

THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE)
PART 214, SULFUR LIMITATIONS, PART) R15-21
217, NITROGEN OXIDES EMISSIONS,) (Rulemaking-Air)
AND PART 225, CONTROL OF EMISSION)
FROM LARGE COMBUSTION SOURCES.)

TRANSCRIPT FROM THE PROCEEDINGS

taken before HEARING OFFICER DANIEL L. ROBERTSON
by LORI ANN ASAUSKAS, CSR, RPR, a notary public
within and for the County of Cook and State of
Illinois, at the Illinois Pollution Control Board,
302 North Chicago Street, Joliet, Illinois, on the
29th day of July 2015, A.D., at 10:00 o'clock a.m.

July 29, 2015

Page 2

1 A P P E A R A N C E S:

2 ILLINOIS POLLUTION CONTROL BOARD,
3 100 West Randolph Street
4 Suite 11-500
Chicago, Illinois 60601
(312) 814-6983

5 BY: MR. DANIEL L. ROBERTSON, HEARING OFFICER,

6 ILLINOIS POLLUTION CONTROL BOARD MEMBERS PRESENT:

7 Chairman Deanna Glosser, Ph.D.
8 Board Member Jennifer Burke
9 Board Member Jerome O'Leary,
10 Board Member Carrie Zalewski,
11 Board Member Gerald Keenan
12 Ms. Marie Tipsord, Legal Department
13 Mr. Anad Rao, Technical Unit
14 Ms. Lisa Liu, Technical Unit

15 ILLINOIS ENVIRONMENT PROTECTION AGENCY,
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19 (217) 782-5544

20 BY: MS. DANA VETTERHOFFER,

21 Appeared on behalf of the Illinois
22 Environmental Protection Agency;

23 ILLINOIS ENVIRONMENTAL REGULATORY GROUP,
24 215 East Adams Street
Springfield, Illinois 62701
(217) 522-5512

BY: MS. ABBY ALLGIRE,

Appeared on behalf of the Illinois
Environmental Regulatory Group;

SCHIFF HARDIN, LLP,
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BY: MR. STEPHEN J. BONEBRAKE,

Appeared on behalf of the Midwest

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I N D E X

Pages

Opening Remarks by the Hearing Officer...	4 - 5
Preliminary Matters Discussions.....	6 - 11
Agency Questions and Responses.....	11 - 73
Public Comment.	75 - 78
IERG Questions and Responses.....	78 - 81
All Public Comments.....	81 - 130
Closing Remarks by Hearing Officer.....	131 - 133

E X H I B I T S

Marked Admitted

Agency Exhibit D.....	11
Agency Exhibit E.....	11
IERG Exhibit A.....	79

July 29, 2015

Page 4

1 HEARING OFFICER ROBERTSON: Okay.
2 We going to get started. It is ten past 10:00
3 for anyone still walking in. We do have signup
4 sheets on the back table for anyone would who
5 like to sign in for public comments and we have
6 a number of available chairs as well to your left
7 if you are looking for seats.

8 Good morning, everybody. My
9 name is Daniel Robertson and I have been appointed
10 by the Board to serve as the hearing officer in
11 this proceeding entitled, "In The Matter of
12 Amendments to 35 Illinois Administrative Code,
13 Part 214, Sulfur Limitations, Part 217, Nitrogen
14 Oxides Emissions and Part 225, Control of Emissions
15 from Large Combustion Sources."

16 I will turn on the microphone.
17 Can everyone hear me okay? This proceeding is
18 listed as R 15-21 in the Board's docket. With
19 me today is the Presiding Board Member Jennifer
20 Burk and next to her from the Board's technical
21 unit we have Anad Rao and Lisa Liu. And to my
22 left we have the Board's chairman, Dr. Deanna
23 Glosser. We also have Board members Jerry O'Leary,
24 Carrie Zalewski, Gerry Keenan. We're also joined

July 29, 2015

Page 5

1 today by some attorneys on the Board's staff.
2 We have Jason James, Mark Powell and Marie
3 Tipsord.

4 This rulemaking was filed
5 under Sections 4, 10, 27, 28 and 28.2 of the
6 Environmental Protection Act.

7 On May 7th, the Board granted
8 the Illinois Environmental Protection Agency's
9 motion for expedited review and proceeded to first
10 notice without substantive comments on the merits
11 of the proposal.

12 This is the second of three
13 public hearings that the Board will hold. The
14 first took place on July 8th in Springfield where
15 the Agency presented testimony and answered
16 questions. We also heard a number of public
17 comments.

18 The third hearing will
19 take place in Pekin on August 4th.

20 All of this information is
21 available on the Board's website and the transcript
22 of the first hearing is also available. Today,
23 we will hear testimony -- additional testimony
24 and public comment on the Agency's proposal.

July 29, 2015

Page 6

1 The Illinois Environmental
2 Regulatory Group and Sierra Club both pre-filed
3 testimony for this hearing.

4 Before we continue, the Board
5 did receive two objections yesterday to Sierra
6 Club's testimony of Mr. Sahu. One was filed by
7 the Agency and one filed by Midwest Generation
8 and I would just like to address that before we
9 move on.

10 Does Sierra Club want to start
11 or?

12 MS. BUGEL: Yes. Thank you. My
13 name is Faith Bugel, F-A-I-T-H, last name is
14 B-U-G-E-L. I'm here representing Sierra Club.

15 We hopefully have resolved
16 those objections. We have worked with Mr. Ron Sahu,
17 R-O-N, S-A-H-U, to make him available next week
18 at the August 4th hearing. So we will not be
19 presenting him today. We will be presenting him
20 next week at the August 4th hearing and a notice
21 to that effect will be filed in the docket for
22 this case today.

23 HEARING OFFICER ROBERTSON: Thank
24 you.

July 29, 2015

Page 7

1 Does the Agency have any
2 comments on this objection?

3 MS. VETTERHOFFER: My name is Dana
4 Vetterhoffer, Assistant counsel for the Illinois
5 EPA.

6 And if Mr. Sahu will be available
7 at the third hearing, that does resolve Agency's
8 objections.

9 HEARING OFFICER ROBERTSON: Thank you.

10 And for Midwest Generation?

11 MR. BONEBRAKE: Similarly, this is
12 Steve Bonebrake for Midwest Generation.

13 If Mr. Sahu is available for
14 questions at the next hearing, that resolves our
15 objections as well and we will reserve any further
16 challenges to the testimony of Mr. Sahu until next
17 time.

18 HEARING OFFICER ROBERTSON: Thank you.

19 Okay. So getting back to today's
20 procedure, Sierra Club and the Environmental Law &
21 Policy Center pre-filed questions for the Agency.
22 The Board also issued questions for the Agency,
23 which the Agency responded to on July 23rd.

24 On that date, the Agency also

July 29, 2015

Page 8

1 filed post-hearing comments following the first
2 hearing and we did have some copies on the back
3 shelf there if anyone wants copies of anything.

4 Again, the documents are all
5 available on the Board's website. Please note
6 that any question asked by a Board member or staff
7 is intended to help build a complete record for
8 the Board's decision and not to express any
9 preconceived notion or bias.

10 Anyone who did not pre-file
11 testimony or questions will still be allowed to
12 offer either today time permitting. Likewise,
13 any members of the public who wish to speak will
14 also be given time to comment later and if you
15 want to offer a public comment, but do not wish
16 to speak today, you may still file a written
17 public comment with the Board.

18 So in terms of the order for
19 today, we will begin with the Agency pre-filed
20 testimony, but we do have questions. So we will
21 begin with the questions of Sierra Club and then
22 anyone else who wishes to specifically ask
23 questions of the Agency's witnesses will then be
24 given the opportunity to do so.

July 29, 2015

Page 9

1 Once the Agency has completed
2 testifying, we'll then move on to the pre-filed
3 testimony of the Illinois Environmental Regulatory
4 Group and with time permitting, anyone else who
5 wishes to testify today will be allowed to.

6 Once the testimony is complete
7 we will provide time for anyone who wishes to
8 offer a public comment. As I mentioned, we do
9 have signup sheets at the back if you would like
10 to sign in.

11 We have quite a few members
12 of the public here. I ask that during testimony
13 if you wish to ask a question, please put your
14 hand up and wait to be acknowledged and once
15 acknowledged, please state your name and whom
16 you represent before you begin your questions.

17 This is only so the court
18 reporter can be sure to take down everything
19 everyone's saying and also for anyone testifying
20 or giving comment, if you use any acronyms,
21 please just state it in the entirety the first
22 time. If you refer to any specific documents,
23 please be specific on that what document is. If
24 you have a copy to hand in as an exhibit, you're

1 welcome do so. This is again just helpful for
2 the Board to complete the record.

3 We do have microphones as well.
4 When you are speaking, if possible, just use the
5 microphone. We have a number of people sitting
6 in the back and we just want to make sure they
7 can all hear what everyone is saying.

8 Are there any questions on the
9 procedure of the hearing today?

10 Seeing none, we will get started.
11 Would any members of the Board like to make any
12 opening statements?

13 Seeing none, would the Agency
14 like to make any opening statements today?

15 MS. VETTERHOFER: No opening
16 statements, but as you noted, the Agency filed two
17 documents after the first hearing in this matter,
18 our responses to the Board's second set of pre-filed
19 questions and post-hearing comments, and the Agency
20 would like to move that each of these documents be
21 entered into the record as exhibits.

22 HEARING OFFICER ROBERTSON: Okay.
23 Let's do that now.

24 So I have the Agency's responses

July 29, 2015

Page 11

1 to the Board's second set of questions and
2 post-hearing comments of the Agency. Are there
3 any objections to entering this as an exhibit?

4 Seeing none, I'm marking the
5 Illinois Environmental Protection Agency's
6 responses to the Board's second of pre-filed
7 questions as Agency Exhibit D. I'm marking the
8 post-hearing comments of the Illinois Environmental
9 Protection Agency as Agency Exhibit E.

10 (Document(s) marked as Agency
11 Exhibits D and E for
12 identification, 7/29/15.)

13 HEARING OFFICER ROBERTSON: Okay.
14 Before we move on to Agency questions, does
15 anyone -- would anyone else like to introduce
16 themselves and make an opening statement?

17 Seeing nobody, we will move
18 on to testimony starting with the Agency. Will
19 the Agency just begin and introduce itself and
20 its witnesses for the record, please?

21 MS. VETTERHOFFER: Again, my name is
22 Dana Vetterhoffer. I'm counsel for the Illinois
23 EPA. To my left is Dave Bloomberg and he is the
24 manager of the Air Quality Planning Section in the

July 29, 2015

Page 12

1 Bureau of Air of the Agency. To his left is
2 Rory Davis. He is an environmental protection
3 engineer in the Air Quality Planning Section in
4 the Bureau of Air. To his left is Jeff Sprague
5 and he is manager of the modeling unit in the Air
6 Quality Planning Section. Behind me is Jackie
7 Sims and she is the manager of the regulatory unit
8 in the Air Quality Planning Section.

9 HEARING OFFICER ROBERTSON: Thank you.
10 And is it correct you are not offering testimony
11 and moving straight to questions?

12 MS. VETTERHOFFER: That's correct.
13 And David Bloomberg will likely be the one giving
14 most of the responses, but Mr. Davis and Mr. Sprague
15 are also available if anyone has any follow-up
16 questions.

17 HEARING OFFICER ROBERTSON: Okay.
18 Thank you.

19 So we will move on to questions
20 for the Agency then and we did receive the pre-filed
21 questions of Sierra Club and ELPC so we will begin
22 with them depending on which mic you want.

23 Oh I suppose -- go ahead.

24 MS. BUGEL: Procedurally, how would

July 29, 2015

Page 13

1 you like to handle this? Would you like me to
2 read the questions so the Agency can answer
3 them? I am also happy for the Agency to read
4 the questions so we don't have to go back and
5 forth.

6 MS. VETTERHOFFER: That's fine.
7 I think it's easier for the Agency to read the
8 questions before --

9 HEARING OFFICER ROBERTSON: Before
10 the answers? Okay. That's fine. Thank you.

11 MS.VETTERHOFFER: Just one moment.
12 We're going to switch here.

13 MR. BLOOMBERG: I have the one seat
14 without the microphone.

15 My name again is David Bloomberg.
16 So these are Sierra Club's and Environmental Law &
17 Policy Center's pre-filed questions.

18 Number one: IEPA modeling,
19 culpability, spreadsheets: "Lemont non-attainment
20 area" and "Pekin non-attainment area," (December 11,
21 2014).

22 a. IEPA's modeling contained
23 in its spreadsheet "Lemont non-attainment area,"
24 includes modeling of emission sources for which

1 90 percent to more than 99 percent reduction in
2 S02 from current allowables would be required
3 to be consistent with the modeling results.

4 i. How does the IEPA project
5 that those sources will achieve a 90 percent to
6 more than 99 percent reduction in S02?

7 My answer: There are two
8 categories of sources represented in this group.
9 For the first, which includes most of the sources
10 discussed, the Illinois EPA projects reductions
11 of these magnitudes through the requirements for
12 use of ultra-low sulfur diesel fuel (15 part per
13 million, or ppm, sulfur content) and residual fuel
14 oil with 1,000 ppm sulfur content, rather than
15 currently permitted fuel sulfur content levels.
16 As the Illinois EPA has noted, such fuels are
17 already in wide use. So the reductions in question
18 are primarily reductions in allowable emissions.

19 Additional selected sources
20 identified in Section 214.603 have accepted lower
21 allowable limits not related to the use of
22 lower-sulfur fuels. Once again, these reductions
23 are in allowable, not actual, emissions.

24 Question ii: Does IEPA expect

July 29, 2015

Page 15

1 those sources to achieve that merely through the
2 use of low-sulfur fuels per Sections 214.121 to
3 122, 214.161 to 162, 214.201, 214.301 and 214.421?

4 Response: Mostly yes. However,
5 as I mentioned, there are selected sources in
6 214.603.

7 b --

8 HEARING OFFICER ROBERTSON: Excuse me,
9 Mr. Bloomberg?

10 MR. BLOOMBERG: Yes.

11 HEARING OFFICER ROBERTSON: I'm sorry.
12 Can we maybe just pause between the questions and
13 see if anyone has any follow-up questions at that
14 time, I mean, there to any of those answers?

15 Yes, sir?

16 MR. HARLEY: Yes. My name is Keith
17 Harley, H-A-R-L-E-Y, representing Citizens Against
18 Ruining the Environment.

19 Mr. Bloomberg, you started your
20 response to the question by saying that there were
21 two categories or tiers of the sources and you
22 talked about those that would use ultra-low sulfur
23 diesel fuel and then you talked about others that
24 would be subject to lower limits.

July 29, 2015

Page 16

1 Is the second category of
2 sources those sources that are subject to those
3 lower limits?

4 MR. BLOOMBERG: I'm not sure I
5 understand the question. It's -- the second
6 group are the sources identified in Section
7 214.603 that have lower allowable -- acceptable
8 lower allowable limits not related to lower-sulfur
9 fuels.

10 MR. HARLEY: Thank you.

11 MR. BLOOMBERG: Okay.

12 HEARING OFFICER ROBERTSON: Thank
13 you.

14 MR. BLOOMBERG: Questions b or 1 b:
15 The modeled emission rate for NRG/Midwest Generation
16 Will County is lower than its current limit for SO₂.

17 i: Does the modeled emission
18 rate assume any emission reductions from Will County
19 Unit 4?

20 Response: The modeled emission
21 rate reflects a reduction in the allowable emission
22 rate.

23 ii: Is the modeled emission rate
24 higher than the actual emission rate that Will

July 29, 2015

Page 17

1 County Unit 4 is achieving in recent months?

2 Response: Yes. The modeled
3 rate is higher than actual emissions over the
4 last six months, which is not surprising since
5 the modeled rate is maximum allowable rate. The
6 maximum hourly emissions from Will County 4 since
7 January 1 of this year was 2,487 pounds.

8 Question iii: What is IEPA's
9 basis for IEPA requiring a 90 to 99 plus percent
10 of hundreds of sources in the Lemont non-attainment
11 area, but no reduction from Will County 4, one of
12 the largest sources of SO2 in the non-attainment
13 area? Can IEPA explain how that's equitable?

14 Response: The 90 to 99 percent
15 reductions are, as discussed a moment ago, due to
16 reductions in allowable emissions through the use
17 of ultra low-sulfur diesel, which is already in use
18 throughout Illinois. The Illinois EPA does not
19 expect those sources to need add-on controls or,
20 indeed, really make any changes at all.

21 iv: How did IEPA select the
22 amount by which the affected sources would be
23 required to reduce their emissions?

24 Response: The Agency discussed

July 29, 2015

Page 18

1 the selection process in the technical support
2 document. Please see Page 24 of that document.

3 HEARING OFFICER ROBERTSON: Any
4 follow-up questions at this point?

5 Yes, ma'am?

6 MS. OWEN: I'm Verena Owen. That's
7 V-E-R-E-N-A, O-W-E-N. I wonder if Mr. Bloomberg
8 could please repeat the answer on Unit 4 of Will
9 County? I was really interested in the question,
10 but then I -- I don't know that he answered the
11 question.

12 MR. BLOOMBERG: Which question?

13 MS. OWEN: On the first Will County
14 question, Will County 4.

15 MR. BLOOMBERG: The first question
16 was does the modeled emission rate assume any
17 emission reductions from Will County Unit 4?

18 MS. OWEN: Yes.

19 MR. BLOOMBERG: Okay. And I --

20 MS. OWEN: Would you please repeat
21 your answer for me?

22 MR. BLOOMBERG: The modeled emission
23 rate reflects a reduction in the allowable emission
24 rate.

1 MS. OWEN: So the answer is yes.

2 MR. BLOOMBERG: Yes.

3 MS. OWEN: Thank you.

4 HEARING OFFICER ROBERTSON: Go ahead,
5 sir.

6 MR. BONEBRAKE: Steve Bonebrake. One
7 related question for Mr. Bloomberg to clarify is --

8 HEARING OFFICER ROBERTSON: Can you
9 speak into your microphone? Thank you.

10 MR. BONEBRAKE: Sorry. I have just
11 one follow-up question, Mr. Bloomberg.

12 If I understand you correctly,
13 the reductions for the hundreds of sources referred
14 to in Question 1 b iii is in the allowable emissions
15 from those hundreds of sources and similarly, the
16 reductions in the emissions required by the proposed
17 rule for Will County 4 are also in allowable
18 emissions for Will County 4; is that correct?

19 MR. BLOOMBERG: Yes.

20 MR. BONEBRAKE: So in that way, the
21 sources are being treated in the same fashion; is
22 that correct?

23 MR. BLOOMBERG: Yes.

24 MR. BONEBRAKE: Thank you.

1 HEARING OFFICER ROBERTSON: Anyone
2 else? Thank you.

3 MR. BLOOMBERG: All right. 1 c:
4 Under existing state law, Will County Unit 4
5 would be required to install flue gas
6 desulfurization technology to control sulfur
7 dioxide emissions. This proposed rulemaking
8 would eliminate that required. Given that
9 Will County Unit 4 would not have to reduce its
10 actual emissions under this proposed rulemaking,
11 (see testimony of Ron Sahu) did IEPA determine
12 how much higher Will County Unit 4's emissions
13 would be under this proposed rulemaking than
14 the already existing law? If IEPA did not
15 determine how much higher emissions would be,
16 why not?

17 Response: It would be difficult
18 to determine the precise emission rate at Will
19 County 4 without the proposed amendments.
20 Regardless of whether or not an FDG -- and that
21 was short for flue gas desulfurization -- is
22 required, Will County 4 will continue to be
23 subject to average annual SO2 emission rates
24 in 35 Illinois Administrative Code 225.295(b).

July 29, 2015

Page 21

1 Starting in 2017, those units will meet a
2 fleet-wide average of 0.15 pounds per million BTU.
3 This is reduced in 2018 to 0.13 pounds per million
4 BTU. And again in 2019 to 0.11 pounds per million
5 BTU. As to why the Agency did not determine how
6 much higher emissions would be, the purposes of
7 this rulemaking is to bring two non-attainment
8 areas into attainment and modeling has demonstrated
9 that further controls at this unit are not necessary
10 to reach attainment at this time.

11 HEARING OFFICER ROBERTSON: Any
12 follow-up questions?

13 MR. BONEBRAKE: Yes, sir. Mr. Hearing
14 officer. Thank you.

15 HEARING OFFICER ROBERTSON: Can I
16 remind you to use microphone again? Sorry.

17 MR. BONEBRAKE: I'll get it
18 eventually.

19 Mr. Bloomberg, just another
20 follow-up question. You mentioned Will County 4
21 would continue to be subject to the CPS SO2 system
22 rate; is that correct?

23 MR. BLOOMBERG: Yes.

24 MR. BONEBRAKE: And under the IEPA's

1 proposed rule, that system rate would exclude
2 certain Midwest Generation units that had earlier
3 been included in that SO2 emission rate; is that
4 correct?

5 MR. BLOOMBERG: Yes.

6 MR. BONEBRAKE: And which units would
7 be excluded?

8 MR. BLOOMBERG: The units that are
9 switching to natural gas.

10 MR. BONEBRAKE: Which units are those,
11 Mr. Bloomberg?

12 MR. BLOOMBERG: Joliet 6, 7 and 8 and
13 Will County 3.

14 MR. BONEBRAKE: So the effect of
15 IEPA's proposed rule is to reduce the number of
16 units that would be included in the SO2 system
17 rate average; is that correct?

18 MR. BLOOMBERG: Yes.

19 MR. BONEBRAKE: Does that effect
20 of making the system rate more stringent because
21 there are fewer units against whose emissions can
22 be averaged against the rate?

23 MR. BLOOMBERG: Yes.

24 MR. BONEBRAKE: Thank you.

1 HEARING OFFICER ROBERTSON: Okay.

2 Mr. Harley?

3 MR. HARLEY: Are any of the units,
4 which are switching to natural gas, located in the
5 Lemont non-attainment area?

6 MR. BLOOMBERG: Yes.

7 MR. HARLEY: Which units that are
8 switching to natural gas are located in the Lemont
9 non-attainment area?

10 MR. SPRAGUE: My name again is Jeff
11 Sprague. Unit No. 3, Will County Station.

12 MR. BLOOMBERG: If the -- to add
13 to that, the Joliet units, while not in the
14 non-attainment areas, would be impacted, that
15 non-attainment area.

16 MR. HARLEY: Has it always been the
17 position of the Illinois EPA that the Joliet units
18 effect the air quality in the Lemont non-attainment
19 area?

20 MR. BLOOMBERG: I can't really answer
21 that question as to whether it's always has been the
22 Agency's position on that.

23 MR. HARLEY: Since 2010?

24 MR. BLOOMBERG: I don't know. I was

1 not involved in this particular aspect of the
2 Agency's actions in 2010.

3 HEARING OFFICER ROBERTSON: Yes.
4 You need to use the microphone, please. Thank
5 you.

6 MS. OWEN: Thank you. It was my
7 understanding that Will County 3 is not switching
8 to gas, but shutting down; am I wrong?

9 MR. BLOOMBERG: My understanding
10 is that they are switching to gas. That's the
11 only information that I have currently. At the
12 very least, they will cease burning coal.

13 HEARING OFFICER ROBERTSON: And we
14 have follow-up question in the back. State your
15 name.

16 MS. RENDULICH: My name is Ellen
17 Rendulich, R-E-N-D-U-L-I-C-H. I'm wondering if
18 number three is shut down, how could it convert
19 to natural gas? Isn't that completely shut down?

20 MR. BLOOMBERG: As I said, I don't
21 have that information. They must cease combusting
22 coal. It is my understanding that they will be
23 switching to natural gas. If they shut down
24 completely instead, that meets the requirements

1 as well.

2 MR. RENDULICH: I still don't
3 understand.

4 MR. SPRAGUE: Perhaps I could add
5 something to that. I had Midwest Generation has
6 indicated that under unusual circumstances, if
7 there's a great need to add power to the grid that
8 they can bring unit number three back online. So
9 it's conversion of coal to natural gas with
10 fuel oil backup.

11 HEARING OFFICER ROBERTSON: Anyone
12 else? Yes.

13 MR. BONEBRAKE: Again, Steve
14 Bonebrake.

15 Mr. Bloomberg, is it correct
16 that the proposed rule requires cessation of coal
17 combustion, but does not specify an alternative
18 fuel?

19 MR. BLOOMBERG: That is correct.

20 MR. BONEBRAKE: So if Will County 3
21 were to be shut down or combust gas or combust oil,
22 all of those would be consistent with the rule as
23 proposed; is that correct?

24 MR. BLOOMBERG: Yes.

July 29, 2015

Page 26

1 MR. BONEBRAKE: Thank you.

2 HEARING OFFICER ROBERTSON: Yes,

3 sir?

4 MR. URBASZEWSKI: My name is Brian

5 Urbaszewski, U-R-B-A-S-Z-E-W-S-I. I'm with the

6 Respiratory Health Association.

7 My understanding is that the
8 Unit 3 does not have sufficient pipe gas capacity
9 to actually run completely on natural gas and so
10 is it a certainty that given that engineering
11 strength they would have to run on fuel oil, which
12 has a higher sulfur emission?

13 MR. BLOOMBERG: I have no information
14 about whether or not they can -- they have enough
15 gas capacity. The rule requires that they cease
16 combusting coal. They have been modeled as a
17 maximum rate that involves low-sulfur diesel oil
18 and the area reaches attainment at that using diesel
19 oil. So they could do that, but that is not my
20 understanding of their plans.

21 MR. URBASZEWSKI: Just to follow-up
22 again on your lack of knowledge on Unit 3 status,
23 contrary to press reports that said that Unit 3 is
24 being shut down and the company has stated to the

1 press, you have no official paperwork or indication
2 that -- from the company that unit will cease to
3 operate?

4 MR. BLOOMBERG: I am not in the
5 permit section. So I can't speak to what the
6 permit section may or may not have. However,
7 the proposed rule requires it.

8 HEARING OFFICER ROBERTSON: Any
9 follow-up questions on that? Again, thank you.
10 We're moving on.

11 MR. BLOOMBERG: Question 1 d: How
12 will IEPA respond if errors are discovered in
13 IEPA's modeling during the attainment demonstration
14 proceeding that follows this rulemaking?

15 Response: In the hypothetical
16 situation you describe, the Agency would review
17 any findings of supposed errors to determine if
18 they impacted the demonstration of attainment. If
19 such hypothetical errors did, in fact, have such
20 impact, new modeling would be conducted to determine
21 what, if any, changes would need to be made to
22 source emission limits. The Agency would then
23 commence a new rulemaking with the Board to fix
24 those limits. However, the Agency believes this

1 situation is extremely unlikely.

2 i: Is there an avenue by which
3 this rule could be reopened if errors in the
4 modeling are discovered?

5 Response: My previous response
6 answered this question as well.

7 HEARING OFFICER ROBERTSON: Any
8 follow-up questions? Thank you.

9 MR. BLOOMBERG: 1 e: Did IEPA account
10 for SO2 exceedances as a result of startup, shutdown
11 or malfunction in its modeling?

12 Response: No. The Agency was not
13 required to account for such SO2 exceedances in the
14 modeling.

15 i: If not, why not?

16 Response: No. SIP attainment
17 demonstrations are intended to reflect source
18 impacts with allowable emission rates at design or
19 actual capacity and assuming continuous operation.
20 (See 40 CFR Part 51, Appendix W).

21 ii: If not, is this consistent
22 with permits that allow excess emissions (or
23 affirmative defense for excess emissions) during
24 startup, malfunction or breakdown?

July 29, 2015

Page 29

1 Response: Yes. It is consistent
2 because permits that address startup, malfunction
3 and breakdown do not override regulatory limits.

4 HEARING OFFICER ROBERTSON: Any
5 follow-up questions? Thank you.

6 MR. BLOOMBERG: Question 2:
7 Section 214.603.

8 a: How are the SO2 emissions
9 reductions required by Section 214.603 emission
10 limit for the Powerton plant going to be achieved?

11 Response: As noted in the
12 Agency's response to the Board's Question 51(c),
13 the Agency understands that dry sorbent injection
14 systems, or dry scrubbers, will be installed.

15 b: Does IEPA know of additional
16 pollution control installation projects planned for
17 Powerton?

18 Response: None other than the
19 planned installation of dry sorbent injection
20 systems.

21 c: If so, what are they?

22 Response: This question is not
23 applicable.

24 d: If so, does IEPA know of the

July 29, 2015

Page 30

1 emissions reductions projected for those pollution
2 control projects?

3 And e: If so, what are they?

4 Response: Combining the answer
5 to questions d and e, the emissions reductions are
6 projected to reduce emissions to below the level
7 needed to comply with this rule.

8 f: How did IEPA select the amount
9 by which the sources subject to Section 214.603 are
10 required to reduce their emissions?

11 Response: Please see my response
12 to Question (1)(a)(iv).

13 HEARING OFFICER ROBERTSON: Any
14 follow-up questions? Thank you.

15 MR. BLOOMBERG: Question 3:
16 Enforceability.

17 a: For sources where SO2
18 emissions reductions from current actual emissions
19 or current allowable emissions were modeled, if
20 those sources do not have emissions limits specified
21 in 214.603, will those sources be receiving a permit
22 with an enforceable limit expressed in pounds per
23 hour SO2.

24 Response: If a source is not

July 29, 2015

Page 31

1 listed in Section 214.603, then either the Agency
2 has already put reduced limits in an enforceable
3 permit, a reduction is not necessary, or the
4 reduction is occurring through other enforceable
5 means such as the ultra-low sulfur diesel
6 requirement.

7 b: If so, how will that permit
8 limit compare to the modeled limit?

9 Response: Because of my answer
10 to (3) (a), this question is not applicable.

11 c: If not, why not?

12 Response: Because of my answer
13 to (3) (a), this question is not applicable.

14 d: If not, how will the modeled
15 limit for those sources be enforceable?

16 Response: Because of my answer
17 to (3) (a), this question is not applicable.

18 e: If those sources do not have
19 CEMS for SO₂, how will IEPA verify the modeled
20 emissions rates required to achieve attainment
21 have been met?

22 Response: Verification will take
23 place the same as it does for other emission limits,
24 through a combination of parametric monitoring,

July 29, 2015

Page 32

1 recordkeeping, inspection and stack testing as
2 necessary.

