31:23 <b>on-line</b> 38:13 <b>open</b> 12:4 <b>opens</b> 10:18 <b>operate</b> 41:13 <b>operated</b> 29:3 <b>operating</b> 25:12 25:18,19 48:8 <b>operation</b> 25:9 <b>operations</b> 22:18 41:15 43:9 45:23 46:5 48:2 <b>operator</b> 25:4 <b>opinion</b> 35:10 <b>opportunities</b> 29:4 <b>order</b> 28:18 43:2 <b>organize</b> 36:2 <b>original</b> 30:22 <b>other</b> 4:10 6:11 6:19 11:23 15:18 19:9 27:19 31:20 36:19 47:14 48:13,13 51:5 51:12 52:17 <b>out</b> 6:20 10:20 11:8,9 12:23 23:2 40:7,18 42:1 45:21 48:9 <b>outcome</b> 44:22 44:24 <b>outside</b> 27:11 <b>out-of-town</b> 36:10 <b>over</b> 14:10 23:23 35:14 41:20	<b>overall</b> 28:20 <b>overwhelmed</b> 48:16 <b>own</b> 37:5 <b>owned</b> 7:16 <b>oxygen</b> 8:18,19 9:4,8,13,20 10:4 <hr/> <b>P</b> <hr/> <b>P</b> 2:1,1 3:1,1 <b>paddle</b> 37:4 <b>paddled</b> 36:6 <b>paddlers</b> 36:11 36:17,19 <b>paddles</b> 36:2 <b>paddling</b> 36:11 36:13,20 <b>Page</b> 29:9 30:8 45:15 47:8 <b>panel</b> 52:5 <b>parallel</b> 40:14 <b>parameters</b> 9:14 <b>park</b> 41:16 <b>part</b> 22:17 27:3 30:5,18 39:8,9 40:9 <b>particularly</b> 24:7 25:20 <b>parties</b> 19:15 <b>Parts</b> 1:6 <b>pass</b> 18:12 31:23 <b>passing</b> 40:3 <b>pass-through</b> 35:2,5 <b>past</b> 39:13 <b>path</b> 47:12 <b>pathogens</b> 10:9 10:24 11:4,6 11:14 <b>penalties</b> 31:21 <b>people</b> 8:4,10 19:5 35:17 52:17 <b>per</b> 39:20 <b>perception</b> 28:15 <b>perimeter</b> 29:22 <b>periodic</b> 47:9 <b>permits</b> 6:20	<b>person</b> 30:1 <b>personal</b> 5:2 35:8 <b>personnel</b> 31:2 <b>perspective</b> 45:13 <b>pertains</b> 51:1 <b>petitioners</b> 36:22 <b>phonetic</b> 51:18 52:4,4 <b>phosphorous</b> 11:7,11 <b>phosphorus</b> 8:13 9:1 10:3,9 <b>photo</b> 23:5 <b>photographs</b> 21:22 39:2 48:13 <b>photos</b> 21:14,16 22:12 <b>picture</b> 22:22 23:22 24:13,15 26:16 27:13 39:13,18,21,23 40:22 42:23 48:9 <b>pictures</b> 22:8 24:5,7,20,23 38:22 43:7 48:3,4 <b>pillars</b> 47:3 <b>pilots</b> 43:15 <b>pipe</b> 7:22 8:1 <b>placed</b> 45:19 <b>Plaines</b> 1:5 6:3 8:14 16:10 17:19 18:3,7 19:10,14,17 20:12,22 21:5 21:7,10,18 27:4,5,12 28:5 28:8 32:13,20 33:3,11 36:4 36:14 37:4 38:5,8 39:7,20 41:12 44:13,19 45:9 47:24 49:6,9,20	<b>Plains</b> 32:24 <b>plant</b> 6:13 7:12 7:15,23 8:5 11:7 12:20,24 14:12 <b>plants</b> 6:23 7:7 14:5 <b>plastic</b> 10:17 <b>please</b> 20:23 21:12 41:6 <b>pleasure</b> 26:1,6 <b>point</b> 22:14 39:6 40:7,18 50:20 <b>pointed</b> 48:9 <b>Policy</b> 2:12 4:3,5 16:19 <b>POLLUTION</b> 1:1 2:2 <b>pool</b> 16:11 17:18 27:6,8 28:3,21 28:22 29:7 32:10 33:8 35:19 39:7 41:12 45:18,20 47:11,17,23 48:16,23 49:4 <b>poor</b> 23:21 <b>portion</b> 18:6 33:11 <b>pose</b> 21:8 <b>posed</b> 18:20 <b>poses</b> 19:7 <b>positive</b> 28:18 <b>possible</b> 18:13 33:5 43:19 <b>possibly</b> 48:6 <b>post</b> 2:9 3:8 14:6 <b>posted</b> 30:3 <b>potential</b> 12:21 17:16 25:7,8 25:11 28:24 29:5,6 48:10 <b>POTWs</b> 7:8 <b>power</b> 6:23 7:7 33:7 40:19 <b>Prairie</b> 2:15 <b>preceding</b> 37:8 <b>prepare</b> 4:19 <b>prepared</b> 52:5	<b>presents</b> 43:11 <b>prevent</b> 12:18 12:18 25:17 <b>pre-filed</b> 4:8 16:18,21 17:5 17:8 19:20 20:2 45:16 47:9 48:15,21 <b>primarily</b> 26:8 45:11 <b>primary</b> 34:23 34:24 41:4 <b>prior</b> 14:4 <b>probability</b> 33:19 <b>probably</b> 7:5 42:5 <b>problems</b> 13:23 <b>proceedings</b> 1:8 15:24 49:16 53:8,12 <b>process</b> 9:9 13:9 13:19 44:18 49:19 <b>production</b> 12:9 29:15 <b>production-re...</b> 12:14 <b>properly</b> 26:14 <b>proportionately</b> 18:20 <b>proposal</b> 4:20 32:18,22 44:4 <b>propose</b> 32:9,11 34:7 <b>proposed</b> 1:6 16:9,14 17:17 18:23 19:12 32:8 34:3 35:21 <b>proposes</b> 17:21 <b>protected</b> 19:1 29:11 30:4 <b>PROTECTION</b> 2:8 <b>provide</b> 16:13 51:3,9 <b>provided</b> 14:15 14:17,20
---	--	--	--	---

<b>provides</b> 28:22	<b>quotes</b> 45:17	32:19 33:2,6	<b>remind</b> 51:17	21:11 25:6,21
<b>providing</b> 44:9	<b>quoting</b> 37:11	33:10,17,22	<b>repeat</b> 14:4	26:9,14 43:12
<b>proximity</b> 25:12		34:9 35:4,18	<b>report</b> 1:8 4:19	43:23 48:11
26:22	<b>R</b>	36:19 37:1	14:19	<b>risks</b> 25:11
<b>public</b> 15:16	<b>R</b> 2:1 3:1	41:9 43:11,15	<b>reported</b> 53:8	43:17
30:3 37:14,18	<b>raised</b> 44:9	43:21 45:19	<b>reporter</b> 1:11	<b>river</b> 1:5 4:14,23
37:22 53:21	49:21	46:24 47:20	53:6	7:15,24 8:2,14
<b>punishable</b>	<b>raises</b> 18:4,24	48:11 49:17,22	<b>reports</b> 14:20	16:10 17:19,22
29:24	<b>range</b> 7:3 13:11	50:13,19 51:2	15:3 27:17	18:4,7,10,11
<b>punishment</b>	23:12	<b>red</b> 40:6,16,21	<b>represent</b> 20:22	19:6,10,14,17
30:1	<b>Rao</b> 2:4	<b>redesignate</b>	21:11	20:12,22 21:5
<b>purely</b> 6:16	<b>rather</b> 47:2	32:23	<b>represented</b>	21:7,11,18
<b>purpose</b> 31:1	<b>reading</b> 34:11	<b>refer</b> 22:13	25:8	23:4,17 24:17
<b>purposes</b> 17:24	37:8	<b>referenced</b>	<b>request</b> 14:15	27:5 28:5,8