3 HEARING OFFICER ROBERTSON: Any
4 follow-up? Thank you.

5 MS. OWEN: I do have one. I'm
6 sorry.

7 HEARING OFFICER ROBERTSON: Could
8 you use the mic, please? Thank you.

9 MS. OWEN: I apologize. When you
10 talk about enforceable permits, did you mean
11 operating permits?

12 MR. BLOOMBERG: I mean all enforceable
13 permits.

14 MS. OWEN: Okay. And in your last
15 answer dismissed a whole lot of parameters. Are
16 we talking about operating permits, reporting
17 requirements, operating requirement?

18 MR. BLOOMBERG: The question asked
19 how the IEPA will verify it. The IEPA uses the
20 methods that I described in that answer.

21 MS. OWEN: I see. Thank you.

22 HEARING OFFICER ROBERTSON: Yes,
23 Mr. Harley.

24 MR. HARLEY: I just wanted to return

July 29, 2015

Page 33

1 to some of your previous testimony to clarify
2 for the record. Are the Joliet units located
3 in the Lemont non-attainment area?

4 MR. SPRAGUE: No, they're not.

5 MR. HARLEY: Did Illinois EPA rely
6 on SO2 reductions from the Joliet natural gas
7 conversions in concluding that Will County 4
8 does not -- should be excluding from FGD
9 requirements?

10 MR. BLOOMBERG: When you ask did
11 we rely on those reductions, as we have described,
12 the modeling was done as an iterative process. So
13 the first round of modeling would have had those
14 emission units within the modeling because that
15 was the base case. That was the current allowable.

16 After that, throughout the
17 iterative process, those units were removed
18 because they will no longer be combusting coal.
19 So as such, the modeling, which forms the basis
20 for this proceeding, would have removed those
21 emissions. So in that regard, yes, it relies
22 on those emissions reductions.

23 MR. HARLEY: But that doesn't quite
24 answer the question because to what extent are

1 the Joliet units effecting SO2 air quality in the
2 Lemont area?

3 MR. BLOOMBERG: We would need to go
4 back and look at our iterations because every --
5 the modeling looks at every receptor and the
6 receptor is a modeling plant within the
7 non-attainment area to determine which receptors
8 would have been impacted in that first round by
9 Joliet. So that is not a question we can answer
10 now.

11 MR. HARLEY: In the Agency's original
12 testimony, it talks about how under the CPS, the
13 FGD exclusion for Joliet 6 was transferred to Will
14 County 4 and that this was done because Joliet 6,
15 along with the other Joliet units, were reducing
16 their SO2 emissions through natural gas conversion;
17 is that correct?

18 MR. BLOOMBERG: With the addition of
19 Will County 3, yes, essentially.

20 MR. HARLEY: But that switch in
21 exclusion of Joliet 6 to Will County 4 was
22 dependent on the fact that the Joliet units are
23 effecting SO2 non-attainment in Lemont, isn't
24 it?

July 29, 2015

Page 35

1 MR. BLOOMBERG: There is -- the
2 units were or are effecting SO2 non-attainment
3 in Joliet. The question is, you know, by how
4 much at any given receptor.

5 MR. HARLEY: Wouldn't you have to
6 have that information in order to allow the
7 switch of the exclusion from Joliet 6 to Will
8 County 4?

9 MR. BLOOMBERG: Well, there is
10 two parts. One, we reviewed all of the available
11 information. Do I have it at my fingertips for
12 every receptor at the model? No, I don't.

13 However, what is key in this
14 rulemaking is to reach attainment of these two
15 non-attainment areas and this proposal reaches
16 attainment.

17 MR. HARLEY: For the record, Care
18 agrees with the essential purpose of this rulemaking
19 and they just can't understand what the exclusion
20 for Will County 4 with FGD requirement has to do
21 with meeting that essential goal. What does it have
22 to do with SO2 attainment in Lemont?

23 MR. BLOOMBERG: As discussed, I
24 believe, in testimony and in responses to questions,

July 29, 2015

Page 36

1 this was part of our outreach and discussions
2 when moving forward with this rulemaking in the
3 initial stages and part of that outreach is to
4 determine the best way to reduce emissions
5 throughout the area and in order to bring the
6 area into attainment.

7 Midwest Generation proposed
8 this concept and the Illinois EPA modeled this
9 concept and found that it does bring the area
10 into attainment.

11 HEARING OFFICER ROBERTSON: Yes,
12 ma'am? Go ahead.

13 MS. OWEN: I'm sorry. I'm new to
14 rulemaking procedure. Can you explain to me what
15 you meant by outreach of discussion? Who do you
16 reach out to?

17 MR. BLOOMBERG: We reached out to
18 impacted or potentially impacted sources. We
19 reached out to groups like environmental groups
20 such as the Sierra Club. We reached out to various
21 interested parties. We had individual meetings.
22 We had a number of phone calls. We had a
23 presentation in August. I believe our outreach
24 efforts are also discussed in the TSD or testimony

1 or the statement of reasons. I don't remember
2 which document it is.

3 MS. OWEN: Thank you. I'll check
4 those out.

5 And as you said, it was NRG's
6 proposed concept or idea for the four?

7 MR. BLOOMBERG: Midwest Generation's
8 concept that -- to propose ceasing coal combustion
9 at four different units and moving the exemption to
10 a different unit.

11 MS. OWEN: Thank you.

12 MR. BONEBRAKE: Mr. Hearing Officer, a
13 couple of follow-ups, if I may?

14 HEARING OFFICER ROBERTSON: Yes, sir.

15 MR. BONEBRAKE: Mr. Bloomberg, does
16 the cessation of coal combustion at Will County 3
17 as provided in the proposed rule assist the state
18 with attaining the SO2 standing in the Lemont area?

19 MR. BLOOMBERG: Yes.

20 MR. BONEBRAKE: And was Midwest
21 Generation under any obligation prior to the
22 proposed rule, assuming you adopt it, to cease
23 coal combustion at that unit?

24

July 29, 2015

Page 38

1 MR. BLOOMBERG: No.

2 MR. BONEBRAKE: And under the
3 proposed rule, as you mentioned, is it correct
4 that the Joliet units would be required to cease
5 combusting coal?

6 MR. BLOOMBERG: Yes.

7 MR. BONEBRAKE: And would that
8 station of coal combustion yield significant SO2
9 emissions reductions?

10 MR. BLOOMBERG: Yes.

11 MR. BONEBRAKE: And would those
12 significant SO2 emissions reductions assist the
13 state with attaining the SO2 standard in the
14 Lemont area?

15 MR. BLOOMBERG: Yes.

16 MR. BONEBRAKE: Would the cessation
17 of coal combustion at the Joliet unit at Will County
18 3 also provide reduction of emissions?

19 MR. BLOOMBERG: Yes.

20 MR. BONEBRAKE: And has the IEPA
21 identified those other emissions in any of its
22 filings?

23 MR. BLOOMBERG: Yes.

24 MR. BONEBRAKE: So an interested

July 29, 2015

Page 39

1 party then could look at the IEPA prior filings
2 and determine the additional benefits associated
3 with the reductions of other proposed cessation
4 of coal combustion at Will County 3 and Joliet
5 units; is that correct?

6 MR. BLOOMBERG: Yes.

7 MR. BONEBRAKE: Thank you.

8 HEARING OFFICER ROBERTSON: Any other
9 follow-up to that? Yes, Mr. Harley?

10 MR. HARLEY: Mr. Bloomberg, is it
11 also true that if Midwest Generation had not ceased
12 coal combustion at the Joliet and Will County 3
13 units, it's possible that units would be subject
14 to additional pollution controls regarding the SO2
15 emissions?

16 MR. BLOOMBERG: It is possible.

17 HEARING OFFICER ROBERTSON: Yes,
18 Mr. Harley, before you follow-up, I'm sorry, but
19 I did not have the witnesses sworn in yet. So if
20 we could maybe do that and have the court reporter
21 swear him past and future.

22 THE COURT REPORTER: My pleasure.

23 Raise your right hand. Do you
24 swear the testimony you have given and the testimony

1 you will further give has been the truth, and will
2 be the truth, the whole truth, and nothing but the
3 truth, so help you God?

4 MR. BLOOMBERG: I do.

5 HEARING OFFICER ROBERTSON: Thank you.
6 I apologize.

7 Now, Mr. Harley, you had a
8 follow-up?

9 MR. HARLEY: Does the record now
10 before the Board provide the basis for Illinois
11 EPA's conclusion that reductions at the Joliet
12 units will help achieve attainment in a Lemont
13 non-attainment area?

14 MR. BLOOMBERG: In my opinion, yes.

15 MR. HARLEY: Can you direct the
16 participants in the hearing to where that analysis
17 may be located?

18 MR. BLOOMBERG: In my opinion, it
19 is contained in the testimony and responses to
20 questions and in the technical support that has
21 been provided by the Agency.

22 MR. HARLEY: Mr. Bloomberg, earlier
23 you testified that you ran a model based on Midwest
24 Generation's proposal. Is that model available to

1 the Board and the other participants in this
2 proceeding?

3 MR. BLOOMBERG: The Board requested
4 all of the modeling inputs and it was provided to
5 them prior to this hearing. I do not know that the
6 Board has the capability to run the model.

7 MR. HARLEY: And again, to be
8 clear, that would include the model that you ran
9 in response to Midwest Generation's proposal?

10 MR. BLOOMBERG: It was the model
11 that we ran to demonstrate that the reductions
12 would bring the non-attainment areas into
13 attainment. It was not specifically run in
14 response to Midwest Generation's proposal.

15 MR. HARLEY: I'm sorry. I'm
16 confused. You earlier testified that you ran
17 a model in response to Midwest Generation's
18 proposal; is that correct?

19 MR. BLOOMBERG: Allow me to clarify.
20 We did many modeling runs. The modeling runs that
21 are final, I would say, the ones that were provided
22 to the Board and to various other groups, included
23 the Midwest Generation's proposal, everything that's
24 in the rule. So it includes all of the proposed

July 29, 2015

Page 42

1 reductions. There was not, to my knowledge, a
2 specific run just for Midwest Generation because
3 that wouldn't make sense because we have to take
4 into account all of the reductions.

5 HEARING OFFICER ROBERTSON: Any
6 follow-up questions at this time?

7 MR. BONEBRAKE: One last question,
8 Mr. Bloomberg. When you say, in your last answer,
9 you needed to take into at all of the reductions,
10 were you referring to all of the reductions that
11 would be required by the proposed rules from all
12 of the sources that would be regulated by the
13 proposed rule?

14 MR. BLOOMBERG: Yes.

15 MR. BONEBRAKE: And that's over 1,000
16 sources; is that correct?

17 MR. BLOOMBERG: I believe over 3,000
18 emission units.

19 MR. BONEBRAKE: Thank you.

20 HEARING OFFICER ROBERTSON: Yes,
21 Ms. Bugel.

22 MS. BUGEL: I'm turning -- I am going
23 to change direction here a little bit and turn back
24 to a question -- -Mr. Bloomberg you answered 3 a

July 29, 2015

Page 43

1 through 3 e and I did want to follow-up a little
2 bit on answers you gave there.

3 In response to Question 3 a,
4 is it accurate to say that there are sources that
5 were modeled that will not be subject to a permit
6 limit reflecting the modeled emissions; is that
7 correct?

8 MR. BLOOMBERG: No.

9 MS. BUGEL: So all of the sources
10 subject to the low-sulfur diesel fuel requirements
11 also are subject to a permit?

12 MR. BLOOMBERG: No, not necessarily.
13 So to go back to your question, let me amend that
14 to a previous question. Let me amend my answer to
15 say they will all be subject to either a permit or
16 a regulatory limit.

17 MS. BUGEL: Okay. So would your
18 answer then to 3 c, you -- your previous answer
19 indicated that that question was not applicable,
20 but is the -- would you amend that answer now with
21 the statement that you just made?

22 So Question 3 a is -- basically,
23 will all sources be receiving a permit with an
24 enforceable limit and the answer to that is no.

July 29, 2015

Page 44

1 Some will be subject to regulatory limit.

2 So does that, in fact, provide
3 the answer to 3 c?

4 MR. BLOOMBERG: Okay. With that
5 clarification, then, yes, there are some sources
6 that will not be receiving a permit limit. They
7 would have to be fairly small sources and they
8 would be subject still to the ultra-low sulfur
9 diesel requirement.

10 MS. BUGEL: So could you then -- in
11 your previous answer you indicated that -- I'm
12 referring to 3 d. The question is how will the
13 modeled limits for those sources that are not
14 subject to a permit limit be enforceable?

15 MR. BLOOMBERG: Because presuming
16 the Board passes these proposed regulations, they
17 will be required to use ultra-low sulfur diesel
18 fuel. That is a -- it's a requirement and,
19 therefore, it's an enforceable requirement.

20 MS. BUGEL: Can you explain how the
21 Agency enforces the requirement such as a low-sulfur
22 diesel limit?

23 MR. BLOOMBERG: In this particular
24 case, the most likely manner of doing so as

1 discussed I believe at the previous hearing is
2 through review of ultra-low sulfur diesel purchases.
3 At this point in Illinois, the use of ultra-low
4 sulfur diesel is widespread, as we discussed at
5 the first hearing, to the point that -- or possibly
6 in pre-filed answers -- to the point that when we
7 contacted fuel distributors a number of them were
8 under the impression that it was already the law,
9 that they could not sell anything but ultra-low
10 sulfur diesel.

11 MS. BUGEL: Can you explain -- let me
12 rephrase that.

13 Does the sulfur content of
14 ultra-low sulfur diesel fuel vary?

15 MR. BLOOMBERG: It can, to my
16 understanding. I do not claim to be a refinery
17 expert. However, my discussions with people who
18 would have such information indicate it can vary
19 in the downward direction such that the refinery,
20 to ensure that they are not violating already
21 existing state and federal law, may be overly
22 conservative and reduce the amount of sulfur.
23 So if there is variation, it would be lower than
24 15 parts per billion.

July 29, 2015

Page 46

1 MS. BUGEL: I don't have any further
2 questions right now.

3 HEARING OFFICER ROBERTSON: Thank you.
4 Any other follow-ups to that? Abby?

5 MS. ALLGIRE: Abby Allgire with
6 Illinois Environmental Regulatory Group.

7 Mr. Bloomberg, as Ms. Bugel
8 had asked you about how you would know the content
9 and what they would have to do to prove the content,
10 and you indicated that it was by the records from
11 the fuel supplier; is that correct?

12 MR. BLOOMBERG: That is my belief as
13 how it will be determined.

14 MS. ALLGIRE: Is that how it is
15 currently determined too?

16 MR. BLOOMBERG: I don't know. I'm
17 not familiar enough with that aspect of things.

18 MS. ALLGIRE: So under the current
19 rule, is there like a reporting requirement similar
20 to this?

21 MR. BLOOMBERG: I'm not sure. What
22 I can tell you is that I have worked for eight and a
23 half years as the manager of the compliance unit of
24 the Bureau of Air and I cannot recall ever having a

July 29, 2015

Page 47

1 problem in that regard.

2 MS. ALLGIRE: Okay. That's all.

3 HEARING OFFICER ROBERTSON: Any
4 other follow-up?

5 MR. HARLEY: I'm sorry.

6 HEARING OFFICER ROBERTSON: Go ahead.

7 MR. HARLEY: There is an exhibit
8 that Care will be entering in this proceeding and
9 I wanted to ask if any of the three Agency witnesses
10 who are testifying here today participated in the
11 preparation of the technical support document
12 recommended attainment/non-attainment designations
13 in Illinois for the 2010 revised primary one hour
14 SO2 national ambient air quality standard dated
15 June 2, 2011?

16 MR. BLOOMBERG: I did not.

17 MR. SPRAGUE: I would say indirectly,
18 I did. Two people who work underneath me had
19 primary responsibility for producing that document.
20 So that constitutes my connection with that.

21 MR. DAVIS: I also need to be sworn
22 in. I'm Rory Davis and I did not swear in. I have
23 not answered any question up until now.

24 HEARING OFFICER ROBERTSON: Would the

1 court reporter please swear in Mr. Davis?

2 THE COURT REPORTER: Raise your
3 right hand, please?

4 Do you swear the testimony
5 you're about to give is the truth, the whole
6 truth and nothing but the truth, so help you
7 God?

8 MR. DAVIS: I do.

9 HEARING OFFICER ROBERTSON: Thank
10 you.

11 MR. DAVIS: I have not.

12 MR. HARLEY: Mr. Sprague, do you
13 recall in this technical support document if the
14 Joliet units were identified as culpable sources
15 for SO2 non-attainment in the Lemont area?

16 MR. SPRAGUE: Modeling was not used
17 to support the recommendations in that document.
18 So by extension, I certainly can't say that the
19 Joliet source was attributed to non-attainment
20 in the Lemont area.

21 MR. HARLEY: Thank you.

22 MR. BONEBRAKE: Mr. Hearing Officer,
23 I have a follow-up question, if I may.

24 HEARING OFFICER ROBERTSON: Yes.

July 29, 2015

Page 49

1 MR. BONEBRAKE: You mentioned that
2 modeling was not used in connection with the 2011
3 recommendation. What data was used?

4 MR. SPRAGUE: The US EPA asked the
5 state to undergo a five-factor analyses in making
6 the recommendations. And I may not recall all of
7 these correctly, but the emissions is one of them.
8 Meteorology is one, meteorology and climatology,
9 topography. I know that political jurisdictions is
10 used in actually defining where the non-attainment
11 areas are going to be.

12 MR. BONEBRAKE: Is it correct that
13 the non-attainment recommendations back in 2011
14 were based on monitored and opposed to modeled
15 data?

16 MR. SPRAGUE: That's true. That's
17 correct.

18 MR. BONEBRAKE: And is it also true
19 that US EPA's designations of non-attainment, which
20 are at issue in this rulemaking, were based upon
21 monitoring rather than modeled data?

22 MR. SPRAGUE: That's correct.

23 MR. BONEBRAKE: Thank you.

24 MR. HARLEY: Mr. Sprague are you aware

July 29, 2015

Page 50

1 of any ambient air quality monitors that are
2 closer to the Joliet facility than the Lemont
3 air quality monitor?

4 MR. SPRAGUE: Monitoring is not
5 my specialty, of course, here, but there was a
6 Joliet SO2 monitor, but I think -- I'm not 100
7 percent sure on this, but I think that was removed
8 from the network. That's the only one that I
9 can think of that would be closer to the Lemont
10 monitor.

11 MR. HARLEY: Thank you.

12 HEARING OFFICER ROBERTSON: Any
13 other follow-up questions? Yes, sir.

14 MR. JURAS: Randy Juras of Homer Glen.
15 I would like to know why the monitor was shut down
16 or not used.

17 MR. BLOOMBERG: As Mr. Sprague said,
18 he is going by recollection. I don't think any
19 of us can say for sure the answer to that question
20 at this time or even if it was removed.

21 HEARING OFFICER ROBERTSON: Can you
22 spell your last name for us, please.

23 MR. JURAS: Juras, J-U-R-A-S.

24 HEARING OFFICER ROBERTSON: Thank you.

July 29, 2015

Page 51

1 MR. JURAS: The reason I'm asking
2 is numerous groups, the Village of Homer Glen
3 and the township of -- Homer Township have formally
4 requested from IEPA that not only that monitoring
5 be continued, but we would have liked to have
6 seen extended -- more monitoring to try to pinpoint
7 where the non-attainment was coming from. So
8 the idea that they stopped monitoring it is
9 something we would be interested in knowing.

10 MR. BLOOMBERG: I don't think there
11 was a question there.

12 HEARING OFFICER ROBERTSON: Did
13 you have a question based on that.

14 MR. JURAS: If somebody could comment
15 on why that is. You can talk about modeling. We --
16 that's a nice concept and everything, but the idea
17 of monitoring tells you what really happened. We
18 would be more interested in monitoring. We have
19 had -- not only here, this has come up in other
20 regions that we would like to see more for real
21 monitoring rather than just rely on modeling and
22 yet what we are hearing is they are not going to
23 add more monitoring. If anything now, there is
24 less monitoring. I don't quite understand that.

July 29, 2015

Page 52

1 If anybody could answer that, that would be nice.

2 MR. BLOOMBERG: Again, I'm not sure
3 there is a question there.

4 HEARING OFFICER ROBERTSON: We will
5 also have -- we will have commentary as well. If
6 you have a specific question for the Agency witness
7 right now, we can take that.

8 MR. JURAS: If someone can supply us
9 that information, that would be nice.

10 MR. BLOOMBERG: We can respond to
11 that either at the next hearing or in comments.

12 MR. JURAS: Thank you.

13 HEARING OFFICER ROBERTSON: Thank
14 you. Yes, Ms. Bugel?

15 MS. BUGEL: I have a question based
16 on several questions ago.

17 Mr. Bloomberg, you indicated
18 you spent, I believe, eight years in the compliance
19 section and you never saw a compliance problem
20 and I believe you were referencing those sulfur
21 fuels; is that correct?

22 MR. BLOOMBERG: I don't recall seeing
23 any compliance related issues with use of low-sulfur
24 fuels.

1 MS. BUGEL: Can you explain what you
2 mean by compliance related issues?

3 MR. BLOOMBERG: To my recollection,
4 I do not recall seeing a violation notice coming
5 from field inspectors for use of fuel that had
6 overly high sulfur content.

7 MS. BUGEL: Do you know how field
8 inspectors would go about verifying the sulfur
9 content of fuels?

10 MR. BLOOMBERG: I believe that
11 they would look at the purchased -- the fuel
12 purchased. So fuel purchase records.

13 MS. BUGEL: Okay.

14 HEARING OFFICER ROBERTSON: Any
15 other follow-ups?

16 Seeing none, we can move on to,
17 I believe, Question 4.

18 MR. BLOOMBERG: Question 4: In
19 response to IPCB questions, IEPA stated, "Variation
20 in emissions at the Powerton unit, based on the
21 unit type and the control equipment used, can make
22 compliance with an hourly limit difficult."
23 Illinois Environmental Protection Agency's
24 Responses to the Board's pre-filed questions at 10

1 (July 7, 2015).

2 a: Is the referred to control
3 equipment DSI?

4 HEARING OFFICER ROBERTSON: And
5 Mr. Bloomberg, can you clarify what DSI is for the
6 record as ell?

7 MR. BLOOMBERG: That is dry sorbent
8 injection.

9 HEARING OFFICER ROBERTSON: Thank
10 you.

11 MR. BLOOMBERG: The next question
12 is where, but I believe it's supposed to be here,
13 were any additional controlled equipment considered
14 in this statement.

15 Response: The control equipment
16 is DSI.

17 b: How does the use of DSI create
18 a need for a 30-day average for Powerton?

19 Response: As noted in the
20 Agency's response to the Board's Question 51(c),
21 this type of equipment exhibited the greatest
22 variability in emissions in US EPA's guidance.
23 Additional uncertainty regarding the variability
24 in emissions from these units arises because the

July 29, 2015

Page 55

1 installation of a of the control equipment is not
2 yet completed.

3 c: If use of DSI at Powerton
4 creates the need for an averaging period longer
5 than one hour, is there a reason that an averaging
6 period longer than one hour, but shorter than
7 30 days could not be used?

8 Response: As noted in the Agency
9 response to the Board's Question 51(f), a 30-day
10 averaging period was chosen in consultation with
11 Midwest Generation in consideration of their plans
12 to install dry sorbent injection as a control
13 technology at the Powerton units, and in
14 consideration that the variability of the emissions
15 at the source after the installation are yet
16 unknown. Midwest Generation requested that the
17 Agency consider a 30-day average for the units and
18 provided the proxy data sets that were subsequently
19 approved by US EPA. Because this option and
20 justification were determined to be acceptable and
21 appropriate by US EPA staff and because the lower
22 emission limit would result in lower overall
23 allowable emissions from the units, other averaging
24 periods were not calculated.

1 HEARING OFFICER ROBERTSON: Thank you.

2 Any follow-up questions?

3 MR. BONEBRAKE: One follow-up.

4 Mr. Bloomberg, just so the record
5 is clear, is it true US EPA approved the data set
6 and the methodology that IEPA had employed to derive
7 the 30-day rolling average emission rate for
8 Powerton?

9 MR. BLOOMBERG: Yes.

10 MR. BONEBRAKE: And that US EPA also
11 approved the actual proposed 30-day rolling average
12 emission rate for Powerton?

13 MR. BLOOMBERG: Yes.

14 MR. BONEBRAKE: Thank you.

15 HEARING OFFICER ROBERTSON: Ms. Bugel?

16 MS. BUGEL: Yes. I have some
17 follow-up questions.

18 Mr. Bloomberg, the IEPA's response
19 to IPCB questions indicated that it was the unit
20 type and the control equipment that made compliance
21 with an hourly limit difficult; is that correct?

22 MR. BLOOMBERG: Do you remember what
23 question that was?

24 MS. BUGEL: That is the same question

1 we were just referring. I believe it's 51(c).

2 MR. BLOOMBERG: Can you repeat your
3 question, please?

4 MS. BUGEL: My question was in IEPA
5 answer's, you reference -- IEPA references both
6 the unit type and the control equipment can make
7 compliance within hourly limit difficult.

8 MR. BLOOMBERG: I don't see anything
9 in here about the unit type.

10 MS. BUGEL: It will take me a minute
11 to try to find my copy of those responses.

12 Okay. We can skip that question.
13 So just one follow-up question; in your previous
14 answer, you referenced the reasons for the 30-day
15 average. Is it correct that you never -- the Agency
16 never considered an averaging period shorter than
17 a 30-day average aside from the hourly average?

18 MR. BLOOMBERG: As I said, that is
19 correct. Other averaging periods were not
20 calculated because it was not deemed necessary to
21 do so.

22 MS. BUGEL: What was to deemed not
23 necessary to do so?

24 MR. BLOOMBERG: I believe I answered

July 29, 2015

Page 58

1 that in response to 4 c.

2 MS. BUGEL: I don't have any further
3 questions.

4 MR. RAO: I have a question. Are you
5 aware of any similar units with a longer averaging
6 period than one hour that's approved by US EPA?

7 MR. BLOOMBERG: I am not aware of any
8 units outside of Illinois. So I haven't looked
9 around to other units across the country to see
10 what they are doing for this, but I do know this
11 has been approved by US EPA.

12 MR. RAO: Thank you.

13 HEARING OFFICER ROBERTSON: That's the
14 end of Sierra Club's pre-filed questions.

15 Ms. Bugel, did you have any
16 follow-ups at this point?

17 MS. BUGEL: I don't think so. Thank
18 you.

19 HEARING OFFICER ROBERTSON: Thank you.

20 And does anyone else have any
21 questions for the Agency witnesses?

22 Seeing there are no more
23 questions, do any members of the Board or Board
24 staff have question?

July 29, 2015

Page 59

1 Okay. I just have a couple.
2 So I just have one follow-up question for the
3 Agency in the Agency post-hearing comment, it
4 noted it had provided the analysis of economic
5 and budgetary effects, which I requested at
6 the first hearing. That was part of its initial
7 finding. I apologize for not clarifying that at
8 the time. The Joint Committee on Administrative
9 Rules filed two requests of the Board; one being
10 the analysis, which the Agency provided and the
11 second was the State Mandates Act questionnaire,
12 which was filed on the same date. This was
13 available on the Board's website. I'll ask if
14 the Agency can respond to those questions in the
15 State Mandates Act questionnaire. Thank you.

16 And then I know that the
17 Sierra Club stated Mr. Sahu would be testifying
18 at the third hearing. We do have five items
19 from Mr. Sahu and Mr. Gray's testimony we would
20 like the Agency to address in a post-hearing
21 comments after the hearing. I will point those
22 out specifically.

23 Starting with Mr. Sahu's testimony
24 on Page 5 towards the bottom of the page, he stated

1 his assertion that the rules should include
2 emission limits for all model sources in addition
3 to low-sulfur fuel requirements to ensure attainment
4 of one hour SO2 NAAQS.

5 MR. BLOOMBERG: Mr. Robertson, do
6 you want me to respond to these now if I am able?

7 HEARING OFFICER ROBERTSON: If you
8 would like to respond to these now, that's fine.

9 MR. BLOOMBERG: Okay. As I have
10 mentioned, all of the limits that have been
11 modeled, all of the emissions, started at allowable
12 or permitted emission limits. And what that means
13 is there are already enforceable emission limits on
14 all of the modeled sources.

15 To do so again for, as I
16 mentioned, over 3,000 units would make this a very
17 long rule, it would also make it very redundant, in
18 our opinion.

19 HEARING OFFICER ROBERTSON: Thank
20 you.

21 Moving on to Mr. Sahu's
22 testimony at Pages 6 and 7, if the Agency can
23 address the reasons for not including emission
24 limits for all of the larger sources modeled in

July 29, 2015

Page 61

1 the Lemont non-attainment area? I believe it's
2 the last two sentences on Page 6 going on to 7.

3 MR. BLOOMBERG: This part of
4 Mr. Sahu's testimony confused me because of
5 the 40 units listed, 22 of them are in Indiana.
6 I do not know how the Illinois EPA or the Illinois
7 Pollution Control Board would be expected to
8 regulate Indiana sources even if they were
9 significantly impacting our non-attainment
10 areas.

11 HEARING OFFICER ROBERTSON: Thank
12 you.

13 The --

14 MR. BLOOMBERG: Hold on one second,
15 please. I'm sorry.

16 As for the others that are
17 actually in Illinois, as I mentioned, if they
18 are not specifically listed in the new proposed
19 regulation, then they already have enforceable
20 limits elsewhere in our regulations for enforceable
21 permit conditions.

22 HEARING OFFICER ROBERTSON: Thank
23 you.

24 And moving on to Item No. 2,

July 29, 2015

Page 62

1 well, it's on the testimony Page 6, basically the
2 end of that first large paragraph that starts with
3 the contention beginning with facilities that have
4 a low-sulfur fuel requirements are required to
5 periodically sample a small percentage of the fuel
6 that it burns. The problem is that a facility does
7 not actually test the vast majority of their fuel
8 that will burn and given the fluctuations and the
9 sulfur content of fuels, SO2 emissions can easily
10 exceed assumed limits. So without having an
11 emission limit that reflects the low-sulfur
12 assumptions, the standard is essentially
13 unenforceable.

14 MR. BLOOMBERG: We would obviously
15 vehemently disagree with that assertion. Sulfur
16 fuel content is regulated already by various state
17 and federal laws. The refineries have requirements
18 as to the sulfur content they are putting into
19 it.

20 So the suggestion that the
21 standard is unenforceable, I don't understand where
22 that claim comes from. In fact, it's pretty fairly
23 simple math. You know the fuel content -- sulfur
24 content. You know the pounds per million

July 29, 2015

Page 63

1 BTU burned by a given engine given. You do the
2 math and you know what the emissions are. You
3 especially know what the maximum emissions are
4 because, as I mentioned, if there is any variability
5 in content, it is variability downward. So all
6 of the information that we have looked at are
7 maximum allowable emissions.

8 HEARING OFFICER ROBERTSON: Thank
9 you.

10 Thank you. Moving on to the
11 third item, this is again cited testimony at
12 Pages 9 through 12. What else can the Agency
13 respond to his concerns regarding the proposed
14 SO2 limits for the Powerton plant based on that
15 30-day averaging period?

16 MR. BLOOMBERG: It is not clear if
17 he is concerned that it is not -- that this 30-day
18 averaging is not acceptable to the Sierra Club or
19 to the US EPA. We already know it is acceptable
20 to the US EPA.

21 Beyond that, I'm not entirely
22 sure where he is going with his statements. We
23 can try to address that more both in questions
24 for him and in comments after that, but as I said,

July 29, 2015

Page 64

1 if Mr. Sahu has a problem with the 30-day
2 averaging, then his problem would seem to lie
3 with the US EPA who has already approved this
4 methodology.

5 HEARING OFFICER ROBERTSON: Thank
6 you.

7 Moving on to the fourth item,
8 this is in the testimony of Andrew Gray on Page
9 2. We asked if the Agency can respond to his
10 concerns regarding Agency modeling, the statement
11 at the bottom of Page 2 stating many of the
12 assumptions and data requirements for the modeling
13 were not adequately documented including the
14 selection of adequacy of meteorological data,
15 modeling domain and definition of receptor networks,
16 facility emission rate and stack data sources,
17 building downwash parameters, urban versus rural
18 designations, background concentrations and control
19 strategy approach. The result of that it is not
20 possible to determine the adequacy and reliability
21 of the model results, and the appropriateness of
22 the Agency's proposed emission reduction plan.

23 MR. BLOOMBERG: What Mr. Gray is
24 talking about is a separate matter from this

1 rulemaking. He is talking about the attainment
2 demonstration. The attainment demonstration is
3 an Agency demonstration for which we will have
4 a 30-day public notice and public comment period
5 and, if requested, a separate hearing, an Agency
6 hearing, to discuss all of those aspects.

7 It is difficult to impossible
8 to go forward with an attainment demonstration
9 until the Agency knows fairly well what the final
10 regulation is going to look like. So as such, it
11 is too early now for the Agency to move forward
12 in case the Board makes any changes to the proposed
13 regulation.

14 As far as the assumptions and
15 data requirements, in fact, Mr. Gray has been
16 given this information or at least offered this
17 information. So to state that it was not available
18 to him is incorrect.

19 MR. RAO: This information that you
20 said was made available to Mr. Gray, is that now
21 part of the record in this rulemaking?

22 MR. BLOOMBERG: That is part of the
23 very large amount of data that was provided to the
24 Board, I believe, this past week.

July 29, 2015

Page 66

1 MR. RAO: Thank you.

2 CHAIRMAN GLOSSER: I have a follow-up
3 question. When you said that US EPA approved the
4 30-day averaging, is it possible that the EPA would
5 have approved some other averaging period, that the
6 US EPA would have approved that one as well? I
7 mean, they wouldn't be fixed on 30 days? They could
8 have approved something other than that?

9 MR. BLOOMBERG: They probably could
10 have if we had presented it to them.

11 CHAIRMAN GLOSSER: So it was not
12 fixed at 30 days.

13 And then I think you were asked
14 this question, but I want to make sure I understand.
15 Is there an example in Illinois of a facility that
16 has -- also has a 30-day or some other averaging
17 period that's been approved by US EPA.

18 MR. BLOOMBERG: No. This is the
19 first Illinois rulemaking under this current
20 way of looking at SO2 and so -- which is also
21 why nationwide -- and I'm not even aware because
22 other states are going through the same process we
23 are.

24 CHAIRMAN GLOSSER: Okay. Thank you.

July 29, 2015

Page 67

1 HEARING OFFICER ROBERTSON: And
2 then the third item was the Gray testimony on
3 Page 3, the concern that the Agency's -- towards
4 the bottom of the third page -- the Agency's
5 proposed decision to allow Will County Unit 4
6 to continue operating without the SO2 control
7 equipment (such as FGD) will have a significant
8 affect on the ability of the area to reach
9 attainment with the one-hour SO2 NAAQS.

10 MR. BLOOMBERG: Mr. Gray proved
11 himself wrong in that same paragraph because he
12 talks about the quote, unquote, peak receptor
13 and notes that that peak receptor is in attainment.
14 So if Will County 4 is contributing to that peak
15 receptor and that receptor is still in attainment,
16 as are all of the receptors, then he has proven
17 the point that it's unnecessary to control Will
18 County 4 to reach attainment.

19 HEARING OFFICER ROBERTSON: Thank
20 you. Those are all of our line items.

21 Does anyone have follow-up
22 questions at this time? Okay. We have a couple
23 from Mr. Harley and Ms. Bugel.

24 MR. HARLEY: In response to

July 29, 2015

Page 68

1 Chairperson Glosser's question, you made reference
2 to the current way of looking at SO2. What did you
3 mean by "the current way of looking at SO2"?

4 MR. BLOOMBERG: Sorry. I could have
5 been clearer with my terminology there. I mean,
6 the EPA current guidance under the one-hour
7 standard, the 2010 one-hour standard.

8 MR. HARLEY: The fleet wide standard
9 that would apply to Will County 4, was that
10 developed under the current way of looking at SO2?

11 MR. BLOOMBERG: No.

12 MR. HARLEY: Thank you.

13 HEARING OFFICER ROBERTSON: Ms. Bugel?

14 MS. BUGEL: Hearing Officer, earlier
15 I was trying to find a page number for a quote.
16 I was not able to find it. I have found it now.
17 May I have leave to go back to that earlier
18 discussion?

19 HEARING OFFICER ROBERTSON: Go ahead,
20 please.

21 MS. BUGEL: Thank you. I appreciate
22 that.

23 So Mr. Bloomberg, earlier I had
24 referenced -- I had erroneously referenced a

1 question as 51(c) when we were discussing unit
2 type. I have located that. It is actually in
3 IEPA's responses to the Board's first set of
4 pre-filed questions and it's on Page 10.

5 It's the response to Question 18
6 and the reference to unit type is in the very first
7 line of response. It says, variation in emissions
8 at the Powerton unit based on the unit type and
9 the control equipment used can make compliance with
10 hourly limit is difficult. Do you see where I am
11 now?

12 MR. BLOOMBERG: Yes. Mr. Davis is
13 going to clarify that.

14 MR. DAVIS: I think I've answered that
15 question. Did you have a question about the unit
16 type?

17 MS. BUGEL: Yes. My question was how
18 does the unit type make compliance with an hourly
19 limit difficult?

20 MR. DAVIS: The unit type in question
21 is really referring back to the guidance -- the US
22 EPA guidance and, you know, it's fairly general.
23 It's
24 a steam generating unit. So it's not, you know, a

1 specific type of EGU, just that it's a -- well,
2 it's a base load EGU. So that would be the unit
3 type we we're referring to. Those units are the
4 ones that are kind of singled out in the guidance
5 as units that may need a longer averaging period.

6 MS. BUGEL: So base load EGUs are
7 singled out in the guidance as units that need a
8 longer averaging period, is that what you are
9 saying.

10 MR. DAVIS: Well, not necessarily
11 base load, but coal-fired steam generators, yeah.

12 MS. BUGEL: So coal-fired steam
13 generators are singled out in the guidance as
14 potentially needing an averaging time longer than
15 an hourly average?

16 MR. DAVIS: Yes. They are cited in
17 one of the appendices that they -- that they are
18 actually the example of the unit that may need a
19 longer averaging period.

20 MS. BUGEL: And I just have two
21 further questions on the longer averaging period.
22 US EPA, in its guidance, indicated that -- it
23 recommended supplemental limits in addition to
24 the longer term averaging limits. Are you aware

1 of that?

2 MR. BLOOMBERG: Yes.

3 MS. BUGEL: Did IEPA consider
4 supplemental limits in addition to the 30-day
5 average for the Powerton facility?

6 MR. BLOOMBERG: No. It is a
7 recommendation and US EPA approved our plan without
8 including that.

9 MS. BUGEL: Why did IEPA not consider
10 supplemental limits?

11 MR. BLOOMBERG: We did not believe
12 they were necessary.

13 MS. BUGEL: Why not?

14 MR. BLOOMBERG: Because they did not
15 impact on attainment of these two non-attainment
16 areas.

17 MS. BUGEL: What do you mean when
18 you say they did not impact on attainment of these
19 two non-attainment areas?

20 MR. BLOOMBERG: Sorry. Such limits
21 were not necessary for demonstrating attainment and
22 reaching attainment for these two non-attainment
23 areas.

24 MS. BUGEL: Did EPA guidance also

1 suggest that where 30-day -- when longer limits
2 are used that information be provided on emission
3 variability to enable the EPA to judge whether
4 the frequency and magnitude of elevated emissions
5 can be expected to be sufficiently constrained?
6 Did IEPA provide that information on emission
7 variability to US EPA?

8 MR. BONEBRAKE: Mr. Hearing Officer,
9 could the record be clarified as whether Ms. Bugel
10 is quoting US EPA guidance or paraphrasing her
11 understanding of that guidance?

12 MS. BUGEL: I am happy to confirm.
13 My quote is from US EPA guidance and the quote
14 begins, "Enable the EPA to judge whether the
15 frequency and magnitude of elevated emissions can
16 be expected to be sufficiently constrained." That
17 is directly from US EPA guidance.

18 MR. BLOOMBERG: We provide US EPA
19 with the proxy data from the Potomac -- yes, the
20 Potomac River Generating Station, which included
21 variability data.

22 MS. BUGEL: Can you explain what you
23 mean by proxy data from the Potomac River Generating
24 Station?

July 29, 2015

Page 73

1 MR. BLOOMBERG: I believe that was
2 explained in our technical support document, but
3 because the controls are not yet -- all of the
4 controls are not yet operating at the Powerton
5 plant, a proxy set of data for similar controls
6 was used from the Potomac River Generating Station,
7 Units 3, 4 and 5, and that contained 42 months
8 of data.

9 MS. BUGEL: I don't have any further
10 questions. Thank you.

11 HEARING OFFICER ROBERTSON: Thank
12 you. Does anyone else have any additional questions
13 for the Agency witnesses?

14 Seeing none, do any members of
15 the Board or Board staff have any additional
16 questions?

17 Well, thank you to the Agency
18 and its witnesses for the time today and for
19 participating answering questions.

20 Before we move on, I just want
21 to give an additional thank you to the Agency's
22 witnesses and attorney. We have -- the Board
23 has submitted numerous questions, I think a good
24 100 or so questions to you. There have been tight

July 29, 2015

Page 74

1 schedules. You have been very approachable and
2 consistent with getting responses to us quickly
3 clarifying, being available at hearing, and
4 we appreciate it. So thank you.

5 So next, we have the pre-filed
6 testimony of IERG, but I think we're going to take
7 a quick ten-minute break. It is now 11:45. So we
8 will be back at 11:55. We'll go off the record.
9 Thank you.

10 (Whereupon, after a short
11 break was had, the following
12 proceedings were held
13 accordingly.)

14 HEARING OFFICER ROBERTSON: Okay.
15 We are back on the record. It's 12:00 o'clock.
16 We do have the testimony of IERG to get to, but
17 before we get to that, we just had a request for
18 public comment from someone who has to leave
19 shortly. So we are going to move that forward.

20 During public comment, I just
21 ask that you please use the podium on the left
22 here and speak into the microphone. Obviously,
23 state your name and spell it, if necessary, and
24 anyone that you might.

July 29, 2015

Page 75

1 So is Cathy Rehr available?

2 MS. REHR: Thank you very much. I
3 have to go to work. My name is Cathleen, with a C,
4 last name R-E-H-R.

5 I am testifying as an impacted
6 neighbor, resident of Lockport, Illinois for ten
7 years. I am here to request that you withhold
8 approval of the proposed non-attainment plan for
9 the one-hour sulfur dioxide ambient air quality
10 standards until the draft rule is strengthened in
11 several areas.

12 My purpose here today is to give
13 you a personal story as to how my family is already
14 affected by the unsafe air in my area. I am lucky
15 enough to live in the same community as my
16 grandchildren, whom I adore, as any grandparent
17 would. Their mom, my daughter, is an avid health
18 advocate.

19 From the day her children began
20 to eat solids, she made sure they ate healthy.
21 She does everything right. She makes sure they're
22 getting their daily recommended nutritional balance,
23 she keeps them active, spends time outside, keeps up
24 immunizations. She does all of the right things so

July 29, 2015

Page 76

1 they grow up healthy, happy and curious about the
2 world around them.

3 One thing she has no control
4 over is the air that they breathe. Her son, my
5 grandson, was very sick with pneumonia a few
6 years back. Recently, he began having occasional
7 breathing difficulties.

8 He's been back and forth to the
9 doctors searching for a diagnosis. They found an
10 area in his lung that was slightly scarred from
11 the pneumonia. Because of this, we have been told
12 that he is more sensitive to the air quality. It
13 breaks my heart to see my grandchild have to pull
14 out his inhaler during a coughing fit struggling to
15 breathe. If this was your child, I'm sure you would
16 feel the same.

17 As I began to discuss with friends
18 and family in the area, I was really surprised to
19 learn the amount of children to carry these inhalers
20 around. Modern medicine is a great thing, but the
21 cost of keeping these children healthy really hits
22 your pocketbook. It reduces the quality of life,
23 not just for those who are ill, but for the entire
24 family when it comes time to pay these doctor bills.

July 29, 2015

Page 77

1 I am here to ask you, to plead
2 with you, really, to require NRG Energy's Will
3 County plant to comply with longstanding pollution
4 reduction requirements and reject the proposed
5 exemption from the state law contained in the
6 draft rule.

7 I'm here to ask you, to plead
8 with you, to require NRG Energy's Powerton coal
9 plant to comply with an hourly limit on it's sulfur
10 dioxide emissions to adequately protect community
11 members in the Peoria and Pekin communities.

12 I'm here to ask you, to plead
13 with you, to require a stronger emission limit at
14 the Dynegy ED Edwards coal plant along with an
15 expedited date for the installation sulfur dioxide
16 pollution controls.

17 As a community member, as a mom,
18 as a grandmother, I respectfully request that you
19 make these critical improvements to the rulemaking
20 to protect my, and my grandson's, air quality.
21 Thank you very much.

22 HEARING OFFICER ROBERTSON: Thank
23 you.

24 Does anyone else that has to

July 29, 2015

Page 78

1 leave for any reason, would they like to comment
2 now?

3 Seeing nobody, we will continue
4 to testimony. On July 17th, the Board received
5 the pre-filed David Kolaz, that's K-O-L-A-Z, on
6 behalf of IERG, and then amended testimony was
7 filed on July 23rd.

8 Does IERG have any opening
9 statements that you would like to make?

10 MS. ALLGIRE: No. We would just like
11 to thank the Board, the hearing officer and all the
12 members for having us here to present testimony and
13 ask any follow-up questions.

14 At this time, we would like to
15 just admit Mr. Kolaz's amended testimony as exhibit
16 as read and then Mr. Kolaz will provide an opening
17 statement.

18 HEARING OFFICER ROBERTSON: Are there
19 any objections to submitting the testimony as read?

20 Would the court reporter please
21 swear in the witness?

22 THE COURT REPORTER: Raise your
23 right hand, please?

24 Do you swear the testimony

July 29, 2015

Page 79

1 you're about to give is the truth, the whole
2 truth and nothing but the truth, so help you
3 God?

4 MR. KOLAZ: I do.

5 HEARING OFFICER ROBERTSON: Thank
6 you.

7 Seeing no objections, I'm going
8 to enter the amended testimony of David Kolaz behalf
9 of IERG Exhibit A.

10 (Document marked as IERG Exhibit
11 A for identification,
12 7/29/15.)

13 HEARING OFFICER ROBERTSON: Okay.
14 Thank you, Mr. Kolaz, you may proceed.

15 MR. KOLAZ: Good afternoon. My name
16 is Dave Kolaz. I'm an environmental consultant for
17 the Illinois Environmental Regulatory Group on whose
18 behalf I'm testifying today.

19 As I already mentioned, on
20 July 17th, I filed pre-filed testimony on behalf
21 of IERG. And on July 23rd, that testimony was
22 amended. The amendment was made in order to reduce
23 the likelihood in confusion and delay in the
24 completion of this expedited rulemaking.

1 Because the Agency is withdrawing
2 its proposed amendments to Section 214.301, the
3 amendments that caused IERG concern, IERG sees no
4 reason to testify on that particular section.

5 My amended testimony focuses on
6 the general history of the sulfur dioxide national
7 ambient air quality and on the sulfur dioxide
8 emission reductions that have occurred in Illinois
9 and nationwide.

10 My testimony supports the Agency's
11 efforts to develop regulations that will efficiently
12 and effectively achieve the goal of ensuring that
13 Illinois meets the October 4, 2018, deadline for
14 attaining the 2010 sulfur dioxide national ambient
15 air quality standard in the Lemont and Pekin area.

16 I'm happy to answer any questions
17 regarding my amended testimony.

18 HEARING OFFICER ROBERTSON: Thank
19 you.

20 So as stated, the testimony has
21 been entered as read. Do you have anything else
22 to add to the questions.

23 MS. ALLGIRE: No, we do not. Thank
24 you.

1 HEARING OFFICER ROBERTSON: Does
2 anyone have any questions for IERG's witness?

3 Seeing none, do any members of
4 the Board or Board staff have questions for
5 Mr. Kolaz?

6 Seeing there are no questions,
7 Mr. Kolaz, I would like to thank you for your
8 time today and Ms. Allgire for you time. Thank
9 you.

10 MS. ALLGIRE: Thank you.

11 HEARING OFFICER ROBERTSON: We do
12 have some signup sheets in the back for anyone
13 else who would wish to testify who did not pre-file
14 their testimony. The sheets are blank. Is there
15 anyone here who would wish to testify before we
16 get to public comments?

17 Seeing none, we will move on
18 to public comments. I will start with the
19 commenters who signed in on the public comment
20 sheets and then following that, if there's any
21 time, anyone who has not signed in that would
22 like to comment, they will be given the opportunity
23 to do so.

24 I will just reiterate that when

July 29, 2015

Page 82

1 you offer your comment, if you could please state
2 your name, spell it, state whom you're speaking on
3 behalf of an organization or anybody else. Again,
4 any acronyms or particular documents or anything,
5 if you could spell out the acronyms or if you have
6 the document that would be helpful.

7 Also, for public commenters,
8 if you're not sitting in front of a microphone,
9 I'd just ask that you either move to the podium
10 on the left or there's an open microphone in the
11 back as well just so that we can all hear you.

12 I will start with Lindsey Dubin.

13 MS. DUBIN: Can you hear me okay?

14 Good afternoon. My name is
15 Lindsay Dubin and I'm an attorney at the
16 Environmental Law & Policy Center. My name is
17 spelled L-I-N-D-S-A-Y, D-U-B-I-N.

18 First off, I wanted to thank
19 you guys so much for allowing me to deliver
20 comments on such an important issue. My concern
21 specifically is with the proposed amendment to
22 Section 225.296(b), which is a part of the combined
23 pollutant standard, which going forward, I'm just
24 going to refer to as the CPS.

July 29, 2015

Page 83

1 Now, this proposed amendment,
2 which was upon information and belief, requested
3 by Midwest Generation would allow Midwest Generation
4 to shirk its commitment to install flue gas
5 desulfurization, which I'll refer to as FGD from
6 now on, and it wants to shirk this commitment
7 assign FGD specifically on Will County Unit
8 No. 4.

9 Now, this issue hinges on the
10 CPS. The CPS is an opt-in program, which was
11 promulgated in 2006 and it is the product of
12 laborious negotiations between many organizes.
13 One such organization that took a lead role is
14 Midwest Generation. Other organizations that
15 participated are other electric generating units
16 or EGUs. The Illinois EPA and many citizens
17 groups, which Environmental Law & Policy Center,
18 the Sierra Club and Respiratory Health Association.

19 Now, under this program,
20 which again is opt-in program, EGUs are afforded
21 a trade-off. They are allowed to be subject to
22 more lax Mercury standards under the Illinois
23 Mercury Rule so long as they implement a couple
24 additional measures. These measures are specific

July 29, 2015

Page 84

1 to SO2 requirements and to nitrogen oxides.

2 Two particular requirements
3 under the CPS first are a set of tiered SO2
4 reductions that would be implemented over time
5 and then an additional requirement is that these
6 EGUs install FGD on all of their units.

7 Now, let me be clear that
8 these two requirements are separate. Achieving
9 these tiered SO2 reductions does not mean that
10 companies are relieved of their responsibility
11 to install FGD. Reading it otherwise would make
12 these two regulations redundant of one another.

13 Now, Midwest Generation, upon
14 information and belief, opted into this CPS in
15 2007. Following it's opt-in, it was afforded an
16 exemption to FGD installation specific to Joliet
17 Boiler 5, Unit 2 -- oh, Unit 6 -- given it's
18 lifespan that was dwindling.

19 Now, this exception was not
20 a blanket exception. Rather, it was a special
21 exception given its lifespan. However, under these
22 proposed SO2 regulations, this exception would be
23 substituted instead for Will County Unit 4.

24 However, the CPS is a package deal. Midwest

July 29, 2015

Page 85

1 Generation cannot have its cake and eat it too.

2 Rather, it has been reaping the
3 benefits of lower Mercury standards for years and
4 not installing FGD in compliance with CPS is a
5 breach of its agreement, too, that it negotiated,
6 that it opted into, and from which it benefited.

7 I, therefore, urge that the
8 SO2 regulations as proposed be revised to remove
9 the proposed amendment to Section 225.296(b) this
10 will prevent Midwest Generation from not installing
11 FGD on Will County Unit No. 4.

12 Thank you for your time.

13 HEARING OFFICER ROBERTSON: Thank
14 you. Now, I apologize. I'm going to backtrack
15 here for a moment. I realize not everyone can see
16 in the entire room. So moving forward with public
17 comments, if you are able, please step forward to
18 the podium on the left. That way everyone can see
19 who is speaking. Thank you.

20 So next, we have Allison Kvien.

21 MS. KVIEN: Hello. My name is Allison
22 Kvien, spelled A-L-L-I-S-O-N, K-V-I-E-N. I'm a
23 legal intern for the Environmental Law & Policy
24 Center. Thank you for allowing me to submit

July 29, 2015

Page 86

1 comments on this important issue today.

2 I will be talking about our
3 concerns with the Illinois Environmental Protection
4 Agency's failure to discuss reasonably control
5 measures (or RACM) or reasonably available control
6 technologies (RACT) for the major source in the
7 two non-attainment areas.

8 The emissions limits identified
9 do not represent RACT or RACM. By way of example,
10 the unreasonably high emission limit for Will County
11 4 of 6,520 and a half pounds per hour is not RACT
12 or RACM. The Clean Air Act requires that states
13 adopt state implementation plans (or SIPS) for
14 non-attainment areas for bring those areas into
15 compliance with the Clean Air Act. The SIPS must
16 provide for the implementation of all reasonable
17 available control measures as expeditiously as
18 practicable including such reductions and emissions
19 from existing sources in the area as may be obtained
20 from the adoption at a minimum of reasonably
21 available control technology.

22 The technology measures
23 identified implemented in a SIP must, therefore,
24 be RACM, which at a minimum must include RACT.

July 29, 2015

Page 87

1 Generally, the EPA has interpreted RACM to include
2 all measures including both stationary and mobile
3 sources, mobile source controls that are reasonably
4 available and will assist in achieving the national
5 ambient air quality standards or NAAQS.

6 RACT, on the other hand, only
7 applies to preexisting stationary sources. Thus,
8 RACT is type of RACM specifically designed for
9 stationary sources. The EPA defines RACT as the
10 lowest emissions limitation that a particular
11 source is capable of meeting by the application
12 of controlled technology that is reasonably
13 available considering technological and economic
14 feasibility.

15 However, in each case, RACT
16 should represent the toughest controls that can
17 be applied in a specific situation. In the case
18 of the limit of 6,520 and a half pounds per hour
19 for a single unit at Will County, a stationary
20 source that has no SO₂ controls, it is clear that
21 that is not RACT.

22 Midwest Generation is attempting
23 to circumvent any requirements to install dry
24 sorbent injection (or DSI), a form of SO₂ control

July 29, 2015

Page 88

1 that is far less costly than scrubbers at Will
2 County Unit 4. The fact that DSI is being
3 installed on the remainder of the Midwest Generation
4 fleet makes a case for it being reasonably available
5 and also economically feasible.

6 Economic feasibility for RACT
7 purposes is largely determined by evidence that
8 other sources in a source category have, in fact,
9 applied control technology in question. Since
10 Illinois SIP must provide for the implementation
11 of all reasonably available control measures as
12 expeditiously as practical, it must require a lower,
13 more reasonable limit for Will County 4 that compels
14 the implementation of DSI, a reasonably available
15 control measure at that unit.

16 Thank you for allowing me to
17 submit this comment today.

18 HEARING OFFICER ROBERTSON: Thank
19 you.

20 Next, we have Michael Polich.

21 MR. POLICH: Good afternoon. My name
22 is Michael Polich, P-O-L-I-C-H. I'm a legal intern
23 at the Environmental Law & Policy Center. Thank
24 you, Board, for letting me speak today about this

July 29, 2015

Page 89

1 important issue.

2 My comments are going to be
3 focusing on what information was or was not provided
4 along with the model used to determine attainment
5 standards on this issue.

6 US EPA guidance document for
7 one-hour SO2 non-attainment area SIPS make clear
8 that prior elements of the SIP. The attainment
9 plan for the affected area should demonstrate
10 through the use of air quality dispersion modeling
11 using allowable emissions and supplemental analysis
12 as appropriate that the area will attain the
13 standard by it's attainment date.

14 Unfortunately, the information
15 about the model is not provided until recently.
16 Our concern is the Agency's plan was missing this
17 supporting model documentation. Only the
18 accompanying material that had been published
19 regarding the modeling data was the input, the
20 output files and the summary spreadsheets.

21 Many of the assumptions,
22 parameters and data requirements for the model
23 were not adequately documented until very recently.
24 This includes meteorological data, modeling,

July 29, 2015

Page 90

1 domain definition and receptor networks, facilities
2 emission rate and state resources, building
3 downwash parameters, urban versus rural
4 designations, background concentrations and
5 control strategy approaches.

6 Specifically, it has been
7 difficult for the public, including ELPC and
8 the Sierra Club, to make reasoned comments when
9 information about the model is not provided
10 until recently in this process. Thank you.

11 HEARING OFFICER ROBERTSON: Thank
12 you.

13 Next, we have Faith Bugel.

14 MS. BUGEL: Good afternoon, members
15 of the Board, hearing officer, members of the
16 public. Thank you for the opportunity to comment
17 today. Obviously, we've had a dialogue already
18 today. So I will keep my comments very brief.

19 Out of our dialogue today, I am
20 left with a couple of concerns regarding the 30-day
21 average for Powerton and again, my name is Faith
22 Bugel and I'm here representing Sierra Club for
23 the record.

24 However, as we're skipping that,

July 29, 2015

Page 91

1 out of the dialogue today, I'm left with a couple
2 of remaining concerns regarding the use of the
3 30-day average for Powerton and our dialogue. It
4 became clear that the EPA did not consider an
5 averaging time longer than one hour and shorter
6 than 30 days considering that this would be a more
7 stringent restraint and this was not considered,
8 I'm concerned that that was an error and a more
9 stringent constrained constraint should have been
10 considered before moving all the way out to a
11 30-day average.

12 In addition, I'm concerned that
13 no supplement limits or considered in addition to
14 the long-term average. Supplemental limits, such
15 as a limit on unit operations or parametric limits,
16 could have been included in the rule. And again,
17 that would make it more stringent and a way to
18 balance out the 30-day average.

19 It's clear that the Agency and
20 Midwest Gen did not consider or discuss this. The
21 Agency's position is that those are not necessary
22 in achieving the NAAQS. However, the modeling was
23 modeling of the 6,000 pounds per hour limit for --
24 or emissions rate for Powerton and that -- but the

July 29, 2015

Page 92

1 limit in the rule will allow emissions above
2 6,000 pounds per hour. Spikes above that could
3 be hit and still average out to the 30-day average
4 included in the rule.

5 Supplemental limits where
6 additional unit operating limits could constrain
7 those spikes and, therefore, assure that the --
8 both the 30-day average is met and also that the
9 modeled limits are -- that the unit stays within
10 the modeled limits.

11 So it's our position that an
12 averaging time shorter than 30-day average should
13 be considered as a possible additional limit or
14 alternative limit in the rule and/or supplemental
15 limits should be included in the rule.

16 Thank you for your time today.

17 HEARING OFFICER ROBERTSON: Thank
18 you.

19 Next up Randy Juras.

20 MR. JURAS: My name is Randy Juras,
21 J-U-R-A-S. I am with the Homer Glen Environmental
22 Committee. I do thank everyone for having a meeting
23 here today. It's very difficult for the public to
24 normally get a chance to weigh in on any of this.

July 29, 2015

Page 93

1 Before I do anything with my
2 prepared statement, I couldn't help but think
3 as I sat back there and listen to the legalese
4 and whatnot trying to come up with ways to keep
5 Unit No. 4 operating no matter what. It also
6 struck me that the idea of the one-hour criteria
7 is probably a really good one.

8 You could take that unit and
9 have yellow smoke coming out of that stack for
10 30 minutes. Someone would catch it. Something
11 went amuck. Shut it down for a number of days
12 and lo and behold, you would fulfill the 30-day
13 limit.