29:13	<b>ready</b> 4:1	48:20	<b>requests</b> 36:10	32:13,20,24
<b>pursue</b> 10:12	<b>reasons</b> 10:13	<b>refinery</b> 16:12	<b>require</b> 31:11	33:3,11 36:2,3
<b>pushed</b> 30:24	<b>Rebecca</b> 1:10	17:20,22 18:4	<b>required</b> 30:15	36:4,12,14,15
<b>pushing</b> 40:17	53:5,15	18:7 19:1,7,9	<b>requires</b> 29:21	37:4 38:5,8
<b>put</b> 10:21 52:12	<b>recall</b> 9:17	20:4,13,16	<b>research</b> 29:18	39:20 40:12
<b>p.m</b> 1:14	<b>receive</b> 31:18	29:21 30:10	<b>reserves</b> 16:13	41:12,22 42:20
	46:19,20	31:23 32:3	<b>residual</b> 15:8	43:5 44:13
<b>Q</b>	<b>received</b> 31:16	33:1 39:8 40:4	<b>resort</b> 29:3	45:12 47:24
<b>quality</b> 1:4 4:21	37:17	41:11 46:17,18	<b>respect</b> 45:1	48:1,6 49:7,10
6:4 16:15	<b>receives</b> 36:9	49:5 50:14	<b>respondents</b>	49:12,21 50:19
28:11,14,16	<b>recent</b> 36:5	<b>regard</b> 12:5	28:12	<b>rivers</b> 2:15 44:7
36:23	<b>recently</b> 7:11	43:23	<b>response</b> 6:18	49:24
<b>quantities</b> 33:20	<b>recirculated</b>	<b>regarding</b> 16:21	14:14 28:12,18	<b>Robert</b> 17:8
<b>question</b> 4:17,24	12:17	19:20 28:7	45:7	<b>Roland</b> 3:8
5:1,4 10:4 12:2	<b>Reclamation</b>	<b>regardless</b> 26:1	<b>responses</b> 44:9	<b>Romeville</b>
15:8 20:2,14	2:21 16:20	<b>regards</b> 46:4	<b>responsibility</b>	50:23
20:20 21:13	<b>recommend</b>	<b>region</b> 16:7	43:22	<b>room</b> 1:13 38:5
27:23 28:9	10:14 11:6	17:13 37:2	<b>restricted</b> 31:10	<b>roughly</b> 13:10
29:9 30:8 32:6	<b>record</b> 16:17,24	<b>regularly</b> 8:4	<b>restrictions</b> 43:5	<b>routine</b> 48:7
35:15 38:1	27:20 31:6	36:9	<b>result</b> 26:3	<b>routinely</b> 49:8
41:6 43:24	35:16 51:20	<b>Regulated</b> 30:13	48:19,22	<b>row</b> 20:7
44:2 45:15	<b>recreate</b> 19:6	<b>regulators</b> 25:15	<b>resulting</b> 43:16	<b>rowers</b> 36:19
46:4 47:7	<b>recreation</b> 18:17	<b>regulatory</b> 16:6	<b>reviewing</b> 44:6	<b>rule</b> 35:21
48:12 49:13	29:1 34:21,23	17:12	<b>right</b> 4:4 5:14,21	<b>rulemaking</b> 1:5
50:11	34:24	<b>relate</b> 10:3	8:7 9:5 10:8	34:22 36:7
<b>questions</b> 4:2,7	<b>recreational</b>	<b>related</b> 9:14	15:14 16:13	37:13
4:10,11 11:19	4:13,22 17:17	31:11	17:4 22:15	<b>run</b> 7:21
11:24 12:3	17:24 18:2,14	<b>relating</b> 29:19	24:18 27:4	<b>R08-9</b> 1:4
14:14 15:19	18:19,21 20:3	<b>relevance</b> 10:1	43:1,1,1 51:13	
16:18 19:19	20:15,21 21:3	<b>relevant</b> 9:15	52:3,18	<b>S</b>
20:1-24:4,5	21:6,10,12	<b>remaining</b> 4:7	<b>Rios</b> 3:10 16:1,2	<b>S</b> 2:1 3:1 17:9
50:2,5,7 51:13	23:18 25:4,10	<b>remember</b> 6:7	21:16 37:10,16	<b>safely</b> 18:15
<b>quickly</b> 22:19	25:18 26:7,9	8:24	37:23 38:14	<b>safety</b> 18:4,22
<b>quite</b> 13:21	26:11 28:2,7	<b>remembering</b>	<b>risk</b> 18:20 19:8	19:16 21:11
46:22 48:1	28:10,13,16,24	5:11,15	20:23 21:2,8	23:7,17 26:13
<b>quote</b> 28:15 36:7	29:4,5,7 32:8			33:9 41:7,9

42:13 43:16 44:6,12,17,20 44:22 45:1 46:1,15 47:19 49:22 <b>sailboats</b> 20:8 35:6 <b>SAITH</b> 52:22 <b>sale</b> 7:17 <b>same</b> 18:12 20:19 23:6 27:13 52:16 <b>satellite</b> 43:7 48:4 <b>saying</b> 10:7 <b>says</b> 36:1 37:16 53:6 <b>scaling</b> 12:18 <b>schedule</b> 44:11 <b>Scientist</b> 2:4 <b>scientists</b> 10:3 <b>scope</b> 4:18 5:5 8:16 9:21 <b>sea</b> 35:22 36:9 <b>second</b> 4:14 22:22 27:1 28:4 32:21 36:8 <b>secondary</b> 18:18 27:24 32:12 33:1,14 34:5 34:12,14,19,23 35:1,9,10 <b>section</b> 29:14,20 <b>sector</b> 36:18 <b>secure</b> 25:9 31:8 31:13 <b>secured</b> 30:17 49:10 <b>security</b> 18:5,24 19:4,8,16 20:22 21:2,8 25:7,16,24 30:14,15,18,22 31:3 43:17 44:12,17,20 46:1,15 49:23 <b>see</b> 9:24 23:2,19 37:16 39:4,8	39:10,18,21 40:1,2,8,9,10 40:13,23 42:23 49:11 <b>Seeing</b> 15:4 17:9 22:11 38:19 <b>seen</b> 14:11 43:6 <b>segment</b> 6:3 7:21 16:10 17:22 18:2 33:8 47:23 <b>seldom</b> 10:14 <b>Senior</b> 2:4 <b>sense</b> 4:9 34:16 <b>sent</b> 44:7 <b>separate</b> 14:21 15:3 <b>September</b> 30:23 <b>series</b> 21:16 <b>seven</b> 21:22 22:10 27:2 30:8 38:23 39:24 42:23 43:7 48:5,10 <b>Seventeen</b> 47:8 <b>several</b> 10:13 35:24 40:7 <b>sewer</b> 12:23 <b>sheets</b> 6:22 <b>shift</b> 52:7 <b>shifting</b> 42:6,19 <b>ship</b> 43:2 <b>shore</b> 24:12 36:4 47:22 <b>shoreline</b> 33:23 <b>shorthand</b> 1:11 53:8,10 <b>show</b> 38:5 <b>Shundar</b> 2:6 <b>side</b> 48:24 51:5,6 <b>sides</b> 23:4 39:19 48:6 <b>sidestream</b> 47:14 <b>Sierra</b> 2:16 <b>signage</b> 29:22 <b>significantly</b> 13:16	<b>signs</b> 29:23 30:3 <b>similar</b> 47:5 50:18 <b>simple</b> 5:17 <b>simultaneously</b> 48:9 <b>since</b> 45:20 <b>single</b> 14:11 21:24 <b>sit</b> 47:4 <b>site</b> 12:10 <b>six</b> 23:1 29:9 38:22 39:5 40:4 43:7 48:4 <b>size</b> 40:19 46:16 <b>sizes</b> 20:7 <b>skiers</b> 42:13 <b>skip</b> 35:14 47:7 <b>skis</b> 20:7 33:7 <b>slips</b> 51:10 <b>small</b> 33:21 34:8 34:13 35:4 48:15 <b>smaller</b> 47:1 <b>some</b> 4:11 21:14 23:19 24:4 40:19 43:4 49:5 <b>someone</b> 5:11 <b>something</b> 