14 It looks to me like everybody
15 or at least certain members are more interested
16 in making sure that Unit No. 4 operates no matter
17 what. Now, my way of thinking the spirit of the
18 law here should be that the Illinois Pollution
19 Control Board and hopefully the IEPA are more
20 interested doing what's right rather than doing
21 what the costs are.

22 As I understand it, and I'm old
23 enough to remember it, when 1970 rolled around and
24 the EPA was put into place, one of the things they

July 29, 2015

Page 94

1 always said was the second thing we will consider
2 the cost. The first thing you will do is make it
3 right. That is not what I'm hearing.

4 I'm hearing an awful lot of
5 what can we do to keep those units running. I
6 really don't care what they do in any other state.
7 Now, having looked at the environmental situation
8 that we have had in our area, not only are we
9 looking at what's coming up the smokestack, what
10 do you do with coal ash. The whole business about
11 what they are doing at NRG has to do with putting
12 more stringent things on them.

13 We have seen, because of the
14 Hines Emerald ash bore, stuff was done out
15 there in the wetlands and the Mercury levels were
16 off the chart. Where did it come from? Only a
17 logical source is where it's at.

18 Now, about three years ago, the
19 Care Group, Citizens Against Ruining the Environment
20 and myself, we went before Homer Township Board and
21 asked them to ask the IEPA to find out more about
22 what it would take to, in fact, get more monitors
23 in place so we could pinpoint where the pollutants
24 are coming from. We were told at that time they

July 29, 2015

Page 95

1 will think about it.

2 Now, I am hearing today that
3 not only are we not getting our monitor, it seems
4 like we are going to get less of them. What I'm
5 hearing we're going in the wrong direction and
6 not the right direction.

7 As far as I'm concerned, I
8 would like to see the Illinois Pollution Control
9 Board do their job. I don't care what the costs
10 are involved here. We know that this area is
11 non-attainment. What can be done to clean it
12 up? I can't care about what the ins and outs are
13 about how to get it down. Just gets it done.
14 This is not a matter of cost anymore. It's a
15 matter of public health.

16 It was not just coincidence
17 that Cathy, who is on our committee is having
18 her kids, along with many other kids, people
19 with asthma, emphysema, COPD, et cetera, they
20 are the ones that are impacted by this, not
21 everybody, but they are. Thank you.

22 HEARING OFFICER ROBERTSON: Thank
23 you.

24 Next, we have Tom Jasinski.

July 29, 2015

Page 96

1 MR. JASINSKI: Good afternoon. My name
2 is Tom Jasinski. My last name is J-A-S-I-N-S-K-I.
3 I'm a lifetime resident of Will County, a parent and
4 I'm also a volunteer for the Care group.

5 I'm here to talk about a family
6 issue. While in grade school, our younger daughter
7 was aspiring to be a musician. She wanted to play
8 the clarinet, but only a year later, she gave up.
9 She had a hard time breathing, couldn't make the
10 notes with the instrument because she had asthma.

11 I can recall the weekend she was
12 staying at a friend's house for a slumber party.
13 Late at night around midnight, we got a call from
14 her. Dad, I can't breathe. I forgot my inhaler.
15 Can you bring it to me? So I spent an hour looking
16 for her inhaler. I got dressed, got in the car,
17 drove several miles to the friend's house to take
18 it to her.

19 A talk about air pollution in this
20 area would not be complete without mentioning the
21 polluted river in this valley. I'll get to that in
22 a minute. On area maps, the Des Plaines River is
23 labeled "Chicago Sanitary and Ship Canal". We can't
24 drink that river water, we can't bathe in it, we

1 can't swim in it nor can we eat the fish out of it.
2 We are lucky, though, that there are alternate
3 sources of clean water for domestic use. We have
4 deep wells and some communities may have Lake
5 Michigan water available.

6 However, there is no alternate
7 source for the air we breathe. I'll repeat that.
8 There is no alternate source for the air that we
9 breathe. The only choice we have in the air the
10 wind blows our way. Dirty or clean, that is the
11 air we are forced to breathe. The air around us
12 belongs to everyone.

13 We need to require NRG's Will
14 County plant to comply with long-standing pollution
15 reduction requirements and reject the proposed
16 exemption from the state law in the draft rule.
17 Thank you.

18 HEARING OFFICER ROBERTSON: Thank
19 you.

20 Next up, we have Brian Ubaszewski.

21 MR. UBASZEWSKI: Ubaszewski. I wanted
22 to say thanks to the Board for allowing me to
23 come in today. My name is Brian Ubaszewski,
24 U-B-A-S-Z-E-W-S-K-I. I am the director of the

1 Environmental Health Programs for Respiratory Health
2 Association. We were founded in 1906. We're an
3 organization that works to promote clean air and
4 prevent lung disease.

5 In their filing, the state EPA
6 requests that Unit 4, the largest unit at Will
7 County Generation Station, be exempted from the
8 requirement to install flue gas desulfurization
9 equipment on or before December 31, 2018. The
10 Board should deny that request.

11 Hence forth, I'm going to refer
12 to flue gas desulfurization equipment requirements
13 generally as scrubber or scrubbing equipment.

14 In 2014, the Clean Air Task Force
15 used EPA's modeling techniques to calculate the
16 health impacts of emissions from coal power plants,
17 They found that Will County's operating units led to
18 21 deaths, 33 heart attacks, 360 asthma attacks and
19 15 hospital emissions. Unit 4 is roughly twice the
20 size of the recently apparently shuttered Unit 3,
21 and logic would hold it would be responsible for
22 roughly two-thirds of those health impacts. If Unit
23 4 is run even more often in the future, the health
24 damage would be greater. Unless there are

July 29, 2015

Page 99

1 reductions in actual emissions from Unit 4, not
2 allowable emissions, those health impacts won't
3 decline. If it continues to run, Unit 4 needs a
4 scrubber.

5 Illinois plans to reduce air
6 pollution in non-attainment areas rely on the use
7 of "Reasonably Available Control Technology" or
8 RACT, especially for major emission sources. RACT
9 is a main historical driver of progress for areas
10 into attainment with federal air quality standards.
11 Since Illinois' State Implementation Plan must
12 provide for the implementation of all reasonably
13 available control measures as expeditiously as
14 practicable, it must require a lower emissions limit
15 for Will County 4 that reflects adding sulfur
16 dioxide scrubber technology.

17 This technology is already in
18 widespread use. In fact, it has been and is being
19 installed on other NRG Midwest Generation coal
20 plants in Illinois. Every coal plant built in U.S.
21 in the last 30 years has scrubber technology. Even
22 using the least expensive technology, Unit 4 could
23 remove 80 percent of the sulfur dioxide emissions
24 that people will otherwise be forced to breathe.

1 That requirement would save 80 percent of the lives
2 being lost due to what comes out of Unit 4.

3 The Combined Pollutant Standard
4 in state regulations, which has been in force since
5 2006, requires Unit 4 to get a scrubber by 2018
6 if it continues to burn coal. Regardless of what
7 financial decisions were made that determined the
8 fate of the other Midwest Generation coal units,
9 it is abundantly clear that Midwest Generation
10 willingly agreed to and voluntarily opted into the
11 Combined Pollutant Standard in 2007.

12 It's also clear that NRG, Inc.
13 understood this commitment when they bought Midwest
14 Generation in a \$2.6 billion deal.

15 The company benefitted from that
16 decision. It allowed them to delay meeting strict
17 Illinois regulations to cut toxic mercury emissions.
18 In those extra toxic emissions that they were
19 allowed to emit, it actually wound up in fish people
20 eat. In exchange for permission to continue
21 poisoning food people eat, it committed to meet
22 requirements to reduce sulfur dioxide, which causes
23 illness and death.

24 My organization participated in

July 29, 2015

Page 101

1 the negotiations with Illinois EPA that led to the
2 Combined Pollutant Standard option. Relieving NRG
3 Midwest Generation of their sworn commitment and
4 obligation, again one NRG Inc. freely accepted in
5 buying the company, would be a breach of the public
6 trust and undermine future agreements crafted to
7 reduce air pollution.

8 The requirement to add scrubbers
9 at Will County was not driven by a federal
10 requirement to meet the sulfur dioxide standard. It
11 was put in there to save lives before 2010 standard
12 existed. Using this attainment process to remove an
13 obligation that existed prior to the problem the
14 Illinois EPA is now attempting to solve is shameful,
15 deceitful and wrong.

16 Over 1.6 million people in
17 Illinois live with asthma. There are estimates
18 that as many as 580,000 live with Chronic
19 Obstructive Pulmonary Disease (COPD) These are
20 people already living with chronic lung disease,
21 people who face challenges in getting medication,
22 dealing with side effects, worrying about added
23 doctor visits, hospital visits or worse.

24 Sulfur dioxide is a respiratory

July 29, 2015

Page 102

1 irritant that triggers asthma attacks and increases
2 respiratory hospitalizations. When mixed with water
3 vapor, it creates sulfuric acid, battery acid. It
4 also is a main precursor to deadly fine particle
5 pollution.

6 The state of Illinois should be
7 doing everything in its power to protect Illinois
8 residents, not letting profitable corporations out
9 of ironclad commitments those companies made to
10 every Illinois resident.

11 Letting NRG Midwest Generation
12 have its cake and eat it too, delaying mercury cuts
13 for years while avoiding deadly sulfur dioxide
14 emissions in perpetuity, cuts it promised from this
15 coal plant, is not in the public's interest and will
16 not protect the public.

17 The Board must correct EPA's
18 proposal and compel NRG Midwest Generation to add
19 and operate sulfur dioxide scrubbing equipment as
20 state regulations now require.

21 Thank you very much for the time.

22 HEARING OFFICER ROBERTSON: Thank
23 you.

24 Michael Anthony?

July 29, 2015

Page 103

1 MR. MORGAN: He had to leave to go to
2 work.

3 HEARING OFFICER ROBERTSON: John
4 Heinz.

5 MR. HEINZ: I'm John Heinz. That's
6 spelled H-E-I-N-Z, and also J-O-H-N. I live here.
7 I sort of help out once in a while with Care and
8 I'm here can the Sierra Club also.

9 One of my concerns, I've noticed
10 that when the EPA sets up a standard like this,
11 it's massive. You're saying you can have this many
12 parts per million and that's kind of safe. It's
13 not real safe for you. But you know, then when you
14 have a containment area, the area where they're not
15 achieving this maximum standard, they're saying you
16 have air that is not safe for anyone.

17 You know, when you're at the
18 standard, you're at the maximum, it's kind of
19 safe for most people. Some people, maybe not so
20 much. You know, people, like, who maybe have
21 asthma like my daughter, she's had asthma. She's
22 been suffering, you know, all her life from it.
23 It may not have been caused from, you know, whatever
24 happened at the power plants, whatever they're

July 29, 2015

Page 104

1 producing, but it's probably been aggravated by
2 that. I have not yet seen one inhaler sent. So
3 I'm still looking for that.

4 I think maybe these areas where
5 they're not attaining, maybe they should send
6 filters out so that you can actually breathe air
7 safely or something like that. They should supply
8 some air that's actually safe for people. Until
9 then, maybe we just consider that really needs to
10 be brought down to something that's actually safe
11 for everybody sooner or later.

12 I have also noticed that since
13 the sulfur dioxide unit causes the sulfuric acid,
14 it's actually bad for the infrastructure and
15 I've seen evidence of places where a lot of the
16 infrastructure in the area is made from limestone
17 and that that particularly affects that so that
18 this particular pollution is actually eating away
19 the infrastructure.

20 It's eating away the roofs of
21 people's houses and bridges and streets, all sorts
22 of things. I don't know that they're actually
23 helping out in repairing any of that while they're
24 doing this pollution.

July 29, 2015

Page 105

1 I guess that's basically my point
2 is that it's really harmful in a lot of different
3 ways and that it should probably be brought down
4 to the lowest level that it's possible and if, you
5 know, averaging probably doesn't really make a lot
6 of sense in this case, you know, if you're putting
7 out loads of pollution for a little while and then
8 you stop and it's like, oh, we're not making any
9 now.

10 Then you average that together,
11 it's still like there's still a real heavy period
12 of pollution. So if we can do something about
13 that, you know, anything that can be done would
14 be a benefit. Like I said, that's about it for
15 me. Thanks.

16 HEARING OFFICER ROBERTSON: Thank
17 you.

18 Next, we have Virgil Kim.

19 MR. KIM: Hi. My name is Virgil Kim.
20 I'm founder of Helpers to Mother Earth. I'm here
21 today because of Care.

22 I moved to Joliet about five
23 years ago and I've been blessed by them and their
24 hard work and they supported me. Also, the

July 29, 2015

Page 106

1 Respiratory Health Association, which I've done
2 bike rides with them for over 30 years.

3 I rode cross county twice with
4 them and I've done a bunch of bike rides. I stair
5 climb the John Hancock Building. It's one of the
6 hardest things you'll ever do.

7 So I'm concerned as an athlete
8 with air quality. When I moved to Joliet, I
9 didn't realize what a great place this is for bike
10 riding. There's trails that go north, south, east
11 and west that are like 20 miles any direction you
12 want to go. Off of those trails, there are other
13 trails.

14 There's a trail here that starts
15 in Joliet, I&M Canal Trail, and then it changes and
16 becomes the Centennial Trail. I've ridden that up
17 to Wheaton, I think, three or four times last year.
18 It's about 85 miles. It's really scary for me to
19 get on that trail now because I realize that trail
20 goes right by one of the power plants that we're
21 talking about.

22 That trail was built just -- the
23 one extension there, it was just built like five
24 years ago and it's right across the street from

July 29, 2015

Page 107

1 this power plant. There's people out there.
2 I don't know how many of you are athletic, but
3 if you are athletic and you want to improve
4 yourself, you do what do what we call intervals
5 where you're going as hard as you can, as fast
6 as you can, and increasing your heart rate and
7 you're breathing and breathing and, you know,
8 just about ready to collapse and then you rest
9 and then you do it over again. That's the way
10 you become better at running and biking and so
11 on.

12 So there are people out on this
13 trail that's like right across the street from
14 this power plant that are doing this kind of stuff.
15 I'm pretty crazy. I've got a regular bike that I
16 added a bunch of weight to and put on bigger tires
17 and now it's 50 pounds with bigger tires so I don't
18 have to go as fast in order to get a good workout,
19 but it's just real important that, you know, you
20 do what's -- what's here is that people are trying
21 to take care of themselves, you know, eating the
22 right foods.

23 You know, I'm a fanatic on all
24 that stuff. I really, really hope that you can

July 29, 2015

Page 108

1 come through for us. And then on another note,
2 I did get a chance to pass out some information
3 about Helpers of Mother Earth. I founded this
4 about eight years ago and this is a little thing. I
5 hope I don't insult anybody in this room about my
6 theory on what I'm going to say here, but Helpers of
7 Mother Earth, I founded it because I was just
8 out in forest preserves and so on and wasn't
9 enjoying the scenery because there was a lot of
10 litter and a lot of garbage.

11 So I became somewhat well-known.
12 I got my picture in the paper and so on and so
13 forth and then I moved here to Joliet and it's
14 sort of funny. I found the bike riding I wanted
15 here, but, man, did I find the litter and garbage.
16 It's incredible.

17 You know, it's an older town
18 and they have these areas that were just garbage
19 dumps, neighborhood garbage dumps and where homeless
20 people live and so and so fourth. We've had other
21 300 cleanups in Joliet and it's just really been a
22 lot of work.

23 So sort of getting onto the
24 subject here, one of our slogans is litter is a

July 29, 2015

Page 109

1 pollution everyone can do something about. And
2 when you get through with all of the garbage
3 dumps that are there, what's left is a wooded
4 area -- a nice wooded area, so on and so forth,
5 and those areas stay pretty nice.

6 So our program is two hours
7 two times a year and we could keep and eliminate
8 litter. That's pollution we have control over.
9 We have control over that pollution. Just like
10 composting and recycling, we have control over
11 that.

12 The big thing I talk about with
13 Helpers of Mother Earth is personal power. It's
14 the personal power we have and I evaluate situations
15 as to personal power.

16 I thank you for giving me the
17 chance to exercise my personal power today with,
18 you know, what I am having to say. I -- I don't
19 want to step on anybody's toes here because there's
20 a lot of people that are doing a great job, but
21 what I'm asking is are we using our personal power
22 to make and stop pollution or are we finger-pointing
23 and saying you have to do stuff, you have to do
24 things where we could be doing more?

July 29, 2015

Page 110

1 Are we all exercising and using
2 our personal power to limit pollution? Like I said,
3 I don't want to step on any toes because you people
4 are doing great jobs here, but I hope you can help
5 me with personal power. Thank you.

6 HEARING OFFICER ROBERTSON: Thank
7 you.

8 Next, we have Reverend Dr. Terry
9 Gallagher.

10 REVEREND DR. GALLAGHER: Good
11 afternoon. That's Gallagher spelled just like
12 the watermelon smasher, G-A-L-L-A-G-H-E-R.

13 I want to begin my remarks today
14 by thanking you for the opportunity to address this
15 critical issue. This is really democracy at work.
16 This is what we mean when we formed this union.

17 For the record, I'm Reverend
18 Dr. Terrence Gallagher, an ordained minister at
19 the United Church of Christ and my ministry has a
20 specific focus of ecological justice and what that
21 boils down to is that every child of God deserves
22 to be raised in a healthful environment, in an
23 environment that does not impede their growth
24 into fully functioning human beings either from a

July 29, 2015

Page 111

1 physical or a mental standpoint.

2 I'm a resident of Aurora,
3 Illinois, but my appearance before you this day
4 has the added priority that I raise my voice in
5 defense of my grand kids. My youngest grand kids
6 live in Will County and are directly exposed to
7 what comes out of these smoke stacks. So they
8 are subjected to the harmful air pollution emitted
9 from the NRG energy power plant, which is seeking
10 the exemption from having to comply with the legal
11 requirements to reduce the amount of pollution that
12 it generates. It's that simple.

13 I have a bit of an unusual
14 background so it's in respect that I gave a little
15 added weight to my comments these days because you
16 see, prior to becoming a minister, I was an engineer
17 and a manufacturing executive in the hazardous
18 chemical manufacturing industry for 32 years. So
19 I'm well used to what it takes to comply with
20 regulations, what it takes to operate a facility
21 in compliance regulations.

22 I was in this business when
23 EPA came to existence. Several decades ago, I
24 would have been one of the individuals arguing

July 29, 2015

Page 112

1 that we need to go slower, that we need to minimize
2 the undue restrictions that we would place on
3 generating facilities. Several decades ago, I
4 might have been sitting on your side of the desk.

5 But a long time has past and
6 in those several generations -- decades since I
7 was a rookie engineer, we have acquired a lot of
8 scientific knowledge. We have acquired a lot
9 of scientific knowledge and just what pollution,
10 what training our atmosphere as a garbage dump
11 does to the health of human beings.

12 So we're well-aware of the
13 acute effects. When we concentrate on the acute
14 affects, it is kind of hard to turn away from a
15 child that's grasping in the midst of an asthma
16 attack. We know that the increased pollution has
17 caused cardiovascular disease, lung cancer.

18 But recently, scientific studies
19 have also concluded that the increase in air
20 pollution is affecting the mental and relational
21 well-being of children and that when mothers are
22 exposed while carrying their child to the increased
23 air pollution particularly in the third trimester,
24 it affects the child's later ability to succeed in

July 29, 2015

Page 113

1 school or not succeed in school. It affects the
2 child's ability to relate or not to relate.

3 In a Harvard study that recently
4 came out this year, it showed that a mother in her
5 third trimester that was exposed to the increased
6 levels of small particle pollution that the
7 incidence of autism doubled, doubled.

8 So we had several decades and
9 great scientific research where we know and we
10 can't claim ignorance anymore, we know what this
11 pollution does.

12 At the same time as an engineer,
13 I could tell you we've also gained excellent
14 technology and knowledge to apply that technology
15 so that on a very efficient basis we can reduce
16 this pollution.

17 I have to tell you as a moral
18 theologian that NRG has no ethical basis to deny
19 putting life saving equipment on one piece of
20 generating equipment when their competitors prove
21 it's possible and they're doing it. There's no
22 moral ethics that no child's life is worth the
23 economics that might run and say, but for this
24 one unit, we don't need to reduce the pollution.

July 29, 2015

Page 114

1 There is no basis for that outside of a myopic
2 viewpoint.

3 So I come here today to request
4 that you withhold the approval of the proposed
5 non-attainment plan for the one-hour sulfur dioxide
6 national ambient air quality standards until the
7 draft rule is strengthened to protect our most
8 at risk population. This rule must require that
9 NRG's energy Will County plant comply with the
10 longstanding pollution reduction requirements and
11 reject the proposed exception from state law
12 contained in the draft rule.

13 Our families have already
14 waited too long for this plant to reduce its
15 pollution and have watched as energy decided
16 cleanup in other communities. The draft rule
17 contains a surprise exemption for NRG to avoid
18 compliance with the longstanding combined
19 pollutant standard that was designed to reduce
20 harmful emissions across Illinois.

21 The Board and committee should
22 reject this exception, should reject so that we
23 might protect Will County communities and families.
24 As a grandfather of young kids exposed to these

1 sources of pollution from three years old to seven
2 weeks old, I request that you make these critical
3 improvements at a rulemaking so that you protect
4 the air they breathe, so that you enable them to a
5 future that they might enjoy.

6 Ecological justice comes down
7 this: All children require a healthy environment
8 irregardless of their zip code, irregardless of
9 one manufacturing or generation facility's
10 short-term economics. Thank you.

11 HEARING OFFICER ROBERTSON: Thank
12 you.

13 Next, we have Verena Owen.

14 MS. OWEN: Good afternoon. My name is
15 Verena Owen, V-E-R-E-N-A, O-W-E-N. The reverend is
16 going to be a hard act to follow.

17 I'm am a volunteer of the Sierra
18 Club and thank you very much for holding hearings
19 about this important matter. I very much appreciate
20 that the public has an opportunity to address you in
21 a very direct manner and it's
22 much appreciated and a shout out to my fellow
23 citizens who have stuck this out for three hours
24 now. I'm sure their heads are about to explode,

1 but hang in there, guys.

2 I know that the Pollution Control
3 Board cares about Illinois rules and air pollution
4 and impacts on the environment and public health.
5 You recently denied SO2 variance by NRG. Thank
6 you because NRG did not adequately address the
7 environmental impact of their request. You showed
8 patience, much more than I would, with utilities
9 when power plants are constantly coming to the
10 Pollution Control Board trying to get some exemption
11 or another from Illinois laws or trying to hold up
12 some permit or another forever and I don't think
13 that's right.

14 I live in Waukegan. I live north
15 of Waukegan. I live on the plume of other NRG plant
16 up in Lake County, a county that also lost it's SO2
17 monitor. I'm very glad I came today. I learned
18 something. I learned that NRG apparently
19 has different plans for Will County than we were
20 made aware of. Very interesting.

21 So in this proceeding, NRG tries
22 to renege on the 2006 CPS agreement. New Jersey
23 based NRG bought those plants with open eyes and
24 knew exactly what the expectations and rules the

July 29, 2015

Page 117

1 lay of the land of Illinois was. It now tries
2 to treat our environmental rules as disposal
3 requirements, but they're not, they really are not.

4 I urge you to reject NRG'S
5 attempts to sidestep the environmental laws of
6 Illinois and I also urge you to strengthen the
7 rule for the benefit and public and not only our
8 generation, but future generations and the
9 Reverend's grandkids. Thank you very much.

10 HEARING OFFICER ROBERTSON: Thank
11 you.

12 Next, we have Ellen Rendulich.

13 MS. RENDULICH: Hi. My name is Ellen
14 Rendulich, R-E-N-D-U-L-I-C-H. I'm one of the
15 founders and directors of Care, Citizens Against
16 Ruining the Environment. We're a grass roots
17 organization located in Will County. The majority
18 of our members live within a 25-mile radius.

19 I live approximately one mile from
20 NRG's Will County coal plant and many air polluting
21 companies, such as Citgo. It's unfortunate that we
22 are also breathing the toxins from industries
23 surrounding Joliet.

24 As we are currently non-attainment

July 29, 2015

Page 118

1 for SO2 and several other air pollutants, it's no
2 surprise that many of our members, including my
3 husband and I, suffer from asthma. My sister-in-law
4 died of respiratory illness leaving two young
5 children behind. Recently, I was diagnosed with
6 COPD. It's a combination of two things so I have
7 bronchitis with asthma.

8 Since 1995, members of our
9 organization have relayed stories of the negative
10 health effects and how our lives are adversely
11 affected by the soot and pollution from these
12 chemical and coal fired power plants. Today, we
13 were just astounded and livid to find out that
14 plant would go back into action. This is -- this
15 is just -- it's just appalling. It's appalling to
16 even think that economics would be considered when a
17 human health is at risk. We're just people speaking
18 on behalf of people that we know, our family and
19 friends. I'm also speaking -- Mary Burmitz had to
20 leave, Mary B-U-R-M-I-T-Z. She is also a director
21 and founding member.

22 She says, today, I am speaking on
23 behalf of Care and my family. Like many of our
24 members my family and I live in the shadows of the

July 29, 2015

Page 119

1 Romeoville and Joliet coal-fired power plants. We
2 watch the soot being emitted from these toxic coal
3 plants knowing that coal fired electricity is one of
4 the largest sources of carbon emissions in the
5 United States.

6 My husband, Ron, takes daily
7 medications for his COPD and my youngest daughter
8 suffers from asthma. To witness your loved ones
9 struggle to breathe is heartbreaking. Enough is
10 enough.

11 Will County is a non-attainment
12 area for pollutants such as ozone and SO2. It's
13 appalling that while these polluting large
14 corporations continue to profit, members and
15 residents in my community suffer from respiratory
16 ailments.

17 Members of Care, my family and I
18 urge the EPA to do the right thing for the good of
19 our health, the environment and our country.

20 HEARING OFFICER ROBERTSON: Thank
21 you.

22 Next, we have Dorothy
23 Berabeic, B-E-R-A-B-E-I-C.

24 MS. BERABEIC: My name is Dorothy

July 29, 2015

Page 120

1 Berabeic. You spelled it correctly. I'm also a
2 Care member. I also -- I'm nervous. I have 12
3 grandchildren. Let's step back. Does everybody
4 remember -- anybody from this area, do you remember
5 when they used to be able to go to Romeoville Beach?
6 It was a nice swimming hole over there by the
7 plant, which is no longer able to be used. I
8 remember it as a child. We would drive from
9 Brookfield and go there. I've lived out here
10 now in the Will County area approximately all
11 of my life for 37 years now. I've lived in
12 Romeoville from -- when I had my youngest.

13 She was born with asthma. My
14 other children were born in LaGrange and they
15 were okay. Out here, she got asthma. As they
16 grew older, two of my other children came down
17 with allergies. Now, four of my grandchildren
18 live here now and the four that live here have
19 allergies and breathing problems. In the last
20 couple of years, I have started with breathing
21 problems also. It's just scary that the plants --
22 NRG has not committed to what they committed back
23 in 2007.

24 I thank you for hearing this.

July 29, 2015

Page 121

1 HEARING OFFICER ROBERTSON: Thank
2 you.

3 Next, Alex Morgan?

4 MR. MORGAN: Good afternoon. I really
5 enjoy hearing what everybody here has to say. The
6 Reverend really hit on -- I used to teach
7 kindergarten. When I was growing up, I don't
8 remember anybody having an inhaler and the number
9 of children in my school who came to school and
10 had inhalers or even the nebulizers that were
11 kept in the office always astounded me until I
12 started digging into this work and thinking about
13 the causes of that.

14 So these same feelings that are
15 hitting a lot of folks in the audience today hit
16 me over the past few years and I wanted to speak
17 for Ardis Dolin who is another member of Care and
18 a community resident who could not be here today.
19 She had what I felt was such a compelling story to
20 tell and she lives in Lockport and she wanted to
21 say in the fall and winter when the leaves are off
22 the trees, I have -- and this is her speaking -- I
23 have an unobstructed view of my neighbor directly to
24 the west, the Romeoville coal-fired power station.

July 29, 2015

Page 122

1 Since I'm only three or four
2 years old (sic.) from the power station, it's safe
3 to say that I've been watching and breathing the
4 smoke coming out of this plant's smoke stack for
5 most of my life. My first memory dealing with
6 respiratory problems takes place when I was about
7 five or six years old. After taking me to see the
8 doctor, my mother and I returned to car when my
9 father went into the drug store to get my
10 prescription filled.

11 It gradually dawned on me that
12 people would go out of their way, even going so
13 far as crossing the street, to avoid coming near
14 our car. When I asked my mom about it, she told
15 me they probably thought I had whooping cough. I
16 didn't have whooping cough, but it sounded liked
17 I did.

18 To this day, I still have a
19 persistent, explosive cough that sounds absolutely
20 awful. It was only when I was diagnosed with asthma
21 that I began to realize there had been problems all
22 along. Now, I'm on medication. But even so, some
23 days are good. Some days are bad.

24 On the bad days, it's difficult

July 29, 2015

Page 123

1 for me to talk. Despite what I just told you about
2 myself, I'm one of the lucky ones. In November
3 of 2011, the doctor told my girlfriend, Jan, who
4 grew up not far from me that she only had a year
5 to live unless she had a lung transplant. Someone
6 needing a lung transplant doesn't get put on the
7 transplant list right away. The recipient has to
8 undergo a series of tests to see if he or she is
9 physically and mentally eligible for a transplant.
10 If all else turns out all right, the recipient
11 then has to wait for an insurance company's
12 approval.

13 While she was taking the
14 tests and waiting for the insurance company's
15 determination, Jan's health deteriorated a lot.
16 When she was first diagnosed with COPD, she was
17 on oxygen only when she felt she needed it.

18 Gradually, it progressed to the
19 point where she needed oxygen all the time. Then
20 she went from using one cannula to using three of
21 them put -- did I pronounce that correct? All
22 right. Close enough. She was in a race against
23 time. She lost. She passed away at the end of
24 September. I was with her just a few hours before

1 she died and what she was going through was awful.

2 It's something I hope none of
3 you will ever have to witness. She was three
4 years younger than I am so she was only her late
5 50s. Maybe now you can understand why I think
6 of her and I consider myself one of the lucky ones.
7 My friends look at me and consider themselves
8 lucky. I think some of those friends are in
9 this room. It's all a matter of perspective.

10 The Romeoville coal burning
11 plant is open. Back when it was built, I don't
12 think anyone really knew what was coming
13 out of those stacks, but things change and for
14 quite a while now, the people running that plant
15 have known exactly what is being spewed into the
16 air and consequently inhaled into area lungs.

17 Grandfathered or not, for purely
18 ethical reasons, that plant should have had the
19 upgrades to make it adhere to the Clean Air Act a
20 long, long time ago. In this day and age when a
21 health hazard of coal burning power plants are
22 well-known and documented, no one should have to
23 look at the smoke spewing from the stacks and ask
24 is that going to make me sick?

July 29, 2015

Page 125

1 So the Pollution Control Board
2 should make sure that this rule is strengthened and
3 deny NRG Energy's request to be exempt from their
4 commitment to install safe pollution controls. They
5 know better. Thank you.

6 HEARING OFFICER ROBERTSON: Thank
7 you.

8 Would you mind spelling the
9 name of the individual you are representing?

10 MR. MORGAN: Yes. It's Ardis,
11 A-R-D-I-S, last name is D-O-O-L-I-N. She's in
12 Lockport.

13 HEARING OFFICER ROBERTSON: Thank
14 you.

15 Next, we have Emily Kowey.

16 MS. KOWEY: Hello. Can you all hear
17 me? My name is Emily Kowey, K-O-W-E-Y. I'm speaking
18 today on behalf of Jan Gehrig.

19 HEARING OFFICER ROBERTSON: Can you
20 spell that, please.

21 MS. KOWEY: Yes, Jan, J-A-N, and
22 Gehrig, G-E-H-R-I-G.

23 I live in Romeoville, which is in
24 Lockport Township. I am here to request you

July 29, 2015

Page 126

1 withhold the approval of the proposed non-attainment
2 plan for the one-hour sulfur dioxide National
3 Ambient Air Quality Standards until the draft rule
4 is strengthened in several areas.

5 It is critical that NRG Energy's
6 Will County plant comply with long-standing
7 pollution reduction requirements and reject the
8 proposed exemption from state law of the draft
9 rule. We have been asking for assistance for years,
10 as our residents have continued to suffer toxic
11 air-related illnesses.

12 NRG appears willing to pat us on
13 the head and go on with business as usual. Does NRG
14 expect us to stand mute as other communities witness
15 either closed up or cleaned up plants? NRG has the
16 power to make the difference in our community.

17 I have two grandsons that carry
18 nebulizers in their pockets. I was hospitalized
19 with pneumonia this past January and still suffer
20 breathing problems. Now, there is a nebulizer in
21 my purse.

22 I am here to request that you make
23 critical improvements to the rule-making to protect
24 my air quality.

July 29, 2015

Page 127

1 Thank you for your attention. I
2 look forward to making critical improvements to the
3 rule-making to protect the air quality for families
4 in our area.

5 HEARING OFFICER ROBERTSON: Thank
6 you.

7 Next, we have Gary Jones.

8 MR. JONES: Yes. I will use this
9 mic.

10 My name is Gary Jones, G-A-R-Y,
11 J-O-N-E-S. I come to you as a resident of Joliet
12 who grew up in Lockport surrounded by heavy
13 industry. Back then, I could see the smoke from
14 the stacks. I had my sight back then. I also had
15 damn good hearing back then. Any time I would
16 play in the woods with those hide and go seek games,
17 I won every time because I could hear the grass
18 grow, they would say, but that came to a screeching
19 halt when I developed allergies with the tubes in
20 the ears, shots in the arms, aspirators, pills that
21 knock you out, the whole nine yards. That also put
22 an end to any sports activities until I was much
23 older and grew out of allergies.

24 Now, I cannot point the finger

July 29, 2015

Page 128

1 to any specific smoke stack to blame for those
2 breathing problems no more than any cigarette
3 smoker can point to a pack of cigarettes and say
4 that's the one that caused my lung cancer, but we
5 all know what that stuff does accumulating over
6 time. It's just not as obvious.

7 If all of that sulfur dioxide
8 would spew out at once, then it would be obvious
9 and I suspect this room would be standing room
10 only with angry citizens.

11 But as of now, there's an awful
12 lot of people out there that probably have no idea
13 any of their health problems are linked to what is
14 coming out of the smoke stacks. Well, recently
15 the Supreme Court came down with a decision where
16 essentially the fascist five said that the EPA must
17 be responsible for determining whether something is
18 cost effective before a ruling. I don't agree with
19 that at all.

20 I don't think it's the EPA's
21 responsibility to make a business profitable. Quite
22 frankly, if a business cannot turn a profit without
23 causing irrevocable harm to society, then that's a
24 flawed business model and they have no business

1 being in business.

2 Well, to put it in the language
3 of the business community, they're externalizing
4 the negative externalities. Well, somebody's got to
5 pay for that. It doesn't show up on the balance
6 sheets. An accountant doesn't mark it off on the
7 accounts payable. The CFO doesn't get a bill in
8 the mail, but if somebody pays for all of those
9 health costs and the rehabilitation, you know,
10 people dealing with disabilities, they may not
11 make as much money, they've got more health costs.
12 Somebody pays for that.

13 The only way the business pays
14 is indirectly through taxes. We all know how
15 they feel about taxes. So it's time that they
16 pay. Somebody pays or they switch onto something
17 a lot more profitable. There's a lot of
18 alternatives out there. They have no excuse.
19 There's plenty of technologies coming online that
20 they can make an awful lot of money hand over fist
21 and sleep easy
22 at night.

23 Now, King Coal has served mankind
24 quite well since the industrial revolution. Yeah,

1 so have the horses. We don't bend over backwards
2 bending the rules to keep the horse and carriage
3 industry profitable. Quite frankly, I think I'd
4 rather deal with -- well, I'd rather be stepping
5 into horsy pollution than dealing with all of the
6 sulfur dioxide.

7 So it's time to put to rest some
8 of these old dead gun sort of burning industries
9 and move on to something that's clean and green
10 unless, of course, the companies burning the coal
11 are willing to open up their pocket books and pay
12 for all of the health and rehabilitation costs.

13 Did I -- did I hear anybody
14 volunteering? No, I didn't think so. Okay. I
15 guess you'll have to stop polluting. That's my
16 statement and I'm sticking to it.

17 HEARING OFFICER ROBERTSON: Thank
18 you.

19 MR. JONES: You are welcome.

20 HEARING OFFICER ROBERTSON: That's
21 the end of people who have signed up for public
22 comments. Is there anyone here who did not sign
23 up that would like to offer a public comment at
24 this time?

July 29, 2015

Page 131

1 Seeing none, thank you everyone
2 who spoke today and, of course, you can always file
3 a comment with the Board, too, if you would prefer
4 to do that.

5 The Board has a couple of
6 housekeeping items to address at this point. We
7 had some copies of two letters in the back. I
8 don't think there are anymore there at the moment,
9 but these letters are communication between the
10 Board and the Department of Commerce and Economic
11 Opportunity providing the Board's request on
12 economic impact study and the DCEO's response.
13 The DCEO stated it was unable to undertake such
14 an economic impact study. Does anyone have any
15 comments on the Board's letter or DCEO's response?

16 Seeing none, as mentioned earlier,
17 on May 26th, the Joint Committee on Administrative
18 Rules filed a request for an analysis of economic
19 budgetary effects of this rulemaking as well as
20 an analysis pursuant to the State Mandates Act.

21 On May 21st, JCAR submitted its
22 first notice version of the rules for use in
23 creating the second notice changes. Anyone is
24 welcome to file any comments on any of these

1 documents.

2 So we are wrapping now. Did
3 anyone have any additional comments they would
4 like to make at this stage?

5 Seeing none, do any members of
6 the Board or staff have any closing comments?

7 Seeing none, I would just like
8 to go off the record for a moment to discuss future
9 dates.

10 (Whereupon, a discussion
11 was had off the record.)

12 HEARING OFFICER ROBERTSON: Okay.
13 Let's go back on the record. Thank you.

14 As mentioned, we just went off
15 the record to discuss some dates. The transcript
16 of today's hearing will be with the Board sometime
17 tomorrow afternoon. We will then do our best to
18 get that uploaded on the Board's website so the
19 Board has it available.

20 Pursuant to the May 7, 2015,
21 Hearing Officer Order, the next hearing in this
22 matter is schedule for Tuesday, August 4th, at
23 10:00 a.m. in the Council Chambers located at
24 111 South Capital Street, Pekin.

July 29, 2015

Page 133

1 The filing deadlines have passed
2 for testimony and pre-filed questions. I know we
3 did have pre-filed testimony for two witnesses on
4 behalf of Sierra Club. If anyone else does have
5 any questions that they would like to pre-file
6 between now and then to ensure an efficient hearing,
7 that would be appreciated. Questions must be
8 brought up at the hearing.

9 So with that said, I would just
10 like to again thank everybody for attending today.
11 We have a number of members of the public here.
12 Obviously, we have had a number of people that
13 offered testimony. I appreciate it. I know it's
14 in the middle of the week. We thank you all for
15 taking the time to come out here and participate
16 or just to watch. It's greatly appreciated.

17 So with that, this hearing is
18 adjourned. Thank you.

19 (Whereupon, no further
20 proceedings were had in
21 the above-entitled cause.)
22
23
24

July 29, 2015

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF C O O K)
4
5

6 I, LORI ANN ASAUSKAS, CSR, RPR,
7 do hereby state that I am a court reporter doing
8 business in the City of Chicago, County of Cook,
9 and State of Illinois; that I reported by means
10 of machine shorthand the proceedings held in the
11 foregoing cause, and that the foregoing is a true
12 and correct transcript of my shorthand notes so
13 taken as aforesaid.

14
15 
16



17 Lori Ann Asauskas, CSR, RPR.

18 Notary Public, Cook County, Illinois
19
20
21
22
23
24

A	112:8	89:23 116:6	59:10,14,20	103:16 104:6,8
A-L-L-I-S-O-N	acronyms 9:20	adhere 124:19	60:22 63:12	106:8 111:8
85:22	82:4,5	adjourned	64:9,10 65:3,5	112:19,23
A-R-D-I-S	act 5:6 59:11,15	133:18	65:9,11 73:13	114:6 115:4
125:11	86:12,15	ADM 1:5	73:17 80:1	116:3 117:20
A.D 1:18	115:16 124:19	Administrative	91:19	118:1 124:16
a.m 1:18 132:23	131:20	4:12 20:24	Agency's 5:8,24	124:19 126:3
Abby 2:18 46:4	action 118:14	59:8 131:17	7:7 8:23 10:24	126:24 127:3
46:5	actions 24:2	admit 78:15	11:5 23:22	air-related
ability 67:8	active 75:23	Admitted 3:10	24:2 29:12	126:11
112:24 113:2	activities 127:22	adopt 37:22	34:11 53:23	Alex 121:3
able 60:6 68:16	actual 14:23	86:13	54:20 64:22	allergies 120:17
85:17 120:5,7	16:24 17:3	adoption 86:20	67:3,4 73:21	120:19 127:19
above-entitled	20:10 28:19	adore 75:16	80:10 86:4	127:23
133:21	30:18 56:11	adversely	89:16 91:21	Allgire 2:18
absolutely	99:1	118:10	aggravated	46:5,5,14,18
122:19	acute 112:13,13	advocate 75:18	104:1	47:2 78:10
abundantly	Adams 2:16	affect 67:8	ago 17:15 52:16	80:23 81:8,10
100:9	add 23:12 25:4,7	affirmative	94:18 105:23	Allison 85:20,21
acceptable 16:7	51:23 80:22	28:23	106:24 108:4	allow 28:22 35:6
55:20 63:18,19	101:8 102:18	afforded 83:20	111:23 112:3	41:19 67:5
accepted 14:20	add-on 17:19	84:15	124:20	83:3 92:1
101:4	added 101:22	aforesaid 134:13	agree 128:18	allowable 14:18
accompanying	107:16 111:4	afternoon 79:15	agreed 100:10	14:21,23 16:7
89:18	111:15	82:14 88:21	agreement 85:5	16:8,21 17:5
account 28:9,13	adding 99:15	90:14 96:1	116:22	17:16 18:23
42:4	addition 34:18	110:11 115:14	agreements	19:14,17 28:18
accountant	60:2 70:23	121:4 132:17	101:6	30:19 33:15
129:6	71:4 91:12,13	age 124:20	agrees 35:18	55:23 60:11
accounts 129:7	additional 5:23	Agency 2:11,15	ahead 12:23	63:7 89:11
accumulating	14:19 29:15	3:4,11,12 5:15	19:4 36:12	99:2
128:5	39:2,14 54:13	6:7 7:1,21,22	47:6 68:19	allowables 14:2
accurate 43:4	54:23 73:12,15	7:23,24 8:19	ailments 119:16	allowed 8:11 9:5
achieve 14:5	73:21 83:24	9:1 10:13,16	air 11:24 12:1,3	83:21 100:16
15:1 31:20	84:5 92:6,13	10:19 11:2,7,9	12:4,5,8 23:18	100:19
40:12 80:12	132:3	11:9,10,14,18	34:1 46:24	allowing 82:19
achieved 29:10	address 6:8 29:2	11:19 12:1,20	47:14 50:1,3	85:24 88:16
achieving 17:1	59:20 60:23	13:2,3,7 17:24	75:9,14 76:4	97:22
84:8 87:4	63:23 110:14	21:5 27:16,22	76:12 77:20	alternate 97:2,6
91:22 103:15	115:20 116:6	27:24 28:12	80:7,15 86:12	97:8
acid 102:3,3	131:6	29:13 31:1	86:15 87:5	alternative
104:13	adequacy 64:14	40:21 44:21	89:10 96:19	25:17 92:14
acknowledged	64:20	47:9 52:6 55:8	97:7,8,9,11,11	alternatives
9:14,15	adequately	55:17 57:15	98:3,14 99:5	129:18
acquired 112:7	64:13 77:10	58:21 59:3,3	99:10 101:7	ambient 47:14

50:1 75:9 80:7 80:14 87:5 114:6 126:3 amend 43:13,14 43:20 amended 78:6 78:15 79:8,22 80:5,17 amendment 79:22 82:21 83:1 85:9 amendments 1:5 4:12 20:19 80:2,3 amount 17:22 30:8 45:22 65:23 76:19 111:11 amuck 93:11 Anad 2:9 4:21 analyses 49:5 analysis 40:16 59:4,10 89:11 131:18,20 and/or 92:14 Andrew 64:8 angry 128:10 Ann 1:14 134:6 134:17 annual 20:23 answer 13:2 14:7 18:8,21 19:1 23:20 30:4 31:9,12 31:16 32:15,20 33:24 34:9 42:8 43:14,18 43:18,20,24 44:3,11 50:19 52:1 57:14 80:16 answer's 57:5 answered 5:15 18:10 28:6 42:24 47:23	57:24 69:14 answering 73:19 answers 13:10 15:14 43:2 45:6 Anthony 102:24 anybody 52:1 82:3 108:5 120:4 121:8 130:13 anybody's 109:19 anymore 95:14 113:10 131:8 apologize 32:9 40:6 59:7 85:14 appalling 118:15,15 119:13 apparently 98:20 116:18 appearance 111:3 Appeared 2:14 2:19,24 appears 126:12 appendices 70:17 Appendix 28:20 applicable 29:23 31:10,13,17 43:19 application 87:11 applied 87:17 88:9 applies 87:7 apply 68:9 113:14 appointed 4:9 appreciate 68:21 74:4 115:19 133:13 appreciated	115:22 133:7 133:16 approach 64:19 approachable 74:1 approaches 90:5 appropriate 55:21 89:12 appropriateness 64:21 approval 75:8 114:4 123:12 126:1 approved 55:19 56:5,11 58:6 58:11 64:3 66:3,5,6,8,17 71:7 approximately 117:19 120:10 Ardis 121:17 125:10 area 13:20,20,23 17:11,13 23:5 23:9,15,19 26:18 33:3 34:2,7 36:5,6,9 37:18 38:14 40:13 48:15,20 61:1 67:8 75:14 76:10,18 80:15 86:19 89:7,9,12 94:8 95:10 96:20,22 103:14,14 104:16 109:4,4 119:12 120:4 120:10 124:16 127:4 areas 21:8 23:14 35:15 41:12 49:11 61:10 71:16,19,23 75:11 86:7,14 86:14 99:6,9	104:4 108:18 109:5 126:4 arguing 111:24 arises 54:24 arms 127:20 Asauskas 1:14 134:6,17 ash 94:10,14 aside 57:17 asked 8:6 32:18 46:8 49:4 64:9 66:13 94:21 122:14 asking 51:1 109:21 126:9 aspect 24:1 46:17 aspects 65:6 aspirators 127:20 aspiring 96:7 assertion 60:1 62:15 assign 83:7 assist 37:17 38:12 87:4 assistance 126:9 Assistant 7:4 associated 39:2 Association 26:6 83:18 98:2 106:1 assume 16:18 18:16 assumed 62:10 assuming 28:19 37:22 assumptions 62:12 64:12 65:14 89:21 assure 92:7 asthma 95:19 96:10 98:18 101:17 102:1 103:21,21	112:15 118:3,7 119:8 120:13 120:15 122:20 astounded 118:13 121:11 ate 75:20 athlete 106:7 athletic 107:2,3 atmosphere 112:10 attack 112:16 attacks 98:18,18 102:1 attain 89:12 attaining 37:18 38:13 80:14 104:5 attainment 21:8 21:10 26:18 27:13,18 28:16 31:20 35:14,16 35:22 36:6,10 40:12 41:13 60:3 65:1,2,8 67:9,13,15,18 71:15,18,21,22 89:4,8,13 99:10 101:12 attainment/no... 47:12 attempting 87:22 101:14 attempts 117:5 attending 133:10 attention 127:1 attorney 73:22 82:15 attorneys 5:1 attributed 48:19 audience 121:15 August 5:19 6:18,20 36:23 132:22 Aurora 111:2
---	--	---	---	--

autism 113:7	16:14 19:14	battery 102:3	107:17	52:17,22 53:3
available 4:6	29:15 31:7	Beach 120:5	bike 106:2,4,9	53:10,18 54:5
5:21,22 6:17	54:17	becoming	107:15 108:14	54:7,11 56:4,9
7:6,13 8:5	B-E-R-A-B-E-...	111:16	biking 107:10	56:13,18,22
12:15 35:10	119:23	began 75:19	bill 129:7	57:2,8,18,24
40:24 59:13	B-U-G-E-L 6:14	76:6,17 122:21	billion 45:24	58:7 60:5,9
65:17,20 74:3	B-U-R-M-I-T-Z	beginning 62:3	100:14	61:3,14 62:14
75:1 86:5,17	118:20	begins 72:14	bills 76:24	63:16 64:23
86:21 87:4,13	back 4:4 7:19	behalf 2:14,19	bit 42:23 43:2	65:22 66:9,18
88:4,11,14	8:2 9:9 10:6	2:24 78:6 79:8	111:13	67:10 68:4,11
97:5 99:7,13	13:4 24:14	79:18,20 82:3	blame 128:1	68:23 69:12
132:19	25:8 34:4	118:18,23	blank 81:14	71:2,6,11,14
avenue 2:11	42:23 43:13	125:18 133:4	blanket 84:20	71:20 72:18
28:2	49:13 68:17	behold 93:12	blessed 105:23	73:1
average 20:23	69:21 74:8,15	beings 110:24	Bloomberg	blows 97:10
21:2 22:17	76:6,8 81:12	112:11	11:23 12:13	Board 1:1,16 2:2
54:18 55:17	82:11 93:3	belief 46:12 83:2	13:13,15 15:9	2:5,7,7,8,8
56:7,11 57:15	118:14 120:3	84:14	15:10,19 16:4	4:10,19,23 5:7
57:17,17 70:15	120:22 124:11	believe 35:24	16:11,14 18:7	5:13 6:4 7:22
71:5 90:21	127:13,14,15	36:23 42:17	18:12,15,19,22	8:6,17 10:2,11
91:3,11,14,18	131:7 132:13	45:1 52:18,20	19:2,7,11,19	27:23 40:10
92:3,3,8,12	background	53:10,17 54:12	19:23 20:3	41:1,3,6,22
105:10	64:18 90:4	57:1,24 61:1	21:19,23 22:5	44:16 58:23,23
averaged 22:22	111:14	65:24 71:11	22:8,11,12,18	59:9 61:7
averaging 55:4	backtrack 85:14	73:1	22:23 23:6,12	65:12,24 73:15
55:5,10,23	backup 25:10	believes 27:24	23:20,24 24:9	73:15,22 78:4
57:16,19 58:5	backwards	belongs 97:12	24:20 25:15,19	78:11 81:4,4
63:15,18 64:2	130:1	bend 130:1	25:24 26:13	88:24 90:15
66:4,5,16 70:5	bad 104:14	bending 130:2	27:4,11 28:9	93:19 94:20
70:8,14,19,21	122:23,24	benefit 105:14	29:6 30:15	95:9 97:22
70:24 91:5	balance 75:22	117:7	32:12,18 33:10	98:10 102:17
92:12 105:5	91:18 129:5	benefited 85:6	34:3,18 35:1,9	114:21 116:3
avid 75:17	base 33:15 70:2	benefits 39:2	35:23 36:17	116:10 125:1
avoid 114:17	70:6,11	85:3	37:7,15,19	131:3,5,10
122:13	based 40:23	benefitted	38:1,6,10,15	132:6,16,19
avoiding 102:13	49:14,20 51:13	100:15	38:19,23 39:6	Board's 4:18,20
aware 49:24	52:15 53:20	Berabeic 119:23	39:10,16 40:4	4:22 5:1,21 8:5
58:5,7 66:21	63:14 69:8	119:24 120:1	40:14,18,22	8:8 10:18 11:1
70:24 116:20	116:23	best 36:4 132:17	41:3,10,19	11:6 29:12
awful 94:4	basically 43:22	better 107:10	42:8,14,17,24	53:24 54:20
122:20 124:1	62:1 105:1	125:5	43:8,12 44:4	55:9 59:13
128:11 129:20	basis 17:9 33:19	Beyond 63:21	44:15,23 45:15	69:3 131:11,15
<hr/>	40:10 113:15	bias 8:9	46:7,12,16,21	132:18
B	113:18 114:1	big 109:12	47:16 50:17	Boiler 84:17
b 3:9 15:7 16:14	bathe 96:24	bigger 107:16	51:10 52:2,10	boils 110:21

Bonebrake 2:23 7:11,12 19:6,6 19:10,20,24 21:13,17,24 22:6,10,14,19 22:24 25:13,14 25:20 26:1 37:12,15,20 38:2,7,11,16 38:20,24 39:7 42:7,15,19 48:22 49:1,12 49:18,23 56:3 56:10,14 72:8	bronchitis 118:7 Brookfield 120:9 brought 104:10 105:3 133:8 BTU 21:2,4,5 63:1 budgetary 59:5 131:19 Bugel 6:12,13 12:24 42:21,22 43:9,17 44:10 44:20 45:11 46:1,7 52:14 52:15 53:1,7 53:13 56:15,16 56:24 57:4,10 57:22 58:2,15 58:17 67:23 68:13,14,21 69:17 70:6,12 70:20 71:3,9 71:13,17,24 72:9,12,22 73:9 90:13,14 90:22	business 94:10 111:22 126:13 128:21,22,24 128:24 129:1,3 129:13 134:8 buying 101:5 <hr/> C <hr/> c 2:1 20:3 29:21 31:11 43:18 44:3 55:3 58:1 75:3 134:3 cake 85:1 102:12 calculate 98:15 calculated 55:24 57:20 call 96:13 107:4 calls 36:22 Canal 96:23 106:15 cancer 112:17 128:4 cannula 123:20 capability 41:6 capable 87:11 capacity 26:8,15 28:19 Capital 132:24 car 96:16 122:8 122:14 carbon 119:4 cardiovascular 112:17 care 35:17 47:8 94:6,19 95:9 95:12 96:4 103:7 105:21 107:21 117:15 118:23 119:17 120:2 121:17 cares 116:3 carriage 130:2 Carrie 2:8 4:24 carry 76:19	126:17 carrying 112:22 case 6:22 33:15 44:24 65:12 87:15,17 88:4 105:6 catch 93:10 categories 14:8 15:21 category 16:1 88:8 Cathleen 75:3 Cathy 75:1 95:17 cause 133:21 134:11 caused 80:3 103:23 112:17 128:4 causes 100:22 104:13 121:13 causing 128:23 cease 24:12,21 26:15 27:2 37:22 38:4 ceased 39:11 ceasing 37:8 CEMS 31:19 Centennial 106:16 Center 7:21 82:16 83:17 85:24 88:23 Center's 13:17 certain 22:2 93:15 certainly 48:18 certainty 26:10 cessation 25:16 37:16 38:16 39:3 cetera 95:19 CFO 129:7 CFR 28:20 chairman 2:6	4:22 66:2,11 66:24 Chairperson 68:1 chairs 4:6 challenges 7:16 101:21 Chambers 132:23 chance 92:24 108:2 109:17 change 42:23 124:13 changes 17:20 27:21 65:12 106:15 131:23 chart 94:16 check 37:3 chemical 111:18 118:12 Chicago 1:17 2:3,22 96:23 134:8 child 76:15 110:21 112:15 112:22 120:8 child's 112:24 113:2,22 children 75:19 76:19,21 112:21 115:7 118:5 120:14 120:16 121:9 choice 97:9 chosen 55:10 Christ 110:19 chronic 101:18 101:20 Church 110:19 cigarette 128:2 cigarettes 128:3 circumstances 25:6 circumvent 87:23
---	---	---	--	--

cited 63:11 70:16	133:4	111:7 115:6	114:21 131:17	composting 109:10
Citgo 117:21	Club's 6:6 13:16 58:14	coming 51:7 53:4 93:9 94:9	communication 131:9	concentrate 112:13
citizens 15:17 83:16 94:19 115:23 117:15 128:10	coal 24:12,22 25:9,16 26:16 33:18 37:8,16 37:23 38:5,8 38:17 39:4,12 77:8,14 94:10 98:16 99:19,20	94:24 116:9 122:4,13 124:12 128:14 129:19	communities 77:11 97:4 114:16,23 126:14	concentrations 64:18 90:4
City 134:8	37:23 38:5,8 38:17 39:4,12 77:8,14 94:10 98:16 99:19,20	commence 27:23	community 75:15 77:10,17 119:15 121:18 126:16 129:3	concept 36:8,9 37:6,8 51:16
claim 45:16 62:22 113:10	100:6,8 102:15 117:20 118:12 119:2,3 124:10 124:21 129:23 130:10	comment 3:4 5:24 8:14,15 8:17 9:8,20 51:14 59:3 65:4 74:18,20 78:1 81:19,22 82:1 88:17 90:16 130:23 131:3	companies 84:10 102:9 117:21 130:10	concern 67:3 80:3 82:20 89:16
clarification 44:5	coal-fired 70:11 70:12 119:1 121:24	commentary 52:5	company 26:24 27:2 100:15 101:5	concerned 63:17 91:8,12 95:7 106:7
clarified 72:9	code 1:5 4:12 20:24 115:8	commenters 81:19 82:7	company's 123:11,14	concerns 63:13 64:10 86:3 90:20 91:2 103:9
clarify 19:7 33:1 41:19 54:5 69:13	coincidence 95:16	comments 3:5 4:5 5:10,17 7:2 8:1 10:19 11:2 11:8 52:11 59:21 63:24 81:16,18 82:20 85:17 86:1 89:2 90:8,18 111:15 130:22 131:15,24 132:3,6	compel 102:18	concluded 112:19
clarifying 59:7 74:3	collapse 107:8	Commerce 131:10	compelling 121:19	concluding 33:7
clarinet 96:8	combination 31:24 118:6	commitment 83:4,6 100:13 101:3 125:4	compels 88:13	conclusion 40:11
clean 86:12,15 95:11 97:3,10 98:3,14 124:19 130:9	combined 82:22 100:3,11 101:2 114:18	commitments 102:9	competitors 113:20	conditions 61:21
cleaned 126:15	Combining 30:4	committed 100:21 120:22 120:22	complete 8:7 9:6 10:2 96:20	conducted 27:20
cleanup 114:16	combust 25:21 25:21	committee 59:8 92:22 95:17	completed 9:1 55:2	confirm 72:12
cleanups 108:21	combusting 24:21 26:16 33:18 38:5		completely 24:19,24 26:9	confused 41:16 61:4
clear 41:8 56:5 63:16 84:7 87:20 89:7 91:4,19 100:9 100:12	combustion 1:9 4:15 25:17 37:8,16,23 38:8,17 39:4 39:12		completion 79:24	confusion 79:23
clearer 68:5	come 51:19 93:4 94:16 97:23 108:1 114:3 127:11 133:15		compliance 46:23 52:18,19 52:23 53:2,22 56:20 57:7 69:9,18 85:4 86:15 111:21 114:18	connection 47:20 49:2
climatology 49:8	comes 62:22 76:24 100:2		comply 30:7 77:3,9 97:14 111:10,19 114:9 126:6	consequently 124:16
climb 106:5				conservative 45:22
Close 123:22				consider 55:17 71:3,9 91:4,20 94:1 104:9 124:6,7
closed 126:15				consideration 55:11,14
closer 50:2,9				considered 54:13 57:16 91:7,10,13 92:13 118:16
closing 3:6 132:6				
Club 6:2,10,14 7:20 8:21 12:21 36:20 59:17 63:18 83:18 90:8,22 103:8 115:18				