5:12 <b>somewhat</b> 22:20 <b>sorry</b> 5:14 6:8 8:10,11 25:2,3 26:18 27:7 44:23 <b>sort</b> 7:3 10:24 <b>source</b> 29:17 <b>south</b> 3:12 26:18 40:20 46:8 49:6 53:16 <b>Southeast</b> 3:5 51:21 <b>Southwest</b> 37:3 <b>space</b> 18:14 47:14 <b>specific</b> 34:6 <b>specifically</b> 20:10,19 38:10 <b>speed</b> 25:19,23	<b>spoke</b> 52:1 <b>sporadic</b> 4:11 <b>spread</b> 13:4 <b>spring</b> 20:11 <b>Springfield</b> 2:9 3:9 <b>square</b> 39:22 <b>SS</b> 53:1 <b>staff</b> 49:15 <b>stakeholders</b> 19:18 44:14,15 44:18 49:19 <b>standards</b> 1:4 4:21 6:4,17,21 16:15 34:13 <b>start</b> 51:17 <b>state</b> 1:12 16:6 17:12 20:23 21:12 25:9 29:23 41:6 45:16 48:21 53:1 <b>stated</b> 18:24 47:18 <b>statement</b> 16:16 31:22 35:20 37:11 <b>status</b> 31:7 <b>Stefanie</b> 2:10 19:24 <b>Stepan</b> 5:22 6:1 6:5,9,12 7:11 7:13 8:12 <b>stepping</b> 24:4 <b>steps</b> 25:16 31:19 <b>still</b> 15:9 27:3 <b>storage</b> 29:16 <b>straight-walled</b> 48:24 <b>Street</b> 1:13 3:3 53:16 <b>strengthen</b> 25:16 <b>stretch</b> 18:3 19:6 32:23 <b>stretches</b> 36:16 <b>strike</b> 35:15 43:24 44:23	47:6 <b>strong</b> 28:16 <b>structured</b> 10:17 <b>studied</b> 5:3 <b>studies</b> 14:16 <b>subject</b> 19:3 36:6 <b>submit</b> 15:12 <b>SUBSCRIBED</b> 53:19 <b>subsequently</b> 18:19 <b>substantial</b> 51:23 <b>successfully</b> 31:3 <b>suitable</b> 13:3 <b>Suite</b> 2:13,18 53:16 <b>summertime</b> 20:10 <b>support</b> 35:21 37:11 <b>supporting</b> 32:7 <b>suppose</b> 14:21 <b>sure</b> 9:24 11:2 15:13 21:23 46:22 <b>survey</b> 28:6,9 <b>sustain</b> 8:20 9:24 <b>swear</b> 17:1 <b>swimming</b> 28:19 34:24 <b>switch</b> 52:2 <b>sworn</b> 17:3 53:6 53:19 <b>system</b> 1:5 14:6
<b>T</b>				
T 3:10 <b>take</b> 35:9 38:22 40:24 42:2 52:10 <b>taken</b> 1:10 10:20 15:22 24:8,22 26:16 43:18 53:11 <b>takes</b> 40:11				

<b>taking</b> 11:9 53:9	39:1 50:1	47:24 49:18	<b>Transfer</b> 39:14	<b>unaware</b> 43:22
<b>talk</b> 34:20	51:11,16 52:21	<b>time</b> 11:13 16:15	<b>transferring</b>	<b>under</b> 29:20
<b>talked</b> 27:17	<b>their</b> 5:5,16 7:14	18:12 22:14	11:7,10	30:14 34:19
34:22 46:6	7:22,22 9:12	23:13 38:21	<b>transit</b> 20:8	<b>understand</b>
<b>talking</b> 23:14	9:22 14:18	41:1 51:24	<b>transiting</b> 42:20	11:19 36:22
41:19 42:4	24:24 26:1	<b>times</b> 18:13	<b>transmission</b>	<b>understanding</b>
50:21	37:5 46:10,24	<b>Tipsoord</b> 1:10 2:3	29:16	32:18 33:13