<p>considering 87:13 91:6 consistent 14:3 25:22 28:21 29:1 74:2 constantly 116:9 constitutes 47:20 constrain 92:6 constrained 72:5,16 91:9 constraint 91:9 consultant 79:16 consultation 55:10 contacted 45:7 contained 13:22 40:19 73:7 77:5 114:12 containment 103:14 contains 114:17 content 14:13,14 14:15 45:13 46:8,9 53:6,9 62:9,16,18,23 62:24 63:5 contention 62:3 continue 6:4 20:22 21:21 67:6 78:3 100:20 119:14 continued 51:5 126:10 continues 99:3 100:6 continuous 28:19 contrary 26:23 contributing 67:14 control 1:1,8,16 2:2,5 4:14 20:6 29:16 30:2 53:21 54:2,15</p>	<p>55:1,12 56:20 57:6 61:7 64:18 67:6,17 69:9 76:3 86:4 86:5,17,21 87:24 88:9,11 88:15 90:5 93:19 95:8 99:7,13 109:8 109:9,10 116:2 116:10 125:1 controlled 54:13 87:12 controls 17:19 21:9 39:14 73:3,4,5 77:16 87:3,16,20 125:4 conversion 25:9 34:16 conversions 33:7 convert 24:18 Cook 1:15 134:8 134:18 COPD 95:19 101:19 118:6 119:7 123:16 copies 8:2,3 131:7 copy 9:24 57:11 corporations 102:8 119:14 correct 12:10,12 19:18,22 21:22 22:4,17 25:15 25:19,23 34:17 38:3 39:5 41:18 42:16 43:7 46:11 49:12,17,22 52:21 56:21 57:15,19 102:17 123:21 134:12</p>	<p>correctly 19:12 49:7 120:1 cost 76:21 94:2 95:14 128:18 costly 88:1 costs 93:21 95:9 129:9,11 130:12 cough 122:15,16 122:19 coughing 76:14 Council 132:23 counsel 7:4 11:22 country 58:9 99:15 119:19 county 1:15 16:16,18 17:1 17:6,11 18:9 18:13,14,17 19:17,18 20:4 20:9,12,19,22 21:20 22:13 23:11 24:7 25:20 33:7 34:14,19,21 35:8,20 37:16 38:17 39:4,12 67:5,14,18 68:9 77:3 83:7 84:23 85:11 86:10 87:19 88:2,13 96:3 97:14 98:7 101:9 106:3 111:6 114:9,23 116:16,16,19 117:17,20 119:11 120:10 126:6 134:3,8 134:18 County's 98:17 couple 37:13 59:1 67:22 83:23 90:20</p>	<p>91:1 120:20 131:5 course 50:5 130:10 131:2 court 9:17 39:20 39:22 48:1,2 78:20,22 128:15 134:7 CPS 21:21 34:12 82:24 83:10,10 84:3,14,24 85:4 116:22 crafted 101:6 crazy 107:15 create 54:17 creates 55:4 102:3 creating 131:23 criteria 93:6 critical 77:19 110:15 115:2 126:5,23 127:2 cross 106:3 crossing 122:13 CSR 1:14 134:6 134:17 culpability 13:19 culpable 48:14 curious 76:1 current 14:2 16:16 30:18,19 33:15 46:18 66:19 68:2,3,6 68:10 currently 14:15 24:11 46:15 117:24 cut 100:17 cuts 102:12,14</p>	<p>44:12 D-O-O-L-I-N 125:11 D-U-B-I-N 82:17 Dad 96:14 daily 75:22 119:6 damage 98:24 damn 127:15 Dana 2:13 7:3 11:22 Daniel 1:13 2:4 4:9 data 49:3,15,21 55:18 56:5 64:12,14,16 65:15,23 72:19 72:21,23 73:5 73:8 89:19,22 89:24 date 7:24 59:12 77:15 89:13 dated 47:14 dates 132:9,15 daughter 75:17 96:6 103:21 119:7 Dave 11:23 79:16 David 12:13 13:15 78:5 79:8 Davis 12:2,14 47:21,22 48:1 48:8,11 69:12 69:14,20 70:10 70:16 dawned 122:11 day 1:18 75:19 111:3 122:18 124:20 days 55:7 66:7 66:12 91:6 93:11 111:15</p>
---	---	--	---	--

D

d 3:1,11 11:7,11 27:11 29:24 30:5 31:14

122:23,23,24 DCEO 131:13 DCEO's 131:12 131:15 dead 130:8 deadline 80:13 deadlines 133:1 deadly 102:4,13 deal 84:24 100:14 130:4 dealing 101:22 122:5 129:10 130:5 Deanna 2:6 4:22 death 100:23 deaths 98:18 decades 111:23 112:3,6 113:8 deceitful 101:15 December 13:20 98:9 decided 114:15 decision 8:8 67:5 100:16 128:15 decisions 100:7 decline 99:3 deemed 57:20 57:22 deep 97:4 defense 28:23 111:5 defines 87:9 defining 49:10 definition 64:15 90:1 delay 79:23 100:16 delaying 102:12 deliver 82:19 democracy 110:15 demonstrate 41:11 89:9 demonstrated	21:8 demonstrating 71:21 demonstration 27:13,18 65:2 65:2,3,8 demonstrations 28:17 denied 116:5 deny 98:10 113:18 125:3 Department 2:9 131:10 dependent 34:22 depending 12:22 derive 56:6 Des 96:22 describe 27:16 described 32:20 33:11 deserves 110:21 design 28:18 designations 47:12 49:19 64:18 90:4 designed 87:8 114:19 desk 112:4 Despite 123:1 desulfurization 20:6,21 83:5 98:8,12 deteriorated 123:15 determination 123:15 determine 20:11 20:15,18 21:5 27:17,20 34:7 36:4 39:2 64:20 89:4 determined 46:13,15 55:20 88:7 100:7	determining 128:17 develop 80:11 developed 68:10 127:19 diagnosed 118:5 122:20 123:16 diagnosis 76:9 dialogue 90:17 90:19 91:1,3 died 118:4 124:1 diesel 14:12 15:23 17:17 26:17,18 31:5 43:10 44:9,17 44:22 45:2,4 45:10,14 difference 126:16 different 37:9 37:10 105:2 116:19 difficult 20:17 53:22 56:21 57:7 65:7 69:10,19 90:7 92:23 122:24 difficulties 76:7 digging 121:12 dioxide 20:7 75:9 77:10,15 80:6,7,14 99:16,23 100:22 101:10 101:24 102:13 102:19 104:13 114:5 126:2 128:7 130:6 direct 40:15 115:21 direction 42:23 45:19 95:5,6 106:11 directly 72:17 111:6 121:23	director 97:24 118:20 directors 117:15 Dirty 97:10 disabilities 129:10 disagree 62:15 discovered 27:12 28:4 discuss 65:6 76:17 86:4 91:20 132:8,15 discussed 14:10 17:15,24 35:23 36:24 45:1,4 discussing 69:1 discussion 36:15 68:18 132:10 discussions 3:3 36:1 45:17 disease 98:4 101:19,20 112:17 dismissed 32:15 dispersion 89:10 disposal 117:2 distributors 45:7 docket 4:18 6:21 doctor 76:24 101:23 122:8 123:3 doctors 76:9 document 9:23 18:2,2 37:2 47:11,19 48:13 48:17 73:2 79:10 82:6 89:6 documentation 89:17 documented 64:13 89:23 124:22 documents 8:4	9:22 10:17,20 11:10 82:4 132:1 doing 44:24 58:10 93:20,20 94:11 102:7 104:24 107:14 109:20,24 110:4 113:21 134:7 Dolin 121:17 domain 64:15 90:1 domestic 97:3 Dorothy 119:22 119:24 doubled 113:7,7 downward 45:19 63:5 downwash 64:17 90:3 Dr 4:22 110:8,10 110:18 draft 75:10 77:6 97:16 114:7,12 114:16 126:3,8 dressed 96:16 drink 96:24 drive 2:21 120:8 driven 101:9 driver 99:9 drove 96:17 drug 122:9 dry 29:13,14,19 54:7 55:12 87:23 DSI 54:3,5,16,17 55:3 87:24 88:2,14 Dubin 82:12,13 82:15 due 17:15 100:2 dump 112:10 dumps 108:19 108:19 109:3
--	--	---	--	--

dwindling 84:18	effects 59:5	80:8 86:10	31:15 32:10,12	14:10,16 17:18
Dynegy 77:14	101:22 112:13	90:2 99:8	43:24 44:14,19	23:17 33:5
<hr/>	118:10 131:19	emissions 1:7	60:13 61:19,20	36:8 49:4
E	efficient 113:15	4:14,14 14:18	enforces 44:21	55:19,21 56:5
e 2:1,1 3:1,9,12	133:6	14:23 17:3,6	engine 63:1	56:10 58:6,11
11:9,11 28:9	efficiently 80:11	17:16,23 19:14	engineer 12:3	61:6 63:19,20
30:3,5 31:18	efforts 36:24	19:16,18 20:7	111:16 112:7	64:3 66:3,4,6
43:1	80:11	20:10,12,15	113:12	66:17 68:6
earlier 22:2	EGU 70:1,2	21:6 22:21	engineering	69:22 70:22
40:22 41:16	EGUs 70:6	28:22,23 29:8	26:10	71:7,24 72:3,7
68:14,17,23	83:16,20 84:6	30:1,5,6,10,18	enjoy 115:5	72:10,13,14,17
131:16	eight 46:22	30:18,19,20	121:5	72:18 83:16
early 65:11	52:18 108:4	31:20 33:21,22	enjoying 108:9	87:1,9 89:6
ears 127:20	either 8:12 31:1	34:16 36:4	ensure 45:20	91:4 93:24
Earth 105:20	43:15 52:11	38:9,12,18,21	60:3 133:6	98:5 101:1,14
108:3,7 109:13	82:9 110:24	39:15 43:6	ensuring 80:12	103:10 111:23
easier 13:7	126:15	49:7 53:20	enter 79:8	119:18 128:16
easily 62:9	electric 83:15	54:22,24 55:14	entered 10:21	EPA's 40:11
east 2:11,16	electricity 119:3	55:23 60:11	80:21	49:19 54:22
106:10	elements 89:8	62:9 63:2,3,7	entering 11:3	98:15 102:17
easy 129:21	elevated 72:4,15	69:7 72:4,15	47:8	128:20
eat 75:20 85:1	eligible 123:9	77:10 86:8,18	entire 76:23	equipment
97:1 100:20,21	eliminate 20:8	87:10 89:11	85:16	53:21 54:3,13
102:12	109:7	91:24 92:1	entirely 63:21	54:15,21 55:1
eating 104:18,20	ell 54:6	98:16,19 99:1	entirety 9:21	56:20 57:6
107:21	Ellen 24:16	99:2,14,23	entitled 4:11	67:7 69:9 98:9
ecological	117:12,13	100:17,18	environment	98:12,13
110:20 115:6	ELPC 12:21	102:14 114:20	2:11 15:18	102:19 113:19
economic 59:4	90:7	119:4	94:19 110:22	113:20
87:13 88:6	Emerald 94:14	emit 100:19	110:23 115:7	equitable 17:13
131:10,12,14	Emily 125:15,17	emitted 111:8	116:4 117:16	erroneously
131:18	emission 1:8	119:2	119:19	68:24
economically	13:24 16:15,17	emphysema	environmental	error 91:8
88:5	16:18,20,21,23	95:19	2:15,16,19 5:6	errors 27:12,17
economics	16:24 18:16,17	employed 56:6	5:8 6:1 7:20	27:19 28:3
113:23 115:10	18:22,23 20:18	enable 72:3,14	9:3 11:5,8 12:2	especially 63:3
118:16	20:23 22:3	115:4	13:16 36:19	99:8
ED 77:14	26:12 27:22	energy 111:9	46:6 53:23	essential 35:18
Edwards 77:14	28:18 29:9	114:9,15	79:16,17 82:16	35:21
effect 6:21 22:14	31:23 33:14	Energy's 77:2,8	83:17 85:23	essentially 34:19
22:19 23:18	42:18 55:22	125:3 126:5	86:3 88:23	62:12 128:16
effecting 34:1,23	56:7,12 60:2	Enforceability	92:21 94:7	estimates 101:17
35:2	60:12,13,23	30:16	98:1 116:7	et 95:19
effective 128:18	62:11 64:16,22	enforceable	117:2,5	ethical 113:18
effectively 80:12	72:2,6 77:13	30:22 31:2,4	EPA 7:5 11:23	124:18

<p>ethics 113:22 evaluate 109:14 eventually 21:18 everybody 4:8 93:14 95:21 104:11 120:3 121:5 133:10 everyone's 9:19 evidence 88:7 104:15 exactly 116:24 124:15 example 66:15 70:18 86:9 exceed 62:10 exceedances 28:10,13 excellent 113:13 exception 84:19 84:20,21,22 114:11,22 excess 28:22,23 exchange 100:20 exclude 22:1 excluded 22:7 excluding 33:8 exclusion 34:13 34:21 35:7,19 excuse 15:8 129:18 executive 111:17 exempt 125:3 exempted 98:7 exemption 37:9 77:5 84:16 97:16 111:10 114:17 116:10 126:8 exercise 109:17 exercising 110:1 exhibit 3:11,12 3:13 9:24 11:3 11:7,9 47:7 78:15 79:9,10 exhibited 54:21</p>	<p>exhibits 10:21 11:11 existed 101:12 101:13 existence 111:23 existing 20:4,14 45:21 86:19 expect 14:24 17:19 126:14 expectations 116:24 expected 61:7 72:5,16 expedited 5:9 77:15 79:24 expeditiously 86:17 88:12 99:13 expensive 99:22 expert 45:17 explain 17:13 36:14 44:20 45:11 53:1 72:22 explained 73:2 explode 115:24 explosive 122:19 exposed 111:6 112:22 113:5 114:24 express 8:8 expressed 30:22 extended 51:6 extension 48:18 106:23 extent 33:24 externalities 129:4 externalizing 129:3 extra 100:18 extremely 28:1 eyes 116:23</p> <hr/> <p style="text-align: center;">F</p> <hr/>	<p>f 30:8 F-A-I-T-H 6:13 face 101:21 facilities 62:3 90:1 112:3 facility 50:2 62:6 64:16 66:15 71:5 111:20 facility's 115:9 fact 27:19 34:22 44:2 62:22 65:15 88:2,8 94:22 99:18 failure 86:4 fairly 44:7 62:22 65:9 69:22 Faith 6:13 90:13 90:21 fall 121:21 familiar 46:17 families 114:13 114:23 127:3 family 75:13 76:18,24 96:5 118:18,23,24 119:17 fanatic 107:23 far 65:14 88:1 95:7 122:13 123:4 fascist 128:16 fashion 19:21 fast 107:5,18 fate 100:8 father 122:9 FDG 20:20 feasibility 87:14 88:6 feasible 88:5 federal 45:21 62:17 99:10 101:9 feel 76:16 129:15</p>	<p>feelings 121:14 fellow 115:22 felt 121:19 123:17 fewer 22:21 FGD 33:8 34:13 35:20 67:7 83:5,7 84:6,11 84:16 85:4,11 field 53:5,7 file 8:16 131:2 131:24 filed 5:4 6:6,7,21 8:1 10:16 59:9 59:12 78:7 79:20 131:18 files 89:20 filing 98:5 133:1 filings 38:22 39:1 filled 122:10 filters 104:6 final 41:21 65:9 financial 100:7 find 57:11 68:15 68:16 94:21 108:15 118:13 finding 59:7 findings 27:17 fine 13:6,10 60:8 102:4 finger 127:24 finger-pointing 109:22 fingertips 35:11 fired 118:12 119:3 first 5:9,14,22 8:1 9:21 10:17 14:9 18:13,15 33:13 34:8 45:5 59:6 62:2 66:19 69:3,6 82:18 84:3 94:2 122:5</p>	<p>123:16 131:22 fish 97:1 100:19 fist 129:20 fit 76:14 five 59:18 105:22 106:23 122:7 128:16 five-factor 49:5 fix 27:23 fixed 66:7,12 flawed 128:24 fleet 68:8 88:4 fleet-wide 21:2 fluctuations 62:8 flue 20:5,21 83:4 98:8,12 focus 110:20 focuses 80:5 focusing 89:3 folks 121:15 follow 115:16 follow-up 12:15 15:13 18:4 19:11 21:12,20 24:14 26:21 27:9 28:8 29:5 30:14 32:4 39:9,18 40:8 42:6 43:1 47:4 48:23 50:13 56:2,3,17 57:13 59:2 66:2 67:21 78:13 follow-ups 37:13 46:4 53:15 58:16 following 8:1 74:11 81:20 84:15 follows 27:14 food 100:21 foods 107:22 force 98:14</p>
---	--	--	--	--

100:4 forced 97:11 99:24 foregoing 134:11,11 forest 108:8 forever 116:12 forgot 96:14 form 87:24 formally 51:3 formed 110:16 forms 33:19 forth 13:5 76:8 98:11 108:13 109:4 forward 36:2 65:8,11 74:19 82:23 85:16,17 127:2 found 36:9 68:16 76:9 98:17 108:14 founded 98:2 108:3,7 founder 105:20 founders 117:15 founding 118:21 four 37:6,9 106:17 120:17 120:18 122:1 fourth 64:7 108:20 frankly 128:22 130:3 freely 101:4 frequency 72:4 72:15 friend's 96:12 96:17 friends 76:17 118:19 124:7,8 front 82:8 fuel 14:12,13,15 15:23 25:10,18 26:11 43:10	44:18 45:7,14 46:11 53:5,11 53:12 60:3 62:4,5,7,16,23 fuels 14:16,22 15:2 16:9 52:21,24 53:9 62:9 fulfill 93:12 fully 110:24 functioning 110:24 funny 108:14 further 7:15 21:9 40:1 46:1 58:2 70:21 73:9 133:19 future 39:21 98:23 101:6 115:5 117:8 132:8 <hr/> G <hr/> G-A-L-L-A-G... 110:12 G-A-R-Y 127:10 G-E-H-R-I-G 125:22 gained 113:13 Gallagher 110:9 110:10,11,18 games 127:16 garbage 108:10 108:15,18,19 109:2 112:10 Gary 127:7,10 gas 20:5,21 22:9 23:4,8 24:8,10 24:19,23 25:9 25:21 26:8,9 26:15 33:6 34:16 83:4 98:8,12 Gehrig 125:18 125:22	Gen 91:20 general 69:22 80:6 generally 87:1 98:13 generates 111:12 generating 69:24 72:20,23 73:6 83:15 112:3 113:20 generation 6:7 7:10,12 16:15 22:2 25:5 36:7 37:21 39:11 42:2 55:11,16 83:3,3,14 84:13 85:1,10 87:22 88:3 98:7 99:19 100:8,9,14 101:3 102:11 102:18 115:9 117:8 Generation's 37:7 40:24 41:9,14,17,23 generations 112:6 117:8 generators 70:11,13 Gerald 2:8 Gerry 4:24 getting 7:19 74:2 75:22 95:3 101:21 108:23 girlfriend 123:3 give 40:1 48:5 73:21 75:12 79:1 given 8:14,24 20:8 26:10 35:4 39:24 62:8 63:1,1	65:16 81:22 84:17,21 giving 9:20 12:13 109:16 glad 116:17 Glen 50:14 51:2 92:21 Glosser 2:6 4:23 66:2,11,24 Glosser's 68:1 go 12:23 13:4 19:4 34:3 36:12 43:13 47:6 53:8 65:8 68:17,19 74:8 75:3 103:1 106:10,12 107:18 112:1 118:14 120:5,9 122:12 126:13 127:16 132:8 132:13 goal 35:21 80:12 God 40:3 48:7 79:3 110:21 goes 106:20 going 4:2 13:12 29:10 42:22 49:11 50:18 51:22 61:2 63:22 65:10 66:22 69:13 74:6,19 79:7 82:23,24 85:14 89:2 95:4,5 98:11 107:5 108:6 115:16 122:12 124:1 124:24 good 4:8 73:23 79:15 82:14 88:21 90:14 93:7 96:1 107:18 110:10 115:14 119:18	121:4 122:23 127:15 grade 96:6 gradually 122:11 123:18 grand 2:11 111:5,5 grandchild 76:13 grandchildren 75:16 120:3,17 grandfather 114:24 Grandfathered 124:17 grandkids 117:9 grandmother 77:18 grandparent 75:16 grandson 76:5 grandson's 77:20 grandsons 126:17 granted 5:7 grasping 112:15 grass 117:16 127:17 Gray 64:8,23 65:15,20 67:2 67:10 Gray's 59:19 great 25:7 76:20 106:9 109:20 110:4 113:9 greater 98:24 greatest 54:21 greatly 133:16 green 130:9 grew 120:16 123:4 127:12 127:23 grid 25:7 group 2:16,19
---	---	--	---	---

6:2 9:4 14:8 16:6 46:6 79:17 94:19 96:4 groups 36:19,19 41:22 51:2 83:17 grow 76:1 127:18 growing 121:7 growth 110:23 guess 105:1 130:15 guidance 54:22 68:6 69:21,22 70:4,7,13,22 71:24 72:10,11 72:13,17 89:6 gun 130:8 guys 82:19 116:1	112:14 115:16 hardest 106:6 HARDIN 2:20 Harley 15:16,17 16:10 23:2,3,7 23:16,23 32:23 32:24 33:5,23 34:11,20 35:5 35:17 39:9,10 39:18 40:7,9 40:15,22 41:7 41:15 47:5,7 48:12,21 49:24 50:11 67:23,24 68:8,12 harm 128:23 harmful 105:2 111:8 114:20 Harvard 113:3 hazard 124:21 hazardous 111:17 head 126:13 heads 115:24 health 26:6 75:17 83:18 95:15 98:1,1 98:16,22,23 99:2 106:1 112:11 116:4 118:10,17 119:19 123:15 124:21 128:13 129:9,11 130:12 healthful 110:22 healthy 75:20 76:1,21 115:7 hear 4:17 5:23 10:7 82:11,13 125:16 127:17 130:13 heard 5:16 hearing 1:13 2:4 3:3,6 4:1,10	5:18,22 6:3,18 6:20,23 7:7,9 7:14,18 8:2 10:9,17,22 11:13 12:9,17 13:9 15:8,11 16:12 18:3 19:4,8 20:1 21:11,13,15 23:1 24:3,13 25:11 26:2 27:8 28:7 29:4 30:13 32:3,7 32:22 36:11 37:12,14 39:8 39:17 40:5,16 41:5 42:5,20 45:1,5 46:3 47:3,6,24 48:9 48:22,24 50:12 50:21,24 51:12 51:22 52:4,11 52:13 53:14 54:4,9 56:1,15 58:13,19 59:6 59:18,21 60:7 60:19 61:11,22 63:8 64:5 65:5 65:6 67:1,19 68:13,14,19 72:8 73:11 74:3,14 77:22 78:11,18 79:5 79:13 80:18 81:1,11 85:13 88:18 90:11,15 92:17 94:3,4 95:2,5,22 97:18 102:22 103:3 105:16 110:6 115:11 117:10 119:20 120:24 121:1,5 125:6,13,19 127:5,15	130:17,20 132:12,16,21 132:21 133:6,8 133:17 hearings 5:13 115:18 heart 76:13 98:18 107:6 heartbreaking 119:9 heavy 105:11 127:12 Heinz 103:4,5,5 held 74:12 134:10 Hello 85:21 125:16 help 8:7 40:3,12 48:6 79:2 93:2 103:7 110:4 Helpers 105:20 108:3,6 109:13 helpful 10:1 82:6 helping 104:23 Hi 105:19 117:13 hide 127:16 high 53:6 86:10 higher 16:24 17:3 20:12,15 21:6 26:12 Hines 94:14 hinges 83:9 historical 99:9 history 80:6 hit 92:3 121:6,15 hits 76:21 hitting 121:15 hold 5:13 61:14 98:21 116:11 holding 115:18 hole 120:6 homeless 108:19 Homer 50:14	51:2,3 92:21 94:20 hope 107:24 108:5 110:4 124:2 hopefully 6:15 93:19 horse 130:2 horses 130:1 horsy 130:5 hospital 98:19 101:23 hospitalizations 102:2 hospitalized 126:18 hour 30:23 47:13 55:5,6 58:6 60:4 86:11 87:18 91:5,23 92:2 96:15 hourly 17:6 53:22 56:21 57:7,17 69:10 69:18 70:15 77:9 hours 109:6 115:23 123:24 house 96:12,17 housekeeping 131:6 houses 104:21 human 110:24 112:11 118:17 hundreds 17:10 19:13,15 husband 118:3 119:6 hypothetical 27:15,19
<hr/> H <hr/>				
H 3:9 H-A-R-L-E-Y 15:17 H-E-I-N-Z 103:6 half 46:23 86:11 87:18 halt 127:19 Hancock 106:5 hand 9:14,24 39:23 48:3 78:23 87:6 129:20 handle 13:1 hang 116:1 happened 51:17 103:24 happy 13:3 72:12 76:1 80:16 hard 96:9 105:24 107:5				
				<hr/> I <hr/>
				I&M 106:15 idea 37:6 51:8

51:16 93:6 128:12 identification 11:12 79:11 identified 14:20 16:6 38:21 48:14 86:8,23 IEPA 13:18 14:4 14:24 17:9,13 17:21 20:11,14 27:12 28:9 29:15,24 30:8 31:19 32:19,19 38:20 39:1 51:4 53:19 56:6 57:4,5 71:3,9 72:6 93:19 94:21 IEPA's 13:22 17:8 21:24 22:15 27:13 56:18 69:3 IERG 3:5,13 74:6,16 78:6,8 79:9,10,21 80:3,3 IERG's 81:2 ignorance 113:10 ii 14:24 16:23 28:21 iii 17:8 19:14 ill 1:5 76:23 Illinois 1:1,16 1:16,17 2:2,3,5 2:11,12,14,16 2:17,19,22 4:12 5:8 6:1 7:4 9:3 11:5,8 11:22 14:10,16 17:18,18 20:24 23:17 33:5 36:8 40:10 45:3 46:6 47:13 53:23	58:8 61:6,6,17 66:15,19 75:6 79:17 80:8,13 83:16,22 86:3 88:10 93:18 95:8 99:5,20 100:17 101:1 101:14,17 102:6,7,10 111:3 114:20 116:3,11 117:1 117:6 134:1,9 134:18 Illinois' 99:11 illness 100:23 118:4 illnesses 126:11 immunizations 75:24 impact 27:20 71:15,18 116:7 131:12,14 impacted 23:14 27:18 34:8 36:18,18 75:5 95:20 impacting 61:9 impacts 28:18 98:16,22 99:2 116:4 impede 110:23 implement 83:23 implementation 86:13,16 88:10 88:14 99:11,12 implemented 84:4 86:23 important 82:20 86:1 89:1 107:19 115:19 impossible 65:7 impression 45:8 improve 107:3 improvements	77:19 115:3 126:23 127:2 incidence 113:7 include 41:8 60:1 86:24 87:1 included 22:3,16 41:22 72:20 91:16 92:4,15 includes 13:24 14:9 41:24 89:24 including 60:23 64:13 71:8 86:18 87:2 90:7 118:2 incorrect 65:18 increase 112:19 increased 112:16,22 113:5 increases 102:1 increasing 107:6 incredible 108:16 Indiana 61:5,8 indicate 45:18 indicated 25:6 43:19 44:11 46:10 52:17 56:19 70:22 indication 27:1 indirectly 47:17 129:14 individual 36:21 125:9 individuals 111:24 industrial 129:24 industries 117:22 130:8 industry 111:18 127:13 130:3 information	5:20 24:11,21 26:13 35:6,11 45:18 52:9 63:6 65:16,17 65:19 72:2,6 83:2 84:14 89:3,14 90:9 108:2 infrastructure 104:14,16,19 inhaled 124:16 inhaler 76:14 96:14,16 104:2 121:8 inhalers 76:19 121:10 initial 36:3 59:6 injection 29:13 29:19 54:8 55:12 87:24 input 89:19 inputs 41:4 ins 95:12 inspection 32:1 inspectors 53:5 53:8 install 20:5 55:12 83:4 84:6,11 87:23 98:8 125:4 installation 29:16,19 55:1 55:15 77:15 84:16 installed 29:14 88:3 99:19 installing 85:4 85:10 instrument 96:10 insult 108:5 insurance 123:11,14 intended 8:7 28:17	interest 102:15 interested 18:9 36:21 38:24 51:9,18 93:15 93:20 interesting 116:20 intern 85:23 88:22 interpreted 87:1 intervals 107:4 introduce 11:15 11:19 involved 24:1 95:10 involves 26:17 IPCB 53:19 56:19 ironclad 102:9 irregardless 115:8,8 irrevocable 128:23 irritant 102:1 issue 49:20 82:20 83:9 86:1 89:1,5 96:6 110:15 issued 7:22 issues 52:23 53:2 item 61:24 63:11 64:7 67:2 items 59:18 67:20 131:6 iterations 34:4 iterative 33:12 33:17 iv 17:21 30:12 <hr/> J <hr/> J 2:23 J-A-N 125:21 J-A-S-I-N-S-... 96:2
--	---	--	--	--

J-O-H-N 103:6	July 1:18 5:14	23:24 29:15,24	116:16	40:12 48:15,20
J-O-N-E-S	7:23 54:1 78:4	35:3 41:5 46:8	land 117:1	50:2,9 61:1
127:11	78:7 79:20,21	46:16 49:9	language 129:2	80:15
J-U-R-A-S	June 47:15	50:15 53:7	large 1:9 4:15	Let's 10:23
50:23 92:21	Juras 50:14,14	58:10 59:16	62:2 65:23	120:3 132:13
Jackie 12:6	50:23,23 51:1	61:6 62:23,24	119:13	letter 131:15
James 5:2	51:14 52:8,12	63:2,3,19	largely 88:7	letters 131:7,9
Jan 123:3	92:19,20,20	69:22,24 95:10	larger 60:24	letting 88:24
125:18,21	jurisdictions	103:13,17,20	largest 17:12	102:8,11
Jan's 123:15	49:9	103:22,23	98:6 119:4	level 30:6 105:4
January 17:7	justice 110:20	104:22 105:5,6	late 96:13 124:4	levels 14:15
126:19	115:6	105:13 107:2,7	law 7:20 13:16	94:15 113:6
Jasinkski 96:2	justification	107:19,21,23	20:4,14 45:8	lie 64:2
Jasinski 95:24	55:20	108:17 109:18	45:21 77:5	life 76:22 103:22
96:1		112:16 113:9	82:16 83:17	113:19,22
Jason 5:2	K	113:10 116:2	85:23 88:23	120:11 122:5
JCAR 131:21	K 134:3	118:18 125:5	93:18 97:16	lifespan 84:18
Jeff 12:4 23:10	K-O-L-A-Z 78:5	128:5 129:9,14	114:11 126:8	84:21
Jennifer 2:7	K-O-W-E-Y	133:2,13	laws 62:17	lifetime 96:3
4:19	125:17	knowing 51:9	116:11 117:5	liked 51:5
Jerome 2:7	K-V-I-E-N	119:3	lax 83:22	122:16
Jerry 4:23	85:22	knowledge	lay 117:1	likelihood 79:23
Jersey 116:22	Keenan 2:8 4:24	26:22 42:1	lead 83:13	Likewise 8:12
job 95:9 109:20	keep 90:18 93:4	112:8,9 113:14	learn 76:19	limestone
jobs 110:4	94:5 109:7	known 124:15	learned 116:17	104:16
John 103:3,5	130:2	knows 65:9	116:18	limit 16:16
106:5	keeping 76:21	Kolaz 78:5,16	leave 68:17	29:10 30:22
joined 4:24	keeps 75:23,23	79:4,8,14,15	74:18 78:1	31:8,8,15 43:6
Joint 59:8	Keith 15:16	79:16 81:5,7	103:1 118:20	43:16,24 44:1
131:17	kept 121:11	Kolaz's 78:15	leaves 121:21	44:6,14,22
Joliet 1:17 22:12	key 35:13	Kowey 125:15	leaving 118:4	53:22 55:22
23:13,17 33:2	kids 95:18,18	125:16,17,21	led 98:17 101:1	56:21 57:7
33:6 34:1,9,13	111:5,5 114:24	Kvien 85:20,21	left 4:6,22 11:23	62:11 69:10,19
34:14,15,21,22	Kim 105:18,19	85:22	12:1,4 74:21	77:9,13 86:10
35:3,7 38:4,17	105:19		82:10 85:18	87:18 88:13
39:4,12 40:11	kind 70:4	L	90:20 91:1	91:15,23 92:1
48:14,19 50:2	103:12,18	L 1:13 2:4	109:3	92:13,14 93:13
50:6 84:16	107:14 112:14	L-I-N-D-S-A-Y	legal 2:9 85:23	99:14 110:2
105:22 106:8	kindergarten	82:17	88:22 111:10	limitation 87:10
106:15 108:13	121:7	labeled 96:23	legalese 93:3	Limitations 1:6
108:21 117:23	King 129:23	laborious 83:12	Lemont 13:19	4:13
119:1 127:11	knew 116:24	lack 26:22	13:23 17:10	limits 14:21
Jones 127:7,8,10	124:12	LaGrange	23:5,8,18 33:3	15:24 16:3,8
130:19	knock 127:21	120:14	34:2,23 35:22	27:22,24 29:3
judge 72:3,14	know 18:10	Lake 97:4	37:18 38:14	30:20 31:2,23

44:13 60:2,10 60:12,13,24 61:20 62:10 63:14 70:23,24 71:4,10,20 72:1 86:8 91:13,14,15 92:5,6,9,10,15 Lindsay 82:15 Lindsey 82:12 line 67:20 69:7 linked 128:13 Lisa 2:10 4:21 list 123:7 listed 4:18 31:1 61:5,18 listen 93:3 litter 108:10,15 108:24 109:8 little 42:23 43:1 105:7 108:4 111:14 Liu 2:10 4:21 live 75:15 101:17,18 103:6 108:20 111:6 116:14 116:14,15 117:18,19 118:24 120:18 120:18 123:5 125:23 lived 120:9,11 lives 100:1 101:11 118:10 121:20 livid 118:13 living 101:20 LLP 2:20 lo 93:12 load 70:2,6,11 loads 105:7 located 23:4,8 33:2 40:17 69:2 117:17	132:23 Lockport 75:6 121:20 125:12 125:24 127:12 logic 98:21 logical 94:17 long 60:17 83:23 112:5 114:14 124:20,20 long-standing 97:14 126:6 long-term 91:14 longer 33:18 55:4,6 58:5 70:5,8,14,19 70:21,24 72:1 91:5 120:7 longstanding 77:3 114:10,18 look 34:4 39:1 53:11 65:10 124:7,23 127:2 looked 58:8 63:6 94:7 looking 4:7 66:20 68:2,3 68:10 94:9 96:15 104:3 looks 34:5 93:14 Lori 1:14 134:6 134:17 lost 100:2 116:16 123:23 lot 32:15 94:4 104:15 105:2,5 108:9,10,22 109:20 112:7,8 121:15 123:15 128:12 129:17 129:17,20 loved 119:8 low-sulfur 15:2 17:17 26:17 43:10 44:21 52:23 60:3	62:4,11 lower 14:20 15:24 16:3,7,8 16:16 45:23 55:21,22 85:3 88:12 99:14 lower-sulfur 14:22 16:8 lowest 87:10 105:4 lucky 75:14 97:2 123:2 124:6,8 lung 76:10 98:4 101:20 112:17 123:5,6 128:4 lungs 124:16 <hr/> M <hr/> ma'am 18:5 36:12 machine 134:10 magnitude 72:4 72:15 magnitudes 14:11 mail 129:8 main 99:9 102:4 major 86:6 99:8 majority 62:7 117:17 making 22:20 49:5 93:16 105:8 127:2 malfuction 28:11,24 29:2 man 108:15 manager 11:24 12:5,7 46:23 Mandates 59:11 59:15 131:20 mankind 129:23 manner 44:24 115:21 manufacturing 111:17,18	115:9 maps 96:22 Marie 2:9 5:2 mark 5:2 129:6 marked 3:10 11:10 79:10 marking 11:4,7 Mary 118:19,20 massive 103:11 material 89:18 math 62:23 63:2 matter 1:3 4:11 10:17 64:24 93:5,16 95:14 95:15 115:19 124:9 132:22 Matters 3:3 maximum 17:5 17:6 26:17 63:3,7 103:15 103:18 mean 15:14 32:10,12 53:2 66:7 68:3,5 71:17 72:23 84:9 110:16 means 31:5 60:12 134:9 meant 36:15 measure 88:15 measures 83:24 83:24 86:5,17 86:22 87:2 88:11 99:13 medication 101:21 122:22 medications 119:7 medicine 76:20 meet 21:1 100:21 101:10 meeting 35:21 87:11 92:22 100:16 meetings 36:21	meets 24:24 80:13 member 2:7,7,8 2:8 4:19 8:6 77:17 118:21 120:2 121:17 members 2:5 4:23 8:13 9:11 10:11 58:23 73:14 77:11 78:12 81:3 90:14,15 93:15 117:18 118:2,8 118:24 119:14 119:17 132:5 133:11 memory 122:5 mental 111:1 112:20 mentally 123:9 mentioned 9:8 15:5 21:20 38:3 49:1 60:10,16 61:17 63:4 79:19 131:16 132:14 mentioning 96:20 mercury 83:22 83:23 85:3 94:15 100:17 102:12 merely 15:1 merits 5:10 met 31:21 92:8 meteorological 64:14 89:24 meteorology 49:8,8 methodology 56:6 64:4 methods 32:20 mic 12:22 32:8 127:9 Michael 88:20
--	---	--	---	--

<p>88:22 102:24 Michigan 97:5 microphone 4:16 10:5 13:14 19:9 21:16 24:4 74:22 82:8,10 microphones 10:3 middle 133:14 midnight 96:13 midst 112:15 Midwest 2:24 6:7 7:10,12 22:2 25:5 36:7 37:7,20 39:11 40:23 41:9,14 41:17,23 42:2 55:11,16 83:3 83:3,14 84:13 84:24 85:10 87:22 88:3 91:20 99:19 100:8,9,13 101:3 102:11 102:18 mile 117:19 miles 96:17 106:11,18 million 14:13 21:2,3,4 62:24 101:16 103:12 mind 125:8 minimize 112:1 minimum 86:20 86:24 minister 110:18 111:16 ministry 110:19 minute 57:10 96:22 minutes 93:10 missing 89:16 mixed 102:2 mobile 87:2,3</p>	<p>model 35:12 40:23,24 41:6 41:8,10,17 60:2 64:21 89:4,15,17,22 90:9 128:24 modeled 16:15 16:17,20,23 17:2,5 18:16 18:22 26:16 30:19 31:8,14 31:19 36:8 43:5,6 44:13 49:14,21 60:11 60:14,24 92:9 92:10 modeling 12:5 13:18,22,24 14:3 21:8 27:13,20 28:4 28:11,14 33:12 33:13,14,19 34:5,6 41:4,20 41:20 48:16 49:2 51:15,21 64:10,12,15 89:10,19,24 91:22,23 98:15 Modern 76:20 mom 75:17 77:17 122:14 moment 13:11 17:15 85:15 131:8 132:8 money 129:11 129:20 monitor 50:3,6 50:10,15 95:3 116:17 monitored 49:14 monitoring 31:24 49:21 50:4 51:4,6,8 51:17,18,21,23 51:24</p>	<p>monitors 50:1 94:22 months 17:1,4 73:7 moral 113:17,22 Morgan 103:1 121:3,4 125:10 morning 4:8 mother 105:20 108:3,7 109:13 113:4 122:8 mothers 112:21 motion 5:9 move 6:9 9:2 10:20 11:14,17 12:19 53:16 65:11 73:20 74:19 81:17 82:9 130:9 moved 105:22 106:8 108:13 moving 12:11 27:10 36:2 37:9 60:21 61:24 63:10 64:7 85:16 91:10 MS.VETTER... 13:11 musician 96:7 mute 126:14 myopic 114:1</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 2:1 3:1 NAAQS 60:4 67:9 87:5 91:22 name 4:9 6:13 6:13 7:3 9:15 11:21 13:15 15:16 23:10 24:15,16 26:4 50:22 74:23 75:3,4 79:15</p>	<p>82:2,14,16 85:21 88:21 90:21 92:20 96:1,2 97:23 105:19 115:14 117:13 119:24 125:9,11,17 127:10 national 47:14 80:6,14 87:4 114:6 126:2 nationwide 66:21 80:9 natural 22:9 23:4,8 24:19 24:23 25:9 26:9 33:6 34:16 near 122:13 nebulizer 126:20 nebulizers 121:10 126:18 necessarily 43:12 70:10 necessary 21:9 31:3 32:2 57:20,23 71:12 71:21 74:23 91:21 need 17:19 24:4 25:7 27:21 34:3 47:21 54:18 55:4 70:5,7,18 97:13 112:1,1 113:24 needed 30:7 42:9 123:17,19 needing 70:14 123:6 needs 99:3 104:9 negative 118:9 129:4 negotiated 85:5</p>	<p>negotiations 83:12 101:1 neighbor 75:6 121:23 neighborhood 108:19 nervous 120:2 network 50:8 networks 64:15 90:1 never 52:19 57:15,16 new 27:20,23 36:13 61:18 116:22 nice 51:16 52:1 52:9 109:4,5 120:6 night 96:13 129:22 nine 127:21 nitrogen 1:7 4:13 84:1 non-attainment 13:19,20,23 17:10,12 21:7 23:5,9,14,15 23:18 33:3 34:7,23 35:2 35:15 40:13 41:12 48:15,19 49:10,13,19 51:7 61:1,9 71:15,19,22 75:8 86:7,14 89:7 95:11 99:6 114:5 117:24 119:11 126:1 normally 92:24 north 1:17 2:11 106:10 116:14 notary 1:14 134:18 note 8:5 108:1</p>
--	--	---	---	---

<p>noted 10:16 14:16 29:11 54:19 55:8 59:4 notes 67:13 96:10 134:12 notice 5:10 6:20 53:4 65:4 131:22,23 noticed 103:9 104:12 notion 8:9 November 123:2 NRG 77:2,8 94:11 99:19 100:12 101:2,4 102:11,18 111:9 113:18 114:17 116:5,6 116:15,18,21 116:23 120:22 125:3 126:5,12 126:13,15 NRG's 37:5 97:13 114:9 117:4,20 NRG/Midwest 16:15 number 4:6 5:16 10:5 13:18 22:15 24:18 25:8 36:22 45:7 68:15 93:11 121:8 133:11,12 numerous 51:2 73:23 nutritional 75:22</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O 134:3,3 o'clock 1:18 74:15 O'Leary 2:7</p>	<p>4:23 O-W-E-N 18:7 115:15 objection 7:2 objections 6:5 6:16 7:8,15 11:3 78:19 79:7 obligation 37:21 101:4,13 Obstructive 101:19 obtained 86:19 obvious 128:6,8 obviously 62:14 74:22 90:17 133:12 occasional 76:6 occurred 80:8 occurring 31:4 October 80:13 offer 8:12,15 9:8 82:1 130:23 offered 65:16 133:13 offering 12:10 office 121:11 officer 1:13 2:4 3:3,6 4:1,10 6:23 7:9,18 10:22 11:13 12:9,17 13:9 15:8,11 16:12 18:3 19:4,8 20:1 21:11,14 21:15 23:1 24:3,13 25:11 26:2 27:8 28:7 29:4 30:13 32:3,7,22 36:11 37:12,14 39:8,17 40:5 42:5,20 46:3 47:3,6,24 48:9 48:22,24 50:12</p>	<p>50:21,24 51:12 52:4,13 53:14 54:4,9 56:1,15 58:13,19 60:7 60:19 61:11,22 63:8 64:5 67:1 67:19 68:13,14 68:19 72:8 73:11 74:14 77:22 78:11,18 79:5,13 80:18 81:1,11 85:13 88:18 90:11,15 92:17 95:22 97:18 102:22 103:3 105:16 110:6 115:11 117:10 119:20 121:1 125:6,13 125:19 127:5 130:17,20 132:12,21 official 27:1 oh 12:23 84:17 105:8 oil 14:14 25:10 25:21 26:11,17 26:19 okay 4:1,17 7:19 10:22 11:13 12:17 13:10 16:11 18:19 23:1 32:14 43:17 44:4 47:2 53:13 57:12 59:1 60:9 66:24 67:22 74:14 79:13 82:13 120:15 130:14 132:12 old 93:22 115:1 115:2 122:2,7 130:8 older 108:17</p>	<p>120:16 127:23 once 9:1,6,14 14:22 103:7 128:8 one-hour 67:9 68:6,7 75:9 89:7 93:6 114:5 126:2 ones 41:21 70:4 95:20 119:8 123:2 124:6 online 25:8 129:19 open 82:10 116:23 124:11 130:11 opening 3:3 10:12,14,15 11:16 78:8,16 operate 27:3 102:19 111:20 operates 93:16 operating 32:11 32:16,17 67:6 73:4 92:6 93:5 98:17 operation 28:19 operations 91:15 opinion 40:14 40:18 60:18 opportunity 8:24 81:22 90:16 110:14 115:20 131:11 opposed 49:14 opt-in 83:10,20 84:15 opted 84:14 85:6 100:10 option 55:19 101:2 ordained 110:18 order 8:18 35:6 36:5 79:22</p>	<p>107:18 132:21 organization 82:3 83:13 98:3 100:24 117:17 118:9 organizations 83:14 organizes 83:12 original 34:11 output 89:20 outreach 36:1,3 36:15,23 outs 95:12 outside 58:8 75:23 114:1 overall 55:22 overly 45:21 53:6 override 29:3 Owen 18:6,6,13 18:18,20 19:1 19:3 24:6 32:5 32:9,14,21 36:13 37:3,11 115:13,14,15 oxides 1:7 4:14 84:1 oxygen 123:17 123:19 ozone 119:12</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 2:1,1 P-O-L-I-C-H 88:22 P.O 2:12 pack 128:3 package 84:24 page 18:2 59:24 59:24 61:2 62:1 64:8,11 67:3,4 68:15 69:4 Pages 3:1 60:22 63:12</p>
---	--	---	--	--

paper 108:12	pay 76:24 129:5	44:6,14 61:21	99:5 116:19	59:21 67:17
paperwork 27:1	129:16 130:11	116:12	plant 29:10 34:6	105:1 123:19
paragraph 62:2	payable 129:7	permits 28:22	63:14 73:5	127:24 128:3
67:11	pays 129:8,12,13	29:2 32:10,11	77:3,9,14	131:6
parameters	129:16	32:13,16	97:14 99:20	poisoning
32:15 64:17	peak 67:12,13	permitted 14:15	102:15 107:1	100:21
89:22 90:3	67:14	60:12	107:14 111:9	Polich 88:20,21
parametric	Pekin 5:19	permitting 8:12	114:9,14	88:22
31:24 91:15	13:20 77:11	9:4	116:15 117:20	Policy 7:21
paraphrasing	80:15 132:24	perpetuity	118:14 120:7	13:17 82:16
72:10	people 10:5	102:14	124:11,14,18	83:17 85:23
parent 96:3	45:17 47:18	persistent	126:6	88:23
part 1:6,6,8 4:13	95:18 99:24	122:19	plant's 122:4	political 49:9
4:13,14 14:12	100:19,21	personal 75:13	plants 98:16	pollutant 82:23
28:20 36:1,3	101:16,20,21	109:13,14,15	99:20 103:24	100:3,11 101:2
59:6 61:3	103:19,19,20	109:17,21	106:20 116:9	114:19
65:21,22 82:22	104:8 107:1,12	110:2,5	116:23 118:12	pollutants 94:23
participants	107:20 108:20	perspective	119:1,3 120:21	118:1 119:12
40:16 41:1	109:20 110:3	124:9	124:21 126:15	polluted 96:21
participate	118:17,18	Ph.D 2:6	play 96:7 127:16	polluting 117:20
133:15	122:12 124:14	phone 36:22	plead 77:1,7,12	119:13 130:15
participated	128:12 129:10	physical 111:1	please 8:5 9:13	pollution 1:1,16
47:10 83:15	130:21 133:12	physically 123:9	9:15,21,23	2:2,5 29:16
100:24	people's 104:21	picture 108:12	11:20 18:2,8	30:1 39:14
participating	Peoria 77:11	piece 113:19	18:20 24:4	61:7 77:3,16
73:19	percent 14:1,1,5	pill 127:20	30:11 32:8	93:18 95:8
particle 102:4	14:6 17:9,14	pinpoint 51:6	48:1,3 50:22	96:19 97:14
113:6	50:7 99:23	94:23	57:3 61:15	99:6 101:7
particular 24:1	100:1	pipe 26:8	68:20 74:21	102:5 104:18
44:23 80:4	percentage 62:5	place 5:14,19	78:20,23 82:1	104:24 105:7
82:4 84:2	period 55:4,6,10	31:23 93:24	85:17 125:20	105:12 109:1,8
87:10 104:18	57:16 58:6	94:23 106:9	pleasure 39:22	109:9,22 110:2
particularly	63:15 65:4	112:2 122:6	plenty 129:19	111:8,11 112:9
104:17 112:23	66:5,17 70:5,8	places 104:15	plume 116:15	112:16,20,23
parties 36:21	70:19,21	Plaines 96:22	plus 17:9	113:6,11,16,24
parts 35:10	105:11	plan 64:22 71:7	pneumonia 76:5	114:10,15
45:24 103:12	periodically	75:8 89:9,16	76:11 126:19	115:1 116:2,3
party 39:1 96:12	62:5	99:11 114:5	pocket 130:11	116:10 118:11
pass 108:2	periods 55:24	126:2	pocketbook	125:1,4 126:7
passed 123:23	57:19	planned 29:16	76:22	130:5
133:1	permission	29:19	pockets 126:18	population
passes 44:16	100:20	Planning 11:24	podium 74:21	114:8
pat 126:12	permit 27:5,6	12:3,6,8	82:9 85:18	position 23:17
patience 116:8	30:21 31:3,7	plans 26:20	point 18:4 45:3	23:22 91:21
pause 15:12	43:5,11,15,23	55:11 86:13	45:5,6 58:16	92:11

possible 10:4 39:13,16 64:20 66:4 92:13 105:4 113:21	12:20 13:17 45:6 53:24 58:14 69:4 74:5 78:5 79:20 133:2,3	probably 66:9 93:7 104:1 105:3,5 122:15 128:12	29:16 30:2	78:16 86:16 88:10 99:12
possibly 45:5	precise 20:18	problem 47:1 52:19 62:6 64:1,2 101:13	promised 102:14	provided 37:17 40:21 41:4,21
post-hearing 8:1 10:19 11:2,8 59:3,20	preconceived 8:9	problems 120:19,21 122:6,21 126:20 128:2 128:13	promote 98:3	promulgated 83:11
potentially 36:18 70:14	precursor 102:4	Procedurally 12:24	pronounce 123:21	providing 131:11
Potomac 72:19 72:20,23 73:6	preexisting 87:7	procedure 7:20 10:9 36:14	proposal 5:11 5:24 35:15 40:24 41:9,14 41:18,23 102:18	proxy 55:18 72:19,23 73:5
pounds 17:7 21:2,3,4 30:22 62:24 86:11 87:18 91:23 92:2 107:17	prefer 131:3	proceed 79:14	propose 37:8	public 1:14 3:4 3:5 4:5 5:13,16 5:24 8:13,15 8:17 9:8,12 65:4,4 74:18 74:20 81:16,18 81:19 82:7 85:16 90:7,16 92:23 95:15 101:5 102:16 115:20 116:4 117:7 130:21 130:23 133:11 134:18
Powell 5:2	Preliminary 3:3	proceeded 5:9	proposed 19:16 20:7,10,13,19 22:1,15 25:16 25:23 27:7 36:7 37:6,17 37:22 38:3 39:3 41:24 42:11,13 44:16 56:11 61:18 63:13 64:22 65:12 67:5 75:8 77:4 80:2 82:21 83:1 84:22 85:8,9 97:15 114:4,11 126:1,8	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
power 25:7 98:16 102:7 103:24 106:20 107:1,14 109:13,14,15 109:17,21 110:2,5 111:9 116:9 118:12 119:1 121:24 122:2 124:21 126:16	preparation 47:11	proceeding 4:11 4:17 27:14 33:20 41:2 47:8 116:21	proceedings 1:12 74:12 133:20 134:10	purchase 53:12 purchased 53:11 53:12 purchases 45:2 purely 124:17 purpose 35:18 75:12 purposes 21:6 88:7
Powerton 29:10 29:17 53:20 54:18 55:3,13 56:8,12 63:14 69:8 71:5 73:4 77:8 90:21 91:3,24	prepared 93:2	process 18:1 33:12,17 66:22 90:10 101:12	process 18:1 33:12,17 66:22 90:10 101:12	published 89:18 pull 76:13 Pulmonary 101:19
ppm 14:13,14	present 2:5 78:12	producing 47:19 104:1	product 83:11 profit 119:14 128:22 profitable 102:8 128:21 129:17 130:3	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
practicable 86:18 99:14	presentation 36:23	program 83:10 83:19,20 109:6	producing 47:19 104:1	purchase 53:12 purchased 53:11 53:12 purchases 45:2 purely 124:17 purpose 35:18 75:12 purposes 21:6 88:7
practical 88:12	presented 5:15 66:10	progress 99:9	product 83:11 profit 119:14 128:22 profitable 102:8 128:21 129:17 130:3	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
pre-file 8:10 81:13 133:5	presenting 6:19 6:19	progressed 123:18	producing 47:19 104:1	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
pre-filed 6:2 7:21 8:19 9:2 10:18 11:6	preserves 108:8	project 14:4	product 83:11 profit 119:14 128:22 profitable 102:8 128:21 129:17 130:3	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
	Presiding 4:19	projected 30:1,6	producing 47:19 104:1	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
	press 26:23 27:1	projects 14:10	product 83:11 profit 119:14 128:22 profitable 102:8 128:21 129:17 130:3	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
	presuming 44:15		producing 47:19 104:1	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
	pretty 62:22 107:15 109:5		product 83:11 profit 119:14 128:22 profitable 102:8 128:21 129:17 130:3	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
	prevent 85:10 98:4		producing 47:19 104:1	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
	previous 28:5 33:1 43:14,18 44:11 45:1 57:13		product 83:11 profit 119:14 128:22 profitable 102:8 128:21 129:17 130:3	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
	primarily 14:18		producing 47:19 104:1	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
	primary 47:13 47:19		product 83:11 profit 119:14 128:22 profitable 102:8 128:21 129:17 130:3	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
	prior 37:21 39:1 41:5 89:8 101:13 111:16		producing 47:19 104:1	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19
	priority 111:4		product 83:11 profit 119:14 128:22 profitable 102:8 128:21 129:17 130:3	public's 102:15 published 89:18 pull 76:13 Pulmonary 101:19

123:21 127:21 129:2 130:7 putting 62:18 94:11 105:6 113:19	5:16 7:14,21 7:22 8:11,20 8:21,23 9:16 10:8,19 11:1,7 11:14 12:11,16 12:19,21 13:2 13:4,8,17 15:12,13 16:14 18:4 21:12 27:9 28:8 29:5 30:5,14 35:24 40:20 42:6 46:2 50:13 52:16 53:19,24 56:2,17,19 58:3,14,21,23 59:14 63:23 67:22 69:4 70:21 73:10,12 73:16,19,23,24 78:13 80:16,22 81:2,4,6 133:2 133:5,7 quick 74:7 quickly 74:2 quite 9:11 33:23 51:24 124:14 128:21 129:24 130:3 quote 67:12 68:15 72:13,13 quoting 72:10	86:24 87:6,8,9 87:15,21 88:6 99:8,8 radius 117:18 raise 39:23 48:2 78:22 111:4 raised 110:22 ran 40:23 41:8 41:11,16 Randolph 2:2 Randy 50:14 92:19,20 Rao 2:9 4:21 58:4,12 65:19 66:1 rate 16:15,18,21 16:22,23,24 17:3,5,5 18:16 18:23,24 20:18 21:22 22:1,3 22:17,20,22 26:17 56:7,12 64:16 90:2 91:24 107:6 rates 20:23 28:18 31:20 reach 21:10 35:14 36:16 67:8,18 reached 36:17 36:19,20 reaches 26:18 35:15 reaching 71:22 read 13:2,3,7 78:16,19 80:21 Reading 84:11 ready 107:8 real 51:20 103:13 105:11 107:19 realize 85:15 106:9,19 122:21 really 17:20	18:9 23:20 51:17 69:21 76:18,21 77:2 93:7 94:6 104:9 105:2,5 106:18 107:24 107:24 108:21 110:15 117:3 121:4,6 124:12 reaping 85:2 reason 51:1 55:5 78:1 80:4 reasonable 86:16 88:13 reasonably 86:4 86:5,20 87:3 87:12 88:4,11 88:14 99:7,12 reasoned 90:8 reasons 37:1 57:14 60:23 124:18 recall 46:24 48:13 49:6 52:22 53:4 96:11 receive 6:5 12:20 received 78:4 receiving 30:21 43:23 44:6 receptor 34:5,6 35:4,12 64:15 67:12,13,15,15 90:1 receptors 34:7 67:16 recipient 123:7 123:10 recollection 50:18 53:3 recommendati... 49:3 71:7 recommendati... 48:17 49:6,13	recommended 47:12 70:23 75:22 record 8:7 10:2 10:21 11:20 33:2 35:17 40:9 54:6 56:4 65:21 72:9 74:8,15 90:23 110:17 132:8 132:11,13,15 recordkeeping 32:1 records 46:10 53:12 recycling 109:10 reduce 17:23 20:9 22:15 30:6,10 36:4 45:22 79:22 99:5 100:22 101:7 111:11 113:15,24 114:14,19 reduced 21:3 31:2 reduces 76:22 reducing 34:15 reduction 14:1,6 16:21 17:11 18:23 31:3,4 38:18 64:22 77:4 97:15 114:10 126:7 reductions 14:10,17,18,22 16:18 17:15,16 18:17 19:13,16 29:9 30:1,5,18 33:6,11,22 38:9,12 39:3 40:11 41:11 42:1,4,9,10 80:8 84:4,9 86:18 99:1
<hr/> Q <hr/> quality 11:24 12:3,6,8 23:18 34:1 47:14 50:1,3 75:9 76:12,22 77:20 80:7,15 87:5 89:10 99:10 106:8 114:6 126:3,24 127:3 question 8:6 9:13 14:17,24 15:20 16:5 17:8 18:9,11 18:12,14,15 19:7,11,14 21:20 23:21 24:14 27:11 28:6 29:6,12 29:22 30:12,15 31:10,13,17 32:18 33:24 34:9 35:3 42:7 42:24 43:3,13 43:14,19,22 44:12 47:23 48:23 50:19 51:11,13 52:3 52:6,15 53:17 53:18 54:11,20 55:9 56:23,24 57:3,4,12,13 58:4,24 59:2 66:3,14 68:1 69:1,5,15,15 69:17,20 88:9 questionnaire 59:11,15 questions 3:4,5	<hr/> R <hr/> R 2:1 4:18 R-E-H-R 75:4 R-E-N-D-U-L... 24:17 117:14 R-O-N 6:17 R15-21 1:6 race 123:22 RACM 86:5,9 86:12,24 87:1 87:8 RACT 86:6,9,11			

redundant 60:17 84:12	111:21	104:23	35:20 44:9,18	response 15:4
refer 9:22 82:24 83:5 98:11	regulatory 2:16 2:19 6:2 9:3 12:7 29:3	repeat 18:8,20 57:2 97:7	44:19,21 46:19 84:5 98:8	15:20 16:20 17:2,14,24
reference 57:5 68:1 69:6	43:16 44:1 46:6 79:17	rephrase 45:12	100:1 101:8,10	20:17 27:15
referenced 57:14 68:24,24	rehabilitation 129:9 130:12	reported 134:9	requirements 14:11 24:24	28:5,5,12,16 29:1,11,12,18
references 57:5	Rehr 75:1,2	reporter 9:18 39:20,22 48:1 48:2 78:20,22	32:17 33:9 43:10 60:3	29:22 30:4,11 30:11,24 31:9
referencing 52:20	reiterate 81:24	134:7	62:4,17 64:12	31:12,16,22
referred 19:13 54:2	reject 77:4 97:15 114:11,22,22 117:4 126:7	reporting 32:16 46:19	65:15 77:4	41:9,14,17
referring 42:10 44:12 57:1	relate 113:2,2	reports 26:23	84:1,2,8 87:23	43:3 53:19
69:21 70:3	related 14:21 16:8 19:7	represent 9:16 86:9 87:16	89:22 97:15	54:15,19,20
refineries 62:17	52:23 53:2	represented 14:8	98:12 100:22	55:8,9 56:18
refinery 45:16 45:19	relational 112:20	representing 6:14 15:17	111:11 114:10	58:1 67:24
reflect 28:17	relayed 118:9	90:22 125:9	117:3 126:7	69:5,7 131:12
reflecting 43:6	reliability 64:20	request 74:17 75:7 77:18	requires 25:16 26:15 27:7	131:15
reflects 16:21 18:23 62:11	relies 33:21	98:10 114:3	86:12 100:5	responses 3:4,5 10:18,24 11:6
99:15	relieved 84:10	115:2 116:7	requiring 17:9	12:14 35:24
regard 33:21 47:1	Relieving 101:2	125:3,24	research 113:9	40:19 53:24
regarding 39:14 54:23 63:13	rely 33:5,11 51:21 99:6	126:22 131:11 131:18	reserve 7:15	57:11 69:3
64:10 80:17	remainder 88:3	requested 41:3 51:4 55:16	resident 75:6 96:3 102:10	74:2
89:19 90:20	remaining 91:2	59:5 65:5 83:2	111:2 121:18	responsibility 47:19 84:10
91:2	remarks 3:3,6 110:13	requests 59:9 98:6	127:11	128:21
Regardless 20:20 100:6	remember 37:1 56:22 93:23	require 77:2,8 77:13 88:12	residents 102:8 119:15 126:10	responsible 98:21 128:17
regions 51:20	120:4,4,8 121:8	97:13 99:14	residual 14:13	rest 107:8 130:7
regular 107:15	remind 21:16	102:20 114:8 115:7	resolve 7:7	restraint 91:7
regulate 61:8	remove 85:8 99:23 101:12	required 14:2 17:23 19:16	resolved 6:15	restrictions 112:2
regulated 42:12 62:16	removed 33:17 33:20 50:7,20	20:5,8,22	resolves 7:14	result 28:10 55:22 64:19
regulation 61:19 65:10,13	Rendulich 24:16 24:17 25:2	28:13 29:9 30:10 31:20	resources 90:2	results 14:3 64:21
regulations 44:16 61:20	117:12,13,14	38:4 42:11	respect 111:14	return 32:24
80:11 84:12,22	renege 116:22	44:17 62:4	respectfully 77:18	returned 122:8
85:8 100:4,17	reopened 28:3	requirement 31:6 32:17	respond 27:12 52:10 59:14	reverend 110:8 110:10,17
102:20 111:20	repairing		60:6,8 63:13 64:9	115:15 121:6
			responded 7:23	Reverend's 117:9
				review 5:9 27:16 45:2
				reviewed 35:10