<b>tank</b> 8:2 31:11	47:1	4:1 5:9 6:7	<b>transportation</b>	<b>underway</b> 25:13
<b>Tanner</b> 2:4	<b>theirs</b> 47:5	8:20 9:2,5,7,23	30:14,19	<b>unescorted</b>
<b>tap</b> 12:16	<b>themselves</b>	11:18,23 14:24	<b>travel</b> 14:10,10	30:16
<b>task</b> 3:6 6:15	43:12	15:13,15,18	<b>traveled</b> 41:3	<b>union</b> 8:10
51:21	<b>theoretically</b>	17:1,4,7 19:21	<b>traveling</b> 51:23	<b>unique</b> 36:17
<b>technologies</b>	13:17	21:20,24 22:2	52:16	<b>unloaded</b> 41:24
4:19 6:17	<b>thereto</b> 29:19	22:5 24:3,13	<b>treated</b> 12:24	<b>unnecessary</b>
<b>tell</b> 22:19 26:15	<b>thing</b> 35:5	24:18 32:15	<b>treatment</b> 6:16	25:6
38:6	<b>things</b> 12:4 40:7	37:7,14,20	7:15,23 10:9	<b>unquote</b> 28:15
<b>temperature</b>	50:18 52:6	38:17,24 50:3	11:2 12:20,24	36:7
8:18 13:2,5,5,7	<b>think</b> 4:1,6 5:15	50:8 51:12,16	13:18 14:6	<b>unwanted</b> 25:6
<b>temperatures</b>	7:24 9:2,6,9,15	52:9,18	<b>trees</b> 47:13	25:17
13:11	9:21 12:2	<b>today</b> 15:10 16:5	<b>trespassers</b> 30:5	<b>upper</b> 16:11
<b>temporarily</b>	14:24 15:7	17:15	<b>true</b> 53:10	17:18 22:9
40:5 41:17	22:7 23:1	<b>tomorrow</b> 51:17	<b>try</b> 5:7	28:2,21 30:5
<b>ten</b> 7:6 29:24	26:24 28:10	51:24 52:19,21	<b>trying</b> 6:20	32:10 33:8
35:16 50:24	34:18 35:1	<b>top</b> 45:3	<b>Tuesday</b> 40:3	35:18 39:7
<b>term</b> 29:10,12	44:2 50:3	<b>total</b> 15:8	<b>tug</b> 18:8 23:9	40:9 41:11
29:14 30:12	<b>Thomas</b> 2:6	<b>touches</b> 42:4,4	24:1 25:5,12	47:16 49:3
<b>terminal</b> 46:11	3:13 52:10,20	<b>tow</b> 22:23 23:6	27:12 39:22	<b>upstream</b> 7:1,4
46:12	<b>THORNBURG</b>	23:22 26:2	40:9,10,17	20:5 27:3,4
<b>terminals</b> 39:14	2:17	42:21	47:21	43:3 46:13
41:4	<b>though</b> 9:12	<b>toward</b> 40:2	<b>tugs</b> 18:15 23:18	<b>usage</b> 46:18,24
<b>terms</b> 9:19 14:13	31:23	<b>towboat</b> 25:22	40:8,14 48:8	<b>use</b> 4:13 12:5
34:21,22	<b>thought</b> 9:19	26:4 43:14,18	<b>TWIC</b> 30:20	16:9 17:17,24
<b>terrorism</b> 31:5	14:22	<b>Towboats</b> 41:13	31:1,11,24	18:3,17,19
<b>testify</b> 35:17	<b>threat</b> 31:3	<b>tower</b> 13:18,23	<b>two</b> 6:23 7:6	26:7 27:24
52:5	<b>three</b> 15:3,3	14:6	20:14 23:10,15	28:2,7,10,13
<b>testimony</b> 4:18	20:20 22:22,24	<b>towers</b> 12:6,7,13	23:21 38:16	28:24 29:10
5:5,12,15 8:17	22:24 23:5,9	12:15 13:1,3,8	39:20 40:14	32:8,12 33:2,6
8:24 9:11,18	23:13,23 24:21	13:10,13	41:19 42:10	33:14,15 34:12
9:22 14:4 16:8	39:14,20 40:3	<b>Towing</b> 24:23	45:9 46:6,14	34:17,19 39:15
16:14,22,24	41:4 42:3 44:7	<b>tows</b> 24:24 43:1	46:19,20 48:5	39:19 41:3
17:5,8 19:1,20	46:21 47:3	<b>traffic</b> 18:21	<b>type</b> 12:11 20:19	45:17,24 46:3
29:10 30:9	49:23	21:17 25:20	35:4	46:6,22 49:22
37:8,21 38:2	<b>through</b> 7:22	26:3,10,11,12	<b>types</b> 10:19	51:8
45:16 47:9	18:12 20:9	43:11,13 45:10	50:18	<b>used</b> 4:20,22
48:15,21	22:10,13 24:21	45:11	<b>T-W-I-C</b> 30:20	11:1 38:10
<b>text</b> 14:15,17,19	26:8,18,19	<b>trafficked</b> 18:8	<hr/>	45:21
<b>Thank</b> 5:21	27:12 35:6	<b>tragic</b> 25:14	<b>U</b>	<b>user</b> 21:12
11:18 15:17,20	49:20,23	<b>train</b> 42:24	<b>UAA</b> 28:5	<b>users</b> 18:14,21
24:18 35:13	<b>throughout</b>	<b>transcript</b> 53:10	<b>unannounced</b>	21:7 33:10
			31:15	

41:9 45:19 47:20 <b>uses</b> 20:3,15,21 21:3,10 28:16 34:7,14 35:18 39:15 49:17 <b>USGS</b> 39:3 <b>usually</b> 41:21 <b>U.S</b> 30:10 31:14 44:16	<b>water</b> 1:4,5 2:21 4:20 6:4 12:12 12:15,16,16,19 13:12 16:14,20 23:3 24:9 28:11,14,15 33:18,20 35:3 36:23 <b>watercraft</b> 47:15 <b>waters</b> 13:2,16 13:20 43:6 45:24 46:3,6 46:22 51:8 <b>waterway</b> 1:5 36:6,24 38:9 38:12 47:13 <b>waterways</b> 36:8 36:16 <b>wave</b> 40:10 <b>way</b> 4:17,17 30:7 43:3 <b>weather</b> 43:10 <b>website</b> 24:22 <b>week</b> 46:20 <b>weight</b> 49:2 <b>well</b> 18:10 22:7 23:18 27:9 41:9 42:15 47:23 48:6 49:23 52:18 <b>were</b> 4:18 6:20 8:17 10:21 15:24 24:22 40:4 45:1,4 48:22 <b>wet</b> 13:5 <b>wetland</b> 10:9,17 11:2 <b>wetlands</b> 10:14 10:23 11:6,13 <b>we'll</b> 14:24 15:2 15:15,20 17:2 17:8 19:21 22:8 50:8 <b>we're</b> 4:1,16 15:9 52:20,21 <b>we've</b> 10:13 14:15,20 52:12	<b>wharf</b> 31:10 47:2 49:5 <b>while</b> 25:18 31:8 <b>white</b> 39:9 <b>whole</b> 40:12 <b>wide</b> 22:22 23:10,11,13,14 23:23 24:2 39:20 40:3,4,6 47:11,12 48:5 <b>width</b> 38:3,4,7 <b>willfully</b> 30:1 <b>WILLIAMS</b> 2:10 8:22 9:4 9:11 <b>willing</b> 52:2,7 <b>winter</b> 13:21 <b>witness</b> 16:5 17:3 51:22 52:7 <b>wondering</b> 24:6 <b>word</b> 14:10 <b>work</b> 6:21 8:4 14:18 <b>workers</b> 30:19 <b>working</b> 13:2 15:9 <b>works</b> 22:7 <b>world</b> 42:14 <b>worldwide</b> 8:8,9 <b>writing</b> 15:12	<b>1st</b> 30:24 <b>1,000</b> 23:24 <b>1,100</b> 24:1 <b>1,500</b> 8:1,6 <b>1:00</b> 1:14 <b>1021</b> 2:8 <b>108</b> 38:11 <b>109</b> 38:11 <b>11</b> 41:6 <b>110</b> 47:10 <b>12</b> 44:1 <b>120</b> 13:14 <b>13</b> 44:2 <b>13th</b> 1:14 <b>1300</b> 2:13 <b>14</b> 