<p>revised 47:13 85:8 revolution 129:24 ridden 106:16 rides 106:2,4 riding 106:10 108:14 right 20:3 39:23 46:2 48:3 52:7 75:21,24 78:23 93:20 94:3 95:6 106:20,24 107:13,22 116:13 119:18 123:7,10,22 risk 114:8 118:17 river 72:20,23 73:6 96:21,22 96:24 Robertson 1:13 2:4 4:1,9 6:23 7:9,18 10:22 11:13 12:9,17 13:9 15:8,11 16:12 18:3 19:4,8 20:1 21:11,15 23:1 24:3,13 25:11 26:2 27:8 28:7 29:4 30:13 32:3,7,22 36:11 37:14 39:8,17 40:5 42:5,20 46:3 47:3,6,24 48:9 48:24 50:12,21 50:24 51:12 52:4,13 53:14 54:4,9 56:1,15 58:13,19 60:5 60:7,19 61:11 61:22 63:8 64:5 67:1,19</p>	<p>68:13,19 73:11 74:14 77:22 78:18 79:5,13 80:18 81:1,11 85:13 88:18 90:11 92:17 95:22 97:18 102:22 103:3 105:16 110:6 115:11 117:10 119:20 121:1 125:6,13,19 127:5 130:17 130:20 132:12 rode 106:3 role 83:13 rolled 93:23 rolling 56:7,11 Romeoville 119:1 120:5,12 121:24 124:10 125:23 Ron 6:16 20:11 119:6 roofs 104:20 rookie 112:7 room 85:16 108:5 124:9 128:9,9 roots 117:16 Rory 12:2 47:22 roughly 98:19 98:22 round 33:13 34:8 RPR 1:14 134:6 134:17 Ruining 15:18 94:19 117:16 rule 19:17 22:1 22:15 25:16,22 26:15 27:7 28:3 30:7 37:17,22 38:3 41:24 42:13</p>	<p>46:19 60:17 75:10 77:6 83:23 91:16 92:1,4,14,15 97:16 114:7,8 114:12,16 117:7 125:2 126:3,9 rule-making 126:23 127:3 rulemaking 5:4 20:7,10,13 21:7 27:14,23 35:14,18 36:2 36:14 49:20 65:1,21 66:19 77:19 79:24 115:3 131:19 Rulemaking... 1:7 rules 42:11 59:9 60:1 116:3,24 117:2 130:2 131:18,22 ruling 128:18 run 26:9,11 41:6 41:13 42:2 98:23 99:3 113:23 running 94:5 107:10 124:14 runs 41:20,20 rural 64:17 90:3</p>	<p>59:17,19 64:1 Sahu's 59:23 60:21 61:4 sample 62:5 Sanitary 96:23 sat 93:3 save 100:1 101:11 saving 113:19 saw 52:19 saying 9:19 10:7 15:20 70:9 103:11,15 109:23 says 69:7 118:22 scarred 76:10 scary 106:18 120:21 scenery 108:9 schedule 132:22 schedules 74:1 SCHIFF 2:20 school 96:6 113:1,1 121:9 121:9 scientific 112:8 112:9,18 113:9 screching 127:18 scrubber 98:13 99:4,16,21 100:5 scrubbers 29:14 88:1 101:8 scrubbing 98:13 102:19 searching 76:9 seat 13:13 seats 4:7 second 5:12 10:18 11:1,6 16:1,5 59:11 61:14 94:1 131:23 section 11:24</p>	<p>12:3,6,8 14:20 16:6 27:5,6 29:7,9 30:9 31:1 52:19 80:2,4 82:22 85:9 Sections 5:5 15:2 see 15:13 18:2 20:11 28:20 30:11 32:21 51:20 57:8 58:9 69:10 76:13 85:15,18 95:8 111:16 122:7 123:8 127:13 seeing 10:10,13 11:4,17 52:22 53:4,16 58:22 73:14 78:3 79:7 81:3,6,17 131:1,16 132:5 132:7 seek 127:16 seeking 111:9 seen 51:6 94:13 104:2,15 sees 80:3 select 17:21 30:8 selected 14:19 15:5 selection 18:1 64:14 sell 45:9 send 104:5 sense 42:3 105:6 sensitive 76:12 sent 104:2 sentences 61:2 separate 64:24 65:5 84:8 September 123:24 series 123:8</p>
---	--	--	--	--

serve 4:10	36:20 58:14	skipping 90:24	sorbent 29:13	118:17,19,22
served 129:23	59:17 63:18	sleep 129:21	29:19 54:7	121:22 125:17
set 10:18 11:1	83:18 90:8,22	slightly 76:10	55:12 87:24	special 84:20
56:5 69:3 73:5	103:8 115:17	slogans 108:24	sorry 15:11	specialty 50:5
84:3	133:4	slower 112:1	19:10 21:16	specific 9:22,23
sets 55:18	sight 127:14	slumber 96:12	32:6 36:13	42:2 52:6 70:1
103:10	sign 4:5 9:10	small 44:7 62:5	39:18 41:15	83:24 84:16
seven 115:1	130:22	113:6	47:5 61:15	87:17 110:20
shadows 118:24	signed 81:19,21	smasher 110:12	68:4 71:20	128:1
shameful 101:14	130:21	smoke 93:9	sort 103:7	specifically 8:22
sheets 4:4 9:9	significant 38:8	111:7 122:4,4	108:14,23	41:13 59:22
81:12,14,20	38:12 67:7	124:23 127:13	130:8	61:18 82:21
129:6	significantly	128:1,14	sorts 104:21	83:7 87:8 90:6
shelf 8:3	61:9	smoker 128:3	sounded 122:16	specified 30:20
Ship 96:23	signup 4:3 9:9	smokestack 94:9	sounds 122:19	specify 25:17
shirk 83:4,6	81:12	SO2 17:12 20:23	source 27:22	spell 50:22
short 20:21	similar 46:19	21:21 22:3,16	28:17 30:24	74:23 82:2,5
74:10	58:5 73:5	28:10,13 29:8	48:19 55:15	125:20
short-term	similarly 7:11	30:17,23 31:19	86:6 87:3,11	spelled 82:17
115:10	19:15	33:6 34:1,16	87:20 88:8	85:22 103:6
shorter 55:6	simple 62:23	34:23 35:2,22	94:17 97:7,8	110:11 120:1
57:16 91:5	111:12	37:18 38:8,12	sources 1:9 4:15	spelling 125:8
92:12	Sims 12:7	38:13 39:14	13:24 14:5,8,9	spends 75:23
shorthand	single 87:19	47:14 48:15	14:19 15:1,5	spent 52:18
134:10,12	singled 70:4,7	50:6 60:4 62:9	15:21 16:2,2,6	96:15
shortly 74:19	70:13	63:14 66:20	17:10,12,19,22	spew 128:8
shots 127:20	SIP 28:16 86:23	67:6,9 68:2,3	19:13,15,21	spewed 124:15
shout 115:22	88:10 89:8	68:10 84:1,3,9	30:9,17,20,21	spewing 124:23
show 129:5	SIPS 86:13,15	84:22 85:8	31:15,18 36:18	spikes 92:2,7
showed 113:4	89:7	87:20,24 89:7	42:12,16 43:4	spirit 93:17
116:7	sir 15:15 19:5	116:5,16 118:1	43:9,23 44:5,7	spoke 131:2
shut 24:18,19,23	21:13 26:3	119:12	44:13 48:14	sports 127:22
25:21 26:24	37:14 50:13	society 128:23	60:2,14,24	Sprague 12:4,14
50:15 93:11	sister-in-law	solids 75:20	61:8 64:16	23:10,11 25:4
shutdown 28:10	118:3	solve 101:14	86:19 87:3,7,9	33:4 47:17
shuttered 98:20	sitting 10:5 82:8	somebody 51:14	88:8 97:3 99:8	48:12,16 49:4
shutting 24:8	112:4	129:8,12,16	115:1 119:4	49:16,22,24
sic 122:2	situation 27:16	somebody's	south 2:21	50:4,17
sick 76:5 124:24	28:1 87:17	129:4	106:10 132:24	spreadsheet
side 101:22	94:7	somewhat	speak 8:13,16	13:23
112:4	situations	108:11	19:9 27:5	spreadsheets
sidestep 117:5	109:14	son 76:4	74:22 88:24	13:19 89:20
Sierra 6:2,5,10	six 17:4 122:7	sooner 104:11	121:16	Springfield 2:12
6:14 7:20 8:21	size 98:20	soot 118:11	speaking 10:4	2:17 5:14
12:21 13:16	skip 57:12	119:2	82:2 85:19	SS 134:2

stack 32:1 64:16 93:9 122:4 128:1	24:14 37:17 38:13 45:21 49:5 59:11,15	25:13	subjected 111:8	91:13
stacks 111:7 124:13,23 127:14 128:14	62:16 65:17 74:23 77:5 82:1,2 86:13	sticking 130:16	submit 85:24 88:17	supplemental 70:23 71:4,10
staff 5:1 8:6 55:21 58:24 73:15 81:4 132:6	90:2 94:6 97:16 98:5 99:11 100:4 102:6,20	stop 105:8 109:22 130:15	submitted 73:23 131:21	89:11 91:14 92:5,14
stage 132:4	114:11 126:8	stopped 51:8	submitting 78:19	supplier 46:11
stages 36:3	131:20 134:1,7	store 122:9	subsequently 55:18	supply 52:8 104:7
stair 106:4	134:9	stories 118:9	substantive 5:10	support 18:1 40:20 47:11
stand 126:14	stated 26:24 53:19 59:17,24	story 75:13 121:19	substituted 84:23	supported 105:24
standard 38:13 47:14 62:12,21 68:7,7,8 80:15 82:23 89:13 100:3,11 101:2 101:10,11 103:10,15,18 114:19	80:20 131:13	street 1:17 2:2 2:16 106:24 107:13 122:13 132:24	succeed 112:24 113:1	supporting 89:17
standards 75:10 83:22 85:3 87:5 89:5 99:10 114:6 126:3	statement 11:16 37:1 43:21 54:14 64:10 78:17 93:2 130:16	streets 104:21	suffer 118:3 119:15 126:10 126:19	supports 80:10
standing 37:18 128:9	statements 10:12,14,16 63:22 78:9	strength 26:11	suffering 103:22	suppose 12:23
standpoint 111:1	states 66:22 86:12 119:5	strengthen 117:6	suffers 119:8	supposed 27:17 54:12
start 6:10 81:18 82:12	stating 64:11	strengthened 75:10 114:7 125:2 126:4	sufficient 26:8	Supreme 128:15
started 4:2 10:10 15:19 60:11 120:20 121:12	station 23:11 38:8 72:20,24 73:6 98:7 121:24 122:2	strict 100:16	sufficiently 72:5 72:16	sure 9:18 10:6 16:4 46:21 50:7,19 52:2 63:22 66:14 75:20,21 76:15 93:16 115:24 125:2
starting 11:18 21:1 59:23	stationary 87:2 87:7,9,19	stringent 22:20 91:7,9,17 94:12	suggest 72:1	surprise 114:17 118:2
starts 62:2 106:14	status 26:22	stronger 77:13	suggestion 62:20	surprised 76:18
startup 28:10,24 29:2	stay 109:5	struck 93:6	Suite 2:3,21	surprising 17:4
state 1:15 9:15 9:21 20:4	staying 96:12	struggle 119:9	sulfur 1:6 4:13 14:12,13,14,15 15:22 20:6 26:12 31:5 44:8,17 45:2,4 45:10,13,14,22 52:20 53:6,8 62:9,15,18,23 75:9 77:9,15 80:6,7,14 99:15,23 100:22 101:10 101:24 102:13 102:19 104:13 114:5 126:2 128:7 130:6	surrounded 127:12
	stays 92:9	struggling 76:14	summary 89:20	surrounding 117:23
	steam 69:24 70:11,12	stuck 115:23	supplement	suspect 128:9
	step 85:17 109:19 110:3 120:3	studies 112:18		swear 39:21,24 47:22 48:1,4 78:21,24
	STEPHEN 2:23	study 113:3 131:12,14		swim 97:1
	stepping 130:4	stuff 94:14 107:14,24 109:23 128:5		swimming 120:6
	Steve 7:12 19:6	subject 15:24 16:2 20:23 21:21 30:9 39:13 43:5,10 43:11,15 44:1 44:8,14 83:21 108:24		switch 13:12 34:20 35:7 129:16
				switching 22:9

23:4,8 24:7,10 24:23 sworn 39:19 47:21 101:3 system 21:21 22:1,16,20 systems 29:14 29:20	55:13 86:21,22 87:12 88:9 99:7,16,17,21 99:22 113:14 113:14 tell 46:22 113:13 113:17 121:20 tells 51:17 ten 4:2 75:6 ten-minute 74:7 term 70:24 terminology 68:5 terms 8:18 Terrence 110:18 Terry 110:8 test 62:7 testified 40:23 41:16 testify 9:5 80:4 81:13,15 testifying 9:2,19 47:10 59:17 75:5 79:18 testimony 5:15 5:23,23 6:3,6 7:16 8:11,20 9:3,6,12 11:18 12:10 20:11 33:1 34:12 35:24 36:24 39:24,24 40:19 48:4 59:19,23 60:22 61:4 62:1 63:11 64:8 67:2 74:6 74:16 78:4,6 78:12,15,19,24 79:8,20,21 80:5,10,17,20 81:14 133:2,3 133:13 testing 32:1 tests 123:8,14 thank 6:12,23	7:9,18 12:9,18 13:10 16:10,12 19:3,9,24 20:2 21:14 22:24 24:4,6 26:1 27:9 28:8 29:5 30:14 32:4,8 32:21 37:3,11 39:7 40:5 42:19 46:3 48:9,21 49:23 50:11,24 52:12 52:13 54:9 56:1,14 58:12 58:17,19 59:15 60:19 61:11,22 63:8,10 64:5 66:1,24 67:19 68:12,21 73:10 73:11,17,21 74:4,9 75:2 77:21,22 78:11 79:5,14 80:18 80:23 81:7,8 81:10 82:18 85:12,13,19,24 88:16,18,23 90:10,11,16 92:16,17,22 95:21,22 97:17 97:18 102:21 102:22 105:16 109:16 110:5,6 115:10,11,18 116:5 117:9,10 119:20 120:24 121:1 125:5,6 125:13 127:1,5 130:17 131:1 132:13 133:10 133:14,18 thanking 110:14 thanks 97:22 105:15 theologian	113:18 theory 108:6 thing 76:3,20 94:1,2 108:4 109:12 119:18 things 46:17 75:24 93:24 94:12 104:22 106:6 109:24 118:6 124:13 think 13:7 50:6 50:7,9,18 51:10 58:17 66:13 69:14 73:23 74:6 93:2 95:1 104:4 106:17 116:12 118:16 124:5,8,12 128:20 130:3 130:14 131:8 thinking 93:17 121:12 third 5:18 7:7 59:18 63:11 67:2,4 112:23 113:5 thought 122:15 three 5:12 24:18 25:8 47:9 94:18 106:17 115:1,23 122:1 123:20 124:3 tiered 84:3,9 tiers 15:21 tight 73:24 time 7:17 8:12 8:14 9:4,7,22 15:14 21:10 42:6 50:20 59:8 67:22 70:14 73:18 75:23 76:24 78:14 81:8,8 81:21 84:4	85:12 91:5 92:12,16 94:24 96:9 102:21 112:5 113:12 123:19,23 124:20 127:15 127:17 128:6 129:15 130:7 130:24 133:15 times 106:17 109:7 Tipsord 2:9 5:3 tires 107:16,17 today 4:19 5:1 5:22 6:19,22 8:12,16,19 9:5 10:9,14 47:10 73:18 75:12 79:18 81:8 86:1 88:17,24 90:17,18,19 91:1 92:16,23 95:2 97:23 105:21 109:17 110:13 114:3 116:17 118:12 118:22 121:15 121:18 125:18 131:2 133:10 today's 7:19 132:16 toes 109:19 110:3 told 76:11 94:24 122:14 123:1,3 Tom 95:24 96:2 tomorrow 132:17 topography 49:9 toughest 87:16 town 108:17 township 51:3,3 94:20 125:24 toxic 100:17,18 119:2 126:10
T				
T 3:9 table 4:4 take 5:19 9:18 31:22 42:3,9 52:7 57:10 74:6 93:8 94:22 96:17 107:21 taken 1:13 134:13 takes 111:19,20 119:6 122:6 talk 32:10 51:15 96:5,19 109:12 123:1 talked 15:22,23 talking 32:16 64:24 65:1 86:2 106:21 talks 34:12 67:12 Task 98:14 taxes 129:14,15 teach 121:6 technical 2:9,10 4:20 18:1 40:20 47:11 48:13 73:2 techniques 98:15 technological 87:13 technologies 86:6 129:19 technology 20:6				

toxins 117:22	14:7 15:21	24:7,9,22 26:7	34:1,15,22	utilities 116:8
trade-off 83:21	21:7 35:10,14	26:20 45:16	35:2 37:9 38:4	<hr/>
trail 106:14,15	47:18 59:9	72:11	39:5,13,13	V
106:16,19,19	61:2 70:20	understands	40:12 42:18	V-E-R-E-N-A
106:22 107:13	71:15,19,22	29:13	48:14 54:24	18:7 115:15
trails 106:10,12	84:2,8,12 86:7	understood	55:13,17,23	valley 96:21
106:13	109:6,7 118:4	100:13	58:5,8,9 60:16	vapor 102:3
training 112:10	118:6 120:16	undertake	61:5 70:3,5,7	variability 54:22
transcript 1:12	126:17 131:7	131:13	73:7 83:15	54:23 55:14
5:21 132:15	133:3	undue 112:2	84:6 94:5	63:4,5 72:3,7
134:12	two-thirds 98:22	unenforceable	98:17 100:8	72:21
transferred	type 53:21 54:21	62:13,21	unknown 55:16	variance 116:5
34:13	56:20 57:6,9	unfortunate	unnecessary	variation 45:23
transplant 123:5	69:2,6,8,16,18	117:21	67:17	53:19 69:7
123:6,7,9	69:20 70:1,3	Unfortunately	unobstructed	various 36:20
treat 117:2	87:8	89:14	121:23	41:22 62:16
treated 19:21	<hr/>	union 110:16	unquote 67:12	vary 45:14,18
trees 121:22	U	unit 2:9,10 4:21	unreasonably	vast 62:7
tries 116:21	U-B-A-S-Z-E-...	12:5,7 16:19	86:10	vehemently
117:1	97:24	17:1 18:8,17	unsafe 75:14	62:15
triggers 102:1	U-R-B-A-S-Z-...	20:4,9,12 21:9	unusual 25:6	Verena 18:6
trimester 112:23	26:5	23:11 25:8	111:13	115:13,15
113:5	U.S 99:20	26:8,22,23	upgrades 124:19	Verification
true 39:11 49:16	Ubaszewski	27:2 37:10,23	uploaded	31:22
49:18 56:5	97:20,21,21,23	38:17 46:23	132:18	verify 31:19
134:11	ultra 17:17	53:20,21 56:19	urban 64:17	32:19
trust 101:6	ultra-low 14:12	57:6,9 67:5	90:3	verifying 53:8
truth 40:1,2,2,3	15:22 31:5	69:1,6,8,8,15	Urbaszewski 26:4	version 131:22
48:5,6,6 79:1,2	44:8,17 45:2,3	69:18,20,24	26:5,21	versus 64:17
79:2	45:9,14	70:2,18 83:7	urge 85:7 117:4	90:3
try 51:6 57:11	unable 131:13	84:17,17,23	117:6 119:18	VETTERHO...
63:23	uncertainty	85:11 87:19	use 9:20 10:4	10:15
trying 68:15	54:23	88:2,15 91:15	14:12,17,21	Vetterhoffer
93:4 107:20	undergo 49:5	92:6,9 93:5,8	15:2,22 17:16	2:13 7:3,4
116:10,11	123:8	93:16 98:6,6	17:17 21:16	11:21,22 12:12
TSD 36:24	undermine	98:19,20,22	24:4 32:8	13:6
tubes 127:19	101:6	99:1,3,22	44:17 45:3	view 121:23
Tuesday 132:22	underneath	100:2,5 104:13	52:23 53:5	viewpoint 114:2
turn 4:16 42:23	47:18	113:24	54:17 55:3	Village 51:2
112:14 128:22	understand 16:5	United 110:19	74:21 89:10	violating 45:20
turning 42:22	19:12 25:3	119:5	91:2 97:3 99:6	violation 53:4
turns 123:10	35:19 51:24	units 21:1 22:2,6	99:18 127:8	Virgil 105:18,19
twice 98:19	62:21 66:14	22:8,10,16,21	131:22	visits 101:23,23
106:3	93:22 124:5	23:3,7,13,17	uses 32:19	voice 111:4
two 6:5 10:16	understanding	33:2,14,17	usual 126:13	voluntarily

100:10	we'll 9:2 74:8	winter 121:21	<hr/> X <hr/>	42:15
volunteer 96:4	we're 4:24 13:12	wish 8:13,15	X 3:1,9	1.6 101:16
115:17	27:10 70:3	9:13 81:13,15	<hr/> Y <hr/>	10 5:5 53:24
volunteering	74:6 90:24	wishes 8:22 9:5		69:4
130:14	95:5 98:2	9:7	yards 127:21	10:00 1:18 4:2
<hr/> W <hr/>	105:8 106:20	withdrawing	yeah 70:11	132:23
W 28:20	112:12 117:16	80:1	129:24	100 2:2 50:6
Wacker 2:21	118:17	withhold 75:7	year 17:7 96:8	73:24
wait 9:14 123:11	we've 90:17	114:4 126:1	106:17 109:7	1021 2:11
waited 114:14	108:20 113:13	witness 52:6	113:4 123:4	11 3:3,4,11,12
waiting 123:14	website 5:21 8:5	78:21 81:2	years 46:23	13:20
walking 4:3	59:13 132:18	119:8 124:3	52:18 75:7	11-500 2:3
want 6:10 8:15	week 6:17,20	126:14	76:6 85:3	11:45 74:7
10:6 12:22	65:24 133:14	witnesses 8:23	94:18 99:21	11:55 74:8
43:1 60:6	weekend 96:11	11:20 39:19	102:13 105:23	111 132:24
66:14 73:20	weeks 115:2	47:9 58:21	106:2,24 108:4	12 63:12 120:2
106:12 107:3	weigh 92:24	73:13,18,22	111:18 115:1	12:00 74:15
109:19 110:3	weight 107:16	133:3	120:11,20	122 15:3
110:13	111:15	won 127:17	121:16 122:2,7	130 3:5
wanted 32:24	welcome 10:1	wonder 18:7	124:4 126:9	131 3:6
47:9 82:18	130:19 131:24	wondering	yellow 93:9	133 3:6
96:7 97:21	well-aware	24:17	yesterday 6:5	15 14:12 45:24
108:14 121:16	112:12	wooded 109:3,4	yield 38:8	98:19
121:20	well-being	woods 127:16	young 114:24	15-21 4:18
wants 8:3 83:6	112:21	work 47:18 75:3	118:4	162 15:3
wasn't 108:8	well-known	103:2 105:24	younger 96:6	17th 78:4 79:20
watch 119:2	108:11 124:22	108:22 110:15	124:4	18 69:5
133:16	wells 97:4	121:12	youngest 111:5	1906 98:2
watched 114:15	went 93:11	worked 6:16	119:7 120:12	19276 2:12
watching 122:3	94:20 122:9	46:22	<hr/> Z <hr/>	1970 93:23
water 96:24	123:20 132:14	workout 107:18	Zalewski 2:8	1995 118:8
97:3,5 102:2	west 2:2 106:11	works 98:3	4:24	<hr/> 2 <hr/>
watermelon	121:24	world 76:2	zip 115:8	2 29:6 47:15
110:12	wetlands 94:15	worrying 101:22		61:24 64:9,11
Waukegan	whatnot 93:4	worse 101:23	<hr/> 0 <hr/>	84:17
116:14,15	Wheaton 106:17	worth 113:22	0.11 21:4	2,487 17:7
way 19:20 36:4	whooping	wouldn't 35:5	0.13 21:3	2.6 100:14
66:20 68:2,3	122:15,16	42:3 66:7	0.15 21:2	20 106:11
68:10 85:18	wide 14:17 68:8	wound 100:19	<hr/> 1 <hr/>	2006 83:11
86:9 91:10,17	widespread 45:4	wrapping 132:2	1 16:14 17:7	100:5 116:22
93:17 97:10	99:18	written 8:16	19:14 20:3	2007 84:15
107:9 122:12	willing 126:12	wrong 24:8	27:11 28:9	100:11 120:23
129:13	130:11	67:11 95:5	30:12	2010 23:23 24:2
ways 93:4 105:3	willingly 100:10	101:15	1,000 14:14	47:13 68:7
	wind 97:10			

<p>2011 47:15 49:2 49:13 123:3 2014 13:21 98:14 2015 1:18 54:1 132:20 2017 21:1 2018 21:3 80:13 98:9 100:5 2019 21:4 21 98:18 214 1:6 4:13 214.121 15:2 214.161 15:3 214.201 15:3 214.301 15:3 80:2 214.421 15:3 214.603 14:20 15:6 16:7 29:7 29:9 30:9,21 31:1 215 2:16 217 1:7 2:13,17 4:13 21st 131:21 22 61:5 225 1:8 4:14 225.295(b) 20:24 225.296(b) 82:22 85:9 233 2:21 23rd 7:23 78:7 79:21 24 18:2 25-mile 117:18 258-5646 2:22 26th 131:17 27 5:5 28 5:5 28.2 5:5 29th 1:18</p> <hr/> <p style="text-align: center;">3</p>	<p>3 22:13 23:11 24:7 25:20 26:8,22,23 30:15 31:10,13 31:17 34:19 37:16 38:18 39:4,12 42:24 43:1,3,18,22 44:3,12 67:3 73:7 98:20 3,000 42:17 60:16 30 55:7 66:7,12 91:6 93:10 99:21 106:2 30-day 54:18 55:9,17 56:7 56:11 57:14,17 63:15,17 64:1 65:4 66:4,16 71:4 72:1 90:20 91:3,11 91:18 92:3,8 92:12 93:12 300 108:21 302 1:17 31 98:9 312 2:4,22 32 111:18 33 98:18 35 1:5 4:12 20:24 360 98:18 37 120:11</p> <hr/> <p style="text-align: center;">4</p> <p>4 3:3 5:5 16:19 17:1,6,11 18:8 18:14,17 19:17 19:18 20:4,9 20:19,22 21:20 33:7 34:14,21 35:8,20 53:17 53:18 58:1 67:5,14,18</p>	<p>68:9 73:7 80:13 83:8 84:23 85:11 86:11 88:2,13 93:5,16 98:6 98:19,23 99:1 99:3,15,22 100:2,5 4's 20:12 40 28:20 61:5 42 73:7 4th 5:19 6:18,20 132:22</p> <hr/> <p style="text-align: center;">5</p> <p>5 3:3 59:24 73:7 84:17 50 107:17 50s 124:5 51 28:20 51(c) 29:12 54:20 57:1 69:1 51(f) 55:9 522-5512 2:17 580,000 101:18</p> <hr/> <p style="text-align: center;">6</p> <p>6 3:3 22:12 34:13,14,21 35:7 60:22 61:2 62:1 84:17 6,000 91:23 92:2 6,520 86:11 87:18 60601 2:3 60606 2:22 62701 2:17 62794-9276 2:12 6600 2:21</p> <hr/> <p style="text-align: center;">7</p> <p>7 22:12 54:1 60:22 61:2 132:20</p>	<p>7/29/15 11:12 79:12 73 3:4 75 3:4 78 3:4,5 782-5544 2:13 79 3:13 7th 5:7</p> <hr/> <p style="text-align: center;">8</p> <p>8 22:12 80 99:23 100:1 81 3:5,5 814-6983 2:4 85 106:18 8th 5:14</p> <hr/> <p style="text-align: center;">9</p> <p>9 63:12 90 14:1,5 17:9 17:14 99 14:1,6 17:9 17:14</p>
--	---	--	---