45:15 <b>15</b> 47:7 <b>150</b> 23:14 24:2 <b>16</b> 47:7 <b>160</b> 1:12 <b>17</b> 11:3 <b>18</b> 48:12 <b>18th</b> 35:24 37:12 37:17 <b>19276</b> 2:9	<b>2938</b> 3:3 <hr/> <b>3</b> <hr/> <b>3</b> 24:7 47:8 <b>30</b> 24:11 <b>301</b> 1:6 <b>302</b> 1:6 <b>303</b> 1:6 <b>304</b> 1:7 <b>312</b> 2:14,19 <b>3150</b> 3:8 <b>323</b> 15:4,5 <b>324</b> 17:9,10 <b>325</b> 22:10,11 24:8 38:24 <b>326</b> 38:19,20 <b>33</b> 2:12 <b>35</b> 1:6 <b>357-1313</b> 2:19 <hr/> <b>4</b> <hr/> <b>400</b> 8:10 <b>4400</b> 2:18 <hr/> <b>5</b> <hr/> <b>5</b> 29:9 30:8 <b>5th</b> 52:2,8 <b>50</b> 23:11 24:11 <b>500</b> 47:11 <b>523-4900</b> 3:9 <b>55</b> 23:11 <b>5776</b> 3:8 <hr/> <b>6</b> <hr/> <b>60601</b> 2:13 <b>60603</b> 53:16 <b>60606</b> 2:19 3:13 <b>60617</b> 3:3 <b>62705-5776</b> 3:9 <b>62794</b> 2:9 <hr/> <b>7</b> <hr/> <b>700</b> 41:20 <b>71</b> 3:12 <b>731-1762</b> 3:4 <b>773</b> 3:4 <b>795-3707</b> 2:14 <hr/> <b>8</b> <hr/> <b>800</b> 42:3 <b>850</b> 53:16
<hr/> <b>V</b> <hr/> <b>variety</b> 37:5 43:10 48:2 <b>various</b> 35:23 <b>very</b> 12:15 13:3 13:7 15:20 36:20 47:4 <b>vessel</b> 25:7,9,16 <b>vessels</b> 41:10 43:20 <b>vicinity</b> 4:14 <b>view</b> 36:17 <b>violating</b> 6:3 <b>violation</b> 31:20 <b>visibility</b> 43:10	<hr/> <b>W</b> <hr/> <b>W</b> 3:13 <b>Wacker</b> 2:12,18 3:12 <b>wading</b> 33:24 34:10,14 35:3 <b>wait</b> 5:23 <b>wake</b> 22:20 48:19 <b>wakes</b> 48:22 49:12 <b>walkway</b> 47:4 <b>want</b> 5:7,23 8:22 14:22 21:24 31:22 38:14 40:7,18 42:24 51:16 <b>warning</b> 31:20 <b>wasn't</b> 8:22 <b>wastewater</b> 7:15 7:23 13:18,24 14:6 <b>watching</b> 28:19	<hr/> <b>Y</b> <hr/> <b>yards</b> 24:11,11 <b>Yeah</b> 9:23 37:10 <b>year</b> 36:1 42:5 <b>years</b> 15:4 29:24 36:5	<hr/> <b>2</b> <hr/> <b>2</b> 24:7 45:15 <b>2,400</b> 42:5 <b>20</b> 1:2 48:23 <b>200</b> 23:12 <b>2001</b> 49:19 <b>2002</b> 44:8 <b>2003</b> 44:8 <b>2004</b> 14:16 <b>2005</b> 14:16 <b>2006</b> 14:16 <b>2008</b> 30:23,24 35:24 37:12,18 <b>2009</b> 1:2,15 53:20 <b>217</b> 3:9 <b>230</b> 8:10 <b>25th</b> 30:23 <b>250</b> 23:12 <b>277.8</b> 51:6 <b>278</b> 27:1 <b>283</b> 28:23 <b>285</b> 27:2 <b>29</b> 53:16	<hr/> <b>Z</b> <hr/> <b>zone</b> 5:23 6:2,6 6:10 <b>zones</b> 49:1
	<hr/> <b>0</b> <hr/> <b>084-004659</b> 53:17	<hr/> <b>1</b> <hr/> <b>1</b> 2:18		



<p style="text-align: center;"><u>9</u></p> <p>9 27:21 9/11 25:15 90 13:14 24:1 9031 52:21 91st 3:3</p>				
---	--	--	--	--